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MORGAN OFFSHORE WIND PROJECT: GENERATION ASSETS

Closing Statement

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Image of an offshore wind farm

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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
ADDs	Acoustic Deterrent Devices
ADPO	Approved Procedure Design Organisation
AEoI	Adverse Effects on Integrity
ANIFPO	Anglo-Northern Irish Fish Producers Organisation
CAA	Civil Aviation Authority
CAP	Civil Aviation Publication
CAT	Commercial Air Transport
CCS	Carbon Capture and Storage
CEA	Cumulative Effects Assessment
CNP	Critical National Priority
CMS	Construction Method Statement
CSIP	Cable Specification and Installation Plan
DCO	Development Consent Order
DIO	Defence Infrastructure Organisation
dML	deemed Marine Licence
EIA	Environmental Impact Assessment
EMP	Environmental Management Plan
ES	Environmental Statement
ExA	Examining Authority
GHG	Greenhouse Gas
HPAI	Highly Pathogenic Avian Influenza

Acronym	Description
HRA	Habitats Regulations Assessment
IFP	Instrument Flight Procedures
IMC	Instrument Meteorological Conditions
INNS	Invasive Non-Native Species
IPMP	In-Principle Monitoring Plan
IPs	Interested Parties
ISAA	Information to Support Appropriate Assessment
ISH	Issue Specific Hearing
JNCC	Joint Nature Conservation Committee
LCT	Landscape Character Type
MCA	Marine Character Area
MCZ	Marine Conservation Zone
MLAT	MultiLATeration
MMMP	Marine Mammal Mitigation Protocol
MMO	Marine Management Organisation
MOD	Ministry of Defence
MPS	Marine Policy Statement
MSA	Minimum Sector Altitude
NAS	Noise Abatement Systems
NATS	National Air Traffic Service
NFFO	National Federation of Fishermen’s Organisation
NMS	Noise Mitigation Systems
NPS	National Policy Statement
NRW	Natural Resources Wales
NSIP	Nationally Significant Infrastructure Project
OSP	Offshore Substation Platform
OTNR	Offshore Transmission Network Review
PEIR	Preliminary Environmental Information Report
PLEM	Pipeline End Manifold
PSR	Primary Surveillance Radar
REWS	Radar Early Warning System
SAC	Special Areas of Conservation
SBPs	Sub-Bottom Profiles
SCNB	Statutory Conservation Nature Body
SFF	Scottish Fishermen’s Federation
SLVIA	Seascape, Landscape Visual Impact Assessment

Acronym	Description
SoCG	Statement of Common Ground
SPA	Special Protection Area
SSSI	Site of Special Scientific Interest
TCE	The Crown Estate
TCPA	Time to Closest Point of Approach
TMZ	Transponder Mandatory Zone
TSC	Isle of Man Territorial Sea Committee
UK	United Kingdom
UWSMS	Underwater Sound Management Strategy
UXO	Unexploded Ordnance
VHF	Very High Frequency
VMC	Visual Meteorological Conditions
WFA	Welsh Fishermen's Association
WFC	Whitehaven Fishermen's Cooperative
WTG	Wind Turbine Generators
ZTV	Zone of Theoretical Visibility

Units

Unit	Description
GW	GigaWatt
km	Kilometre

1 INTRODUCTION

1.1 Introduction

1.1.1.1 This document sets out the Applicant's (Morgan Offshore Wind Limited) final position on the key issues discussed during the Examination. It does not seek to introduce new material nor raise any new issues but to state a final position to assist the Examining Authority (ExA) and the Secretary of State. The Applicant's full case is set out in the application documents, and has been articulated at the Issue Specific Hearings and in other evidence submitted during the course of the Examination including in response to the Examining Authorities' questions. It also does not duplicate the extensive submissions and material provided by other Interested Parties (IPs) to the Examination.

1.1.1.2 In relation to each issue, this document summarises the Applicant's final position, signposts where relevant submissions, addresses any outstanding issues and provides a conclusion on the Applicant's suggested approach to decision making. Only those matters which the Applicant considers are material to the decision-making process are set out in this Closing Statement, however, in order to support the Examining Authority and the Secretary of State in their reporting and decision-making on the application for a Development Consent Order (DCO).

1.1.1.3 Where it has not been possible to formally resolve matters before the close of the Examination, the Applicant will continue to seek agreement with the relevant parties and where appropriate will update the Secretary of State as soon as possible prior to the determination of the Morgan Offshore Wind Project: Generation Assets (hereafter Morgan Generation Assets) application.

1.1.1.4 The Applicant considers that having full regard to the relevant extant policies and matters set out below, the positive benefits of the Morgan Generation Assets outweigh any adverse impacts, and consent should be granted in the form sought by the Applicant.

2 LEGISLATIVE AND POLICY CONTEXT

2.1 Planning Act 2008

2.1.1.1 Section 104 of the Planning Act 2008 sets out that in determining a DCO application, the Secretary of State must take into account any relevant National Policy Statement (NPS), any appropriate marine policy documents, any local impact report, any matters prescribed in relation to the development and any matters the Secretary of State considers important and relevant.

2.1.1.2 Section 104(3) of the Planning Act 2008 further makes it clear that the fundamental test to be applied in the decision-making process is whether the Morgan Generation Assets is in accordance with the relevant NPSs.

2.1.1.3 In addition, the Secretary of State is required to have regard to matters which are important and relevant to the decision. As required by the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017, the Morgan Generation Assets has been subject to EIA as reported in the Environmental Statement. This document reports the application of the mitigation hierarchy, and the identification of significant adverse residual effects. Submissions on these are set out in more detail below.

2.1.1.4 The Application has also assessed the impact of the Morgan Generation Assets on protected species and habitats pursuant to the Conservation of Habitats and Species Regulations 2017 and the Conservation of Offshore Marine Habitats and Species Regulations 2017. The ISAA (comprising the HRA stage 2 information to support an appropriate assessment Part 1 – Introduction (APP-096), HRA Stage 2 Information to support an appropriate assessment Part 2: Special areas of conservation assessments (APP-097) and the HRA Stage 2 information to support an appropriate assessment Part Three: Special Protection Areas and Ramsar Site assessments (APP-098)) concluded that there will be no adverse effects on the integrity of any European sites. Natural England and NRW have confirmed that they agree with that conclusion.

2.1.1.5 Finally, the Applicant recognises that additional consents and licences will be required in order to implement the Morgan Generation Assets. These are identified in the Applicant's Other Consents or Licenses required (APP-064). The Applicant is not aware of any reason why any of those consents and licences should be withheld.

2.1.1.6 As set out below and in the Planning Statement (APP-074) the Morgan Generation Assets accords with requirements of section 104.

2.2 Planning Policy

2.2.1.1 For the purposes of the application NPS EN-1 and NPS EN-3 apply to offshore wind schemes and so have effect. NPS EN-5 also has limited applicability to the Morgan Generation Assets. The Planning Statement (APP-074) includes an assessment of the proposed development in relation to the relevant paragraphs of the NPS. The Planning Statement also includes relevant policies covering the marine environment.

2.2.2 Morgan Generation Assets Project Need

2.2.2.1 Part 3 of NPS EN-1 (Department for Energy Security and Net Zero, 2024a) outlines the urgent need for all types of energy infrastructure in order to achieve energy security and dramatically reduce Greenhouse Gas (GHG) emissions (see paragraphs 3.1.1 and 3.3.63 of NPS EN-1). NPS EN-1 confirms that the Morgan Generation Assets should be considered on the basis that there is a need for renewable energy

infrastructure, that the scale of the need is significantly in excess of what is currently being promoted and that the need for renewable energy is urgent (paragraphs 3.1.1, 3.2.6 and 3.5.58 of NPS EN-1).

2.2.2.2 Whilst there is a general presumption in favour of consenting Nationally Significant Infrastructure Projects (NSIPs) based on the UK Government's assessment of the need for electricity generating capacity, the NPSs include a strengthened presumption specifically in relation to critical national priority (CNP) infrastructure. Paragraphs 3.3.62 and 4.2.4 of NPS EN-1 confirm that the Government *"… has concluded that there is a critical national priority (CNP) for the provision of nationally significant low carbon infrastructure."* The strengthened presumption in favour of CNP infrastructure also confirms that *"where non-HRA or non-MCZ impacts remain after the mitigation hierarchy has been applied, these residual impacts are unlikely to outweigh the urgent need for this type of infrastructure" and "… in all but the most exceptional circumstances, it is unlikely that consent will be refused on the basis of these residual impacts."* (paragraph 4.2.16).

2.2.2.3 This need is further confirmed in wider international and national governmental obligations and objectives relating to low carbon electricity generation, climate change and the economy including the UK Climate Change Act 2008, the CoP Glasgow Climate Pact 2021, the CoP 28 Global Renewables and Energy Efficiency Pledge (November 2023) and the UK Government Energy Security Statement (April 2022).

2.2.2.4 In addition, the Government has recently reconfirmed the urgent need for offshore wind projects like the Morgan Generation Assets when setting out its ambition to deliver clean power by 2030 as set out in the Clean Power 2030 Action Plan: A new era of clean electricity (December 2024). The action plan highlights that '*successful delivery will require rapid deployment of new clean energy capacity across the whole of the UK*' including delivery of 43-50 GW of offshore wind. The action plan also acknowledges that delivery of clean power by 2030 requires rapid delivery of the pipeline of existing infrastructure projects already at an advanced stage of planning and development, such as the Morgan Generation Assets.

2.2.2.5 Overall, as set out at paragraph 2.22.1.9 to 2.22.1.16 of the Planning Statement (APP-074), the Morgan Generation Assets:

- Contributes towards the types of energy infrastructure confirmed as needed in NPS EN-1 and EN-3 in order for the UK to decarbonise its economy and achieve energy security and Net Zero;
- Is confirmed as being low carbon energy infrastructure that the Government has concluded is a critical national priority (CNP) in terms of both generation and transmission as confirmed by paragraphs 3.3.62 and 4.2.5 of NPS EN-1, paragraphs 2.1.7 and 2.1.8 of NPS EN-3 and paragraph 2.12.7 of NPS EN-5;
- Contributes substantially towards the recognised urgent need in the UK for new CNP low carbon energy infrastructure 'to be brought forward as soon as possible' (NPS EN-1 paragraph 3.3.58);
- Makes a contribution towards the UK's part in meeting the revised recently agreed COP 28 Global Renewables and Energy Efficiency Pledge to triple the world's installed renewable energy generation capacity by 2030;
- Contributes towards the Clean Power 2030 Action Plan target of 43-50 GW of offshore wind by 2030;
- Assists in meeting the UK Government's revised target in the Climate Change Act of 'net zero' greenhouse gas emissions for the year 2050 (i.e. to be 100%

lower than the 1990 levels) in order to meet its obligations under international climate change agreements; and

- Assists in meeting future increases in electricity demand as significant sectors of energy demand switch from being powered by fossil fuels to using electricity.

2.2.2.6 As summarised above and set out in detail in the Planning Statement (APP-074), the need for the Morgan Generation Assets and offshore wind in general is overwhelmingly supported by the NPSs and other identified material planning policy matters.

2.2.2.7 A separate application to consent the construction, operations and maintenance and decommissioning of the transmission assets is required to enable the export of electricity from both the Morgan Generation Assets and the Morecambe Offshore Windfarm Generation Assets to the National Grid entry point at Penwortham. This provides for a coordinated approach to consenting and development to be taken between Morgan Offshore Wind Project and Morecambe Offshore Windfarm. Both projects have been scoped into the Pathways to 2030 workstream under the Offshore Transmission Network Review (OTNR), which is designed to improve the coordination of offshore wind generation connections and transmission networks. This collaboration aligns with EN-5 as it provides a co-ordinated approach to connections to the onshore transmission network, having consideration of strategic network design. The proposal of a radial offshore transmission option to two windfarms, aligns with section 2.13 and alleviates the concern that connecting individually to the grid on a radial (point-to-point) basis, would present a major barrier to realising the UK Government's ambition of building 50 GW in offshore wind capacity by 2030.

2.2.3 Morgan Generation Assets NPS Policy Compliance

2.2.3.1 The Planning Statement (APP-074) sets out a detailed assessment of the Morgan Generation Assets against relevant National Policy Statements. In addition, further detail on the Morgan Generation Asset's compliance with the NPSs and other relevant policy is set out in the individual chapters of the Environmental Statement and commented on from Sections 3 onwards of this Closing Statement. The National Policy Statement Tracker (Annex 2 of the Planning Statement) in particular, confirms in detail how the Morgan Generation Assets accords with NPS EN-1 and EN-3, and EN-5.

2.2.3.2 In making decisions, NPS EN-1 clearly states the starting point for determining applications for developments of this type start with a presumption in favour of granting consent. Not only is this development of a type which the NPS confirms there is a clear needs case for, this development is also within the category of a "critical national priority" (CNP) infrastructure development. Paragraphs 3.2.6 to 3.2.8 of EN-1 set out the overarching needs case for developments covered by the NPSs and paragraph 4.1.3 further confirms that the decision maker should start with a presumption in favour of granting consent to applications for energy projects unless more specific polices set out in relevant NPSs clearly indicate that consent should be refused, or the adverse impacts will outweigh the benefits. Paragraph 4.1.5 sets out that when weighing its adverse impacts against its benefits, the decision maker should take into account benefits including contribution to meeting the need for energy infrastructure, job creation and environmental enhancements; all of which the Morgan Generation Assets provides.

2.2.3.3 Paragraph 4.2.7 of NPS EN-1 further concludes that this CNP policy should be applied during decision making following *"the normal consideration of the need case, the impacts of the project, and the application of the mitigation hierarchy".* It is relevant *"specifically in reference to any residual [significant] impacts that have been identified".*

2.2.3.4 Section 2.4.1 of the Planning Statement confirms how the Morgan Generation Assets will make an important contribution to meeting the urgent need for energy infrastructure. In particular, when operational the Morgan Generation Assets will generate over 1.5 GW of renewable energy thereby making a substantial contribution to the delivery of the 50 GW of renewable energy that the UK Government is aiming to be provided by offshore wind by 2030.

2.2.3.5 Section 2.22.2 of the Planning Statement also summarises the wider benefits of the Morgan Generation Assets including making a significant contribution towards the much-needed transition to low carbon economies together with a range of beneficial economic and social impacts.

2.2.3.6 The Applicant is committed to achieving overall biodiversity benefit for the Morgan Generation Assets and has presented an approach for achieving this within the outline Biodiversity benefit statement (Document Reference J18). The Applicant has identified a number of potential opportunities which could deliver additional marine biodiversity benefit from Morgan Generation Assets.

2.2.3.7 These benefits should be afforded very significant weight in the planning balance.

2.2.3.8 The Environmental Statement and submissions made during Examination demonstrate that, where there are predicted impacts from the Morgan Generation Assets, appropriate and proportionate mitigation measures are proposed and the mitigation hierarchy has been followed. Any residual effects are significantly outweighed by the benefits of the scheme and the CNP policy applies (with the Applicant having followed the mitigation hierarchy) to the delivery of the Morgan Generation Assets.

2.2.3.9 The Morgan Generation Assets accords with the policy within NPS EN-1 and EN-3.

2.2.4 Morgan Generation Assets Marine Policy Compliance

2.2.4.1 Section 3.11 of the Planning Statement sets out the relevant marine policy for the Morgan Generation Assets. It notes in particular the UK Marine Policy Statement (MPS) 2011 and the North West Inshore and North West Offshore Marine Plan 2021.

2.2.4.2 The MPS provides that the following issues should be taken into account by decision makers when examining and determining applications for energy infrastructure:

- The national level of need for energy infrastructure, as set out in NPS EN-1;
- The positive wider environmental, societal and economic benefits of low carbon electricity generation and carbon capture and storage as key technologies for reducing carbon dioxide emissions; and
- The potential impact of inward investment in offshore wind, wave, tidal stream and tidal range energy related manufacturing and deployment activity; as well as the impact of associated employment opportunities on the regeneration of local and national economies. All of these activities support the objective of developing the UK's low carbon manufacturing capability (MPS, paragraph 3.3.4).

2.2.4.3 The MPS further recognises the role of offshore wind in meeting renewable energy and carbon emission targets and improving energy security.

2.2.4.4 Specific policies of the North West Inshore and North West Offshore Marine Plan 2021 are considered in detail within Annex 3.1 to the Applicant's response to Written Representations from the Marine Management Organisation at Deadline 2 [REP2-006]. The Morgan Generation Assets accords with all relevant policies of the Marine Plan. The MMO has confirmed that it agrees with that assessment (see REP3-037).

2.2.5 Policy conclusion

2.2.5.1 Overall, the Applicant submits that the Secretary of State can and should conclude that the proposed Morgan Generation Assets:

- accords with the requirements of section 104 of the Planning Act 2008;
- contributes to meeting renewable energy targets and providing energy security;
- assists in reducing carbon emissions;
- brings significant benefits that would substantially outweigh any adverse impacts;
- complies with national and marine policy; and
- should be delivered as a critical national priority.

2.2.5.2 The Applicant submits that, under the terms of section 104 Planning Act 2008, consent for the Morgan Generation Assets should be granted.

3 CIVIL AND MILITARY AVIATION AND DEFENCE INTERESTS

3.1.1.1 Environmental Statement Volume 2: Chapter 11: Aviation and radar (APP-015) presents the Applicant's assessment of potential effects on civil and military aviation and defence interests associated with the construction, operation and maintenance, and decommissioning phases of the Morgan Generation Assets.

3.1.1.2 Through the Applicant's assessment it was identified that there would be a potential adverse impact on a number of civil and military aviation interests. The need for mitigation measures in respect of those interests will ultimately be determined post-consent, once both the ongoing studies are completed and following any further consideration once the detailed design is known. As such, in accordance with paragraph 5.5.58 of NPS EN-1, the Applicant has included industry standard requirements within the draft DCO (S_D6_10) that suitably secure that mitigation, where it is required. With the implementation of that mitigation, there will be no residual significant adverse effects on Civil and Military Aviation and Defence Interests arising from the Project during the construction, operations and maintenance or decommissioning phases.

3.1.1.3 Through the Examination, the Applicant has engaged with each affected party with a view to agreeing (i) the next steps required to be undertaking by each party to identify the scope and extent of mitigation required, and (ii) the terms of a requirement that suitably secures that mitigation. The Applicant has submitted at Deadline 6 an Aviation and Mitigation Summary (S_D6_48 Aviation and radar mitigation note F01) of the current position with each stakeholder, which is also commented on below.

3.2 The effects on radar, including Primary Surveillance Radar (PSR) systems at Lowther Hill and St Anne's

3.2.1.1 Volume 2: Chapter 11: Aviation and radar (APP-015) identifies the potential for the Morgan Generation Assets wind turbines to cause interference on civil PSR systems leading to a significant moderate adverse effect on PSR systems operated by NATS at Lowther Hill and St Anne's. The assessment identifies that implementation of mitigation would reduce the impact to minor adverse, which is not significant in EIA terms.

3.2.1.2 Engagement between NATS and the Applicant commenced in 2021. A SoCG between the parties has been submitted into the Examination (S_D6_DI SoCG DIO F03) with all matters noted as agreed, including the proposed mitigation solution subject to conclusion of a commercial agreement. The Applicant has received details of preferred mitigation solutions from NATS to reduce the residual impact to Lowther Hill and St Anne's PSR and ongoing commercial discussions are progressing to facilitate this.

3.2.1.3 The Applicant has included Requirement 4 in the draft DCO to secure this mitigation, with NATS having confirmed in the SoCG that they agree its terms.

3.3 The effects on radar, including PSR systems at Ronaldsway Isle of Man Airport, and appropriate mitigation

3.3.1.1 Similar to the PSRs operated by NATS above, a significant moderate adverse effect is predicted on PSR systems operated by the Ronaldsway Isle of Man Airport (see Section 1.9.3 of Volume 2: Chapter 11: Aviation and radar (APP-015)). The

assessment identified that implementation of mitigation would reduce the impact to minor adverse, which is not significant in EIA terms.

3.3.1.2 As set out in APP-015 (para 11.9.3.14), the Applicant initially anticipated that mitigation could take the form of additional MultiLATeration (MLAT) sensors within the Morgan Array Area to aid solid secondary radar coverage within the airspace above, and/or radar blanking and airspace change application for a Transponder Mandatory Zone (TMZ). However, as set out in the Aviation Mitigation Progress Report (REP5-020), the Applicant's proposed mitigation options have been superseded by a surveillance strategy commissioned by the Airport in summer 2024. The Applicant met with Ronaldsway Isle of Man Airport on 10 and 24 October 2024 to discuss the results of its surveillance strategy, an initial report on which was issued to the Applicant on 11 October 2024. Agreement will be required on the mitigation solution to be utilised and the next step for the parties to progress is to finalise the terms of the commercial agreement.

3.3.1.3 In light of the technical detail of the surveillance strategy and associated commercial matters not being completed until after the end of the examination, the Applicant has included Requirement 8 in the draft DCO to secure this mitigation and Ronaldsway Isle of Man Airport has confirmed to the Applicant that they agree its terms are suitable, and as noted above, all matters are agreed in the SoCG (S_D6_RNLDSWYSoCG Ronaldsway Airport F02).

3.4 Potential effects on Blackpool Airport

3.4.1.1 The potential impacts of concern for Blackpool Airport fall broadly into two categories: (i) impact on instrument flight procedures and minimum sector altitude (IFP and MSA) and (ii) impact on very high frequency (VHF) communications.

3.4.1.2 In respect of an IFP/MSA impact, no significant effects on aviation assets operated by Blackpool Airport were predicted in the Environmental Statement Volume 2: Chapter 11: Aviation and radar (APP-015)., however the Civil Aviation Authority (CAA) has requested that Blackpool Airport undertake a 5-year review of safeguarding requirements which includes consideration of the effects of projects in the Irish Sea. As a result, Blackpool Airport have been unable to comment or agree the conclusion of the Applicant's assessment or any need for mitigation measures until that process is complete. At Deadline 5, Blackpool Airport stated that it could not confirm when the CAA would complete their review (REP5-062).

3.4.1.3 The Applicant has continued to engage with Blackpool Airport through the Examination and, to reflect the uncertainty around completion of the 5 year review process, has agreed to include requirement 9 in the draft DCO to secure any mitigation for IFP/MSA should it be required. That requirement reflects the terms of what has been agreed between developers and the airport in respect of the Mona Offshore Wind Farm , and aligns with what was requested by Blackpool Airport at Deadline 5 (REP5-062) and in ISH3.

3.4.1.4 The second concern relates to potential impact on VHF communications. That matter has arisen as a result of recent issues between Glasgow Prestwick Airport and onshore wind farms, which promoted the CAA to issue a notice to UK licenced aerodromes in relation to the potential for interference to VHF communications. CAA guidance on this subject is contained within Civil Aviation Publication (CAP) 670: Air Traffic Serves Safety Requirements, which sets out a two-step process:

- The first step undertaken is to determine through theoretical, mathematical modelling, the conceptual effect of the project against the MDS. The

mathematical modelling assumes that the Wind Turbine Generators (WTG) would be always facing the VHF radio antenna to create a safety-conservative, worst-case scenario (despite this not being physically probable). Having established there was potential for an impact with the Applicant's sister project Mona, which is located a similar distance from Blackpool Airport, the Applicant was content that in regards to Morgan Blackpool Airport should progress directly to the second step.

- The second step is for Blackpool Airport to assess the potential for operational impact and hence sensitivity to the Morgan Generation Assets. As the step one assessment undertaken by the developers of the Mona Offshore Wind Project identified a theoretical effect, Blackpool Airport informed the Applicant that it intends to commission its own assessment as the second step (as per the guidance provided in CAP 670) to include Morgan Generation Assets and other Round 4 proposals, but it will not be able to complete this until after the end of Examination. The Applicant has confirmed to Blackpool Airport that it will meet its costs in doing so.

3.4.1.5 The Applicant does not consider interference with VHF communications will be an issue as a result of the project progressing, as there is no evidence of any such historic impact occurring from any offshore wind farm across the UK. The Applicant considers the circumstances at Glasgow Prestwick Airport in respect of onshore wind farms are location specific and not comparable to the Morgan Generation Assets and Blackpool Airport. Nevertheless, the Applicant recognises that Blackpool Airport must undertake its own assessment.

3.4.1.6 As noted above, the Applicant has therefore included Requirement 9 in the draft DCO to secure any necessary mitigation, as requested by Blackpool Airport in its Deadline 5 submission (REP5-062). The Applicant notes that Blackpool Airport has (since ISH3) stated its intention to the Applicant to submit an alternative requirement, that is aligned to the one proposed by the Applicant, but also includes wording to state that the mitigation should be in place before the OSP is installed (in addition to the WTGs) (as set out under Blackpool Airport's position in the final SoCG (S_BA_SOCG). As detailed in Section 3 of S_D6_3 Applicants response to IP submission at Deadline 5, the Applicant does not agree that this additional restriction has any technical merit (for any of the potential effects cited above), and has the potential to cause significant schedule risk to the project, and therefore considers the amendment proposed by Blackpool Airport to be unnecessary, unreasonable, and should be rejected by the Secretary of State.

3.5 Potential effects on Walney Aerodrome

3.5.1.1 Section 11.9.2 of olume 2: Chapter 11: Aviation and radar (APP-015) identifies the potential for the Morgan Generation Assets to have a significant adverse effect on Walney Aerodrome's IFP. The proposed mitigation for this effect is through an increase to the current Minimum Sector Altitude (MSA) which would reduce the residual impact to minor adverse, which is not significant in EIA terms.

3.5.1.2 Before full details of mitigation can be confirmed and agreed between the parties, the Applicant has agreed to undertake further assessments of Walney Aerodrome's current and future IFPs through commissioning NATS, as the appropriate Approved Procedure Design Organisation (ADPO), to carry out the IFP assessment. This includes an unpublished procedure that the Applicant was not aware of when undertaking its assessments due to the unpublished nature. NATS have now been commissioned to undertake these assessments, and the Applicant has provided NATS

with the information they requested to commence the assessments. However, this process is not yet complete and will not be provided until after the end of the Examination.

3.5.1.3 The Applicant has agreed to meet the costs of implementation of any mitigation and is progressing terms of a commercial agreement.

3.5.1.4 Walney Aerodrome has also raised concerns about impact on radio communications. In response to these concerns, the Applicant has commissioned NATS to undertake an assessment of the potential impacts on VHF and Ultra High Frequency (UHF) communications at both Walney Aerodrome and Warton Aerodrome (see further below).

