



COMMENTS ON RESPONSES TO REQUEST FOR FURTHER
INFORMATION BY THE SECRETARY OF STATE ON BEHALF OF

(1) BARROW OFFSHORE WIND LIMITED (REF: 20048546) (2) BURBO
EXTENSION LTD (REF: 20048544) (3) WALNEY EXTENSION LIMITED
(REF: 20048542) (4) MORECAMBE WIND LIMITED (REF: 20048547) (5)
WALNEY (UK) OFFSHORE WINDFARMS LIMITED (REF: 20048545) (6)
ØRSTED BURBO (UK) LIMITED (REF: 20048543) (THE "ØRSTED IPs")

IN CONNECTION WITH THE Application by Mona Offshore Wind Limited for
an Order Granting Development Consent for the Mona Offshore Wind Farm

1. Introduction

- 1.1 We represent six operational offshore windfarms in the East Irish Sea (as set out relevant representations RR-004, RR-007, RR-047, RR-087, RR-088 and RR-090), who we refer to together as the “Ørsted IPs”. The Ørsted IPs are interested parties to the application by Mona Offshore Wind Farm Limited (the “**Applicant**”) for an Order under the Planning Act 2008 (the “**Act**”) granting Development Consent for the Mona Offshore Wind Farm (the “**Project**”).
- 1.2 This document contains the Ørsted IPs’ comments on the submission made by the Applicant in response to the Secretary of State for Energy Security and Net Zero’s (“**SoS**”) request for further information (“**RFI**”) dated 12 May 2025.
- 1.3 The Ørsted IPs wish to briefly respond to the Applicant’s responses to the SoS’ queries regarding wake effects, set out in section 1.2 of the Applicant’s response.

2. Policy requirements

- 2.1 The Applicant has reiterated its view that wake effects are not required to be considered under the NPS-EN3 and that the NPS-EN3 has been complied with. The Ørsted IPs have set out their position on these matters in previous submissions and do not repeat that information, other than to record that they do not agree with the Applicant.
- 2.2 Additionally, the Ørsted IPs reiterate (in response to the Applicant’s comment regarding a lack of precedence for wake effect assessments), that the assessment must reflect current knowledge and understanding of effects. As explained in previous submissions [REP6-147], the evidential base and understanding of wake effects between windfarms has grown and has been acknowledged, not only within the UK but also in other jurisdictions. One example is the representations made by BP p.l.c (“**BP**”) in the context of the German North Sea leasing rounds. In that case, BP advocated for mitigation for wake effects arising from the proposed new windfarms at their own sites. BP’s proposed mitigation measures included delaying tendering for the sites (to reduce temporal overlap with BP’s developments) and a reduction to the power density of the sites. As a result of these submissions, the capacity of the proposed sites was reduced by 50% (from 2GW to 1GW). The Ørsted IPs became aware of this situation in February 2025 and, as the Applicant will know, provided detailed comments on BP’s representations in the examinations for the Morecambe and Morgan windfarms.¹
- 2.3 In light of the above context, the Applicant should have assessed the wake effects of the Project.
- 2.4 In respect of the provisions of the draft NPS-EN3 regarding wake effects, the Ørsted IPs acknowledge that the existing version of the NPS-EN3 applies to the determination of the Project. However, as noted in the draft NPS-EN3, the updated policy is capable of being an important relevant consideration in decision making in respect of the Project.
- 2.5 It is noted that, at heart, the relevant provisions of the NPS-EN3 seek to understand the effects of proposed developments on existing users. That position is unchanged by the draft NPS-EN3, however, the proposed new provisions regarding wake effect more explicitly state the policy framework in relation to this issue.
- 2.6 Given the provisions of the draft NPS are directly relevant to the issue of how wake effects should be dealt with in applications for development consent order, the Ørsted IPs consider the provisions regarding wake effect should be given weight.
- 2.7 In particular, the draft NPS-EN3 confirms that developers should assess the wake effects of their proposed developments (2.8.179) and should minimise wake effects as far as possible (2.8.232). This clarified policy position directly addresses a key point of contention between the parties. The Applicant has firmly maintained throughout the examination that wake effects are not relevant to the consenting process for the Project. Despite numerous attempts by the Ørsted IPs to engage with the Applicant, the Applicant has refused to assess the wake effects of the Project or consider any meaningful mitigation which could be applied. The Applicant refused to address this issue in any way until three working days before the close of the examination, when it produced an updated assessment of the net effect of the Project on GHG emissions [AS-033]. As explained

¹ (EN010121, in particular see [REP4-076] and EN010136).

in the Ørsted IPs response to the SoS' RFI and its deadline 7 submissions [REP7-153], this assessment was entirely unsatisfactory and made no attempt to meaningfully address the Ørsted IPs' concerns.