3.5.1.5 The Applicant has included requirement 7 in the draft DCO to secure any necessary mitigation for Walney Aerodrome. BAE Systems Marine Limited (as operator of the aerodrome) agree with the principle of a requirement to secure the necessary mitigation, but the parties have been unable to fully agree its terms. As set out in its Deadline 5 submission (REP5-061), BAE Systems Marine Limited sought to extend the definition of "appropriate mitigation" to include future operations, and *"any other requirements identified by the operator from time to time"*. That wording would cause considerable uncertainty as to what was required to discharge the requirement, and does not meet the tests set out in paragraph 4.1.6 of NPS EN-1. In particular:

- Such wording is not necessary, as it does not target mitigation at a current impact of need. The purpose of the planning system is not to make provision for all future, undetermined events.
- The creates substantial difficulties with enforcement and discharge by applying to future undefined operations.
- The requirement is imprecise, as the need and scope of the mitigation cannot be defined at any point, due to the ability of the operator to raise additional issues "from time to time".
- Through this wording BAE Systems are looking to future-proof their requirement, which in practice would create a commercial ransom. That is unreasonable.

3.5.1.6 Subsequent to the Deadline 5 submission and as set out in the final SoCG submitted at Deadline 6 (S_D6_BAE SoCG SBAE Systems / Walney Aerodrome F04) the final position of BAE Systems Marine Limited is that they will not be in a position to reach agreement with the Applicant on requirement 7 until the NATS assessments referred to above have been completed.

3.5.1.7 The Applicant submits that its preferred wording for requirement 7, as included in the draft DCO, is in line with similar requirements secured in recent offshore wind farm DCOs and is sufficient to secure the mitigation.

3.6 Potential effects on Warton Aerodrome

3.6.1.1 No significant effects on Warton Aerodrome were predicted in the Environmental Statement Volume 2: Chapter 11: Aviation and radar (APP-015), with the Ministry of Defence (MOD) Defence Infrastructure Organisation (DIO), who safeguard Warton Aerodrome, response to statutory consultation confirming that impacts on PSR were not expected. However, MOD DIO subsequently submitted an objection following application submission in August 2024 just prior to the start of the Examination. As set out in the Aviation Mitigation Progress Report (REP5-020), the Applicant accepts the potential for significant effects on the PSR at Warton Aerodrome. Since then, the Applicant has engaged directly with BAE Systems (Operations) Limited on the nature

of the mitigation required to reduce the residual impact such that there is a no longer a significant effect. However, identification of suitable mitigation has been hampered by the fact that BAE Systems (Operations) Limited are in the process of commissioning a new PSR at Warton Aerodrome, the details of which are confined within a non-disclosure agreement (NDA).

3.6.1.2 In respect of any mitigation related to impacts on the PSR, the Applicant has included requirement 6 in the draft DCO to secure any necessary mitigation. Furthermore, as requested by the DIO in their response to Deadline 5 (REP5-063), The Applicant has submitted a 'Mitigation Strategy' to the DIO, which has confirmed that the next step will be for BAE Systems (Operations) Limited to undertake a technical and operational assessment of the proposed mitigation, as set out in the final SoCG submitted at Deadline 6 (S_D6_BAE SOCG).

3.6.1.3 BAE Systems (Operations) Limited has through the Examination made representations that it is concerned there could be significant impacts arising on the aerodrome's IFPs as well as, more recently, VHF and UHF communication systems. In respect of this, the Applicant has included requirement 5 in the draft DCO to secure any necessary mitigation relating to IFPs and VHF / UHF communications. For the same reasons set out above in respect of Walney Aerodrome, and as set out in the final SoCG submitted at Deadline 6 (S_D6_BAE SOCG), the parties agree with the principle of a requirement to secure the necessary mitigation, but have been unable to fully agree its terms. Also as noted above in respect of Walney Aerodrome, the Applicant has committed to meeting the costs of any necessary mitigation and has commissioned NATS to undertake an assessment of the potential impacts on VHF and UHF communications.

3.7 Conclusion

3.7.1.1 The need for mitigation measures in respect of a number of civil and military aviation interests will ultimately be determined post-consent, once both the ongoing studies are completed, in some cases by the Applicant and in others the Interested Parties, and following any further consideration once the detailed design is known. The Applicant is engaged with all relevant parties to continue to progress matters following the close of the Examination.

3.7.1.2 The Applicant has included requirements within the draft DCO that suitably secure the mitigation required and, following the implementation of any necessary mitigation, there will be no residual significant adverse effects on Civil and Military Aviation and Defence Interests arising from the Morgan Generation Assets during the construction, operations and maintenance or decommissioning phases.

3.7.1.3 The Secretary of State can conclude that the Applicant has complied with relevant policy in NPS EN-1 and EN-3.

4 BIODIVERSITY AND ECOLOGY

4.1 Marine Physical Processes and Benthic Ecology

4.1.1 EIA and MCZ Screening Conclusions

4.1.1.1 Volume 2, Chapter 1 Physical processes (S_D6_16 Volume 2, Chapter 1: Physical processes F02) presents the assessment of the potential impact of the Morgan Generation Assets on physical processes. It draws upon information contained within Volume 4, Annex 1.1: Physical processes technical report of the Environmental Statement (APP- 033) which details the physical processes numerical modelling study that has been undertaken to support the Environmental Statement. It was concluded that there will be no significant effects arising from the Morgan Generation Assets during the construction, operations and maintenance or decommissioning phases as a result of the project alone or cumulatively with other projects/plans.

4.1.1.2 Volume 2, Chapter 2: Benthic subtidal ecology (S_D6_17 Volume 2, Chapter 2: Benthic subtidal ecology F02) presents the Applicant's assessment of the potential direct and indirect effects on subtidal habitats and species as a result of the Morgan Generation Assets construction, operations and maintenance, and decommissioning phases. Overall, it was concluded that there will be no significant adverse effects on subtidal habitats and species arising from the Morgan Generation Assets alone or cumulatively with other projects/plans during the construction, operations and maintenance or decommissioning phases.

4.1.1.3 The Marine Conservation Zone (MCZ) Screening Report (APP-101) presented the Applicant's approach to determining if the Morgan Generation Assets would have any potential direct or indirect impacts on MCZs as a result of the construction, operations and maintenance, and decommissioning phases. The screening notes that there is no overlap with the Morgan Generation Asset and any MCZ. The West of Walney MCZ and West of Copeland MCZ are within the Morgan Generation Assets zone of influence, however site-specific modelling undertaken for the Environmental Statement in Volume 4, Annex 1.1: Physical processes technical report of the Environmental Statement (APP-033) demonstrated that the magnitude of the potential impact of increased SSC and deposition on these sites will be negligible compared to background levels. It was therefore concluded that there is no significant risk of the Morgan Generation Assets hindering the achievement of the conservation objectives stated for any MCZ and a Stage 1 MCZ assessment is not required for any MCZ for the Morgan Generation Assets. This conclusion was supported by Natural England in their Relevant Representations (RR-026.18).

4.1.1.4 The Applicant has largely agreed all matters with the MMO and Natural England relating to the assessment of potential effects for physical processes and benthic ecology, the proposed mitigation measures and how they are secured, and the assessment conclusions. The Applicant has summarised below how matters raised through the Examination have been addressed and where points of disagreement remain.

4.1.2 Matters considered through the Examination

Maximum design scenarios

4.1.2.1 At Deadline 5, there remained a number of matters listed in Natural England's Risk and Issues Log related to the maximum design scenario for interconnector cables and

unexploded ordnance (UXO). Natural England advised that these matters would be resolved by the submission of updated versions of Volume 2, Chapter 1: Physical processes (APP-013) and Volume 2, Chapter 2: Benthic subtidal ecology (APP-020), with information the Applicant had provided through the Examination (e.g. in response to an ExA Question). The updated chapters have been submitted at Deadline 6 (S_D6_16 Volume 2, Chapter 1: Physical processes F02 and S_D6_17 Volume 2, Chapter 2: Benthic subtidal ecology F02) and the Applicant therefore considers those matters resolved.

Site specific survey reports

4.1.2.2 Natural England has maintained its request that site specific survey reports should be submitted into examination (REP5-082b points D11 and F9). 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. It is not standard practice to submit these documents with the Environmental Statement and 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. The Examining Authority and Secretary of State can rely on the information presented in the Environmental Statement when undertaking their consideration of the application.

Removeable cable protection

4.1.2.3 Natural England has maintained its representations that the Applicant should commit to removeable cable protection (RR-026 D4). As set out in Applicant's Response to IP submissions submitted at Deadline 4 (REP4-009, REP3-049.62), the Applicant updated the Commitments Register (S_D6_33 Commitments register F05), to include consideration of cable protection which is readily removeable. This will be undertaken as part of the development of the draft decommissioning programme prior to construction. The specific type of scour protection required will be site specific and details of the design and construction will be outlined within the Offshore CMS developed in consultation with the MMO. The Applicant cannot provide further commitments at this stage and considers that Natural England's stance does not give due regard to the practical reality of undertaking development of this nature. Asset integrity and safety requirements must be prioritised by the Applicant, particularly when the project is not located in a Marine Protected Area. The Secretary of State can conclude that the Applicant's mitigation proposal is reasonable and appropriate. The Applicant would also note that that decommissioning will be many decades from now, and it is entirely feasible that SNCB attitudes on the need to remove such material may evolve over time, noting that on Awel y Môr for example, a commitment was made in agreement with NRW (and is a condition (3.17.1 xii) on the Marine Licence) to consider the use of cable protection that would seek to maximise environmental biodiversity benefits (whilst meeting technical needs).

Cable crossings

4.1.2.4 Natural England has maintained its request that further detail on the cable crossing design parameters and impact assessment, including indicative crossing locations, should be provided (REP5-082b points D8 and F7). The details of the cable protection material have been included in the project design for the Morgan Generation Assets, including the parameters for volumes, methods and area of impact, as outlined in sections 3.5.9 and 3.5.10 of Volume 1, Chapter 3: Project description (S_D6_15

Volume 1, Chapter 3: Project description F02). The Applicant does not anticipate that cable crossings will be required as there are no recorded existing cables within the Morgan Array Area but has included the potential for crossings in the project design on a precautionary basis. As such, the location of crossings, if any are required, cannot be specified and Natural England's request ignores this reality. This detail will ultimately be included in the Cable specification and installation plan (CSIP) (as secured under Schedules 3 and 4, Condition 20(1)(d) of the dMLs within the draft DCO (S_D6_10 Draft Development Consent Order F08)), and the Examining Authority and Secretary of State can therefore be satisfied that this has been accounted for, and assessed, appropriately.

Impacts from scour protection

4.1.2.5 Natural England has requested further detail of 'secondary scour' measures to mitigate potential impacts from the presence of windfarm infrastructure (REP5-082b D16). Additional information on the provision of scour protection to minimise secondary scour is supplied in the Applicant's Response MP1.5 of ExAQ1 submitted at Deadline 3 (REP3-006), with the MMO confirming at Deadline 4 (REP5-056a, Table 2, REP2-029.34) 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 CMS to be an acceptable course of action and considers this issue has been sufficiently addressed. The Applicant submits that the Secretary of State should accept the MMO's position on this matter, and that this has been suitably addressed.

Mitigation and monitoring

4.1.2.6 During the design process a range of parameters have been considered, supported by geotechnical investigations, and the mitigation hierarchy to avoid, minimise and mitigate potential impacts has been applied; with the measures to be adopted set out in the Environmental Statement. This includes the commitment to cable burial where possible and the refinement of sandwave clearance parameters and the associated reduction in sandwave clearance volume and footprint. Further mitigation measures were developed during the examination in consultation with stakeholders, as detailed in the updated Commitments Register (S_D6_33 Commitments register F05). These include the commitment to give due consideration for the use of scour protection which is of such a nature that it may be more readily removable at decommissioning, and decommissioning ballast material will not be released back into the local system and beneficial-use of the material will be considered. These also included updating the dMLs (Schedules 3 and 4, Condition 20(1)(a)(v) of the dMLs within the draft DCO (S_D6_10 Draft Development Consent Order F08)), to include micro-siting requirements for benthic habitats of conservation, ecological or economic importance constituting reef habitats of principal importance as listed under Section 41 of the Natural Environment and Rural Communities Act 2006, as requested by Natural England.

4.1.2.7 Whilst the Morgan Generation Assets did not identify any potential significant effects on physical processes, pre and post installation surveys will be undertaken to monitor changes to, and recovery of, sandwaves following the installation of inter array / interconnector cables. This will highlight any morphological changes to the seabed in areas directly impacted by construction activities, will be adaptive in its nature and is in accordance with NPS EN-3 paragraphs 2.8.83 and 2.8.85 and best practice guidance and principles and as included within the Offshore in-principle monitoring plan (S_D6_34 Offshore In Principle Monitoring Plan F04).

4.1.2.8 Additionally, despite all assessments in Volume 2, Chapter 2: Benthic subtidal ecology (S_D6_17 Volume 2, Chapter 2: Benthic subtidal ecology F02) concluding no significant effects on benthic ecology habitats (including Annex I habitats) as a result of the project alone or cumulatively with other projects in the region, as well as being over 8 km from a designated site, the Applicant has committed to monitoring for benthic ecology (Offshore in-principle monitoring plan (S_D6_34 Offshore In Principle Monitoring Plan F04) as requested by Natural England. This monitoring involves the use of post construction surveys to enable the identification of invasive non-native species (INNS) around seabed infrastructure as well as to establish the colonisation communities around a representative sample of novel (i.e., gravity base) foundation structures (if they form part of the final scheme design). The Applicant has confirmed the adaptive nature of the INNS monitoring and this is set out within the Offshore in-principle monitoring plan (S_D6_34 Offshore In Principle Monitoring Plan F04).

4.1.3 Conclusion

4.1.3.1 The Applicant considers that an evidence based and robust assessment of the Morgan Generation Assets has been undertaken for physical processes in Volume 2, Chapter 1: Physical processes (S_D6_16 Volume 2, Chapter 1: Physical processes F02) and for benthic subtidal ecology in Volume 2, Chapter 2: Benthic subtidal ecology S_D6_17 Volume 2, Chapter 2: Benthic subtidal ecology F02). Appropriate design and mitigation measures have been adopted where appropriate, with no significant effects predicted as a result of the construction, operation or decommissioning of the Morgan Generation Assets. The Secretary of State can conclude that the application accords with the relevant policies within NPS EN-1 and EN-3.

4.2 Fish and shellfish ecology

4.2.1 EIA Conclusions

4.2.1.1 Volume 2, Chapter 3: Fish and shellfish ecology (APP-022) presents the Applicant's assessment of the potential direct and indirect effects on fish and shellfish ecology receptors as a result of the Morgan Generation Assets across the Irish Sea during the construction, operation and maintenance, and decommissioning phases. For the majority of impacts, the assessment concluded negligible to minor adverse impacts which are not significant on fish and shellfish receptors both alone and cumulatively with other plans and projects. The only exception was in relation to the effects of underwater sound from piling which was identified as having the potential to cause significant moderate adverse impacts on herring (alone and cumulatively) and cod (cumulatively) if piling were to occur during peak spawning periods. These potentially significant impacts were concluded to be mitigated to minor adverse effects and therefore not significant through the implementation of noise reduction mitigation (i.e. Noise Mitigation Systems and/or Noise Abatement Systems (NAS)) and/or potential temporal and spatial considerations, through the Underwater Sound Management Strategy (UWSMS) (REP5-025), with exact measures to be agreed with the relevant regulatory bodies and stakeholders post-consent.

4.2.1.2 Stakeholders with positions specific to fish and shellfish include the Marine Management Organisation (MMO), Natural England, the National Federation of Fishermen's Organisations (NFFO), Welsh Fishermen's Association (WFA) and Whitehaven Fishermen's Cooperative (WFC), and the Isle of Man Government Territorial Seas Committee (TSC). The Applicant has reached broad agreement with the relevant stakeholders in respect of the scope and methodology of the assessment of potential effects, the proposed mitigation measures and how they are secured, and

the assessment conclusions. This is reflected in the Statements of Common Ground with those stakeholders (S_D6_MMO, REP5-053 (NFFO/WFA/WFC) and S_D6_IoM_TSC). The Applicant has summarised below how matters raised through the Examination where points of disagreement remain.

4.2.2 Matters considered through the Examination

Seasonal piling restrictions

4.2.2.1 Through the Examination, the MMO has suggested that the DMLs should include a commitment to seasonal piling restrictions for the herring and cod spawning periods, notwithstanding the commitments within the UWSMS. As detailed further below, the MMO has confirmed to the Applicant (and is expected to confirm to the Examining Authority at Deadline 6) that it no longer considers a seasonal piling restriction to be necessary for herring (S_D6_MMO SoCG).

4.2.2.2 The Applicant maintains that seasonal restrictions on construction activity within these periods is not necessary for cod as well, based on the implementation of project refinements with respect to piling operations, and deployment of noise mitigation systems (NMS) and/or NAS mitigation which will reduce the amount of noise propagating over the fish spawning habitat, as set out in the USWMS. The precise mitigation for driven piling (e.g. NMS and/or NAS) will be developed through the UWSMS in consultation with the MMO and relevant stakeholders and will ultimately be approved by the MMO before piling operations can commence, which the MMO have acknowledge and agreed (REP5-056a). The Applicant can confirm the MMO have agreed to the updates made to the UWSMS submitted at Deadline 6 as set out in the SoCG (S_D6_MMO).

4.2.2.3 Following the recent publication of Defra's policy paper on Reducing Marine Noise (published 21 January 2025), the Applicant updated the UWSMS, where conditional wording was previously used, to confirm the Applicant will adhere to the new policy. This secures the use of NMS and/or NAS wherever appropriate and, for the avoidance of any doubt and to provide the necessary comfort to SNCBs and MMO, the Applicant has updated condition 22 of the DMLs to include an express reference to the UWSMS including details of NMS and/or NAS, where required.

4.2.2.4 The Applicant considers that this firm commitment to NMS and / or NAS in accordance with the Defra policy should address any outstanding SNCB and MMO concerns on underwater sound generated during construction. Therefore, there is no justification for a seasonal restriction to be required.

4.2.2.5 It is fully expected that 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 indicated in the Defra Reducing marine noise policy statement (2025)). The Applicant would also note that the effectiveness of 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. 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 F01), which corroborates the evidence presented in the Cefas (2024) guidance (please see the Applicant’s response to the MMO’s IP submission for further details (S_D6_3 Applicants response to IP submission at Deadline 5 F01)). This evidence clearly demonstrates the significant reduction in underwater sound from NMS and/or NAS.

4.2.2.6 The MMO has confirmed to the Applicant between Deadline 5 and Deadline 6 that it no longer seeks a condition securing seasonal piling restrictions during the herring spawning season on the face of the DML (S_D6_MMO).

4.2.2.7 The Applicant has not agreed a position with the MMO in respect of the cod spawning period. In addition to the updates noted above, the UWSMS includes commitments made to implement appropriate mitigation including during key sensitive periods for fish species. The Applicant will continue to engage with MMO during the development of the UWSMS design refinement and analysis of the mitigation options which includes consideration of temporal phasing, prior to finalisation of the UWSMS and approval by the MMO. The Applicant sees no reason for this to be a specific restriction on the face of the DML, when the MMO have control of the final content of the UWSMS.

4.2.2.8 The condition of seasonal restrictions on the face of the DCO/DML could cause 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. Such a condition should only be imposed where it is absolutely necessary to do so. For the reasons set out above, the Applicant considers that is not the case and the MMO's position should be rejected.

4.2.2.9 The Applicant has satisfied the policy tests in paragraphs 2.8.302 – 2.8.306 of NPS EN-3, with use of appropriate and extensive up-to-date evidence, assessment of impacts on species of ecological importance, protected species and designated sites, and has given consideration to any potential adverse effects and the conclusion of no significant impacts following mitigation as set out in the UWSMS. The Applicant has also satisfied paragraph 2.8.3.10 of EN-3 in its assessment of electromagnetic field impacts in Volume 2, Chapter 3: Fish and shellfish ecology (APP-022), with the conclusion of no significant effects from this impact, which has been agreed with stakeholders.

Queen Scallop

4.2.2.10 Concerns were raised by the Scottish Fishermen's Federation (SFF) that the underwater sound impacts may cause significant effects on queen scallop larvae, therefore impacting queen scallop populations negatively (REP5-087). A previous submission at Deadline 3 from the MMO (REP3-037, Annex 3.3) highlighted research indicating potential underwater sound impacts on scallop larvae. This paper was examined by the Applicant (REP4-009), and it was noted that significant impacts on scallop larvae development occurred only after extended periods of exposure to high noise levels (i.e. 90 hours of continuous seismic pulses), which is not directly comparable to intermittent piling activity that would occur at the Morgan Generation Assets project. Also, water movement in the Irish Sea would mean larvae would never be in any particular impact range for an extended duration, and therefore the paper is not considered a realistic representation of the ecological risk posed by underwater sound on scallop larvae (REP3-0.37.80).

4.2.2.11 The Applicant maintains that no specific mitigation is required to reduce effects of underwater piling noise on scallops beyond those proposed within the UWSMS (REP-037.81). 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.

4.2.2.12 Nevertheless, the Applicant has committed to developing and implementing an adaptive pre- and post-construction monitoring programme of queen and king scallop in and around the Morgan Array Area for up to five years post construction with annual reporting. This monitoring will link to existing research being undertaken in the region,

with any further adaptive management resulting from monitoring findings to be discussed with the MMO and relevant fisheries stakeholders (REP5-042). This was agreed with the Isle of Man Territorial Seas Committee Statement of Common Ground (S_D6_IoM TSC), NFFO (and the WFA and WFC) in their SoCG (REP5-053, NFFO.EIA.7), and with Anglo-North Irish Fish Producers Organisation (ANIFPO) and SFF in their SoCG (S_D6_OF, CF.OFLCP.T17). The connection between ecological issues and practical fisheries concerns is further detailed in the Commercial Fisheries Closing Statement below (section 5).

4.2.3 Conclusion

4.2.3.1 The Applicant has presented an evidence based and robust assessment of the Morgan Generation Assets for fish and shellfish ecology within Volume 2, Chapter 3: Fish and shellfish ecology (APP-022). The assessments have concluded that there would be no significant adverse effects following the implementation of mitigation measures, which are appropriately secured through DML conditions, outline mitigation plans and the UWSMS.

4.2.3.2 The Secretary of State can conclude that the Applicant has complied with all relevant policy in NPS EN-1 and EN-3.

4.3 Marine mammal ecology

4.3.1 EIA and HRA conclusions

4.3.1.1 Volume 2, Chapter 4: Marine mammals (S_D6_19 Volume 2, Chapter 4: Marine Mammals F04) presents the Applicant's assessment of the potential effects on marine mammals as a result of the Morgan Generation Assets during the construction, operations and maintenance, and decommissioning phases. Impacts assessed included injury and disturbance from underwater sound generated during piling, site investigation surveys, UXO clearance, vessel use, other (non-piling) sound producing activities, and wind turbine operation, plus injury due to increased risk of collision with vessels and effects on marine mammals due to changes in prey availability. The Applicant has considered both potential positive and negative effects on marine mammals for the Morgan Generation Assets project, in accordance with NPS EN-3.

4.3.1.2 In the absence of mitigation, all assessed impacts were concluded to be not significant in EIA terms (minor adverse or negligible) from the Morgan Generation Assets project alone, with the exception of injury to harbour porpoise from elevated underwater sound from high order UXO clearance (moderate adverse). Cumulatively, all assessed impacts were concluded to be not significant in EIA terms (minor adverse or negligible), with the exception of injury to harbour porpoise from elevated underwater sound from high order UXO clearance (moderate adverse) and bottlenose dolphin from elevated underwater sound during piling (moderate adverse in the context of the Irish Sea Management Unit).

4.3.1.3 As set out in more detail below, the Applicant has committed to a range of mitigation measures, detailed within an outline Marine Mammal Mitigation Protocol (MMMP) (S_D6_31 Outline marine mammal mitigation protocol F04), Measures to minimise disturbance to marine mammals and rafting birds from transiting vessels (J-15/REP5-046) as part of the Environmental Management Plan (EMP), and an outline Underwater Sound Management Strategy (UWSMS) (S_D6_30 Underwater Sound Management Strategy F03). Through the Examination, the Applicant amended the deemed marine licences within the draft DCO to restrict UXO clearance activities to 'low order' clearance only. The Applicant also updated the UWSMS to reflect newly

published Defra policy on requirements for offshore projects to make firmer commitments to reduce noise in the marine environment[1] and on clearance of UXOs[2].

4.3.1.4 The Applicant notes that, in respect of the identified potentially significant effects in EIA terms, for the project-alone impact on harbour porpoise this was in part due to the fact that final details of UXO clearance was undetermined. For bottlenose dolphin, the conclusion of a potentially significant cumulative effect bottlenose dolphin from elevated underwater sound during piling is largely derived from the contribution of other projects to the cumulative picture, rather than being the result of the Morgan Generation Assets. Whilst the assessment conclusions are not amended, the Applicant considers that the newly adopted Defra policy (2025) reduces the likelihood of such a significant impact arising.

4.3.1.5 The stated intention of the Defra policy is to ensure that noise disturbance thresholds are not breached by upcoming projects, with all projects *"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"*. That will also apply to wildlife licences, such as EPS licences. The Applicant has committed to adhering to the Defra policy (2025) and guidance within its outline MMMP and UWSMS, and expects that where other projects move into the stage of discharging their own marine licence requirements, any mitigation plans they propose will similarly follow this approach. The required adherence to the Defra policy (2025) makes it less likely that the potential cumulative significant effect would occur.

4.3.1.6 For the HRA Stage 2 Information to support an appropriate assessment (Part 2; Special Areas of Conservation (SAC) assessments) (APP-097) it was determined that there would be no adverse effects on the integrity of any SACs designated for marine mammal features either from the Morgan Generation Assets project alone or in-combination with other plans or projects within the marine mammal cumulative study area (see section 4.5.3). Natural England and NRW agree with the conclusion of no adverse effects on integrity of any SAC for the project alone and in-combination (REP5-080, REP5-082b, RR-027 and S_D6_NRW).

4.3.2 Marine Mammal Mitigation Protocol and Underwater Sound Management Strategy

4.3.2.1 The Marine Mammal Mitigation Protocol (MMMP) is the consent plan focussing on the measures required to meet existing legislative requirements or adopted industry practice (referred to as tertiary measures in IEMA 2024) to mitigate the potential effects of injury to marine mammals from a range of noise-producing activities (piling, UXO clearance and site investigation surveys). Industry guidance also provides recommendations for a mitigation soft start to piling and geophysical equipment (where possible) as best-practice. Whilst soft-start is recommended within industry guidance, it is also an inherent measure adopted as part of the Morgan Generation Assets design.

4.3.2.2 The purpose of the UWSMS, in addition to the MMMP and the EMP, is to reduce the magnitude of any potential significant impacts such that there will be no residual significant effects from the project alone, thereby reducing the contribution to

[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

cumulative effects. The UWSMS considers any primary or secondary mitigation measures, including the use of noise mitigation systems (NMS) or noise abatement systems (NAS) technology that will be applied to reduce the amount of noise entering the marine environment, where required.

4.3.2.3 During examination there were a number of updates made to the outline MMMP (S_D6_31 Outline marine mammal mitigation protocol F04) and outline UWSMS (S_D6_30 Underwater Sound Management Strategy F03) to capture issues raised by the ExA and IPs and to align with newly published Defra policy on requirements for offshore projects to make firmer commitments to reduce noise in the marine environment[3] and on clearance of UXOs[4]. Natural England, the Joint Nature Conservancy Council (JNCC), NRW and MMO agreed that the UWSMS is an appropriate document to capture the necessary measures to ensure that the Morgan Generation Assets contribution to underwater noise is reduced using 'best endeavours' as per the Defra policy statement[3]. The Applicant will continue engagement with key stakeholders in developing the final UWSMS post-consent. The latest updates of the outline MMMP and outline UWSMS have been submitted at Deadline 6 (S_D6_31 Outline marine mammal mitigation protocol F04, S_D6_30 Underwater Sound Management Strategy F03) and amendments to reflect the new Defra policy (2025) as requested by SNCBs.

4.3.2.4 The Secretary of State can be satisfied that paragraph 2.8.313 of NPS EN-3 has been addressed, with suitable noise mitigation proposed and secured through the MMMP and UWSMS.

4.3.3 Matters considered through Examination

UXO Clearance

4.3.3.1 Representations have been made by the JNCC (REP3-035), the MMO (REP2-029: comments on RR-020.5) and Natural England (REP5-082b: point C10) stating their position that UXO clearance should not be included in the Draft DCO/DML. Following engagement with the stakeholders, and in response to these representations and further to questions raised by the ExA (REP3-006: DCO1.12), at Deadline 5 the Applicant removed high order detonation of UXO from the Draft DCO/DML with only low order clearance options now being included (REP5-015: GEN2.2). Whilst the MMO and Natural England have welcomed the removal of high order clearance, it remains their position that UXO clearance should not be included within the DML.

4.3.3.2 The Applicant's position remains that it is appropriate and justified to include UXO clearance activities within the DMLs. The Applicant has included all necessary activities for the construction and operations and maintenance of the Morgan Generation Assets in the application for development consent, in order to ensure a comprehensive application, and all such activities have been subject to a robust assessment process. This includes UXO clearance activities, with suitable mitigation secured.

4.3.3.3 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

[3] https://www.gov.uk/government/publications/reducing-marine-noise/reducing-marine-noise

[4] https://www.gov.uk/government/publications/marine-environment-unexploded-ordnance-clearance-joint-position-statement/marine-environment-unexploded-ordnance-clearance-joint-position-statement

Government targets for Net Zero. UXO clearance has previously been included as a licenced activity within a DML for an offshore wind farm, for example within The East Anglia ONE North Offshore Wind Farm Order 2022 and The East Anglia TWO Offshore Wind Farm Order 2022. There is good justification for its inclusion within the draft DCO for the Morgan Generation Assets, and no reason in principle why it should not be included. The Applicant submits that the Secretary of State can conclude that it is appropriate to do so in this instance.

The use of noise abatement systems

4.3.3.4 Natural England requested that the Applicant make a commitment to the use of NAS during piling. This is reflected in Natural England's Risk and Issues log (REP5-082a: C7). The MMO stated that they were supportive of the Applicant exploring secondary mitigation options (including the use of NAS) post-consent when there is time to fully investigate the application of each option with supporting documentation and evidence. The Applicant has committed to following this approach and, further to the release of the Defra policy statement on reducing marine noise[3] has updated the outline UWSMS at Deadline 6 to provide a firm commitment to the noise reduction technology for any driven piling activity as requested by SNCBs following the publication in January 2025 (S_D6_30 Underwater Sound Management Strategy F03 (section 1.5)). The use of noise reduction technology has also been welcomed by NRW Advisory and they have agreed this matter in the final SoCG at Deadline 6 (see NRW MM 14: S_D6_NRW SoCG NRW_F02).

4.3.3.5 The Applicant was requested by Natural England on 17th February 2025 to include the commitment to use noise mitigation systems (NMS) and /or NAS within the DCO/DML. The Applicant believes the commitments within the UWSMS (which requires 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 Draft Development Consent Order F08) 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 of the DMLs for Deadline 6 to include an express reference to the UWSMS including details of NMS and/or NAS, where required. The Applicant considers this puts the commitment to this measure beyond doubt and can be accepted by the Examining Authority and Secretary of State as being suitably secured.

Behavioural effects of sub-bottom profilers

4.3.3.6 Natural England requested that the Applicant should make a commitment to monitoring of the behavioural effects of sub-bottom profilers (SBPs) used during the site-investigation surveys due to the large disturbance range predicted (~17km) and the knowledge gap in the understanding (REP4-043: C37 and REP5-080: MM2.2 & MM2.10 and REP5-082b: C37). The Applicant has provided detailed justification on why this request is unreasonable (REP5-015 and S_D6_3.5 Annex 3.3: Response to Natural England ExQ2 MM2.10 submission: Sub bottom profile surveys - clarification note _F01). In summary:

- this request was disproportionate to the magnitude of effect as the survey would last a relatively short period of time;
- site-investigation surveys are not licensable under this draft DCO/DML;

- SBP surveys are conducted alongside surveys using other equipment and onboard a moving vessel meaning that it would be difficult to identify cause and effect from the SBP alone; and
- the Project has aligned with Natural England's document: *Offshore Wind Marine Environmental Assessments: Best Practice Advice for Evidence and Data Standards: Phase IV: Expectations for monitoring and environmental requirements at the post-consent phase*.

4.3.3.7 The technical note submitted at Deadline 6 (S_D6_3.5 Annex 3.3: Response to Natural England ExQ2 MM2.10 submission: Sub bottom profile surveys - clarification note F01) demonstrates that the expected equipment used in the surveys would have a considerably smaller effect area compared to the SBP presented in the assessment, and furthermore that the study relied upon by Natural England is ill-placed to underpin the justification of monitoring of possible disturbance during the site investigation surveys.

4.3.3.8 The Applicant submits that it would be inappropriate to seek to impose monitoring through the DCO and DMLs, when it is unjustified and relates to an otherwise non-licensable activity. Notwithstanding this concern, in respect of the RIES, Natural England agreed [REP5-080] that adverse effects on integrity (AEoI) alone and in-combination can be excluded for the marine mammal qualifying features of the SACs within its remit.

Other matters

4.3.3.9 Through engagement with Natural England, NRW and the MMO, the Applicant has largely agreed and resolved all other matters raised through Examination.

4.3.3.10 NRW Advisory queried the approach adopted for the assessment of injury and disturbance to marine mammals from elevated underwater sound due to vessel use (RR-027 and REP1-056). Both parties agreed subsequently that 'a single point in time' was an appropriate representation of the assessment methodology and the Applicant has updated the Marine Mammals Chapter at Deadline 6 (S_D6_19 Marine Mammals F04) to reflect this. Furthermore, NRW Advisory confirmed they welcome the mitigation measures outlined in Document J15 *Measures to minimise disturbance to marine mammals and rafting birds* (as updated at Deadline 5: REP5-046) and therefore agreed with the conclusions of the assessment.

4.3.3.11 Natural England raised concerns about the dual effect categories in the assessment methodology (Risk and Issues log: REP5-082b C1, C11, C35), noting that there has been no disagreement on the levels of significance concluded for each of the impacts in the assessment. The only exception to this was the conclusion of 'negligible' magnitude for injury and disturbance to marine mammals, especially harbour porpoises, from elevated underwater sound due to piling activities (REP5-082b: C32 & C12). The Applicant set out justification for that conclusion (see item RR-026.C.2 in PD1-017) and maintains that risk of injury would be fully mitigated via industry recommended measures as detailed in the outline MMMP (updated at Deadline 6: S_D6_31 Outline marine mammal mitigation protocol F04). The commitments to NMS and/or NAS as secured within the DCO and UWSMS will further reduce the risk of injury. In any event, the Applicant submits the difference between the parties is immaterial to the determination of the application.

4.3.3.12 The Applicant's commitment to noise reduction technology, in line with the new Defra policy statement[3], has resolved all Natural England's issues relating to impacts of noise from piling since the onus is on reducing noise at source. This includes the

conclusions of significance in relation to disturbance to marine mammals (RR026.C.5; Document PD1-017) and the reliance on Acoustic Deterrent Devices (ADDs) as a mitigation tool (REP5 082b: C3 & C13). Similarly, the concerns raised by Natural England (REP5-082b: C4) regarding the use of scare charges for UXO clearance has been resolved through a) the removal of high order detonation from the draft DCO/DML and b) alignment with the latest JNCC guidance on mitigation for UXO clearance (JNCC, 2025).

4.3.4 Conclusion

4.3.4.1 The Applicant has submitted an evidence based and robust assessment of the Morgan Generation Assets for marine mammals within Volume 2, Chapter 4: Marine Mammals S_D6_19 Volume 2, Chapter 4: Marine Mammals F04) as required by the paragraphs 2.8.127 – 2.8.135 of NPS EN-3. The Applicant has taken a range of design choices, and proposed a range of mitigation measures, that reduce the potential impact on marine mammals and that have been broadly endorsed by the MMO and the relevant SNCBs. The Applicant highlights that, irrespective of these additional measures, there were no outstanding issues from any of the IPs with respect to designated sites for marine mammals. The Secretary of State can conclude that the Morgan Generation Assets accords with paragraphs 2.8.302 – 2.8.306 and 2.8.312 – 2.8. 314 of NPS EN-3.

4.4 Ornithology

4.4.1 EIA and HRA conclusions

4.4.1.1 Volume 2, Chapter 5: Offshore ornithology (APP-023) presents the Applicant's assessment of the potential effects on offshore ornithology receptors from the Morgan Generation Assets. It considers the potential impact of the Morgan Generation Assets during the construction, operations and maintenance, and decommissioning phases for the project alone and cumulatively.

4.4.1.2 HRA Stage 2 information to support an appropriate assessment Part Three: Special Protection Areas and Ramsar Site assessments (APP-098) presents the Applicant's assessment in relation to potential effects on the qualifying features of European sites as a result of the Morgan Generation Assets alone and in-combination with other plans and projects. During the Examination, the Applicant also submitted a technical note considering impacts on ornithological features of Ramsar sites on the Isle of Man (REP5-005).

4.4.1.3 The Applicant has included a number of mitigation measures through design and other commitments, including:

- To reduce collision impacts on birds, the Applicant has committed to a minimum lower blade tip height (air draught) of 34 m above LAT.
- To reduce disturbance impacts on rafting birds associated with all phases of the project, the Applicant has submitted an Outline Offshore EMP (REP4-018), that includes measures to minimise disturbance to rafting birds from transiting vessels (REP5-046).

4.4.1.4 Overall, it was concluded that there will be no significant adverse effects on offshore ornithology receptors arising from the Morgan Generation Assets alone or cumulatively during the construction, operations and maintenance or decommissioning phases.

4.4.1.5 Similarly, it was concluded in HRA Stage 2 information to support an appropriate assessment Part Three: Special Protection Areas and Ramsar Site assessments (APP-098) that there will be no adverse effects on the site integrity (AEoI) of any designated site as a result of impacts arising from the Morgan Generation Assets alone or in-combination with other plans and projects during the construction, operations and maintenance or decommissioning phases. The Applicant notes that, following submission of additional documents during the Examination, Natural England, NRW and JNCC have confirmed that conclusions of no AEoI can be reached for all relevant SPAs and associated qualifying features in relation to impacts from the Morgan Generation Assets alone and in-combination with other plans and projects (REP5-079, REP5-083a/AS-012 and REP5-067, respectively).

4.4.1.6 The Applicant considers that an evidence based and robust assessment of the Morgan Generation Assets for offshore ornithology has been undertaken in Volume 2, Chapter 5: Offshore ornithology (APP-023) and HRA Stage 2 information to support an appropriate assessment Part Three: Special Protection Areas and Ramsar Site assessments (APP-098) as required by the Overarching National Policy Statement (NPS) for Energy (EN-1; see paragraph 5.4.22) and the NPS for Renewable Energy Infrastructure (EN-3; paragraphs 2.8.136 to 2.8.146 and 2.8.240 to 2.8.242).

4.4.1.7 All matters relating to effects on offshore ornithology receptors are agreed with Natural Resources Wales (NRW) and the Joint Nature Conservation Committee (JNCC) (see the Applicant's response to IP submissions made at Deadline 5 (S_D6_3 Applicants response to IP submission at Deadline 5 F01) and the SoCG between the Applicant and NRW (S_D6_NRW SoCG NRW F02)). There is only one outstanding matter relating to effects on offshore ornithology with Natural England. This is in relation to the assessment conclusions for EIA cumulative collision impacts on great black-backed gull. Whilst the Applicant considers that impacts are of minor adverse significance, which is not significant in EIA terms, Natural England consider that the cumulative collision impact is of moderate adverse significance which is significant in EIA terms. A detailed assessment for cumulative collision impacts on great black-backed gull is provided in the Additional PVA Modelling for Great Black-Backed Gull Cumulative Assessment submitted at Deadline 5 (REP5-031) concluding the potential impacts are of minor adverse significance.

4.4.2 Matters Raised during the Examination

Overview

4.4.2.1 The Applicant has welcomed comments from all Interested Parties (IPs) through the planning process, in particular from the Statutory Nature Conservation Bodies (Natural England, NRW and the JNCC), on the Applicant's offshore ornithology application documents and Examination submissions and is pleased that progress has been made to clarify and resolve their concerns.

4.4.2.2 A number of clarification notes have been submitted into Examination. A full list of documents associated with the assessments undertaken for offshore ornithology is presented in Table 1.4.

4.4.2.3 Table 4.1 does not include responses the Applicant has made to IP submissions or the Examining Authority questions.

4.4.2.4 The following sections summarise the main areas of disagreement that have arisen through the application and Examination phases and the steps taken to resolve these differences.

Methodology

4.4.2.5 The Applicant undertook considerable engagement with the SNCBs and other relevant stakeholders throughout the pre-application phase, incorporating their comments into the assessments wherever it was considered appropriate to do so. The Applicant's approach for the DCO application was developed to ensure that the assessments for the Morgan Generation Assets were robust and precautionary. The assessments provided sufficient detail to enable a conclusion of no significant effects within the Environmental Statement (Volume 2, Chapter 5: Offshore ornithology (APP-023)) and no AEoI beyond reasonable scientific doubt for the purposes of the HRA (HRA Stage 2 information to support an appropriate assessment Part Three: Special Protection Areas and Ramsar Site assessments (APP-098)). This included consideration of all projects that may act cumulatively/in-combination with the Morgan Generation Assets, either quantitatively or qualitatively, depending on the availability of data.

4.4.2.6 Natural England's and NRW's relevant representations (RR-026 and RR-027, respectively) raised a number of comments on methodological matters employed in the assessments, including:

- **Consideration of the 'gap filled' historical projects in the cumulative and in-combination assessments** – Natural England and NRW commented that the qualitative assessment did not adequately account for the impacts of historical projects and that a quantitative assessment is required, rather than the qualitative assessment that had been undertaken.
- **Displacement and mortality rates** – Natural England and NRW did not agree with the approach taken, specifically the application of the Applicant's evidence-based displacement and mortality rates.
- **Regional breeding populations** - Natural England and NRW did not agree with the approach taken for the project alone assessment (within APP-023) in relation to defining the regional populations in the breeding season.
- **Apportioning** - Natural England did not agree with the use of data from the Seabird 2000 breeding seabird census to inform the apportioning exercise applied to support the assessments undertaken in HRA.
- **Use of kittiwake age class data in apportioning calculations** – Natural England and NRW did not agree with the approach applied in Volume 4, Annex 5.5: Offshore ornithology apportioning technical report (APP-057) and suggested that immature birds should be accounted for by applying an immature proportion representing first year birds only.

4.4.2.7 The Applicant did not and does not agree with the concerns raised by Natural England and NRW in respect of the assessment. Through the Examination, the Applicant submitted various technical clarifications (as detailed in Table 4.1) that clarified certain points, or presented data in a different format, each of which supported the conclusions in the Environmental Statement and ISAA.

4.4.2.8 At Deadline 3, Natural England and NRW commented that a number of clarification notes submitted by the Applicant provided sensitivity analyses in isolation and did not

consider the combined effect in a holistic manner (REP3-046 and REP3-050). Natural England and NRW recommended that an updated impact assessment should be provided that incorporates all updates.

4.4.2.9 An approach was therefore developed in consultation with Natural England which provided information to address all of Natural England's methodological concerns, and as a result, the concerns of NRW and JNCC. This was submitted at Deadline 5 (REP5-032, REP5-033 and REP5-034). Following the submission of this additional information, and clarification following Deadline 5 (REP5-032, REP5-033 and REP5-034), Natural England, NRW and JNCC have confirmed that conclusions of no AEoI can be reached for all relevant SPAs and associated qualifying features in relation to impacts from the Morgan Generation Assets alone and in-combination with other plans and projects (REP5-079, REP5-083a/AS-012 and REP5-067, respectively).

Pen y Gogarth/Great Orme's Head SSSI

4.4.2.10 In their Written Representation (REP1-056), NRW requested a detailed assessment of the potential impacts of the project on the breeding seabird features of Pen-y-Gogarth/Great Orme's Head Site of Special Scientific Interest (SSSI). This was addressed through a dedicated submission by the Applicant at Deadline 1 (Annex 4.8 to Response to Hearing Action Point 15: Great Orme Head SSSI Clarification Note (REP1-013)), which was subsequently updated at Deadline 4 (Project alone and cumulative assessment for the Great Orme's Head SSSI (REP4-029)) in light of NRW's feedback during Examination. The Applicant concluded following this update that potential impacts from the project alone and cumulatively with other plans and projects would not result in a significant impact on any of the features of the Pen y Gogarth/Great Orme's Head SSSI.

4.4.2.11 At Deadline 5 (REP5-083a), NRW agreed that the project alone and cumulatively with other plans and projects is unlikely to have a significant effect on the guillemot and razorbill features of the SSSI. For kittiwake, NRW indicated that the impact from the Morgan Generation Assets alone could be considered to be undetectable against background mortality. NRW considered that the cumulative impact on kittiwake at the SSSI was at a level of concern. However, NRW were content that the Applicant has provided proportionate mitigation (through an increased lower tip height) for kittiwake.

4.4.2.12 Whilst the Applicant and SNCBs do not agree on the conclusions for kittiwake, this is not considered to be material as agreement has been reached that sufficient mitigation has been provided and this is reflected in the NRW submission (REP5-083a).

Assessment and mitigation for great black-backed gulls

4.4.2.13 At Deadline 5, Natural England disagreed with the Applicant's conclusion of no significant effects in EIA terms for collision risk on great black-backed gulls cumulatively with other plans and projects (REP5-082b). The Applicant maintains that a minor adverse effect is correct and proportionate, as detailed within Additional PVA Modelling for Great Black-Backed Gull Cumulative Assessment (REP5-031), which has been submitted following the drafting of Natural England's submission at Deadline 5. The Applicant notes that NRW and JNCC have not provided a comparable response in relation to cumulative impacts on great black-backed gull and the Applicant maintains the potential effect is minor and not significant in EIA terms.

4.4.2.14 The Applicant submits that, based on the evidence it has submitted into the Examination, the Examining Authority and Secretary of State should agree with the conclusion that any potential impact is minor and not significant.

Consideration of Highly Pathogenic Avian Influenza (HPAI)

4.4.2.15 The RSPB expressed concern regarding the population scale impacts on seabird populations from the 2022 outbreak of the H5N1 strain of HPAI as part of their relevant representation (RR-035). HPAI was discussed throughout the EWG meetings held pre-application, with Natural England providing the Applicant with their advice note in relation to HPAI as part of EWG meeting 2, and the subject further discussed at EWG meeting 3 and 4 (see Technical engagement plan appendices Part 4 (Appendix D) (APP-092), specifically section D3.16). This concern was discussed during EWG meeting 4 (in February 2023) (see Technical engagement plan appendices Part 4 (Appendix D) (APP-092)) and has been raised by the RSPB through the SoCG process in Examination (see RSPB.OO.5 within Statement of Common Ground between Morgan Offshore Wind Limited and The Royal Society for the Protection of Birds (REP1-039)). The RSPB consider that the scale of the impact of HPAI means that seabird populations will be much less robust to additional mortality arising from offshore wind farm developments.

4.4.2.16 The effect of HPAI has been considered within the assessments for the Morgan Generation Assets in line with Natural England's guidance. In the immediate vicinity of the Morgan Generation Assets (i.e. the northeast Irish Sea), there are no large breeding seabird colonies and it is therefore unlikely that HPAI will have affected the populations recorded during site-specific surveys.

4.4.2.17 HPAI is considered in Volume 2, Chapter 5: Offshore ornithology (APP-023) as follows:

- Paragraph 5.6.2.4, which details that the overall recoverability of the species included has not incorporated information on HPAI as this metric is based on longer term population trends.
- Paragraph 5.5.6.3, which discusses data limitations in relation to HPAI.
- Within the individual species assessments, in section 5.9, HPAI has been considered for relevant species (e.g. paragraphs 5.9.1.70, 5.9.1.123 and 5.9.4.56 for gannet and paragraph 5.9.4.63 for great skua).

4.4.2.18 In addition, in HRA Stage 2 information to support an appropriate assessment Part Three: Special Protection Areas and Ramsar Site assessments (APP-098), the assessments utilise the most recent population size for each SPA. Where a colony count exists, post any effects of HPAI, this has been used to inform the assessments (e.g. for gannet at the Grassholm SPA).

4.4.2.19 The Applicant notes that Natural England, NRW and the JNCC did not raise concerns regarding the consideration of HPAI during Examination. The Applicant submits that the Examining Authority and Secretary of State can be satisfied that the Applicant has followed all relevant guidance in considering HPAI through the assessment. The Applicant highlights that the RSPB agree with the mitigation measures proposed by the Applicant for the potential effects of the Morgan Generation Assets (S_D6_RSPB).

4.4.3 Conclusion

4.4.3.1 The Applicant has presented an evidence based and robust assessment of the Morgan Generation Assets for offshore ornithology within Volume 2, Chapter 5: Offshore ornithology (APP-023) and HRA Stage 2 information to support an appropriate assessment Part Three: Special Protection Areas and Ramsar Site assessments (APP-098). The assessments have concluded that there would be no significant adverse effects in EIA terms and there would be no adverse effect on integrity for all

features of all European sites alone and in-combination. As noted above, all SNCBs agree that adverse effects on integrity can be ruled out.

4.4.3.2 The Applicant submitted a range of technical notes and clarification documents (as detailed in Table 4.1) that further support those conclusions. Furthermore, the Applicant has followed the advice of Natural England and submitted information in a format that addresses all of methodological concerns. The Secretary of State can conclude that the Applicant has complied with all relevant policy in NPS EN-1 and EN-3.

Table 4.1: Documents of relevance to the offshore ornithology assessment.

Document name	Document reference	Description
Volume 2, Chapter 5 Offshore ornithology	APP-023	Offshore Ornithology ES chapter submitted as part of the application
Volume 4, Annex 5.1 Offshore ornithology baseline characterisation	APP-053	Offshore Ornithology Baseline Characterisation Report submitted as part of the application. Superseded by REP1-026
Volume 4, Annex 5.2 Offshore ornithology displacement technical report	APP-054	Offshore Ornithology displacement technical report submitted as part of the application
Volume 4, Annex 5.3 Offshore ornithology collision risk modelling technical report	APP-055	Offshore Ornithology collision risk modelling technical report submitted as part of the application
Volume 4, Annex 5.4 Offshore ornithology migratory bird collision risk modelling technical report	APP-056	Offshore Ornithology migratory collision risk modelling technical report submitted as part of the application
Volume 4, Annex 5.5 Offshore ornithology apportioning technical report	APP-057	Offshore Ornithology apportioning technical report submitted as part of the application
Volume 4, Annex 5.6 Offshore ornithology PVA technical report	APP-058	Offshore Ornithology population viability analysis technical report submitted as part of the application
HRA Stage 2 information to support an appropriate assessment Part Three: Special Protection Areas and Ramsar Site assessments	APP-098	ISAA submitted as part of the application
HRA Stage 1 Screening Report	APP-099	HRA screening report submitted as part of the application
Annex 3.9 to the Applicant's response to the Relevant Representation by Natural England (RR-026.B.36)	PD1-016	Provides the Applicant's response on Natural England's relevant representation (RR-026.B.36) in relation to regional populations
Annex 4.5 to Response to Hearing Action Point 15: Offshore Ornithology CEA and In-combination Gap-filling of Historical Projects Note	REP1-010	Provides quantified impact estimates for projects considered qualitatively within APP-023 and APP-098
Displacement Rates Clarification Note	REP1-011	Provides additional assessments incorporating alternative displacement and mortality rates
Annex 4.7 to Response to Hearing Action Point 15: Apportioning Sensitivity Analysis	REP1-012	Provides breeding season apportioning values using the Seabirds Count dataset
Annex 4.8 to Response to Hearing Action Point 15: Great Orme Head SSSI Clarification Note	REP1-013	Provides clarifications in relation to the assessments undertaken in APP-023 for the Pen y Gogarth/Great Orme's Head SSSI
Offshore ornithology baseline characterisation	REP1-026	Provides an update to the offshore ornithology baseline characterisation report to correct minor errors
Treatment of Birds in Flight Data in Abundance Estimation	REP2-021	Provides a comparison between different birds in flight proportions

Document name	Document reference	Description
Great black-backed gull regional populations	REP2-022	Provides assessments using an updated regional population for great black-backed gull
Inclusion of Awel y Môr in Cumulative Assessments – Clarification note	REP3-018	Provides assessment using alternative collision risk estimates for herring gull at Awel y Môr
Review of Cumulative Effects Assessment and In-Combination Assessment: Offshore ornithology	REP3-019	Provides a review of the cumulative and in-combination assessments incorporating additional projects
Kittiwake apportioning clarification note	REP3-020	Provides additional assessments using an alternative approach to the incorporating of immature birds in the breeding season apportioning for kittiwake
Project alone and cumulative assessment for the Great Orme's Head SSSI	REP4-029	Provides additional assessments for features of the Pen y Gogarth/Great Orme's Head SSSI
Conservation objectives clarification note	REP4-030	Provides conservation objectives for all SPAs assessed in HRA Stage 2 information to support an appropriate assessment Part Three: Special Protection Areas and Ramsar Site assessments (APP-098) as requested by the Examining Authority
Differences between the Morgan Generation Assets and the Mona Offshore Wind Project in abundance estimates used in the CEA	REP4-031	Provides explanation for the differences in values incorporated into the cumulative assessments for the Morgan Generation Assets and Mona Offshore Wind Project
Annex 3.2 Consideration of impacts on ornithological features of Ramsar sites on the Isle of Man	REP5-005	Provides assessments for features of Ramsar sites on the Isle of Man
Additional PVA Modelling for Great Black-Backed Gull Cumulative Assessment	REP5-031	Provides additional PVA modelling to inform cumulative assessments for great black-backed gull
Annex 16.1 to Ornithological assessment clarification data English sites	REP5-032	A workbook providing data to inform Natural England's assessments
Annex 16.2 to Ornithological assessment clarification data Welsh sites	REP5-033	A workbook providing data to inform NRW's assessments
Annex 16.3 to Ornithological assessment clarification data offshore sites	REP5-034	A workbook providing data to inform JNCC's assessments
Ornithological assessment clarification data	REP5-035	Clarification note to accompany REP5-032, REP5-033 and REP5-034
Liverpool Bay/Bae Lerpwl SPA Clarification Note	REP5-036	Clarification note providing information in relation to the Liverpool Bay/Bae Lerpwl SPA requested by the Examining Authority
Updated ornithological assessment clarification data for Welsh Sites	AS_013	Updated clarification data for Welsh sites in relation to Natural Resources Wales submissions from the Applicant received on 31 January 2025.