- 2.8 This dismissive attitude required the Ørsted IPs to commission an assessment of the Project's wake effects and undertake considerable work in order to understand impacts on their assets.
- 2.9 The draft NPS-EN3 makes it explicit that wake effects are relevant to the process and confirms the Ørsted IPs position that assessment and mitigation of wake effects is required. The draft provisions also clarify (at 2.8.233) that compensation for wake effects is an acceptable approach to resolving this issue.
- 2.10 The draft NPS-EN3 represents a clear signal from the UK Government that wake effects of new offshore wind developments cannot be ignored, contrary to the Applicant's approach. It would be irrational to dismiss such clear policy direction in the context of the Project, where the provisions are highly pertinent to a key point of contention.
- 2.11 The Applicant's approach to this issue has left the SoS in an unsatisfactory position. The Applicant's assessment of the Project's impact on GHG emissions is fundamentally flawed because it fails to assess a likely consequence of the Project (the shortening of the lifetimes of the Ørsted IPs' assets). As such, there is an important gap in the information before the SoS. Additionally, the Applicant has failed to meaningfully consider what mitigation could be applied to the Project. The Applicant is the only party in a position to consider what mitigation is possible. The Applicant's failure to address this matter leaves the SoS in a position where it cannot understand whether mitigation would be effective, in the context of an important issue to be resolved.

3. Without-prejudice proposal

- 3.1 As outlined above and in previous submissions, there is an issue with the Project in principle as a result of the lack of information regarding the wake effects of the Project and possible mitigation. Only the Applicant can come forward with possible mitigations.
- 3.2 The Ørsted IPs note the draft requirement proposed by the Applicant at section 1.2.3.3 of its response to the RFI. The Ørsted IPs do not consider this requirement adequately covers the level of mitigation required and note they consider there is a typographical error with part (3) of the requirement, which could be addressed as shown below:

(3) Where paragraph (1)(a) applies the design ~~wake-effects~~ plan submitted to the licencing authority under condition 18 (1) (a) of Schedule 14 of this order must be in accordance with any approved wake effects plan
- 3.3 Condition 18(1)(a) of the dML requires the submission of a design plan to the licensing authority, rather than a wake effects plan. It is assumed the inclusion of "wake effects plan" at (3) of the draft requirement was made in error.

4. Wood Thilsted report

- 4.1 The Ørsted IPs have responded to critiques of the wake assessment carried out by Wood Thilsted in their deadline 6 submission [REP6-147]. It is reiterated that, for the reasons set out in that submission, the wake assessment is robust.
- 4.2 Importantly, the wake assessment (along with the financial modelling provided by the Ørsted IPs in response to the SoS' RFI) is the best evidence in front of the SoS demonstrating the wake effects of the Project. The Applicant has had numerous opportunities to engage with the Ørsted IPs on the wake assessment, and to carry out its own assessment, but has chosen not to do so.
- 4.3 The Ørsted IPs are extremely confident that if the Applicant had provided a wake loss assessment as requested by the Ørsted IPs and the SoS, the predicted impact on the Ørsted IPs' assets would have been similar or potentially even worse. It is very possible that the Applicant's refusal to provide a wake loss assessment is intended to hide the extent of the wake loss that they know their development will cause on the Ørsted IPs.
- 4.4 It is notable that the applicant for the Morecambe Offshore Windfarm Generation Assets did not contest the wake loss modelling impacts provided in the same report by Wood Thilsted, and that wake loss modelling from Wood Thilsted has also been provided by the Applicant for the Outer

Dowsing Application which was accepted as accurate by both the Applicant and the projects which will experience wake loss.

- 4.5 Wake modelling is a core competency of offshore wind developers. In most instances, such information would inform a developer's business case for bidding into an auction and subsequently achieving final investment decision. The Applicant should be able to model the wakes the Project would cause on the Ørsted IPs' assets in a matter of days. The Applicant has produced no credible excuse for not providing the information requested. If the Applicant has so little confidence in the modelling undertaken by Wood Thilsted, then they could have produced their own modelling. The SoS may wish to consider further requesting them to produce alternative modelling of the effect. In the absence of such information, weight should be placed on the modelling produced by the independent, competent consultant Wood Thilsted.

Shepherd & Wedderburn LLP

12.06.2025