Document name	Document reference	Description
Explanatory note to support SNCB and Applicant workbooks	S_D6_37.1 Appendix to Ornithological assessment clarification data (REP5-035) F01	Provides additional detail on the information presented in REP5-032, AS-013 and REP5-034
Assessment of gannet at the Grassholm SPA	S_D6_38 Assessment of gannet at the Grassholm SPA F01	Provides additional detail on the assessment for gannet presented in AS-013
Population Viability Analysis for the Regional Population of Guillemot	S_D6_39 Population Viability Analysis for the Regional Population of Guillemot F01	Provides additional detail on the assessment for guillemot presented in REP5-032, AS-013 and REP5-034
Project alone and cumulative assessment for the Great Orme's Head SSSI	S_D6_40 Project alone and cumulative assessment for the Great Orme's Head SSSI F02	Provides minor updates to REP4-029
Annex 16.4 and 16.5 to Ornithological assessment clarification data Applicant's parameters	S_D6_37.2 Annex 16.4 to Ornithological assessment clarification data (REP5-035) - Applicant's parameters (English sites) F01 S_D6_37.3 Annex 16.5 to Ornithological assessment clarification data (REP5-035) - Applicant's parameters (Welsh sites) F01	A workbook providing the Applicant's parameters which informed the Applicant's assessments

4.5 Habitats Regulations Assessment

4.5.1 Data and information on which the HRA would be based

4.5.1.1 The Applicant's Habitats Regulations Assessment (HRA) has been based on data gathered from a number of sources including, site-specific surveys and modelling conducted for the Project as well as information on European sites gathered from various sources including NRW, the JNCC and Natural England. This data has been used to provide a comprehensive baseline for each of the relevant European sites by detailing the features, and their condition, for each site to ensure a robust appropriate assessment can be conducted. As detailed in the final SoCG between the Applicant and NRW (S_D6_NRW) and the Natural England Risk and Issues log (REP5-012), all parties are in agreement with the survey approach and baseline characterisation for all receptors included in the HRA.

4.5.1.2 The data and information on which the HRA is based is comprehensive and robust and can be relied on by the Secretary of State in their own HRA to be undertaken when determining the application.

4.5.2 Screening of protected sites, likely significant effects, and those taken forward for assessment

4.5.2.1 The Applicant's screening of European sites for the potential for likely significant effects (LSE) as a result of the Morgan Generation Assets has followed the

Conservation of Habitats and Species Regulations 2017, as amended by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019, and the Conservation of Offshore Marine Habitats and Species Regulations 2017 (the Offshore Habitats Regulations, which transpose the European Union's (EU) Habitats Directive (Directive 92/43/EEC) and the Wild Birds Directive (Directive 2009/147/EC) in national law). It has also followed the Joint Defra, Welsh Government, Natural England and Natural Resources Wales (NRW) guidance (2021) and is presented in the HRA Stage 1 Screening Report (APP-099).

4.5.2.2 An initial screening exercise was undertaken to identify the relevant European sites requiring consideration of the potential for Likely Significant Effects (LSE). European sites for each receptor group were screened in based on three criteria: 1) direct overlap with the Morgan Generation Assets project boundary; 2) overlap of a mobile species range with the Morgan Generation Assets project boundary; and 3) European sites with relevant features within potential Zone of Influence (ZoI) associated with the Morgan Generation Assets. The final Statement of Common Ground (SoCG) between the Applicant and NRW (S_D6_NRW) and the Natural Egland Risk and Issues Log (REP5-012) confirms that all parties agree with the approach to identification of sites and features in the HRA Stage 1 Screening Report (APP-099).

4.5.2.3 The European sites identified through the initial screening process were taken forward for determination of LSE as a result of the Morgan Generation Assets. The Applicant adopted a matrix approach in the HRA Stage 1 Screening Report (APP-099) which resulted in 43 Special Areas of Conservation (SACs) being taken forward for consideration in the HRA Stage 2 Information to Support an Appropriate Assessment (ISAA) Part 2 – SAC assessments (APP-097) and 35 Special Protection Areas (SPAs) and 3 Ramsar sites are being taken forward for consideration in the HRA Stage 2 ISAA Part 3 – SPAs and Ramsar sites Assessments (APP-098). The potential impacts on the European sites and features which were identified for potential Likely Significant Effect (LSE) from the Morgan Generation Assets are summarised in the HRA integrity matrices (APP-100).

4.5.3 Likelihood of adverse impact on the integrity

4.5.3.1 The Applicant provided an HRA Stage 2 ISAA in relation to the implications of the Morgan Generation Assets on the integrity of European sites which was split into three parts: HRA Stage 2 ISAA Part One: Introduction and Background (APP-096); HRA Stage 2 ISAA Part Two: SAC Assessments (APP-097); and HRA Stage 2 ISAA Part Three: SPAs and Ramsar sites Assessments (APP-098). At Deadline 5, the Applicant also submitted an Assessment of proposed Ramsar sites within the Isle of Man (REP5-005; REP-006) to allow the Secretary of State to complete an appropriate assessment on these sites if it is determined one is required.

4.5.3.2 HRA Stage 2 Information to support an appropriate assessment Part 2: Special Areas of Conservation assessments (APP-097) presents the Applicant's assessment in relation to potential effects on the qualifying features of designated sites as a result of the Morgan Generation Assets alone and in-combination with other plans and projects. As set out in more detail within sections 4.2, 4.3 and 4.4.1 of this closing statement, it was concluded that there will be no adverse effects on the site integrity of any Special Area of Conservation as a result of impacts arising from the Morgan Generation Assets alone or in-combination with other plans and projects during the construction, operations and maintenance or decommissioning phases.

4.5.3.3 Natural England advised at Deadline 5 that they are in agreement with the conclusions of the ISAA, that there will be no adverse effects on integrity of any SACs alone and

in-combination (including for the marine mammal qualifying features of Lundy SAC, Isles of Scilly Complex SAC) (REP5-080 and REP5-082b). NRW has confirmed in their Relevant representations (RR-027) and final SoCG (S_D6_NRW) that they are in agreement with the conclusions of the ISAA, that there will be no adverse effects on site integrity for SACs including for SACs with fish and marine mammal features for both the project alone and in-combination with other plans and projects. JNCC confirmed in their response to ExQ1 (REP3-035) that they are in agreement with the conclusions of the ISAA, that there will be no adverse effects on integrity on SACs with marine mammal features for both the project alone and in-combination with other plans and projects.

4.5.3.4 HRA Stage 2 information to support an appropriate assessment Part Three: Special Protection Areas and Ramsar Site assessments (APP-098) presents the Applicant's assessment in relation to potential effects on the qualifying features of designated sites as a result of the Morgan Generation Assets alone and in-combination with other plans and projects. As set out in more detail within section 4.2 and 4.3 of this closing statement, it was concluded that there will be no adverse effects on the site integrity of any SPA or Ramsar site as a result of impacts arising from the Morgan Generation Assets alone or in-combination with other plans and projects during the construction, operations and maintenance or decommissioning phases.

4.5.3.5 Natural England has confirmed in their Risk and Issues log submitted at Deadline 5 (REP5-082b) that there will be no adverse effect on integrity for all English SPAs from the project in-combination with other plans and projects subject to recommended minor updates in the Measures to minimise disturbance to marine mammals and rafting birds from transiting vessels which were made by the Applicant at Deadline 5 (REP5-046). Through discussions with Natural England between Deadline 5 and Deadline 6, the Applicant is expecting this outstanding matter to be formally resolved in Natural England's Risk and Issues Log at Deadline 6. NRW has confirmed in their final SoCG (S_D6_NRW) and the NRW Further Comments on Offshore Ornithology (AS-012) that they are in agreement with the conclusions of the ISAA, that there will be no adverse effects on integrity for all relevant Welsh SPAs from the project alone and in-combination with other plans and projects. JNCC confirmed in their response to ExQ2 (REP5-067) that they are in agreement with the conclusions of the ISAA, that there will be no adverse effects on integrity for all relevant offshore SPAs from the project in-combination with other plans and projects.

4.5.3.6 Therefore, all three SNCBs for Morgan Generation Assets confirmed their conclusions of no adverse effects on the integrity of all features of all European sites both alone and in-combination with other plans and projects by the close of Examination.

4.5.4 Report on Implications for European Sites

4.5.4.1 The Report on the Implications for European Sites (RIES) (PD-011) was published by the Examining Authority (ExA) on 6th February 2025. The RIES set out the conclusions of the SNCBs from Deadline 5 submissions and their previous submissions on the potential for an adverse effect on the integrity of SACs and SPAs. The ExA concluded that submissions made by the Applicant at Deadline 5 appeared to have resolved Natural England's, NRW's and JNCC's concerns regarding marine ornithology and that the ExA considered a derogation case unlikely to be necessary.

4.5.4.2 The Applicant has responded to the ExA questions within the RIES at Deadline 6 (S_D6_6).

4.5.5 Summary

4.5.5.1 The information presented within the ISAA for the Morgan Generation Assets, together with information provided through the Examination, sets out a comprehensive and robust assessment of the potential impacts on European sites. The HRA Stage 2 ISAA concludes that the Morgan Generation Assets would not have any adverse effect on the integrity of any European sites either alone or in-combination with other plans and projects. Natural England, NRW and JNCC have all confirmed agreement with these conclusions, therefore a HRA derogation case is not necessary. This was reflected in the conclusions of the ExA RIES. The Secretary of State can rely on the information presented to reach the same conclusion when they undertake their own HRA as part of the determination of this application.

5 COMMERCIAL FISHERIES

5.1 Policy context

5.1.1.1 The National Policy Statements (NPS) outline specific requirements for offshore wind developers concerning fishing operations, co-existence, and mitigation. Specifically paragraphs 2.8.152–2.8.164 and 2.8.250–2.8.251 of NPS EN-3 require developers to consider the potential for co-existence with the commercial fishing industry and establish appropriate mitigation measures in consultation with key stakeholders.

5.1.1.2 The key considerations for the Secretary of State (SoS) in decision-making are outlined in paragraphs 2.8.318–2.8.324, with two fundamental principles set out in paragraphs 2.8.322 and 2.8.323:

- The SoS must be satisfied that the Applicant has sought to design the project following consultation with key stakeholders, including the MMO, Defra, and representatives of the commercial fishing industry, to minimise the loss of fishing opportunities while also considering effects on other marine interests.
- Secondly, the Secretary of State is directed to consider the extent to which disruption to the fishing industry has been mitigated where reasonably possible.

5.1.1.3 These provisions aim to facilitate co-existence between offshore wind farms and the commercial fishing industry, while also acknowledging that a degree of impact may be unavoidable. Providing that an Applicant has taken reasonable and proportionate steps to mitigate impacts, compliance with the NPS policy requirements is achieved.

5.1.1.4 The Applicant respectively submits that it has met these policy requirements for the reasons outlined in previous submissions:

- It has undertaken extensive stakeholder engagement since June 2021 to date, with this consultation positively acknowledged throughout the examination process. The Applicant remains committed to maintaining engagement, as set out in the Outline Fisheries Liaison and Coexistence Plan (FLCP) (REP5-027)
- The Applicant has incorporated industry leading design measures to promote continued fishing activity, including minimum 1,400 m turbine spacing in a north-south alignment and the designation of a Scallop Mitigation Zone (SMZ) within the Morgan Array Area (see Section 5.2 for detail).
- The Applicant is proposing further mitigation measures where it is reasonably possible to do so, with a view to minimising the loss of fishing opportunity, both in the construction period through the use of rolling safety zones, rather than closing the whole Morgan Array Area and through the use of the Outline FLCP to manage potential impacts through construction and operation.

5.1.1.5 The Applicant considers that there can be a high degree of confidence that those proposed mitigation and coexistence measures will be successful. It has been stated by SFF and WCSP that scallop dredge fishing within Scottish offshore wind farms has continued post construction. 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). 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 scallop (king and queen) dredging.

5.1.1.6 As such, The Applicant has taken all reasonable steps required by the NPS to mitigate potential impacts on commercial fisheries and implement reasonable mitigation,

following extensive stakeholder engagement. The assessment set out within Environmental Statement - Volume 2, Chapter 6 - Commercial fisheries [APP-024] concluded that, through the design of the Morgan Generation Assets and mitigation measures proposed, there would be no residual significant effects as a result of impacts on commercial fisheries.

5.2 Mitigation by design and additional commitments

5.2.1.1 Commercial fisheries mitigation measures are presented in the Outline FLCP (REP5-027) and Commitments Register (S_D6_34). These have been developed and updated via continual consultation with commercial fisheries stakeholders since initial engagement commenced in June 2021. The significant level of engagement and number of meetings since this date are demonstrated in the Technical Engagement Plan (APP-094) and Statement of Common Grounds (REP5-053 and S_D6_OF).

5.2.1.2 The mitigation set out within the Outline FLCP include both industry standard measures and project-specific design-related measures. They are robust, implementable and will reduce impacts to an acceptable level in EIA terms.

5.2.1.3 An initial assessment of potential impacts on commercial fisheries receptor groups was undertaken and presented in the Preliminary Environmental Information Report (PEIR), Volume 2, Chapter 11: Commercial fisheries (published in April 2023). The PEIR assessment concluded a moderate adverse impact on the “Scallop vessels – Scottish west coast” receptor group via ‘Loss or Reduced Access to Fishing Grounds’ during the operational phase (significant in EIA terms). In order to reduce this impact to a non-significant level, additional mitigation measures were developed based on further feedback from commercial fisheries stakeholders received via the statutory consultation on the PEIR undertaken in April/May 2023. The updated assessment was presented in Volume 2, Chapter 6: Commercial fisheries (APP-024).

5.2.1.4 The primary additional mitigation measure is the inclusion of a Scallop Mitigation Zone (SMZ) within the array area over an area of core scallop grounds identified by stakeholders. This will be an area free from surface infrastructure (turbines and offshore substation platforms). The SMZ will be either a minimum of 34 km^2 or maximum of 37 km^2 subject to the final design plan and turbine procurement process. If the SMZ is 37 km^2 there will be no peripheral turbines, cables or cable protection required through the SMZ. The Applicant has always maintained through consultation that the Project needs to retain the design flexibility 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.

5.2.1.5 As far as the Applicant is aware, the nature and extent of the proposals put forward are an ‘industry first’ approach for co-existence with commercial fisheries interests, going above and beyond what has been proposed for other similar developments. A position recognised by WCSP, who acknowledged the Applicant had gone above and beyond the norm with regard to fisheries mitigation, in its oral submissions during ISH3 [EV6-008, time stamp 00:52:03:17 - 00:52:36:19] and consultation engagement during ISH2 [EV4-009, time stamp 00:52:18:12 - 00:53:33:12].

5.2.1.6 Other primary measures included to reduce impacts on commercial fisheries are north to south alignment of wind turbine rows (the dominant towing pattern for scallop vessels in this area is north/south), minimisation of cable protection where possible, minimising the time delay between sequential cable installation operations to as short

as reasonably practicable and minimum spacing between wind turbines of 1,400m (excluding for micrositing).

5.2.1.7 Due to the inclusion of the SMZ, combined with other measures, Volume 2, Chapter 6: Commercial fisheries (APP-024) concludes a minor adverse impact on the West Coast Scallop receptor group via 'Loss or Reduced Access to Fishing Grounds' during the operational phase (not significant in EIA terms). A similar conclusion was reached with respect to cumulative impacts.

5.2.1.8 Additional tertiary mitigation measures include investigating the establishment of a commercial fisheries working group to provide a forum for information sharing and discussion of key issues with other developers and fisheries stakeholders. This will include the results of scallop monitoring and adaptive management proposals. The other main commitment is the use of advisory clearance distances and safety zones and rolling advisory exclusion zones during construction and periods of major maintenance, so that the entire array does not have to be closed to fisheries stakeholders. This information will also be communicated to fisheries stakeholders via Notices to Mariners and using regional Offshore Fisheries Liaison Officers to disseminate project information. Liaison with the stakeholders is a continual commitment to coexistence.

5.2.1.9 Cables and cable protection are an understandable safety concern to fisheries stakeholders. The Applicant has committed to providing a detailed cable laying plan, including techniques and ongoing monitoring of cables, based on a post-consent Cable Burial Risk Assessment (CBRA) which will determine the minimum burial depth for cables. Following further engagement, the Applicant committed to ensuring this process takes account of potential seabed change where possible. The Applicant will also provide plotter format information to fisheries stakeholders on the location of cable protection.

5.2.1.10 A final FLCP will be prepared by the Applicant post consent, and submitted to the MMO for review and approval, prior to the commencement of marine works.

5.3 Matters considered through Examination

5.3.1 Queen scallop fishery

Conclusion of Assessment

5.3.1.1 The conclusions of the assessment of impacts on commercial fisheries were challenged by commercial fisheries stakeholders. Specifically, the Scottish Fishermen's Federation (SFF) and West Coast Sea Products Ltd (WCSP) who stated that they felt the significance of impacts on the scallop fishery would be greater than presented in Volume 2, Chapter 6: Commercial fisheries (APP-024).

5.3.1.2 Whilst the potential impacts on selected scallop vessels in particular are noted (and assessed in the EIA pre-mitigation), it is also important to note that the fishing areas that lie within the Morgan SMZ and wider Array are not unique and rather form part of much wider fishing grounds. It should also be noted that scallop vessels already fish around existing infrastructure in the Irish Sea region, including buried cables and charted wrecks. Finally, it is known that scallop vessels of similar size fish with heavier gear for king scallops within operational offshore wind farm sites in Scotland. Therefore, the Applicant maintains that the conclusions of the assessment are robust.

SMZ

5.3.1.3 The Applicant considers that the current mitigation measures set out within the Outline FLCP (REP5-027) are robust, implementable and will reduce impacts to an acceptable level in EIA terms. However, it is noted that there has been discussion between the Applicant and Interested Parties (SFF, WCSP and IoM TSC) about the efficacy of the proposed mitigation, in particular the SMZ. This specifically pertains to the Applicant's need to retain the option to install subsea cables within certain areas of the SMZ.

5.3.1.4 Whilst commitments have been made to bury these cables and minimise the use of cable protection as far as possible, commercial fisheries stakeholders have raised concerns on two particular aspects, based on their experience of scallop fishing in other operational wind farms:

- Initial cable burial may not be achieved due to ground conditions, resulting in a need for the use of external cable protection within the SMZ; and/or
- Even if initial burial is achieved, parts of these cables may become exposed over the lifetime of the project. In both these scenarios, commercial fisheries stakeholders claim fishing access will be restricted, thus reducing the efficacy of the SMZ.

5.3.1.5 The Applicant re-iterated at ISH3 (see Written Summary of Submissions (S_D6_5)) that its interests are fully aligned with fisheries stakeholders in achieving suitable burial depth to avoid cables becoming exposed or needing cable protection. Notwithstanding this, in response to these concerns 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 (REP5-027), will be provided to UKHO and KIS-ORCA post-construction, including any reported cable protection locations. If these services are able to report additional cable protection locations, this information could be provided. The Applicant will share any cable protection locations within the SMZ (if applicable) in plotter format.
- 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 (REP5-027)). 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 (REP5-027)).

5.3.1.6 Despite the commitments made at Deadline 2, the SFF stated in their Deadline 5 submission (REP5-086) that the presence of any cables within the SMZ would render the area a "no-go zone" for scallop fishing. Evidence obtained by the Applicant and submitted at Deadline 6 (S_D6_3) indicates that SFF are overstating this position. The Applicant is aware of scallop fishing activity throughout this Irish Sea region where there are many existing cables (often within proximity to each other) crossing the core fishing grounds (as shown in Figure 19.1 and Figure 19.2 in S_D6_3), and also within other offshore wind arrays and maintains that, with the provision of accurate data on cable locations and protection measures, vessel skippers can adjust their operations

accordingly. This would enable access and continuation of fishing activity within the SMZ, while mitigating risks associated with gear snagging.

5.3.1.7 During ISH 3, the WCSP acknowledged that scallop dredge vessels already operate in areas with subsea cables and associated protection, adapting their activity as needed (EV6-007 and EV5-008). Additionally, discussions during ISH 3, prompted by questions from the ExA, confirmed that queen scallop vessels in this region already navigate around existing wrecks and fasteners, demonstrating their ability to adapt to various seabed constraints.

Monitoring

5.3.1.8 Even though no significant impacts (in EIA terms) have been predicted via the assessment, in recognition of concerns raised by commercial fisheries stakeholders about access to existing fishing grounds, the Applicant has committed to undertaking monitoring of fishing activity within the Morgan Array Area in order to identify any changes to fishing activity within and around the Morgan Array Area. Where any changes are identified, these will be discussed with commercial fisheries stakeholders. More specifically, annual reviews of Vessel Monitoring System (VMS) data, I-VMS data (when available) and landings data will be undertaken for the first five years of the operations and maintenance phase. 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).

5.3.1.9 Written representations from Commercial fisheries stakeholders (SFF, SWFPA and WCSP (REP1-059 and REP1-065)) expressed concerns regarding the potential for indirect effects on the queen scallop fishery resulting from changes to queen scallop densities. Additionally, the Department of Environment, Food and Agriculture, Isle of Man Government, raised the need for a scallop monitoring programme through engagement on the SoCG with the Territorial Seas Committee (S_D6_IoM TSC) and requested that the monitoring should cover both king and queen scallop.

5.3.1.10 The Applicant notes that the potential for impacts on commercially important fish and shellfish resources has been assessed in section 6.10.5 of Volume 2, Chapter 6: Commercial fisheries (APP-024) and concluded that there will be no significant adverse effects (see further detail regarding ecological assessment in section 4.3.1 above). 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. Nevertheless, the Applicant has committed to a comprehensive adaptive monitoring programme of queen and king scallop in and around the Morgan Array Area (that will link to wider regional ongoing and proposed monitoring schemes) on a voluntary basis. In addition to this that Applicant has also committed through the Offshore in-principle monitoring plan (see table 1.5, [S_D6_34]) to the provision of adaptive management (the nature of which would be agreed with the MMO) should for any unforeseen reason the monitoring show that effects were materially worse than predicted in the ES. Further detail on Scallop monitoring is presented in the Offshore In-Principle Monitoring Plan (S_D6_34), the Outline FLCP (REP5-027) and in the Commitments Register (S_D6_33). As a result of the commitments to undertake scallop monitoring and other updates to the Outline FLCP (REP5-027), all outstanding matters related to commercial fisheries in the SoCG with the Territorial Seas Committee (S_D6_IoM TSC) are now resolved and all matters related to fish and shellfish ecology are agreed in the MMO SOCG submitted at Deadline 6 (S_D6_MMO).

5.3.2 Pelagic herring fishery

5.3.2.1 The SFF has claimed that vessels using pair trawls for pelagic herring would be unable to fish between turbines. However, the Applicant disagrees. The minimum 1,400 m turbine spacing within the Morgan Array Area, developed in response to stakeholder feedback, is the widest of any UK offshore wind project. This is specifically designed to optimise accessibility and facilitate continued fishing activity, including pelagic fisheries, during the operations and maintenance phase.

5.3.2.2 The Applicant has further committed to ensuring that access to the Morgan Array Area remains open during construction and operation through the implementation of rolling advisory exclusion zones, advisory clearance distances, and adherence to the latest FLOWW guidance for ongoing fisheries liaison. These measures will allow pelagic vessels to continue fishing within the array while managing interactions with offshore infrastructure.

5.3.2.3 The maximum distance between vessels operating pair trawls in the region is approximately 450 m, which would allow fishing activity to continue within the turbine layout. Furthermore, pelagic fishing activity is primarily concentrated along the western edge of the Morgan Array Area, where the SMZ is proposed. Once past the single row of peripheral turbines (if required in the final design), vessels will have unrestricted access to fishing grounds.

5.3.2.4 Additionally, pelagic fishing gear does not present the same operational concerns regarding interactions with cables and cable protection as scallop dredge gear, reinforcing the feasibility of continued fishing within the array.

5.3.2.5 Based on these factors, and as assessed in Volume 4, Chapter 6: Commercial Fisheries (APP-024), the Applicant maintains that the potential impacts on pelagic fisheries, including herring fishing, are expected to be limited.

5.3.3 Need for further mitigation or compensation

5.3.3.1 The Applicant also clarified in its response to Examining Authority question CF 2.1 [REP5-013] that no further mitigation or compensation was considered necessary or appropriate. The Applicant has had regard to the FLOWW Guidance (2014 and 2015) throughout the development of the Morgan Generation Assets, including when further mitigation or compensation might be appropriate. The FLOWW guidance sets out that compensation payments should only be used as a last resort where there is a residual significant effect and to be paid following demonstration of accurate and justifiable claims. The FLOWW Guidance is targeted at commercial fisheries being displaced from an area, rather than concerns about loss of resource.

5.3.3.2 As set out above, the mitigation measures committed to by the Applicant (including through design) are considered to remove the potential for significant effects on any commercial fisheries interest. That conclusion has been reached with a high degree of confidence. The Applicant has complied with the requirements of the NPS.

5.4 Conclusion

5.4.1.1 The Secretary of State can be satisfied that the Applicant has considered the potential for co-existence with the commercial fishing industry and establish appropriate mitigation measures in consultation with key stakeholders, as required by paragraphs 2.8.152–2.8.164 and 2.8.250–2.8.251 of NPS EN-3. The measures proposed are an ‘industry first’ and ensure that there would be no significant effects. There are no other reasonable measures that could be undertaken by the Applicant. The Secretary of

State can conclude that the Morgan Generation Assets accords with paragraphs 2.8.318–2.8.324 of NPS EN-3.

6 OTHER OFFSHORE INFRASTRUCTURE AND OTHER SEA USERS

6.1 Existing Offshore Wind Farms - Wake Effects

6.1.1.1 Relevant representations were made by six wind farm operators (Barrow Offshore Wind Limited, Burbo Extension Ltd, Morecambe Wind Limited, Ørsted Burbo (UK) Limited, Walney Extension Limited and Walney (UK) Offshore Windfarms Ltd) regarding potential wake effects on their operational projects. Throughout the Examination those parties have made representations as a group, referred to as the Ørsted Interested Parties (Ørsted IPs). The Ørsted IPs projects range from 8.1 km to 61.6 km from the Morgan Array Area, at their closest points.

6.1.1.2 There are other operational wind farms in the Irish Sea, but these operators did not register as interested parties and therefore did not make representations on potential wake effects. No representations have been made on this matter by any regulators or public bodies.

6.1.1.3 The Morgan Generation Assets meets The Crown Estate's (TCE) spacing criterion between Round 4 developments and existing offshore wind farm infrastructure. One of TCE's objectives for Leasing Round 4 was to balance the range of interests in the marine environment, supported by extensive engagement with stakeholders and the promotion of responsible evidenced-based site selection[5]. TCE's Region 17 Irish Sea Site Characterisation Report notes "*The cumulative impact of offshore wind farm (OWF) developments and associated cable infrastructure will need to be considered in this area as there may be concerns around wind resource and proximity to existing sites. There will need to be a 5 km buffer around existing offshore wind projects – any new wind developments within 5 km will need the permission of the incumbent party*."[6] The Applicant notes that TCE increased this spacing to 7.5 km[7], following further consultation. TCE expect (REP5-089) that developers consider when it is appropriate to undertake project-specific assessments, and the appropriate scope of these, as part of their site selection, design, and other development activity based on the individual project locality and characteristics and the Applicant has fully complied with this.

6.1.1.4 The Applicant also notes that there has always been plans for offshore wind farm development in the Irish Sea and Orsted (as DONG) previously developed and therefore anticipated projects coming forward in this region.

6.1.2 Mitigation

Design refinement

6.1.2.1 The pre-application design process for the Morgan Generation Assets is set out within Environmental Statement - Volume 1, Chapter 4 Site selection and consideration of alternatives (APP-011). The process was transparent and collaborative, with design changes informed by the iterative EIA process and stakeholder feedback. It balanced a wide range of environmental and technical factors, whilst seeking to achieve the key policy aim set out in paragraph 2.8.2 of NPS EN-3 for developers to maximise the

[5] Offshore Wind Leasing Round 4 | The Crown Estate

[6] Region 17 Irish Sea

[7] tce-r4-information-memorandum.pdf

capacity of new large-scale energy development within technological, environmental and other constraints.

6.1.2.2 Specifically, the Morgan Array Area was reduced following receipt of statutory pre-application consultation responses on the Preliminary Environmental Information Report (PEIR). The refinements to the Morgan 'Potential' Array Area as set out in APP-011 and Volume 2, Chapter 9: Other sea users (S_D6_22 Volume 2, Chapter 9: Other sea users F02) related to minimising interaction with other sea users, existing offshore wind farms, and power cables, with key refinements made to minimise risks to shipping and navigation.

6.1.2.3 The Applicant has demonstrated through the Greenhouse Gas Assessment Technical Note submitted at Deadline 6 (S_D6_41 Calculation of Net Effects on Greenhouse Gas Emissions F02), that this boundary change between PEIR and application submission which increased the distance to the offshore wind farms operated by the Ørsted IPs (from 7.5 km to a minimum of 8.1 km) has indirectly mitigated any wake impact by 0.2 % on average across the Ørsted IPs projects.

Further mitigation

6.1.2.4 Ørsted IPs suggested further mitigation options in REP4-047 such as a design change, wind sector management and wake steering. The Applicant has responded in detail to each of these options in REP5-015. Firstly, implementing changes to the internal layout of the Morgan Generation Assets are likely to have no measurable impact on the Ørsted IPs projects because the overall downstream wake effect from Morgan would remain broadly unchanged for a constant number of turbines installed within this area. Secondly, an increased separation distance (in all directions) or further reduction to the boundary of the Morgan Generation Assets would have a disproportionately large adverse effect on the Morgan Generation Assets compared to any modest benefit for the Ørsted IPs projects. This has been determined using a first-principals model approach (as compared to a detailed project specific model which is not possible due to a requirement for information regarding the Ørsted IPs projects which remains confidential). This would therefore have significantly negative effects on overall energy production and GHG reduction as a whole and reduce the annual energy production of the Morgan Offshore Wind Project, resulting in a large loss of avoided emissions that far outweigh those lost by the Ørsted IPs projects as a result of wake loss effects (REP5-041). Thirdly, wind sector management would cause a significant reduction in the output of the Morgan turbines and provide only a small relative benefit to the Ørsted IP projects. In a similar manner to reducing the capacity of Morgan, the net impact of the mitigation would be a considerable reduction in the energy output of the projects collectively. Finally, there is no evidence to suggest that wake steering would materially reduce the downstream wake from the array to reduce wake impacts on neighbouring arrays located at significant distances downstream, as are the Ørsted IP projects.

6.1.2.5 The Applicant respectfully submits that there is therefore no justifiable basis for such a further amendment to the boundary as "mitigation" and there is no 'appropriate wake mitigation' that can be applied between different offshore wind projects, which would not have a disproportionate effect on the Morgan Generation Assets and further mitigation is therefore not feasible.

6.1.3 Matters considered through Examination

Policy disagreement

6.1.3.1 The Applicant and the Ørsted IPs have disagreed throughout the Examination on the legal and policy requirement for undertaking an assessment of wake effects on the Ørsted IPs operational projects. The Applicant considers that, on a proper interpretation of the EIA Regulations and the paragraphs of NPS EN- 3 referenced by the Ørsted IPs, there is no legal or policy requirement for the Applicant to conduct a detailed wake loss assessment, and that the NPS policy tests have been met.

6.1.3.2 It is notable that the NPS paragraphs relied on by the Ørsted IPs are in the same terms as the provisions set out in the 2011 NPS. If the effect of those provisions was to require any new offshore wind farm development to assess wake loss effects on existing wind farms, that would have become a well-established practice in the industry by this point. That is simply not the case. That is not how those policies have been applied historically and there is no basis for a change in interpretation now. The Ørsted IPs note that reference to wake effects has been made in previous DCO Examinations (reference to Awel y Môr, Burbo Bank Extension and Hornsea Two), however, to the Applicant's knowledge none of those Examinations have included detailed assessment of wake effects on operational wind farms, as the Ørsted IPs suggest is required. These limited examples, which themselves did not require detailed wake assessment, do not support the interpretation put forward by the Ørsted IPs when considered against the far greater number of offshore wind farm DCO applications that have been determined without any wake loss assessment, or indeed any suggestion that there should be one. The lack of consistency in the Orsted IPs approach to its own developments (including Mooir Vannin) also demonstrates that this is not a settled policy position as suggested by the Orsted IPs.

6.1.3.3 NPS EN-3 para 2.8.197 sets out that where a potential offshore wind farm is proposed close to existing operational offshore infrastructure, or has the potential to affect activities for which a licence has been issued by government, the applicant should undertake an assessment of the potential effects of the proposed development. At over 8 km (at the very closest point) from the Ørsted IPs projects and in compliance with TCE's siting criterion the Morgan Generation Assets cannot be said to be close to those projects. Had it been the intention of this policy to apply to all existing offshore infrastructure the word "close" would not have been used to limit or contain circumstances when assessment is required. The activities that a licence has been issued to the Ørsted IPs projects relate to the installation and operation of the respective projects, and not a licence that regulates extraction of power from the wind. This paragraph must be read in the context of activities for which a licence has been issued by Government as opposed to simply any activities in the Irish sea. On this basis para 2.8.197 paragraph is not engaged in this context.

6.1.3.4 NPS EN-3 para 2.8.198, states an assessment should be undertaken for all stages of the lifespan of the wind farm in accordance with the appropriate policy and guidance for offshore wind farm areas. The Applicant has demonstrated throughout the examination that there is no appropriate policy or guidance for offshore wind farm areas on which to undertake a wake loss effects assessment, and no established regulator looking at this matter – and these points have not been challenged by the Orsted IPs. An assessment of this nature is not something that has previously been undertaken for any consent application or assessment to date, and there is no guidance in existence which would allow a transparent and informed assessment to be undertaken of a new wind farm on the yield of existing operational wind farms.

There is also no transparent or recognised basis on which to determine the significance of effects which is needed for any consideration of policy compliance and the requirement for mitigation.

6.1.3.5 The Crown Estate's (TCE) Round 4 separation criterion, as referenced above, is important in the interpretation of paragraphs 2.8.197 and 2.8.198 of NPS EN-3. TCE have a unique and central role in the offshore wind industry as the authority responsible for seabed leasing. They have a strategic role to play in the development of the industry, part of which is implemented through the criteria that they impose for each leasing round. Those criteria are fixed taking account of industry representations and concerns, ultimately determining the measures that TCE consider acceptable to manage interactions with other sea users, subject to the details of any specific project. TCE increased the separation distance between projects between the previous 'extensions round' and Round 4 from 5 km to 7.5 km, deliberately limiting proximity of projects. That increase took into account submissions made by the wider offshore wind industry and, as far as the Applicant is aware, there was no suggestion by the industry that 7.5 km was unacceptable. Paragraphs 2.7.197 and 2.8.198 of EN-3 should be read in light of that wider strategic context, and the exercise already undertaken by TCE in assessing what separation distance was acceptable for Round 4 projects.

6.1.3.6 As well as highlighting the lack of any policy requirement for an assessment to be undertaken the Applicant has set out the complexity in undertaking an assessment. The modelling of wake loss effects is dependent on very accurate information of the wind farm that is being proposed as well as the existing operational wind farm (in terms of their current yield, when they have downtime, their internal wakes etc.). This information is either not known (for instance power curves for turbines that represent Morgan's Maximum Design Scenario (MDS) or confidential and not available in the public domain. There is also a large range of modelling options (model types, developers, settings, assumptions) and no currently accepted industry standard model or methodology. There is also no recognised approach to assessment (e.g. IEMA guidance) that allows any robust analysis to be undertaken for EIA purposes.

6.1.3.7 The Applicant notes that in presenting its own assessment of impacts the Ørsted IPs have not been able to overcome those limitations, and as such have presented an incomplete and unverifiable assessment. The report includes reference to commercially sensitive data that cannot be disclosed, makes assumptions for the basis of modelling that do not reflect Morgan's MDS, and fails to present a repeatable or verifiable case. The results of that report must be read in this context, and the Applicant therefore has been unable to verify whether the results of the report are representative or accurate.

6.1.3.8 As the Applicant has set out through its representations, it does not consider an assessment needs to be conducted, given the lack of policy and guidance to undertake one. That lack of policy and guidance is also of relevance to the drafting and benefit of a DCO Requirement which might seek to control design parameters (similar to that included in the Awel y Môr DCO) in order to address the Ørsted IP's issue. The Applicant is unclear how any Requirement would work in the absence of guidance that sets out what constitutes a significant effect, or what change against a baseline mitigation might need to deliver against the impact any mitigation would have on the new generation delivered by the Morgan Generation Assets. There is considerable doubt as to how such a requirement would be discharged and how it can be enforced by the Secretary of State, failing two of the relevant tests. It is also clear that any mitigation would have a significantly more detrimental impact on the energy generation from Morgan than any minor benefit that may be accrued by the Ørsted IPs projects, both on an annual basis and even more so when considering the lifetime impacts on

Morgan of potential mitigations will persist well past the decommissioning of the Ørsted IPs projects. Such a requirement is unnecessary to make the development acceptable in planning terms, and wholly unreasonable.

6.1.3.9 The Applicant submits that a commercial agreement is not suitable or necessary in this matter. Commercial agreements are only relevant where there are identified residual effects (either by the Applicant or as proposed by a regulator/SNCB) under the EIA process, undertaken against guidance established by regulators in the relevant field, and where supported by policy, which is not the case for the Ørsted IPs issue of wake effects. The Applicant does not believe there is therefore a case for meaningful engagement on a commercial side agreement on that basis. In any event, the need to enter into a commercial agreement is a matter that would be discussed between the parties outside of the planning system.

Greenhouse gas emissions

6.1.3.10 During Issue Specific Hearing (ISH) 1, Ørsted IPs suggested the impacts of Morgan Generation Assets on loss of energy generation at the Ørsted IPs' developments is relevant to evaluating the benefits of the Project in terms of emissions reductions and climate change benefits. The Ørsted IPs stated this assessment must calculate the 'net' benefit – i.e. accounting for renewable energy generation losses arising from impacts to other offshore developers, as well as potential new generation from the Project (REP1-060 to REP1-064). In response, the Applicant has demonstrated that if any potential effects on the Ørsted IP projects' energy production (based on the estimated wake effects put forward by the Ørsted IPs in REP5-059c but not indicating in any way the Applicant's agreement with these effects) are considered in an assessment of the greenhouse gas emissions abatement of Morgan Generation Assets, the results of that assessment remain unchanged, showing an overwhelmingly positive benefit from Morgan Generation Assets (REP5-041). Furthermore, a conservative capacity factor for the Morgan Generation Assets has been used, based on historic UK offshore wind project data, and it is likely that the avoided emissions would be greater in reality.

Potential for mitigation

6.1.3.11 The Applicant emphasises that there is no appropriate wake mitigation as there is no policy or guidance requiring an assessment of wake impacts, or stating what mitigation would be considered appropriate, to ascertain what level of residual effect is considered acceptable.

6.1.3.12 By considering a first-principal model approach (as compared to a detailed project specific model, which as set out above (paragraph 6.1.2.4) is not possible, the Applicant has demonstrated that mitigation, in the form of boundary/area reduction to the Morgan Array Area, as suggested by the Ørsted IPs, would have a net negative effect on the GHG abatement of all projects taken together. The impacts of any mitigation would have significantly greater impact on Morgan Generation Assets than on Ørsted IP projects (as to be expected given wake effects are significantly greater within wind farms than at a distance), and therefore any spatial mitigation would reduce the overall GHG abatement of Morgan, whilst providing very little benefit to the Ørsted IPs projects.

6.1.3.13 The potential effects on the Ørsted IPs are already minimised by the siting of Morgan Generation Assets at over 8.1 km away (which includes a demonstrable mitigation achieved through boundary refinements made between PEIR and final consent application). Any greater increase through amendment to the boundary/area of the

Morgan array would compromise the objective of Morgan to deliver 1.5 GW of clean energy by 2030 and compromise the broader policy ambitions of the UK Government, through the NPS and otherwise, to maximise clean energy production. No further amendment to the Morgan array can be justified.

Residual impacts

6.1.3.14 Residual impacts including the remaining lifetime of the affected assets entire production predominantly impacted by internal wake, will not be realised in the near-term and may only be relevant in long-term decision making where the individual Ørsted IPs projects are already operating in a marginal way. The Applicant notes that any potential wake effects therefore may not be relevant at all in decision making for some of the Ørsted IPs assets, and it is the Applicant's understanding that it may not be relevant for decision making regarding any of the Ørsted IPs assets.

6.1.3.15 There are many factors that will influence the decision to continue to operate an offshore wind asset at some time in the future. These include the operational condition of the assets, the operations and maintenance costs of the project at the time and availability of replacement parts, the power price agreement the project holds, and other factors related to both the asset itself and the portfolio of assets it sits within. Morgan Offshore Wind Project would not affect any of these factors. Any potential in-direct affect from Morgan for some of the most marginal of the Ørsted IPs assets would be at most of minor relevance to decision making in the long-term. The Morgan Offshore Wind Project can therefore not be argued to be affecting the future viability of the Ørsted IPs assets.

6.1.3.16 The Applicant believes that the Secretary of State can and should conclude that no detailed wake loss assessment is required, that Morgan Generation Assets has fully complied with the terms of the NPS and benefits from the policy presumption for CNP infrastructure and that no DCO requirement relating to wake effects is necessary or justified.

6.2 Oil and Gas infrastructure

6.2.1.1 Harbour Energy submitted a relevant representation (RR-012) and subsequent written representation (REP1-044) in respect of potential impacts to decommissioning activities of the Millom West Platform and Millom East subsea facilities, each forming part of the Millom Field that is owned and operated by Harbour Energy. Harbour Energy's submissions developed through the Examination, and its submission at Deadline 5 (REP5-064a) related to three aspects of the decommissioning of Millom East only: (i) potential restrictions on helicopter access to a Non-Production Installation that would be used for decommissioning (ii) potential simultaneous operations in the marine environment and (iii) marine access.

6.2.1.2 The Environmental Statement, Volume 2, Chapter 9 Other sea users (S_D6_22 Volume 2, Chapter 9: Other sea users F02) and Chapter 11 Aviation and radar (APP-015) included an assessment of potential impacts on operations of oil and gas infrastructure, including helicopter access for Harbour Energy to the Millom Field (see section 11.9.2 of APP-015). The Environmental Statement concluded that, in EIA terms, any potential effect would be no more than minor and non-significant.

6.2.1.3 In respect of each issue raised by Harbour Energy, the Applicant does not consider that any further mitigation is necessary to be secured through the draft DCO, based on recent precedent and through the application of normal custom and practice for marine and industry co-ordination.

6.2.1.4 It is important context that there is no certainty that disruption to Harbour Energy's decommissioning operations would be caused by the construction or operational period of the Morgan Generation Assets. Harbour Energy's submissions to the Examination state that the timing remains uncertain, but there is every possibility that it takes place before construction of the wind farm commences. In addition, the decommissioning programme would take place over a relatively short period of time – with Harbour Energy indicating around 120 days split through a number of years (see REP5-064a). That of itself limits the likelihood and extent of conflict, which the Applicant considers to be relevant when considering what mitigation is appropriate.

6.2.2 Helicopter Access to Millom East

6.2.2.1 The Applicant's position is that the site selection and design meet the policy tests set out in paragraph 2.8.345 of NPS EN-3, having been made with a view to avoiding or minimising disruption or economic loss or any adverse effect on safety to other offshore industries.

6.2.2.2 The Applicant's Volume 4, Annex 11.1 Aviation and radar technical report (APP-045) Appendix A identifies the potential impact on helicopter operations. This assessment used a methodology that has been accepted during previous offshore windfarm NSIPs (Sheringham & Dudgeon Extension EN010109 APP-205). In particular, it applied the aviation meteorological limits to the data provided by Harbour to identify when conditions were day and night, and Visual Meteorological Conditions (VMC) or Instrument Meteorological Conditions (IMC).

6.2.2.3 APP-045 Table A.2 identifies that historically in daylight an annual mean of 94% VMC was available for access to an NPI. This has been further validated by the Applicants analysis submitted at Deadline 6 (S_D6_3.3 Annex 3.3: Helicopter Access Additional Flight Data, S_D6_3.4 Annex 3.4: Helicopter Access Additional Meteorological Analysis F01) of previous flights to NPI's at the adjacent Millom West (i.e. similar NPI's and operations to be carried out for decommissioning at Millom East). The analysis showed for the NPI working at Millom West between February and October 2022, there were 117 landings, 1 at night, 2 in day IMC and 114 of these under day VMC. Therefore 2.6% of landings would have been impacted by the presence of the Morgan Generation Assets. In addition, the same data showed that during two occasions where NPI's were working at Millom West during September and October 2022 and December 2023 there were circa 140 flights taking place with 99% of these flights between the hours of 1000 and 1500. This support's the Applicant's position that most flights are conducted under day VMC and the access assessment is valid, and that Harbour Energy are being overly conservative in their assessment.

6.2.2.4 Harbour Energy's REP1-044 A1.2.6 claims that an obstacle free radius of 1.9 nm is required around a helideck. In REP5-054 they further request an obstacle free distance of 3 nm around the Millom East Pipeline End Manifold (PLEM). No explanation is given for that increase. In any event, a distance of either 3 nm or 1.9 nm is considered excessive by the Applicant and not supported by current Commercial Air Transport (CAT) operations in and around offshore windfarms, or recent Development Consent Orders (DCOs). In respect of the safety limb of the policy, there is no suggestion by Harbour Energy that the distance of 2.07 nm between the Millom East PLEM and the closest point of the Order Limits for the Morgan Generation Assets is unsafe. The Applicant set out various examples in Issue Specific Hearing 3 (ISH3) (S_D6_5 ISH3: Hearing Summary F01), of instances where there are ongoing activities in closer proximity, or closer distances have been approved within a DCO. The Examining Authority and Secretary of State should conclude that there is no potential safety concern.

6.2.2.5 The second limb of the policy is to avoid or minimise disruption or economic loss. The NPS directs that a pragmatic approach should be employed by the Secretary of State (paragraph 3.8.342 of NPS EN-3) when considering what mitigation is suitable.

6.2.2.6 The most recent DCO precedent where this issue was considered is the Examination for the Sheringham Shoal and Dudgeon Extensions Offshore Wind Farm Order 2024. As the Applicant explained at ISH3 (S_D6_5 ISH3: Hearing Summary F01), the Examining Authority in that instance concluded that a 1.26 nm obstacle free buffer was sufficient mitigation and that the Sheringham and Dudgeon Extension development accorded with NPS EN-3, as it would not pose an unacceptable risk to safety, and the mitigation included through the 1.26 nm separation ensured that disruption and economic losses are sufficiently minimised. The Secretary of State agreed with that conclusion. No provisions for compensation were determined to be necessary for inclusion within the DCO. The Applicant would invite the Examining Authority and Secretary of State to follow that precedent, with the distance between the Morgan Generation Assets DCO boundary and the Millom East subsea infrastructure being significantly greater.

6.2.2.7 The Applicant submits that the proposed distance of 2.07 nm has already adequately mitigated the potential impact on Harbour Energy for the purpose of the NPS requirements. Any further buffer distance, or phased installation, would have a disproportionate impact on the Morgan Generation Assets project. As set out in the Applicant's response to Harbour Energy's Deadline 5 submission (S_D6_3 Applicants response to IP submission at Deadline 5 F01), it is not possible for the Applicant to commit to any specific construction sequence and doing so could have significant drawbacks on the project design, execution scheme and overall business case. At most, it would afford Harbour Energy a few more months to undertake decommissioning activities whilst having the potential to cause material detriment to the construction of the Morgan Generation Assets.

6.2.2.8 The Applicant therefore considers that the inclusion of Protective Provisions within the draft DCO would not be justified or reasonable.

6.2.3 Mutually exclusive simultaneous operations and marine access

6.2.3.1 The second and third aspect to Harbour Energy's concern are the potential for mutually exclusive simultaneous marine operations and marine access. As noted above, depending on the timing of Harbour Energy's decommissioning programme there may be no conflict with the Morgan Generation Assets.

6.2.3.2 To the extent that there is potential for conflict, the Applicant considers that this is a logistical matter that can be suitably managed through normal custom and practice for marine and industry co-ordination for mutually exclusive simultaneous operations and marine access. Notification of mutually exclusive simultaneous operations will be managed through the Marine Navigation Engagement Forum (as secured in the Outline Vessel Traffic Management Plan (S_D6_36)), which will extend through the construction and a minimum of five years into the operational phase of Morgan Generation Assets, together with issuing of notice to mariners to advise of piling works commencing. This is standard practice. Marine access is a point which has been raised again within Harbour Energy's Deadline 5 submission (REP5-054/REP5-064), however it previously confirmed in its representation REP3-031 that protections for marine access were not necessary as the Order limits did not overlap with the area of concern. In its Deadline 5 submission, Harbour Energy is clear that should its aviation concerns be suitably addressed, they would accept the Applicant's position on the marine access and mutually exclusive simultaneous operations points. This stance

leads the Applicant to understand that in reality marine access and mutually exclusive simultaneous operations are not material concerns to Harbour Energy.

6.2.3.3 The Applicant does not consider there to be a reasonable basis to include any provisions in the draft DCO affording further protection.

6.2.3.4 The Applicant submits that it has demonstrated accordance with the policy tests set out in paragraphs 2.8.341 – 2.8.348 of NPS EN-3. To the extent that there are residual adverse effects, these should be afforded minimal weight in the planning balance and are considerably outweighed by the benefits of the Morgan Generation Assets.

6.3 Interrelationship and co-ordination with projects in the Irish Sea

6.3.1 Cumulative Effects Assessment

6.3.1.1 The Morgan Generation Assets DCO application included an Environmental Statement, which presented the results of the Environmental Impact Assessment (EIA), encompassing a Cumulative Effects Assessment (CEA) (as presented within the topic specific chapters of Volume 2 of the Environmental Statement). The DCO application also included the Information to Support an Appropriate Assessment (ISAA) which encompassed an in-combination assessment (APP-096, APP-097 and APP-098).

6.3.1.2 The CEA identified those projects, plans or activities with which the Morgan Generation Assets may interact to produce a cumulative effect. Information on other projects, plans or activities which was publicly available in January 2024 (up to three months before the application was submitted, as described in Volume 1, Chapter 5: Environmental impact assessment methodology (APP-012)) was considered in the CEA and in-combination assessment.

6.3.1.3 Since January 2024 (the CEA cut-off date for the Application), new projects not previously considered in the CEA have entered the public domain, and new or updated assessment material has been published on projects that had been considered in the CEA. As such, the Applicant has carried out a review of the new or updated projects, including reviewing applicable Environmental Statements, scoping reports and application documents, to identify if these projects could result in a change to the conclusions of the CEA and in-combination assessments presented in the Morgan Generation Assets application. This has included review of updated assessment material for projects in the vicinity of the Morgan Generation Assets, including the Morecambe Offshore Windfarm: Generation Assets, the Morgan and Morecambe Offshore Wind Farms: Transmission Assets, and refinements to the Mooir Vannin Offshore Wind Farm. As such, the Applicant has carried out regular CEA reviews throughout the Examination (see REP2-023, REP3-018, REP3-019, REP4-024), in line with the latest CEA guidance which states that: ‘Further assessment may be required during the examination stage for any newly identified ‘other existing development and, or approved development’ with potential to give rise to significant effects’ (The Planning Inspectorate, 2024). The Applicant has submitted a final CEA review at Deadline 6 (S_D6_29 Review of Cumulative Effects Assessment and In-Combination Assessment at Deadline 6 F01).

6.3.1.4 For all of the projects reviewed, the Applicant concluded there is no potential for new cumulative effects to arise or an increase in cumulative effects for each of the topics considered and the conclusions of the Morgan Generation Assets CEA and in-combination assessments therefore remain unchanged. The exception is for shipping and navigation, where following the increased separation between the Morgan Array Area and Mooir Vannin Offshore Array Area, the cumulative impact on vessel to vessel

collision risk and allision risk with Tier 1 and Tier 2 projects is now concluded to be minor, which is not significant in EIA terms. The Applicant is satisfied that the regular reviews of available project information during the Examination phase has ensured the maintenance of a robust evidence base upon which to establish and determine the application.

6.3.1.5 The Applicant understands that the Marine Infrastructure Consent application for the Mooir Vannin Offshore Wind Farm is proposed to be submitted in March 2025. Any application will be accompanied by an EIA and therefore contain new environmental information about the Mooir Vannin project. That information will be relevant to the assessment of cumulative and in-combination effects of the Morgan Generation Assets and it will be important that the Secretary of State has up to date information before them prior to their determination. As the Mooir Vannin Offshore Wind Farm application will be submitted after the conclusion of the Morgan Generation Assets Examination, the Applicant notes that the Secretary of State may request the Applicant carries out a further CEA review that considers the final Mooir Vannin application, during the determination phase.

6.3.2 Interrelationship with other projects in the Irish Sea

6.3.2.1 In the Rule 6 letter (PD-001), the Examining Authority set out a requirement for the Applicant to prepare a report on the interrelationships with other infrastructure projects, including the Mona Offshore Wind Project, Morecambe Offshore Windfarm: Generation Assets, Morgan and Morecambe Offshore Wind Farms: Transmission Assets, Mooir Vannin Offshore Wind Farm and Awel y Môr Offshore Wind Farm. The Examining Authority noted that there are a number of overlapping issues associated with these projects, and the importance of considering cumulative and in-combination effects with other offshore wind farms and associated grid connection projects.

6.3.2.2 The approach to coordination between the Morgan Generation Assets and the other projects identified above is set out and evidenced in the report, where appropriate (S_D4_10_Morgan Gen_Report on Interrelationships with Other Infrastructure Projects_F02). The Applicant is delivering a coordinated grid connection with the Morecambe Offshore Windfarm: Generation Assets, with coordination carried out with other relevant projects as far as reasonably practicable and appropriate given the varying project timelines. A coordinated approach to stakeholder consultation was undertaken with key projects at the outset and continued throughout the pre-application phase. Where appropriate, key survey data has been shared between the relevant projects to strengthen the individual environmental baselines, and where site-specific surveys have been carried out, these have followed standard practice and ensure that the evidence base upon which to carry out the assessments is similar.

6.3.2.3 Where relevant, the EIA and Habitats Regulations Assessment (HRA) assessment approaches have been coordinated, and delivered by the same team of competent experts to ensure consistency. This has ensured a coordinated approach to each topic of the EIA across the relevant projects, including alignment on approach to baseline data, assessment methodologies, impact assessment, cumulative impact assessment, and mitigation. The Applicant has carried out regular reviews of its CEA and in-combination assessment, which addressed the change in status of the Morecambe Offshore Windfarm: Generation Assets and Morgan and Morecambe Offshore Wind Farms: Transmission Assets since the submission of the Morgan Generation Assets application, and the further information available in relation to the Mooir Vannin Offshore Wind Farm, as noted above, and the findings are summarised in the report.

6.3.2.4 Consequently, the Applicant is satisfied that the coordination carried out as detailed in the report is sufficient to ensure a robust evidence base upon which to establish and determine each application, and goes beyond that typically undertaken for proximate offshore wind projects. Publicly available information on all projects have been kept under review during the Morgan Generation Assets Examination and updates provided at appropriate deadlines.

6.4 Other infrastructure and sea users

6.4.1.1 Volume 2, Chapter 9: Other sea users (S_D6_22 Volume 2, Chapter 9: Other sea users F02) presents the assessment of the potential impact of the Morgan Generation Assets on other sea users, including on the following activities and receptors:

- Aggregate extraction and disposal sites
- Recreational activities such as scuba diving and bathing
- Recreational receptors (including receptors carrying out activities such as sailing and motor cruising, and recreational fishing)
- Offshore energy receptors (e.g. other offshore wind farms, oil and gas operations, cable operators, Carbon Capture and Storage (CCS) and underground gas storage)
- Radar Early Warning Systems (REWS).

6.4.1.2 Potential impacts on offshore energy receptors, including other offshore wind farms and oil and gas operators, which have been the subject of representations during the Morgan Generation Assets Examination phase, are addressed separately in section 6.1 and 6.2 above. This section summarises the conclusions with respect to all other receptors relevant to other sea users.

6.4.1.3 The other sea users assessment was informed by desktop data sources, together with the results of consultation with other sea users stakeholders. This included issuing a pre-consultation questionnaire to other energy operators in the vicinity of the Morgan Generation Assets to further understand their current and planned activities. Key matters raised during stakeholder consultation included potential for interaction with current and future assets and activities.

6.4.1.4 Measures adopted as part of the Morgan Generation Assets relevant to other sea users include the use of safety zones to ensure navigational safety and minimise risk to other sea users, notification of activities through Notices to Mariners, site marking and charting, development of an Aids to Navigation Management Plan, continued communication with other offshore energy operators to promote and maximise cooperation between parties and minimise both spatial and temporal interactions between conflicting activities, use of proximity agreements with relevant cable operators in line with standard industry practice, and maintenance of under keel clearance with no more than 5% reduction in water depth as a result of any cable protection.

6.4.1.5 Construction, operations and maintenance, and decommissioning of the Morgan Generation Assets may lead to the displacement of recreational activities such as sailing and motor cruising, and recreational fishing. The spatial extent of the potential impact will be relatively small in the context of the available sailing and recreational fishing area in the east Irish Sea, with the potential for localised displacement of recreational craft from the individual safety zones and advisory clearance distances. The level of recreational activity within the local other sea users study area is considered to be low to moderate and therefore the frequency of impact was therefore

considered to be low. Recreational vessels are able to alter their route, dependent on the target destination. Notices to Mariners will be publicised regularly, advising of the location and nature of construction or major maintenance works, ensuring that recreational activities can be planned accordingly. There are other locations available for sailing and fishing in the east Irish Sea such that alternatives are available if required. Overall, the effect was concluded to be of minor adverse significance for all phases, which is not significant in EIA terms. No representations were received during the Morgan Generation Assets Examination phase relating to potential effects on recreational activities.

6.4.1.6 The construction, operations and maintenance, and decommissioning of the Morgan Generation Assets may lead to the reduction or restriction of other offshore energy activities in the local other sea users study area. Such activities may include surveys, drilling or vessel access to infrastructure for maintenance or decommissioning. The installation and presence of the Morgan Generation Assets and the presence of safety zones and advisory clearance distances may reduce or restrict the ability to carry out seismic surveys and drilling within the offered blocks overlapping the Morgan Array Area, however there is still area available within these blocks for survey and drilling activities. The UK/Isle of Man interconnector cable is located along the north edge of the local other sea users study area and a proximity agreement is anticipated to be negotiated and agreed with Manx Utilities to minimise the potential for any impact. There is no other infrastructure associated with any other offshore energy project within the local other sea users study area, such that vessel access is not anticipated to be restricted to any existing offshore energy asset. Continued communication with other offshore energy operators will ensure relevant parties are kept informed of planned activities in order to minimise both spatial and temporal interactions between conflicting activities and maximise coexistence. Overall, the effect was concluded to be of minor adverse significance for all phases, which is not significant in EIA terms. Representations received during the Morgan Generation Assets Examination phase relating to potential effects on offshore energy activities are discussed in section 6.1 and 6.2 above for Ørsted IPs and Harbour Energy respectively. Representations were also received from the Isle of Man Territorial Seas Committee (TSC) in relation to the Isle of Man interconnector owned by Manx Utilities. The Applicant is in positive discussions with Manx Utilities in relation to the Offshore Proximity Agreement for Manx Interconnector 1 and will progress agreement as required and look to execute pre-construction once detailed design is known (see S_D6_14 Commercial Side Agreements Tracker _F02).

6.4.1.7 Radar Early Warning Systems (REWS) located on offshore oil and gas platforms use radar returns to monitor and track vessels navigating in the vicinity of offshore oil and gas platforms within the detection region. The REWS will alert the operator when a proximity violation or an allision threat is detected. During the operations and maintenance phase of the Morgan Generation Assets, wind turbines and offshore structures within line of sight of the REWS could interfere with radar performance and degrade the ability of the REWS to distinguish between wind turbines and associated offshore structures, and returns from targets of interest. If the REWS is unable to detect and track vessels within the Morgan Array Area, it may cause the REWS to issue delayed Time to Closest Point of Approach (TCPA) alarms, resulting in insufficient response times to deal with potential allision threats. There are four REWS located on offshore oil and gas platforms within the REWS study area, operated by Eni, Harbour Energy and Spirit Energy to monitor and protect their assets. To establish the potential impact of the Morgan Generation Assets on REWS, and the ability of REWS to detect vessels within the vicinity of the Morgan Array Area, a modelling assessment was

undertaken. Overall, the effect was concluded to be of minor adverse significance, which is not significant in EIA terms.

6.4.1.8 No representations were received from Eni or Spirit Energy in relation to REWS during the Examination of the Morgan Generation Assets. In the Statement of Common Ground between the Applicant and Harbour Energy (REP1-031), Harbour Energy confirmed that the REWS on the Millom West platform has been decommissioned. Harbour Energy raised that during the decommissioning of the Millom East assets, any rig or removal vessel will be protected by its own radar system, and the potential for the Morgan Generation Assets to generate “false positives” and/or mask the movement of vessels moving towards the Millom East location. The Applicant understands that the Millom East assets will need to rely on Automatic Identification System (AIS) and marine radar for asset integrity. Potential effects on AIS and marine radar are assessed in Volume 4, Annex 7.1: Navigational risk assessment (APP-060). Based on the available evidence for AIS, it was concluded that no significant impact on AIS communications is anticipated (Table 1.29). Based on the available evidence for marine radar, effects may extend for up to 1.5 nm from an offshore wind farm, with intolerable impacts experienced up to 0.5 nm from an offshore wind farm (paragraph 1.8.12.4). The Millom East assets are located 2.07 nm from the Morgan Array Area.

6.4.1.9 Potential cumulative effects on other sea users receptors were assessed and concluded to be of minor adverse significance, which is not significant in EIA terms.

6.4.1.10 The Applicant considers that the policy tests relevant to other sea users, as set out in NPS EN-3, have been met, as detailed within Volume 2, Chapter 9: Other sea users (APP-027). In relation to EN-3, paragraphs 2.8.196 to 2.8.198, the potential impact on existing or permitted infrastructure or activities has been considered, and where applicable, assessed. Regarding EN-3, paragraphs 2.8.200 to 2.8.201, consultation with potentially affected stakeholders has been carried out from the early stages of the Morgan Generation Assets and has continued throughout the pre-application consultation process and during the Examination phase, where relevant. In relation to EN-3, paragraphs 2.8.342 to 2.8.344, measures have been adopted as part of the Morgan Generation Assets to minimise adverse impacts on other sea users receptors. In relation to EN-3, paragraph 2.8.345, the Morgan Generation Assets have been sited to minimise potential impacts on other sea users where possible, as described in Volume 1, Chapter 4: Site selection and consideration of alternatives.

7 SHIPPING AND NAVIGATION

7.1 Maintenance of safe marine navigation

7.1.1 The Navigation Risk Assessment, including the Cumulative Regional Navigation Risk Assessment

7.1.1.1 The Applicant has undertaken a comprehensive Navigation Risk Assessment (NRA) as part of the Environmental Impact Assessment (EIA) for the Morgan Generation Assets. The NRA considered the Morgan Generation Assets in isolation and cumulatively with other Tier 1 and Tier 2 projects (informing the Cumulative Regional NRA (CRNRA)) and was supported by extensive consultation with stakeholders.

7.1.1.2 The NRA has been based on data and information acquired through the analysis of vessel traffic and incident data, full bridge navigation simulations with ferry companies, risk modelling and hazard workshops (Volume 4, Annex 7.1: Navigational Risk Assessment (S_D6_28)) and has been undertaken in full compliance with Marine Guidance Note (MGN) 654, as agreed with the MCA in the final Statement of Common Ground (S_D6_MCA).

7.1.2 Project alone and cumulative effects on navigational safety

7.1.2.1 Volume 2, Chapter 7: Shipping and navigation (S_D6_21), informed by Volume 4, Annex 7.1: Navigational Risk Assessment (S_D6_28), demonstrated that the impacts on navigation safety of the Morgan Generation Assets in isolation are minor and that all hazards are Tolerable if As Low As Reasonably Practicable (ALARP).

7.1.2.2 When considered cumulatively with the Mona Offshore Wind Project and Morecambe Offshore Wind Farm: Generation Assets, the impacts were also assessed as minor and Tolerable if ALARP. Consensus on these conclusions was reached during the hazard workshop undertaken with stakeholders and is set out within the final Statements of Common Ground with the MCA (S_D6_MCA), Trinity House (S_D6_TH), UK Chamber of Shipping (S_D6_CoS), and Isle of Man Steam Packet Company (S_D6_IoM_SPC).

7.1.2.3 It is the Applicant's position that all hazards identified as part of the NRA (Volume 4, Annex 7.1: Navigational Risk Assessment (S_D6_28)), both individually and cumulatively, can be considered to be ALARP. This is due to the mitigation measures introduced by the Applicant following consultation on the Preliminary Environmental Information Report (PEIR), which included a considerable reduction in the extent of the Morgan Array Area to address shipping and navigation concerns and that risk controls follow industry best practice (including the use of safety zones during the construction phase and periods of major maintenance).

7.1.2.4 It was concluded that appropriate risk controls were embedded in the Morgan Generation Asset's design and that the introduction of additional risk controls (such as new traffic lanes) would be disproportionate to the risk and any reduction benefit gained. The assessment concluded that all risks scored as Medium would be considered to be ALARP and therefore Tolerable without the need for additional risk control measures. This conclusion has been agreed with the MCA (S_D6_MCA), Trinity House (S_D6_TH), Isle of Man Steam Packet Company (S_D6_IOM_SPC) and is set out within the respective Statements of Common Ground. Stena Line noted during Issue Specific Hearing 1 (ISH1) that the risk was reduced to ALARP when considering Mona, Morgan and Morecambe (EV2-004, time stamp 00:34:42:15-00:35:18:03) and the SoCG with Stena Line at Deadline 3 (REP3-029) had ongoing

points of discussion regarding Emergency Towage Vessels (ETVs) which is discussed below.

7.1.2.5 As part of ongoing engagement during the Examination phase, both Stena Line and the UK Chamber of Shipping raised the potential need for ETVs as an additional risk control to ensure that Medium Risk hazards are reduced to ALARP. The Applicant subsequently agreed to revise the Outline Vessel Traffic Management Plan (REP5-038) and Commitments Register (REP5-029) at Deadline 5 to include a commitment (Co100) to review towage capability of project vessels. The Applicant notes that Stena Line had previously agreed within their Statement of Common Ground (REP3-029) that the risks had been reduced to ALARP and the UK Chamber of Shipping within their Statement of Common Ground (S_D6_CoS) stated that ETVs "may" be required and confirm that consideration of emergency towage does not preclude consent. The MCA at no point during the Examination have suggested that ETVs may be required and have stated that a review on the requirements for towage capability is a post-consent activity within their response to ExQ2.SN.2.8 (REP5-069). No substantive evidence or assessment has been presented by any stakeholder to justify why ETVs would be required. The Applicant's position, as described in full within their response to ExQ2.SN.2.8 (REP5-015), is that ETVs are not required as they address a rare event, have limited effectiveness, are highly expensive, and would therefore not be proportionate to the risks.

7.1.2.6 During the Examination, the Ørsted IPs made several submissions that a means of engagement should be secured in the draft DCO to ensure navigational safety (REP1-064/REP3-070/REP5-057). The Applicant's position set out in its responses (REP2-005/REP4-009), is that appropriate commitment to engagement with all stakeholders is already made in the Outline Vessel Traffic Management Plan (VTMP) (S_D6_35) to "existing users of the relevant sea area", which would include the Ørsted IPs. It is neither necessary or appropriate to name one party and not others and risks making the VTMP overly prescriptive. The Applicant will ensure that Ørsted IPs and other relevant stakeholders have copies of all relevant plans which will be operationally useful or support navigational safety in the eastern Irish Sea (including the VTMP, Emergency Response and Cooperation Plan (ERCoP) and the Marine Pollution Contingency Plan (MPCP)) following approval by the licencing authority in consultation with the MCA and Trinity House, as secured in the updated Outline VTMP at Deadline 5 (S_D6_35). The Applicant has also committed through the Outline VTMP to the continuation of the Marine Navigation Engagement Forum (MNEF) post-consent. The MNEF is an open forum and will be inclusive for any additional stakeholders that wish to attend it at a point in the future.

7.1.2.7 Furthermore, the Ørsted IPs raised outstanding concerns on navigational safety within their submissions at Deadline 5 (REP5-057). The Applicant's response to REP3-070.27 (REP4-009) clearly sets out that the Applicant's assessment concludes the risks are ALARP and how this conclusion was agreed with stakeholders (as demonstrated in Statements of Common Ground with the MCA (S_D6_MCA), UK CoS (S_D6_CoS), Stena Line (S_D6_STENA) and IoMSPC (S_D6_IoM_SPC)). Ørsted IPs may wish to review their own project risk assessments as part of their safety management systems but noting the above this has no bearing on the Examination of the Morgan Generation Assets Application.

7.1.2.8 The Applicant notes that a Scoping Report for the Mooir Vannin Offshore Wind Farm was submitted to the Isle of Man Government in October 2023, after completion of much of the NRA used to inform the Application for the Morgan Generation Assets. The Applicant assessed the information that was available within the Scoping Report in compliance with the Planning Inspectorate's Advice Note Seventeen on cumulative

effects assessment. The Applicant concluded that 2.5 nm was insufficient searoom between the Morgan Generation Assets and Mooir Vannin Offshore Wind Farm Scoping Boundary for safe navigation and therefore unacceptable hazards were concluded under the cumulative scenario with the addition of the Mooir Vannin scoping boundary. This conclusion was agreed with stakeholders.

7.1.2.9 The Applicant was invited to attend the Mooir Vannin Offshore Wind Farm hazard workshop which was held on the 12 December 2024. At this workshop a refined boundary for the Mooir Vannin Offshore Wind Farm array area was shared with stakeholders. This refined boundary reduced the extent of the Mooir Vannin array area presented within the Scoping Report which increased the separation distance between the Mooir Vannin array area and the Morgan Array Area from 2.5 nm to 4.1 nm. Further consideration of the effect of this refinement is considered in section 7.3 below and within the Morgan Gen – Mooir Vannin Navigational Safety Technical Clarification Note at Deadline 6 (S_D6_42).

7.1.2.10 In summary, the Applicant has presented a comprehensive assessment in the Morgan Gen – Mooir Vannin Navigational Safety Technical Clarification Note (S_D6_42) that demonstrates that the risk to navigational safety as a result of the Morgan Generation Assets is ALARP and that there are no unacceptable hazards after the identified mitigation measures have been adopted. As noted in section 7.3 below, the MCA and IoMTSC note agreement with that conclusion. The Secretary of State can be satisfied that the application accords with Paragraph 2.8.331 of the National Policy Statement EN-3.

7.1.3 Potential Effects on Maritime Search and Rescue

7.1.3.1 Section 7.9.6 of Volume 2, Chapter 7: Shipping and navigation (S_D6_21) assesses the impact of the Morgan Generation Assets on the safety and effectiveness of Search and Rescue (SAR) in the Irish Sea. The impact on SAR is assessed to be a minor adverse effect (and not significant in EIA terms) with proposed primary and tertiary mitigation in place. This includes a commitment to two lines of orientation, a minimum of 1,400 m (excluding micrositing) between wind turbines and offshore substation platforms (OSPs) and the development of post-consent plans, particularly an Emergency Response and Cooperation Plan (ERCoP) which are consistent with best practice in MGN654. The NRA demonstrates that the likelihood of requiring SAR activities within the Morgan Array Area to be low and that the risks are assessed as Medium Risk – Tolerable if ALARP. The Applicant also emphasises that offshore wind farms can improve SAR provision through enhanced monitoring and faster response to incidents.

7.1.3.2 Within their Written Representation (REP1-051) and response to ExQ1 (REP3-038), the MCA raised concerns on potential 125 m combined micrositing and installation tolerance provisions of wind turbines affecting SAR lanes. In response, at Deadline 3 the Applicant reduced the micrositing tolerance to 50 m and installation tolerance to 5 m in the draft DCO Condition 20(a)(ii) (S_D6_10).

7.1.3.3 The Statement of Common Ground with the MCA (S_D6_MCA) and IoMSPC (S_D6_IoM_SPC) notes agreement that these conclusions are consistent with MGN654 subject to the agreement of post-consent plans with the MCA. No other stakeholder has outstanding concerns on search and rescue in their final Statements of Common Ground.

7.1.3.4 The Applicant therefore believes that all matters related to search and rescue have been addressed subject to finalisation of plans post-consent.

7.1.4 Effects to Marine Communications and Mobile Radar Operations

7.1.4.1 Section 7.9.9 of Volume 2, Chapter 7: Shipping and navigation (S_D6_21) assesses the impact of the Morgan Generation Assets on radar and navigation systems for vessels operating in the Irish Sea. Previous studies and operational experience have demonstrated that effects on Very High Frequency (VHF) radio, Automatic Identification System (AIS), compasses and other navigation systems are negligible for vessels passing up to 1 nm from an OWF. Effects on radar systems have been noted but the Morgan Generation Assets features larger turbines with greater spacing which would reduce the interference compared to existing wind farms within the region. Furthermore, vessels operating in the Irish Sea are familiar with these effects and have mitigated them successfully. Therefore, the impact on such systems is assessed to be of minor adverse effect and not significant in EIA terms.

7.1.4.2 The Statement of Common Ground with the MCA notes that effects on radar are not significant with the proposed mitigation in place (S_D6_MCA).

7.1.4.3 Stena Line, within their Statement of Common Ground submitted at Deadline 3 (S_D6_STENA), note an outstanding concern and uncertainty as to the effects on radar of passing between two offshore wind farms. Firstly, within the Applicant's response it is noted that Stena Line vessels already pass between operational offshore wind farms in the Irish Sea (Ormonde and West of Duddon Sands) at much closer distances than would be required for passing the Morgan Generation Assets. Secondly, the National Academies study referred to by Stena Line emphasises that wider spacing between turbines reduces interference and therefore spurious effects will be less prominent. Finally, the decision by the Swedish government in 2024 to reject multiple offshore wind farm applications was on the grounds of military security rather than marine radar for collision avoidance and therefore this decision is not relevant to navigational safety.

7.1.4.4 Therefore, the Applicant's position is that the Morgan Generation Assets would pose only a minor impact on marine radar and would not compromise navigational safety in the Irish Sea.

7.2 Effects on routing and operations of ferries and commercial shipping

7.2.1 Sea Lanes

7.2.1.1 The Applicant's assessment concludes that the Morgan Generation Assets would not interfere with recognised sea lanes essential to international navigation (National Policy Statement EN-3 Paragraph 2.8.326 to 2.8.327) as described in Section 1.8.2 of the NRA (Volume 4, Annex 7.1: Navigational Risk Assessment (S_D6_21)). Stena Line, in their Statement of Common Ground at Deadline 3 (S_D6_STENA), argue that their ferry routes constitute sea lanes. NPS EN-3 draws a distinction between interference with (i) the use of a recognised sea lane (paragraphs 3.8.326 and 3.8.327) and (ii) disruption to strategic routes essential to regional, national and international trade, lifeline ferries and recreational users of the sea (paragraphs 2.8.328 and 2.8.329). The Applicant has consistently maintained and respectfully submits that a sea lane equates to a Traffic Separation Scheme in line with the appropriate policy and guidance. Impacts on ferry routes should properly be considered against NPS EN-3 Paragraphs 2.8.328 and 2.8.329.

7.2.1.2 The Applicant's interpretation and overall conclusion on this matter is agreed with the MCA in the Statement of Common Ground (S_D6_MCA) and the MCA's response to ExQ1.SN.1.1 (REP3-038).

7.2.2 Isle of Man Steam Packet Company

7.2.2.1 The Isle of Man Steam Packet route between Heysham and Douglas in typical weather conditions intersects the northeastern boundary of the Morgan Array Area and would necessitate a minor deviation of 0.5 nm and 1.6 minutes additional steaming on a 46.8 nm and three-hour 45-minute crossing. Whilst the Applicant and Isle of Man Steam Packet Company do not completely agree on the deviation distances and times in typical weather conditions (REP3-034/REP4-007/REP5-078), the Applicant notes that they are of the same order of magnitude at a couple of minutes and therefore not appreciable on a journey of several hours with existing variation in schedules and have been assessed to be of minor adverse effect (REP4-007).

7.2.2.2 During periods of adverse weather to maintain passenger safety and comfort, Masters may choose to deviate south of the Morgan Array Area which would require an additional deviation of 21.5 minutes. This was judged to be appreciable and therefore a moderate adverse effect was determined within Volume 2, Chapter 7: Shipping and navigation (S_D6_21). The Applicant notes this would affect a minority of sailings (approximately 20 of 1,450 crossings per year) and the deviated routes are both safe and feasible. As set out in the Applicant's response to ExQ1.SN.1.14 and ExQ1.SN.1.21 (REP3-006) and comments on Isle of Man Steam Packet Company's response to ExQ1.SN.1.10 (REP4-007), the Applicant does not believe that such impacts would have a material effect on the number of cancellations, which are generally the result of wind limits for berthing in ports and other reasons rather than delays which are successfully operationally managed at present and are short term in nature (REP3-006). The Applicant's submissions also demonstrate that there would be limited consequential effects on port operations and other routes as a result of the Morgan Generation Assets (REP3-006/REP4-007). Therefore, it would not be credible that the Morgan Generation Assets would prevent the Isle of Man Steam Packet Company fulfilling the requirements of the Strategic Sea Services Agreement with the Isle of Man Government (REP4-007). The Applicant also notes that recent operational experience since the submission of the Application, as discussed in the January 2025 Navigation Simulations (Item 1.10 in Appendix A of Morgan - Mooir Vannin gap - navigational safety review technical clarification note (S_D6_42)), suggests the Manxman has better seakeeping abilities in adverse weather than the Ben My Chree and therefore the assessment likely overestimates the magnitude of the impact.

7.2.2.3 The Morgan Generation Assets would have a negligible effect on the typical route between Liverpool and Douglas, requiring only a 0.2 nm or 0.4 minute deviation on a 56.9 nm and two hour 45 minute crossing to maintain adequate passing distances. Whilst there are further moderate adverse effects on the Isle of Man Steam Packet route between Liverpool and Douglas in adverse weather, these are entirely the result of the Mona Offshore Wind Project and therefore independent of the Morgan Generation Assets. However, the Applicant recognises that there would be residual commercial impacts to Isle of Man Steam Packet operations including some of the effects described in Isle of Man Steam Packet's response to ExQ2.GEN.2.10 (REP5-078).

7.2.3 Stena Line

7.2.3.1 The effects on Stena Line routes are assessed within Volume 2, Chapter 7: Shipping and navigation (S_D6_21). The Stena Line route between Liverpool and Belfast in typical weather conditions, which on only 20% of occasions passes east rather than west of the Isle of Man, would need to deviate east and then north of the Morgan Array Area, requiring an additional 0.7 nm to 2.5 nm and 2.3 minutes to 7.9 minutes of steaming on an eight-hour crossing, depending on whether they pass east or west of the Calder Gas platform. Given the significant duration of the total crossing and variation in existing schedules with up to a 1.6% deviation on a less preferred route, the effect was judged to be of minor adverse effect. The Stena Line routes between Heysham and Belfast or between Liverpool and Belfast (west of the Isle of Man) in typical weather conditions would not be affected by the Morgan Generation Assets.

7.2.3.2 The Applicant's assessment demonstrates that during adverse weather, Stena Line vessels may choose to navigate east of the Isle of Man, necessitating a deviation west of the Morgan Generation Assets. This would require an additional 68 minutes of additional transit time. However, given that this route is more than 15 nm longer than their alternative adverse weather route to the west of the Isle of Man, it is considered unlikely that Masters would routinely choose it following the construction of the Morgan Generation Assets. In addition, the Heysham to Belfast route in adverse weather may necessitate an additional 61 minute deviation around the Morgan Generation Assets, however, this route too may be more efficient to continue west of the Isle of Man. Given the significant deviation, but noting the above caveats on future behaviours, this was judged to be of moderate adverse effect due to the likely schedule impacts on this service. The assessment does, however, demonstrate that this would affect a minority of Stena Line sailings due to their good seakeeping ability in adverse weather and it is noted that their services are typically resilient to cancellations caused by adverse weather effects.

7.2.3.3 The Applicant notes that during the Examination of the Mona Offshore Wind Project, Stena Line stated that "*It would be misleading, however, to suggest that the construction of the four ORE's would threaten the total viability of Stena Line's operations between Liverpool and Belfast*" (response to ExQ2.15.2 (EN010137 REP5-122)). However, the Applicant recognises that there would be residual commercial impacts to Stena Line operations including effects described in Stena Line's response to ExQ2.GEN.2.3 (REP5-088).

7.2.4 Residual Effects

7.2.4.1 The Applicant's assessment recognised that the Morgan Generation Assets would both individually and cumulatively with other Tier 1 and Tier 2 developments, have moderate adverse effects on ferry routes in the Irish Sea (Volume 2, Chapter 7: Shipping and navigation (S_D6_21)). The MCA in their Written Representations submitted at Deadline 1 raised concerns that the Morgan Generation Assets in combination with other Tier 1 and Tier 2 projects could threaten the commercial viability of ferry routes (REP1-051). The Applicant's position is that whilst there are effects on a small minority of sailings which are appreciable (NPS EN-3 Paragraph 2.8.328 to 2.8.329), they do not amount to unacceptable interference (NPS EN-1 Paragraph 4.1.7), do not threaten the viability of these routes and should not preclude development consent being granted. The Applicant's response to ExQ1.SN.1.14 (REP3-006) summarises the reasons as to why this conclusion has been reached, which include that the deviations are both safe and feasible, existing delays are being

successfully managed, only a small proportion of sailings are affected, and it is unlikely to lead to an increase in cancellations.

7.2.4.2 NPS EN-3 recognises that *"it is inevitable that there will be an impact on navigation in and around the area of the site"* (Paragraph 2.8.178). Direct and adverse weather routes of ferries and commercial routes within the eastern Irish Sea are extensive and cover most of the available sea space (Figure 7.5 of Volume 2, Chapter 7: Shipping and navigation (S_D6_21)). Therefore, there is no location within the eastern Irish Sea where an offshore wind farm could be constructed that would avoid all impacts on lifeline ferries or strategic routes. The Morgan Generation Assets has therefore sought to minimise where possible the extent of these impacts in line with NPS EN-3 Paragraph 2.8.328. This includes amendments to the Morgan Array Area following PEIR, reducing the Morgan array boundary from approximately 322 square kilometres (km^2)), to approximately 280km^2 (NRA (Volume 4, Annex 7.1: Navigational Risk Assessment (S_D6_28)) and Volume 1, Chapter 4: Site Selection and Consideration of Alternatives (APP-011)), which reduced the deviations required for vessels to pass around the Morgan Array Area. The Applicant has, therefore, acted in accordance with NPS EN-3 to minimise as much as possible the potential impacts on shipping routes. The residual impacts should also be considered in the context of the substantial benefits of the Morgan Generation Assets on the urgent need for decarbonisation and reduction of greenhouse gases set out in the Planning Statement (APP-074).

7.2.4.3 The Applicant has been engaging with both the IoMSPC and Stena Line to resolve residual operational effects regarding increased transit distance and associated fuel costs, which are entirely commercial in nature. Whilst the Applicant and the affected operators have been engaging on a Ferry Cost Mitigation Agreement, it has not been possible to finalise this before Deadline 6. The Applicant and the affected operators are however, committed to continuing engagement on the Ferry Cost Mitigation Agreement as a priority and will provide an update to the Secretary of State for Energy Security and Net Zero at the appropriate time.

7.2.4.4 The Applicant has demonstrated that the application accords with NPS EN-3 paragraphs 2.8.3328 and 2.8.329 and considers that, to the extent there is a residual adverse commercial impact, it is considerably outweighed by the benefits that the Morgan Generation Assets affords.

7.3 Mooir Vannin Offshore Wind Farm and Adjacency to Isle of Man Waters

7.3.1 Tolerability of Separation between the Morgan Array Area and Mooir Vannin Offshore Wind Farm Array Area

7.3.1.1 Immediately prior to the completion of the Navigational Risk Assessment (NRA), a Scoping Report was issued for the Mooir Vannin Offshore Wind Farm in Isle of Man waters. The Applicant's response to REP1-051.21 (REP2-005), ExQ1.SN.1.17 (REP3-006) and Volume 4, Annex 7.1: Navigational Risk Assessment (S_D6_21) describes the process by which the Applicant considered the Mooir Vannin Offshore Wind Farm which was consistent with the relevant policy and guidance.

7.3.1.2 The cumulative assessment concluded that 2.5 nautical mile (nm) separation between the Mooir Vannin Array Area and Morgan Array Area was insufficient for safe navigation and consensus was reached with stakeholders that unacceptable effects on navigational safety existed as set out within Statements of Common Ground (SoCG) with the Maritime and Coastguard Agency (MCA) (S_D6_MCA), UK Chamber of Shipping (S_D6_CoS), Stena Line (S_D6_STENA), Isle of Man Steam Packet

Company (S_D6_IoM_SPC) and Isle of Man Territorial Seas Committee (S_D6_IoM_TSC).

7.3.1.3 At Deadline 5, the Applicant updated the Examining Authority that a refinement of the Mooir Vannin Offshore Wind Farm had been shared with stakeholders at their hazard workshop on 12 December 2024 which increased the separation distance between the Mooir Vannin Array Area and the Morgan Array Area of 4.1 nm (REP5-004/REP5-015) at a single point. Mooir Vannin Offshore Wind Farm Limited (MVOWFL) shared a position paper on the gap (REP5-075) noting that 4.1 nm ensured vessels could maintain adequate Closest Points of Approach (CPA) from other vessels and infrastructure, was consistent with what was already agreed as acceptable for the passage between the Morgan Array Area and Walney wind farms and was compliant with MGN654 (MCA, 2021) and PIANC (2018) guidance.

7.3.1.4 Noting that the full results of MVOWFL's assessment would not be available until after the close of the Morgan Generation Assets Examination, the Applicant commissioned a review of the gap which involved additional navigation simulations with stakeholders and a hazard review session. The results of this review are detailed within the technical clarification note submitted at Deadline 6 (S_D6_42) and summarised below:

- A gap of 4.1 nm width exceeds the guidance of both PIANC and MGN654, notwithstanding the MCA's position that this does not constitute a corridor in this case (REP5-069). Whilst Stena Line in their response to ExQ2.SN.2.3 (REP5-088) disputed that this met the guidance, the Applicant demonstrated compliance. Furthermore, in their response to ExQ2.SN.2.4, the MCA state that they are content that 4.1 nm complies with the guidance of MGN654 (REP5-069).
- The refined separation distance exceeds or is comparable to precedent in other constructed and consented offshore wind farms elsewhere in the UK with greater traffic volumes, including within the Irish Sea itself (REP4-005). Whilst both the UK CoS (REP5-092) and Stena Line (REP5-088) note the limitations of direct comparison, in the absence of compelling evidence to the contrary, the Applicant contends that they provide useful evidence to support the conclusion that the risk is Tolerable.
- The passage between Mooir Vannin Array Area and Morgan Array Area will mostly be navigated by a single commercial vessel, the IoMSPC service between Heysham and Douglas. Modelling of historical traffic data suggests that the likelihood of two commercial ships meeting in this location each year is less than 0.1%. Furthermore, during navigation simulations with stakeholders it was shown that there was now sufficient sea room for collision avoidance in worst credible traffic situations in full compliance with the Collision Regulations and the practice of good seamanship. Therefore, the risk of commercial vessel collisions has been reduced to Tolerable levels.
- As noted within Volume 4, Annex 7.1: Navigational Risk Assessment (S_D6_28), high density scallop fishing may be encountered in Isle of Man waters during specific seasons and the presence of both the Morgan Array Area and Mooir Vannin Array Area reduces the sea room for the IoMSPC to deviate around the fishing boats. Worst credible fishing situations were tested within the navigation simulations with the IoMSPC and it was shown that, whilst it increased navigational complexity, there was sufficient sea room to successfully navigate between the Mooir Vannin Array Area and Morgan Array Area with adequate, safe passing distances consistent with their current practices. Whilst it was argued by IoMSPC that they were now unable to deviate around a fishing fleet entirely, or maintain the desired 1 nm CPA, the Applicant demonstrated that

IoMSPC vessels do not routinely do this and that passing distances less than 1 nm from fishing boats moving at 2 kts are appropriate and in full compliance with the Collision Regulations Rule 8.

- The IoMSPC and Stena Line argued that 4.1 nm is not sufficient to account for mechanical failure resulting in an allision with a wind turbine. The Applicant noted that a mechanical failure of a RoRo/RoPax ferry within the area is very low, noting the high reliability and propulsion/steering redundancy of these vessels and limited historical incident record. The Applicant also notes that this is inconsistent to the conclusions of the assessment between Morgan Array Area and Walney wind farms which is a longer passage and presents greater risk, to which stakeholders (including the IoMSPC and Stena Line) were satisfied the risks were Tolerable and As Low As Reasonably Practicable (ALARP) (S_D6_IoM_SPC/S_D6_STENA/S_D6_TH/S_D6_CoS/S_D6_MCA).
- The assessment also concluded that the presence of the Mooir Vannin Offshore Wind Farm limited the ability of vessels to route east of the Isle of Man in adverse weather. However, it was agreed this constraint was independent of the presence of the Morgan Generation Assets.

7.3.1.5 The Applicant accepts that the presence of the proposed offshore wind farms increases the risk of collision and allision for navigating vessels from the baseline. However, the Applicant's assessment provides a compelling, evidence-based and reasoned position that 4.1 nm can be navigated in realistic worst credible traffic and weather conditions in full compliance with the Collision Regulations and the practice of good seamanship and therefore the risks of navigating this route have been reduced to Tolerable levels, consistent with the proposed sea area between Morgan Array Area and Walney wind farms. Furthermore, the Applicant has implemented appropriate and proportionate risk controls to manage this risk to ALARP.

7.3.1.6 Whilst the IoMSPC and Stena Line recognised that navigational safety had improved as a result of the refinement of the Mooir Vannin Array Area, they argued the risks remain unacceptable. During the subsequent discussion, it was argued that constructing four large offshore wind farms present inherent risks which cannot be mitigated and therefore there is no acceptable separation between the two offshore wind farms that would reduce the risks to Tolerable levels. On this basis, the Applicant does not believe that any further mitigation of this gap is either necessary or would fully address the concerns of the IoMSPC and Stena Line.

7.3.1.7 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 Morgan Generation Assets 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 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 (S_D6_IoM_SPC).

7.3.1.8 The Applicant, therefore, considers that there are no unacceptable risks to navigational safety associated with the Morgan Generation Assets, including cumulative effects with the refined Mooir Vannin Offshore Wind Farm, and all risks have been reduced to ALARP.

7.3.1.9 At Issue Specific Hearing 3 (ISH3) (12 February 2025) (EV6-003, EV6-004), the MCA confirmed that they were content the refined 4.1 nm gap is both Tolerable and ALARP. The Applicant emphasises National Policy Statement EN-3 Paragraph 2.8.334 which states that the Secretary of State should make use of advice from the MCA on matters

of navigational safety. 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_IoM_TSC).

7.3.1.10 During ISH3, Colin Innes, responding to 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's has been made by the applicant in relation to this matter.” and ”Our interim findings agree and align with the applicant.”

7.3.1.11 For all of the reasons set out above and detailed in the evidence submitted by the Applicant to the Examination, the Secretary of State can be satisfied that the application accords with NPS EN-3 paragraph 2.8.331.

7.3.2 Mitigation of Navigational Safety across Isle of Man Territorial Seas Limits

7.3.2.1 As set out in the Applicant’s response to Hearing Action Point 6 (REP5-004), the Morgan Array Area lies entirely within English waters and under the Merchant Shipping Act 1995 the MCA is responsible for maritime safety and search and rescue. The Mooir Vannin Offshore Wind Farm array area lies entirely within Isle of Man waters and under the Harbours Act 2010 the Isle of Man Department of Infrastructure has equivalent responsibility. The Applicant engaged with both the MCA and Isle of Man Department of Infrastructure throughout the development of the NRA. Whilst both the Morgan Generation Assets and Mooir Vannin Offshore Wind Farm are immediately adjacent to the border between the Isle of Man and English waters, the Applicant has demonstrated that this does not in any way pose a jurisdictional conflict which could adversely affect navigational safety.

7.3.2.2 Firstly, it is noted that international standards and conventions on maritime safety apply to both jurisdictions, principally the United Nations Convention on the Law of the Sea, International Regulations for Preventing Collisions at Sea and International Convention for the Safety of Life at Sea (REP5-004).

7.3.2.3 Secondly, all mitigation measures set out by the Applicant (including the Aids to Navigation Management Plan, Vessel Traffic Management Plan and Emergency Response and Cooperation Plan, amongst others) have clear responsible bodies and due regard will be made to effects across the maritime border.

7.3.2.4 Thirdly, the Applicant’s approach to Safety Zones, as set out in the Safety Zone Statement (APP-106) and response to ISH2 Action Point 6 (REP5-004), is consistent and compliant with the appropriate legislation. Whilst Safety Zones designated under the Energy Act 2004 would not apply in Isle of Man waters, an advisory safety zone could be designated to ensure vessels navigating adjacent to the Morgan Array Area in Isle of Man waters maintain sufficient clearance to mitigate any risk. The Applicant also notes that the maximum width of a safety zone is 500 m which is significantly less than the 1 nm closest point of approach of most commercial vessels. Furthermore, the Applicant notes that the PIANC guidance on separation between adjacent offshore wind farms includes 500 m safety zones within its calculation and as such the designation of Safety Zones by the Applicant does not reduce the searoom any further when navigating between the Morgan Array Area and Mooir Vannin Offshore Wind Farm Array Area.

7.3.2.5 Fourthly, whilst the Isle of Man Coastguard was formed in 1989, by agreement HM Coastguard provides all offshore search and rescue co-ordination for Isle of Man waters and therefore a consistent management of search and rescue will be maintained within and around the Morgan Array Area.

8 OTHER MATTERS RAISED IN EXAMINATION

8.1 Seascape, Landscape and Visual Impact

8.1.1.1 The Seascape, Landscape and Visual Impact Assessment (SLVIA) considered the potential effects of the Morgan Generation Assets on seascape, landscape character and visual amenity as presented in Volume 2, Chapter 10 Seascape, landscape and visual resources of the Environmental Statement (APP-014). Additional information was submitted into the Examination in Annex 4.4 to the Applicant's response to EXQ1: SLVIA Clarification note (REP3-010).

8.1.1.2 In addition, a study on the potential effects of the Morgan Generation Assets on international and nationally designated landscapes was submitted as part of the Environmental Statement within Volume 4, Annex 10.5 International and nationally designated landscape study (APP-038).

8.1.1.3 The SLVIA considered effects covering a study area measuring 50 km from the Morgan Array Area for seascape character, landscape character and visual amenity and a 60 km radius study area for the international and nationally designated landscapes. The assessment approach followed current published good practice guidance including Guidelines for Landscape and Visual Impact Assessment: Third Edition (GLVIA3) (Landscape Institute and Institute of Environmental Management and Assessment, 2013). The emphasis is on the identification of likely significant environmental effects.

8.1.1.4 The assessment considered effects on seascape character in the Irish Sea along with landscape character on the Isle of Man, North west England (Cumbria and Lancashire) along with a small area of the Anglesey Coastline in Wales.

8.1.2 Internationally and nationally designated landscapes

8.1.2.1 The Internationally and nationally designated landscapes assessment (APP-038) concluded that *'there will be no significant effects on the special qualities of the Lake District National Park and the attributes of outstanding universal value of The English Lake District World Heritage Site of relevance to the SLVIA. The conclusion was arrived at based on a number of factors including distance and the extent of theoretical visibility as presented in Appendix A, Figures: Figure A.2: Nationally Designated Landscapes in relation to Zone of Theoretical Visibility for Morgan Generation Assets and actual visibility having regard for screening by vegetation and built structures. The effect of Morgan Generation Assets, assessed as being not significant, means that the project will not compromise the basis for the designation of the Lake District as a national park and a world heritage site.'*

8.1.2.2 As part of their Relevant Representation (RR-026) Natural England confirmed that they did not have any major concerns with the application material, but requested that some additional images be submitted into the Examination to address issues with sun glare. The updated material was submitted in Annex 3.7 to the Applicant's Response to Relevant Representations from Natural England: RR-026.A.21 Appendix A: 39.6° Horizontal frame of view wireline and photomontages –Part 1 (Figures 75 – 95) and Part 2 (Figures 96-117) (PD1-013) and (PD1-014), after which Natural England confirmed they had no further concerns regarding the SLVIA assessment, including potential impacts on designated landscapes, including the Lake District National Park (see response to SLV 1.7 in REP3-048).

8.1.2.3 Historic England confirmed that in respect of the English Lake District World Heritage Site, the impact had been properly assessed and that given the distance offshore and associated context, the impact would be very slight (see response to HE1.11 in REP3-032).

8.1.3 Seascape (marine) character and landscape character

8.1.3.1 The Morgan Generation Assets would be located within Marine Character Area (MCA) 38: Irish Sea South resulting in direct seascape effects of moderate to major adverse effect during the operations and maintenance phase. Significant effects are not predicted to arise to the remaining seascape (marine character areas) in the SLVIA Study Area during operations and maintenance. This would be mainly due to the scale of the change at the distances specified in the SLVIA (APP-014).

8.1.3.2 In respect of landscape character type (LCT) E Rugged Coast on the Isle of Man, the Zone of Theoretical Visibility (ZTV) indicates that effects will arise over most of this LCT with significant adverse effects during the operations and maintenance phase. Significant effects are not expected to arise to the remaining landscape character areas and types in the SLVIA Study Area during operations and maintenance. This is due to a range of factors including distance and the extent of the effects having regard for the screening afforded by vegetation and buildings.

8.1.3.3 No interested party raised any material concerns in respect of effects on seascape (marine) character and landscape character areas.

8.1.4 Visual amenity

8.1.4.1 Significant visual impacts during operations and maintenance were assessed to arise upon visual receptors on the Isle of Man. Moderate adverse and significant effects were expected to be experienced by individuals along the more exposed sections of the Raad ny Foillan Coastal Path located closest to the Morgan Array Area as documented in Volume 2, Chapter 10 Seascape, landscape and visual resources (APP-014) and updated assessment in Annex 4.4 to the Applicant's response to EXQ1: SLVIA Clarification note (REP3-010).

8.1.4.2 People at the coastal edge of the settlements of Douglas and Laxey who currently experience panoramic views of the Irish Sea will experience moderate adverse and significant visual effects. These locations include Douglas Promenade (Representative Viewpoint 49), Old Laxey (Representative Viewpoint 43) and at Representative Viewpoint 19 Panoramic viewpoint at arch southwest of Douglas Head. The Morgan Generation Assets will be visible along with commercial shipping, mainland ferries, fishing vessels and recreational sailing.

8.1.4.3 The Isle of Man Territorial Seas Committee agreed with the conclusions of the assessment (see response to SLV 1.4 in REP3-033). No interested party raised any material concerns in respect of impact on visual amenity.

8.1.5 Cumulative effects

8.1.5.1 The SLVIA found that moderate to major adverse and significant cumulative effects will arise to MCA 38 Irish Sea South during operations and maintenance as a result of the addition of Morgan Generation Assets (including Morgan and Morecambe Offshore Wind Farms: Transmission Assets) alongside Morecambe Generation Assets (Scenario 2). Moderate to major adverse and significant cumulative effects will also arise to MCA 38 Irish Sea South as a result of the addition of Morgan Generation

Assets (including Morgan and Morecambe Offshore Wind Farms: Transmission Assets) alongside Tier 1 and 2 offshore wind farms (Scenario 3).

8.1.5.2 Moderate adverse and significant cumulative effects on the character of the Isle of Man LCT E Rugged Coast are also expected to arise during operation and maintenance as a result of the addition of Morgan Generation Assets (including Morgan and Morecambe Offshore Wind Farms: Transmission Assets) alongside Tier 1 existing projects (Scenario 3) and alongside Tier 1 existing and proposed projects (Scenario 3). These significant cumulative effects will also be experienced by viewers on the coast, including those on the Raad ny Foillan coast path located closest to the Morgan Array Area and individuals at the coast at the settlements of Douglas and Laxey where panoramic views of the Irish Sea are currently available along with commercial shipping, mainland ferries, fishing vessels, recreational sailing and the operational Walney Extension offshore wind farm in the distance.

8.1.5.3 No material concerns have been raised on the conclusions of the SLVIA cumulative effects assessment during the Morgan Generation Assets Examination.

8.1.6 Conclusion

8.1.6.1 The Morgan Generation Assets complies with policies set out in NPS NE-1 paragraphs 4.7.10 – 4.7.15 in respect of demonstrating 'good design' for energy infrastructure (as set out in response GEN 1.15 of REP3-006). A summary of the design process, consideration of alternatives and site selection for the Proposed Development is set out within Environmental Statement - Volume 1, Chapter 4 Site selection and consideration of alternatives (APP-011).

8.1.6.2 The Morgan Generation Assets would have no significant effects on internationally or nationally designated landscapes or their statutory purposes. Any residual adverse effects on seascape (marine) character areas, landscape character areas, or visual amenity could not be reasonably mitigated and are considerably outweighed by the benefits of the Morgan Generation Assets.

8.1.6.3 The Applicant had demonstrated accordance with the policy in section 5.10 of NPS EN-1 and paragraphs 2.8.349 - 2.8.352.

8.2 Historic Environment

8.2.1.1 Volume 2, Chapter 8 Marine archaeology and cultural heritage (APP-026) presents the Applicant's assessment of the potential effects on marine archaeology and cultural heritage as a result of the Morgan Generation Assets. Specifically, it considers the potential impacts on marine archaeology receptors seawards of Mean Low Water Springs (MLWS) during the construction, operations and maintenance, and decommissioning phases. It also presents the potential effects of the Morgan Generation Assets on the setting of onshore designated heritage assets.

8.2.1.2 The assessment drew upon information contained within Volume 4, Annex 8.1 Marine archaeology technical report (APP-061), which included an archaeological assessment of site-specific geophysical and geotechnical survey data as well as a desk-based assessment, and Volume 4, Annex 8.2 Cultural heritage assessment (APP-062), which contained a setting assessment of terrestrial historic assets.

8.2.1.3 Overall, it was concluded that there will be no significant adverse effects on marine archaeology arising from the Morgan Generation Assets during the construction, operation and maintenance or decommissioning phases. In addition, the settings assessment concluded that there will be no significant adverse effects on designated

historic assets. It was, however, concluded that there would be moderate adverse cumulative effects for four designated assets on the Isle of Man, but the greater contribution to the magnitude of impact would be from the proposed Mooir Vannin Offshore Wind Farm. Manx National Heritage submitted a letter of comfort into examination at Deadline 1 (REP1-036) stating they would make no further comment on the project and are not opposed to the Morgan Generation Assets development.

8.2.1.4 An Outline offshore written scheme of investigation for archaeology was prepared by the Applicant (APP-069). This set out the general approach to mitigation and further archaeological works. Mitigation measures adopted as part of the Morgan Generation Assets include the implementation of archaeological exclusion zones and a protocol for archaeological discoveries. The Outline offshore written scheme of investigation for archaeology also provides for archaeological analysis of post-consent geophysical and geotechnical survey data. The Outline offshore written scheme of investigation for archaeology was updated following representations from Historic England and resubmitted at Deadlines 4 and 5 (REP4-033; REP5-039). The updated document contains, *inter alia*, a commitment to undertake, as far as possible, coordinated action to optimise geoarchaeological analysis by combining the geoarchaeological analysis and reporting of the entire Morgan Offshore Wind Project, i.e. the Morgan Generation Assets and the Morgan and Morecambe Offshore Wind Farms: Transmission Assets. Historic England confirmed that the updates were appropriate (REP4-045; S_D6_HE).

8.2.1.5 A Statement of Common Ground (SoCG) between Morgan Offshore Wind Limited and Historic England has been produced and all discussion points have been agreed (S_D6_HE).

8.2.1.6 The assessment of potential impacts on heritage assets has been undertaken in accordance with paragraphs 2.8.165 – 2.8.177 of NPS EN-3, as well as section 5.9 of NPS EN-1, as relevant. The mitigation measures proposed by the Applicant accord with those detailed in paragraphs 2.8.252 – 2.8.258. The Applicant has appropriately considered and mitigated for any impacts to the historic environment, including both known heritage assets, and discoveries that may be made during the course of development. The Secretary of State can conclude that the application accords with paragraph 2.8.325 of NPS EN-3.

8.3 Socioeconomics

8.3.1.1 The Socioeconomic assessment applied applicable study areas for economic, social and tourism impacts, including consideration of the Isle of Man socio-economic context and interaction with lifeline ferry services in Volume 2, Chapter 13 of the Environmental Statement (APP-017). The Applicant consulted with the applicable stakeholders, including Isle of Man Department for Infrastructure, Isle of Man Chamber of Commerce and Isle of Man Steam Packet Company and incorporated available data into the assessment.

8.3.2 Assessment conclusions and matters raised during examination

Economic and socio impacts

8.3.2.1 The assessment concluded that if a port on the coast of North Wales or North West England is selected as the base for any phase of the development there would be a beneficial effect on economic receptors in that region and is likely to be not significant in EIA terms. There would also be a beneficial effect on social receptors in that region and was concluded as likely to be not significant in EIA terms. When considering the

cumulative effects with other plans and projects, this is anticipated to enhance beneficial effects including supporting employment, GVA and supply chain demand.

Tourism impacts

8.3.2.2 During the construction, operation and maintenance, and decommissioning phases, potential adverse effects of tourism are likely to be not significant in EIA terms. Cumulative effects with other plans and projects were assessed and predicted as likely to result in no adverse change to the levels of significance assessed when considering the Morgan Generation Assets in isolation.

Isle of Man economy and lifeline ferry services

8.3.2.3 With regards to the Isle of Man, the assessment concluded that, during all phases, the adverse effect on socio-economic conditions in the Isle of Man is likely to be not significant in EIA terms and cumulatively with other plans and projects were assessed as likely to result in no adverse change to the levels of significance assessed when considering the Morgan Generation Assets in isolation.

8.3.2.4 The majority of the Island economy (~90% GDP and ~70% resident employment) has very low levels of interactions with, and operational dependence on, ferry services. The sectors in the Isle of Man economy that have the greatest level of interaction with, and operational dependence on, lifeline ferry services are retail and wholesale, construction, manufacturing, and the visitor and leisure economy.

8.3.2.5 When considering freight movement, the impact is limited to delays on the service in question and subsequent services that day. This is anticipated to result in only marginal reductions in freight movement. Where conditions result in occurrences of adverse weather routing, and these deviations lead to service cancellations in instances where hours of rest or schedule constraints are exceeded, it is likely that end users would notice a reduction in supply chain efficiency. Additional ‘infrequent’ occurrences of adverse weather routing will not typically lead to disruption materially beyond the maximum level of service variance recorded in recent years. Sectors and individual businesses typically have contingencies in place to deal with existing disruptions to ferry services.

8.3.2.6 The Isle of Man Government has advised through engagement that it has contingencies in place to mitigate potential adverse socio-economic impacts resulting from lifeline ferry service disruption. In the event of cancellations due to adverse weather, typical ‘catch up’ is achieved within a few days.

8.3.2.7 When considering passenger movement, noting that air travel accounts for 60.5% of passenger departures from the Island in 2018, with ferry travel 39.5%, any change to lifeline ferry services could results in a range of possible effects, ranging in severity. Where the outcome of the impact is limited to delays (as described above for freight movement), and where this results in the duration of a visit being reduced, there may be a small reduction in the associated visitor expenditure, however most expenditure is expected to be retained. Where adverse weather routeing results in service cancellations, passengers may decide to cancel, delay, or travel by air. Where visitors cancel their trip, the associated expenditure will be lost. It is assumed that additional ‘infrequent’ occurrences of adverse weather routeing will not lead to average disruption materially beyond the maximum level of service variance recorded in recent years. The Applicant’s response to ExQ1.SN.1.14 (REP3-006) summarises the reasons as to why this conclusion has been reached, which include that the deviations are both safe and feasible, existing delays are being successfully managed, only a small

proportion of sailings are affected, and it is unlikely to lead to an increase in cancellations.

8.3.3 Stakeholder position

8.3.3.1 The socio-economics effects through examination have been discussed with the Isle of Man Territorial Seas Committee (IoMTSC) and the UK Chamber of Shipping (UKCoS). These effects therefore purely relate to the conclusions of the impact on lifeline ferry services, rather than the overall economic, social and tourism assessment associated with North West England or North Wales.

8.3.3.2 The Isle of Man Government submitted a Local Impact Report at Deadline 1 (REP1-047), which stated "*In general terms the TSC does not have concerns on potential socio-economic impacts of the proposed development, excepting the potential impact on the Isle of Man Steam Packet Company Ferry services, during adverse weather conditions that require routing changes. Whilst the impact of routing changes is not considered to be significant in general, there is still a potential of additional cancellation of services in poor weather conditions. As the Isle of Man is dependent on daily regular deliveries of foodstuffs and other consumable items, including medicines, additional cancellations will have an impact on daily life and could result in additional costs for the retailers on account of the delays or cancellations*."

8.3.3.3 The signed Statement of Common Ground (SoCG) at Deadline 6 with IoMTSC, notes that the TSC is minded to agree once the Ferry Cost Mitigation Agreement with Isle of Man Steam Packet Company is agreed in principle. The signed SoCG with UKCoS also notes this point as an ongoing discussion until this agreement is in place.

8.3.4 Policy conclusion

8.3.4.1 The socio-economic assessment of the Morgan Generation Assets identified a number of beneficial effects, supported by the measures within the Outline Skills and Employment Plan (Document Reference J8), which sets out opportunities for engagement to enable local workers and training providers to prepare for anticipated employment opportunities associated with the Morgan Generation Assets. The Morgan Generation Assets accords with the requirements of NPS EN-1 and with Policies NW-REN-1, NW-EMP-1, NW-TR-1, NW-CE-1 and NW-INF-1 of the North West Inshore and North West Offshore Coast Marine Plan.

8.4 Draft Development Consent Order

8.4.1 The appropriateness of the Applicant's dDCO

8.4.1.1 The Draft DCO provides for all the necessary rights and powers for the delivery of the Project, including within the deemed marine licences (DMLs - Schedules 3 and 4) as explained in the Applicant's Explanatory Memorandum (S_D6_11). In addition, the Draft DCO provides for suitable controls on those rights and powers within the Requirements (Schedule 2) and DML Conditions (Schedule 3, Part 2 and Schedule 4, Part 2). The form of the Order has had regard to comparable precedent orders including other offshore wind farm DCOs and other recently consented DCOs (including as directed by the Examining Authority).

8.4.2 Draft DCO – points of disagreement

8.4.2.1 Throughout the pre-application phase and during the Examination, the Applicant has considered comments made by interested parties and the Examining Authority and made updates to the Draft DCO. In respect of changes made through the Examination, this is detailed in the Schedule of Changes to the draft Development Consent Order (S_D6_12).

8.4.2.2 At Deadline 6 there are a few matters of disagreement with interested parties (based on discussions with those parties but without the Applicant having seen the submissions that will be made at Deadline 6). The Applicant has summarised these below. The Applicant considers that in respect of all other provisions of the draft DCO (including the DMLs) there are no points of substantive disagreement.

8.4.2.3 There are a number of areas noted as disagreements in the relevant SoCGs with either the MMO or Natural England, where points of disagreement have been raised by those stakeholders with limited, or no justification. Whilst the Examining Authority and the Secretary of State ought to give due regard to the views of the MMO and Natural England on appropriate conditions, reflecting their respective roles as marine regulator and SNCB, the Examining Authority and the Secretary of State should not accept their recommendations where they are unsupported by clear evidence or reasoning. As set out in paragraph 4.1.16 of NPS EN-1 (as well as relevant NPPF and Planning Practice Guidance), conditions must only be imposed where they are necessary, relevant to planning, relevant to the development to be consented, enforceable, precise, and reasonable in all other respects. An unevidenced or unjustified position does not meet those tests and should be rejected.

8.4.2.4 In respect of the MMO, throughout the Examination it has stated that there are several matters where it was undertaking a 'wider review' of its standard position on appropriate conditions for DMLs within offshore wind farm DCOs (e.g. condition wording for use of chemicals, condition wording for a decommissioning plan). The MMO stated at various junctures that it was still determining what such conditions should secure, and their wording. Between Deadline 5 and Deadline 6 the MMO has provided the Applicant with draft wording that would alter the scope and extent of several conditions within the DMLs in the draft DCO. The Applicant has sought to accommodate this wording where it can, but in a number of instances it has not done so, as either (i) the aim of the amendments remain unclear to the Applicant, (ii) no reasonable explanation has been provided by the MMO for the change, or (iii) the Applicant is concerned that the wording would have unintended consequences, and cause delay in discharging the condition. The Applicant has communicated these concerns to the MMO.

8.4.2.5 The Applicant considers this an unsatisfactory position to be in at Deadline 6 of this Examination – where the MMO has stated it will be submitting revised DML condition wording that has not been seen or commented on by the Applicant). The Applicant has included conditions within the DMLs that are well precedented, and in many instances considered 'standard form'. The Applicant published a draft DCO, including DMLs, with its statutory consultation between 19 April to 4 June 2023 and has continued engagement with the MMO (and others) on its terms in the 21 months since. The Applicant accepts that the MMO is entitled to change its position, and to review the general scope and extent of conditions to be included within offshore wind farm DMLs, but the appropriate way to do so is not piecemeal through an ongoing Examination even before the detailed rationale and wording has been settled on internally within the MMO. The Applicant submits that this should be a relevant factor in the Examining Authority's and Secretary of State's consideration of the conditions, and that the

Applicant's drafting is appropriate. Finally, the Applicant notes that the MMO attended no issue specific hearings to explain its position on the changes it seeks and why these points are only being raised now.

8.4.2.6 In respect of Natural England, the Applicant does not consider that it has substantiated its points of disagreement within its representations, despite being given multiple opportunities to do so. Several of the requests put forward by Natural England are typically only asked for where the development is situated in, or likely to have a significant effect on, a designated site. The Applicant has noted this position to Natural England, and it has not been explained why those conditions are appropriate for the Morgan Generation Assets, where all ecological impacts have been assessed as non-significant. Natural England attended no issue specific hearings to explain its position.

8.4.2.7 The Policy in NPS EN-1 is clear that drafting in a DCO, including its requirements, should be precise and suitably justified. Requirements and conditions should only be imposed where they are necessary, relevant to planning, relevant to the development to be consented, enforceable, precise, and reasonable in all other respects (EN-1 paragraph 4.1.16). The Applicant respectfully submits that the MMO or Natural England's position should be rejected where it has not set out a clear rationale for its position, or where its position is still under development. The Applicant considers that it has set out a clear justification why the draft DCO (including DMLs) as drafted is in suitable terms.

UXO clearance as a licensed activity in the DMLs

8.4.2.8 The MMO and Natural England maintain the position that clearance of unexploded ordinance (UXO) should not be included as a licensed activity in the DMLs. Both the MMO and Natural England have welcomed changes made by the Applicant to restrict the DMLs to clearance by low order techniques only.

8.4.2.9 The Applicant's position remains that it is appropriate and justified to include UXO clearance activities within the DMLs. The Applicant has included all necessary activities for the construction and operations and maintenance of the Morgan Generation Assets in the application for development consent, in order to ensure a comprehensive application, and all such activities have been subject to a robust assessment process. This includes UXO clearance activities. Suitable mitigation is included within the DMLs.

8.4.2.10 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. UXO clearance has previously been included as a licenced activity within a DML for an offshore wind farm, for example within The East Anglia ONE North Offshore Wind Farm Order 2022 and The East Anglia TWO Offshore Wind Farm Order 2022. There is good justification for its inclusion within the draft DCO for the Morgan Generation Assets, and no reason in principle why it should not be included. The Applicant submits that the Secretary of State can conclude that it is appropriate to do so in this instance.

MMO – Requirement 1 – Time limit / lifespan

8.4.2.11 The MMO has suggested to the Applicant that it may pose a question to the Examining Authority (and Secretary of State) to consider if an end date should be included within the DMLs relating to operation and maintenance activity. The Applicant does not consider there to be any reasonable basis on which to impose a time-limit on the

activities authorised by the DMLs. That is not the basis on which the application has been submitted, or the basis on which the Environmental Impact Assessment was undertaken.

8.4.2.12 No environmental or planning reasons have been given by the MMO for this suggestion. It is contrary to recent precedent. Such a change to practice should only be taken where there is a strong justification, and this is not a point that the MMO has raised in any way through the extensive pre-application and examination phases for this development. The Applicant submits that no requirement/condition of this nature is justified or appropriate.

MMO – Article 7 (Benefit of the Order)

8.4.2.13 The MMO has maintained an in-principle objection throughout the Examination to the terms of Article 7 of the draft DCO (S_D6_10), together with paragraph 7 of each DML (within Schedules 3 and 4 of the draft DCO). The MMO objects to the DCO including powers that facilitate the transfer of the DMLs by the undertaker to another party. The MMO consider that any such transfer should be done in accordance with the statutory regime set out in s72 of the Marine and Coastal Act 2009.

8.4.2.14 The Applicant's position is set out in detail in response to the Examining Authority's question DCO 2.2 (within REP5-015) and in its response to RR-020.9 in PD1-017. In summary, if the Applicant ever wished to transfer the powers in the DCO/DML, it is important that they can be transferred together to ensure that the same party has the benefit of the powers and liability for any breach. Having to pursue transfer of the DCO powers separately from the DML powers, and under different legislative provisions, could result in an unsatisfactory situation where different parties held the benefit of the respective powers and liability for compliance with any requirements/conditions attached. Given the significant overlap in the activities that the DCO and DMLs authorise, this could lead to considerable legal uncertainty, which would be unsatisfactory. Such a situation can be avoided by the inclusion of Article 7 in its current, well precedented, form.

MMO – Requirement 10 and DML condition relating to a decommissioning plan

8.4.2.15 The MMO stated at Deadline 5 (REP-5-056a) that it was still reviewing its position on whether a condition should be included within the DMLs specific to provision of a decommissioning plan. At Deadline 6, the MMO has not given the Applicant any clear justification why this would be necessary. Within the SoCG with the MMO, this point is stated to be not agreed, but "not material".

8.4.2.16 The applicant set out its own position in response to Examining Authority question GEN 1.21 (REP3-006). In summary, a separate legislative regime is in place under the Energy Act 2004 to control the decommissioning process for offshore renewable energy installation farms. It is not considered necessary or appropriate to duplicate this through consents issued under the Planning Act 2008 and therefore no plan securing this should be included within the DMLs.

MMO – condition 18 (Chemicals, drilling and debris) of each dML

8.4.2.17 In its Deadline 5 response (REP-5-056a), the MMO suggested it was reviewing its recommended wording on the DML condition relating to the use of chemicals. The MMO suggested alternative wording that would require "all chemicals and substances" that would be used as part of the licensed activities to be approved in writing by the

MMO, at least 10 weeks prior to use. The Applicant considers the proposed wording to be too broad, and would impose unreasonable obligations on the undertaker post-consent.

8.4.2.18 The purpose of the condition 18 in the DML is to prevent the use of harmful chemicals that might have a realistic pathway into the marine environment (e.g. those used in the construction process, or on coatings on turbines).

8.4.2.19 The condition as drafted already requires the undertaker to comply with the International Convention for the Prevention of Pollution from Ships (sub-paragraph (1)) and ensure that any coatings and treatments are suitable for use in the marine environment and are used in accordance with guidelines approved by the Health and Safety Executive and the Environment Agency Pollution Prevention Control Guidelines (sub-paragraph (2)). A chemical risk assessment will also be included within the offshore environmental management plan to be approved by the MMO under condition 20(1)(e)(ii).

8.4.2.20 In contrast, the condition as proposed by the MMO would require all chemicals and substances to be submitted for approval, irrespective of whether there is a pathway for them to enter the marine environment or cause harm. The level of submission detail would be very difficult to obtain in practice from contractors and could foreseeably result in a delay to the project schedule. This is not considered proportionate to the risk it seeks to address, particularly when the existing condition serves the same purpose. These concerns were understood by the MMO in a recent meeting with the Applicant, but the Applicant understands that the MMO intend to propose an alternative condition at Deadline 6 irrespective if this.

8.4.2.21 The Applicant considers the existing controls are appropriate and that no changes to this condition should be made. The Applicant does not consider there should be a departure from previous precedent without a clear and reasoned justification, which has not been provided by the MMO.

MMO – condition 19 (Force Majeure) of each dML

8.4.2.22 The MMO has set out that it does not consider this provision necessary for inclusion within the DMLs and that the condition should be removed, as the defence (within section 86 of Marine and Coastal Access Act 2009) will apply if the Applicant or vessel masters needs to make a deposit for a Force Majeure reason.

8.4.2.23 The Applicant has set out within item RR-020.33 in document reference PD1-017 that this condition and section 86 of the Marine and Coastal Access Act 2009 serve different purposes. This condition imposes a duty on the undertaker to notify the MMO of the circumstances of such a deposit. This ensures that the MMO is provided with that information. Section 86 of the 2009 Act does not contain any such duty. It simply acts as a defence in the event a person is charged with an offence.

8.4.2.24 Whilst the Applicant considers that the condition does serve a useful purpose, it does not consider it essential for inclusion in the DMLs. If the Examining Authority and Secretary of State agree with the MMO and are minded to remove this condition, the Applicant has no objection to this.

MMO – Condition 29 (post-construction monitoring) of each dML and adaptive management

8.4.2.25 In its relevant representation (RR-020 at 3.8.4), the MMO suggested that additional sub-paragraphs should be added to condition 29 of each DML that secure a form of

adaptive management/mitigation in the event that post-construction monitoring reports identifies impacts which are beyond those predicted within the Environmental Statement/Habitat Regulations Assessment.

8.4.2.26 The Applicant has set out on a number of occasions why it considers such a condition unnecessary and unreasonable (see item RR-020.31 in PD1-017; item DCO 1.31 in REP3-006; REP5-010). In summary, the Applicant recognises that similar provisions were included in the Sheringham Shoal and Dudgeon Extensions Offshore Wind Farm Order 2024, however there is a clear distinction for the Morgan Generation Assets where the Environmental Statement concludes there would be no likely significant effects and there is no overlap of the Order limits with sensitive habitats or designated sites.

8.4.2.27 The NPS, and EIA regime, is focussed on likely significant effects and how those are avoided, mitigated and when monitoring or adaptive management measures might be appropriately imposed. As no significant effects are predicted, the Applicant does not consider it necessary or reasonable for blanket adaptive management provisions to be included in the DMLs. To do so would create uncertainty for the project in terms of the scale of contingency required and associated financial implications.

8.4.2.28 Notwithstanding the above, for a number of the specific monitoring commitments the Applicant has identified adaptive management measures that would apply should the monitoring results merit such a course of action. The detail as to which monitoring includes adaptive management is set out within the OIPMP (S_D6_34) and the Commitments Register (S_D6_33). The post construction monitoring where adaptive management has been proposed for example, includes scallops, invasive non-native species and underwater noise monitoring. The Applicant understands that the MMO is in agreement with the adaptive measures associated with these monitoring proposals. The monitoring that does not justify adaptive management comprises colonisation of novel structures (i.e. gravity base foundations) and the impact on under keel clearance. Applying a blanket requirement would therefore, be inappropriate for some of the monitoring commitments made.

MMO – Seasonal Piling Restriction for Cod

8.4.2.29 The MMO has suggested through the Examination that the DMLs should include a restriction on piling activity during the herring and cod spawning periods. The MMO has confirmed ahead of Deadline 6 that this is not required for the herring spawning period, following amendments to the UWSMS, as submitted at D6.

8.4.2.30 The Applicant considers that such a restriction is also unnecessary for the cod spawning period for the reasons set out in section 4.2 (Fish and Shellfish) above. In summary, the Applicant considers that:

- Seasonal restrictions on construction activity within these periods is not necessary based on the implementation of project refinements with respect to piling operations, and deployment of noise mitigation systems (NMS) and/or NAS mitigation which will reduce the amount of noise propagating over the fish spawning habitat, as set out in the UWSMS.
- It is fully expected that 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 indicated in the Defra Reducing marine noise policy statement (2025)).

- In addition, the UWSMS includes commitments made to implement appropriate mitigation including during key sensitive periods for fish species. This includes potential for spatial or temporal phasis, if necessary.
- The condition of seasonal restrictions on the face of the DCO/DML could cause 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. Such a condition should only be imposed where it is absolutely necessary to do so.

8.4.2.31 The Applicant considers that the mitigation imposed through the UWSMS, which the MMO will ultimately approve, is an appropriate and reasonable way to mitigate the potential impact. The Applicant therefore submits that a seasonal piling restriction in respect of cod should not be included as a condition in the DML.

Natural England – 10-year limit for cable protection

8.4.2.32 Natural England have maintained that a condition should be included within the DMLs that secures that no cable protection can be deployed later than 10 years post-construction, unless a new marine licence is obtained.

8.4.2.33 As the Applicant set out its position within its response to Examining Authority question DCO 1.17 (REP3-006). The Applicant does not consider there to be any reasonable basis on which to impose a time-limit on the activities authorised by the deemed marine licences in the manner suggested by Natural England. The Applicant has included all reasonably predictable operations and maintenance activities within the Morgan Generation Assets application and undertaken a robust and precautionary assessment of the potential impacts of those within the Environmental Statement.

8.4.2.34 The Applicant considers that Natural England has not substantiated or justified the alternative position, which should be rejected.

Natural England – ecological monitoring

8.4.2.35 Natural England have maintained throughout the Examination that further ecological monitoring (specifically relating to ornithology (Manx shearwater) and marine mammal disturbance from the SBP pre-construction surveys) to that already proposed by the Applicant should be secured through the DMLs, but has not justified its position at any point. The Applicant has set out its position on a number of occasions (see item DCO 1.31 in REP3-006; items REP3-047.3 and REP3-049.78 in REP4-009; REP5-010).

8.4.2.36 In summary, the Applicant has committed to monitoring, including adaptive monitoring, where it considers appropriate and capable of delivering tangible benefit. Applying a blanket approach to all monitoring and potential impacts without consideration of practicality and levels of significance would be disproportionate in terms of time and cost and, without clear rationale and objectives, would not provide useful information relevant for future projects. Morgan Generation Assets has some of the lowest potential ecological effect of any recent offshore wind farm. The measures proposed by the Applicant through the IPMP (S_D6_34), and as secured by the draft DCO, go beyond the legal and policy requirements and further than is set out in the MMO 2014 guidance. The Examining Authority and Secretary of State can and should conclude that the measures proposed are appropriate for the Morgan Generation Assets and accord with the provisions of paragraph 2.8.222 of NPS EN-3.

Aviation Requirements

8.4.2.37 The Applicant has included requirements 4 – 9 within the draft DCO to secure mitigation for a number of civil and military aviation interests. Whilst the relevant interested parties have, in general, agreed that a requirement is the appropriate way to secure the necessary mitigation, there are a number of instances where the terms are not fully agreed. This is set out in more detail in Section 3 (civil and military aviation and defence interests) of this closing statement.

8.4.2.38 In all cases, the Applicant considers that the requirement it has put forward is appropriate and aligns with previous precedent in offshore wind farm DCOs. The Applicant considers that in each case, the Secretary of State can be satisfied that the requirement should be included in the terms proposed by the Applicant.

Protective Provisions

8.4.2.39 The Applicant has not included any protective provisions within the draft DCO, as it does not consider that there are any potential impacts of the proposed development that would justify their inclusion as a form of mitigation or compensation.

8.4.2.40 Harbour Energy set out in its Deadline 5 Response (REP5-064a) that it sought various mitigation measures, which it considered could be implemented via protective provisions. The Applicant has set out within section 6.2 (Oil and Gas infrastructure) of this Closing Statement that it has demonstrated accordance with the relevant paragraphs of NPS EN-3 in respect of any potential impact to Harbour Energy's interests. No further mitigation is necessary or justified. The Applicant therefore submits that there is no reasonable basis for inclusion of protective provisions for Harbour Energy within the draft DCO.

8.4.2.41 The Applicant was asked at Issue Specific Hearing 3 if protective provisions would be included within the draft DCO as a form of mitigation for commercial impacts on the Isle of Man Steam Packet Company and Stena line for route deviations. The Applicant does not consider that such mitigation is necessary or appropriate to be secured within the draft DCO. For the reasons set out in section 7 (Shipping and Navigation) of this Closing Statement, the Applicant considers this to be purely a commercial matter to be resolved between the parties, and not a matter that needs to be addressed through the DCO to make the development acceptable in planning terms. It therefore would not meet the policy tests set out in paragraph 4.1.16 of NPS EN-1.

Wake loss requirement / protective provisions

8.4.2.42 The Applicant has set out its position on potential wake loss impacts in section 6.1 (Existing Offshore Wind Farms - Wake Effects) of this Closing Statement. For the reasons set out in that section, the Applicant considers it wholly unnecessary and unreasonable for any requirement or protective provisions to be included within the draft DCO.

9 CONCLUSION

9.1.1.1 The application for development consent for the Morgan Generation Assets must be determined in accordance with section 104 of the Planning Act 2008. The Secretary of State must have regard to:

- NPS EN-1 and EN-3, being the national policy statements which have effect in relation to offshore wind farm development. For the reasons summarised in this Closing Statement and as detailed in the application and submissions throughout the Examination, the Morgan Generation Assets accords with the NPS.
- The UK Marine Policy Statement 2011 (MPS) and the North West Inshore and North West Offshore Marine Plan 2021, as the appropriate marine policy documents. The Applicant has demonstrated that the Morgan Generation Assets accords with those policy documents.
- Any matters prescribed in relation to development of the description to which the application relates.
- Any other matters which the Secretary of State thinks are both important and relevant to the Secretary of State's decision. The Applicant submits that there are no matters that would outweigh the considerable benefits of the Morgan Generation Assets, or otherwise indicate that consent should not be granted.

9.1.1.2 The Applicant submits that the Secretary of State can and should conclude that the proposed Morgan Offshore Wind Project Generation Assets:

- Accords with the requirements of section 104 of the Planning Act 2008.
- Complies with national and marine policy.
- Would make a significant contribution to UK renewable energy targets, making a substantial contribution to meeting UK Government’s legally binding targets to achieve Net Zero, and to achieving greater energy security.
- Should be delivered as a critical national priority.

9.1.1.3 To the extent that the Morgan Generation Assets would give rise to residual adverse effects, those have been mitigated as far as practicable and in accordance with the mitigation hierarchy. There are no residual effects that would outweigh the considerable benefits of the Morgan Generation Assets.

9.1.1.4 The Applicant submits that none of the circumstances in section 104(4) to (8) Planning Act 2008 apply. Accordingly, consent should be granted for the Morgan Generation Assets in the terms sought by the Applicant.

10 REFERENCES

Berwick Bank Wind Farm (2022). Berwick Bank Wind Farm. Offshore Environmental Impact Assessment. Appendix 11.5: Ornithology Apportioning Technical Report. [Online]. Available at: https://marine.gov.scot/sites/default/files/beae821.pdf (Accessed September 2024).

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