


MORGAN AND MORECAMBE OFFSHORE WIND FARMS: TRANSMISSION ASSETS

Annex 3.2.8 to Response to RR -Natural England (RR- 1601) - Appendix A (DCO)



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1 Applicants' response to Relevant Representations

1.1 Introduction

1.1.1.1 Following closure of the relevant representation period under Section 56 of the Planning Act 2008 for the Morgan and Morecambe Offshore Wind Farms: Transmission Assets (referred to as 'the Transmission Assets') (the Applicants), the Applicants have taken the opportunity to review each of the Relevant Representations (RRs) received from stakeholders who registered as Interested Parties in the examination.

1.1.1.2 Table 2.1 and Table 2.2 provides an overview of the Applicants' response to the Relevant Representation of Natural England (RR- 1601) - Appendix A (DCO).

2 Responses to Relevant Representations

2.1 Natural England – Appendix A - DCO

Table 2.1: RR-1601.A – Natural England, Summary of Key Issues – DCO and dML

Ref	Summary of Key Concerns	Natural England's Recommendations to Resolve Issues.	Risk RAG	Applicants' response
RR-1601.A 1601.A.1	<p>A1 Natural England does not agree with the definition of commence with respect to the offshore works. This definition is linked directly to the definition of offshore preparation works and effectively excludes the works detailed under offshore preparation from the definition of commence. In essence, by excluding these works from the definition of commence all agreed mitigations are rendered potentially ineffective.</p> <p>We would note that this definition of commence is different to those used and accepted under a wide number of consented offshore wind projects.</p>	The definition of commence and offshore preparations works within the DCO and all three DMLs must be amended.		<p>The Applicants note Natural England's concerns. The Applicants confirm that the definition of "commence" will be updated in the next version of the draft Development Consent Order (DCO) (AS-004) and submitted at Deadline 1. This updated drafting, as set out in further detail below, will broadly align with the Morgan Generation and the Morecambe Generation draft DCOs.</p> <p><u>Article 2 of the draft DCO</u></p> <p>Article 2 (Interpretation) of Part 1 (Preliminary) of the draft DCO (AS-004) will be updated, so that the definition of "commence" will now read:</p> <p>"commence" means -</p> <ul style="list-style-type: none"> (a) in relation to any activities licensed by licence 1 or licence 2, the first carrying out of those activities, save for operations consisting of pre-construction surveys, monitoring surveys, unexploded ordnance surveys and clearance of low order unexploded ordnance approved under licence 1 or licence 2; (b) in respect of any other works, the first carrying out of any material operation (as defined in section 155 of the 2008 Act) forming part of the

				<p>authorised project except for onshore site preparation works</p> <p>and the words “commenced” and “commencement” must be construed accordingly;</p> <p>Definitions for each of the deemed marine licences (DMLs) (licences 1-4) will be added for clarity. The definition of “offshore site preparation activities” will be deleted.</p> <p><u>DMLs (Schedules 14 and 15 of the draft DCO)</u></p> <p>The definition of “commence” in Article 1, Part 1 of Schedules 14 (Marine Licence 1: Morgan Offshore Wind Project Transmission Assets) and 15 (Marine Licence 2: Morecambe Offshore Windfarm Transmission Assets) of the draft DCO (AS-004) will also be updated as follows:</p> <p>“commence” means the first carrying out of any licensed activities, save for activities consisting of pre-construction surveys, monitoring surveys, unexploded ordnance surveys and clearance of low order unexploded ordnance, and “commenced” and “commencement” must be construed accordingly.</p> <p><u>River Ribble DMLs (Schedules 16 and 17)</u></p> <p>The Applicants confirm that the definition of “commence” in Article 1, Part 1 of Schedules 16 (Marine Licence 3: Morgan Offshore Wind Project</p>
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				<p>Transmission Assets - River Ribble) and 17 (Marine Licence 4: Morecambe Offshore Windfarm Transmission Assets - River Ribble) will not be updated. The definition will remain as follows:</p> <p>“commence” means the first carrying out of any licensed activities and “commenced” and “commencement” must be construed accordingly</p>
RR-1601.A 1601.A.2	<p>A2 This condition secures that pre-construction plans must, except where stated otherwise, be submitted four months prior to construction. This is insufficient time because the complexity of large offshore projects means that additional time is often needed to agree on the required mitigation.</p>	<p>Natural England requests this condition be amended to require the pre-construction documentation six months prior to commencement of construction</p>		<p>The Applicants confirm they are updating Condition 19(1) (Pre-construction plans and documentation) in each of Schedule 14 and 15 of the draft DCO (AS-004) to provide for pre-construction documentation to be submitted for approval at least 6 months before commencement of licensed activities. Updated drafting will be included in the next version of the draft DCO to be submitted at Deadline 1.</p>

Table 2.2: RR-1601.A – Natural England, Detailed Advice and Recommendations DCO and dML

Ref	Doc Ref	Comment	Recommendation	RAG	Applicants' response
Document(s) Used: [APP-005] C1 Draft Development Consent Order including Draft Deemed Marine Licences					
RR-1601.A 1601.A.3	[APP-005] Article 2 (1) Page 4	<p>A3 Natural England notes the definition of maintain restricts work that is materially different or has materially different impacts. We advise that the wording should limit the works to the extent of the impacts assessed within the Environmental Statement (ES). Please see below wording used on the East Anglia Two DCO as approved by the Secretary of State:</p> <p><i>““maintain” includes inspect, upkeep, repair, adjust, and alter and further includes remove, reconstruct and replace (but only in relation to any of the ancillary works in Part 2 of Schedule 1 (ancillary works) and any component part of any wind turbine generator, offshore electrical platform, construction, operation and maintenance platform or meteorological mast described in Part 1 of Schedule 1 (authorised development) not including the alteration, removal or replacement of foundations), to the extent assessed in the environmental statement; and</i></p>	The Applicant should consider amending the wording to ensure maintenance works do not lead to impacts in excess of those assessed within the ES. This comment also applies to the definition of maintain within schedules 14-17 of the deemed Marine Licences (dML), for brevity we will not repeat the comment but all sections should be addressed.		The Applicants note this point and confirms that the wording 'to the extent assessed in the environmental statement' will be included in the definition of 'maintain' in Article 1, Part 1 of the draft DCO and in Article 1, Part 1 of each of the DMLs at Schedules 14, 15, 16 and 17 of the next version of the draft DCO (AS-004).

Ref	Doc Ref	Comment	Recommendation	RAG	Applicants' response
		<i>"maintenance" must be construed accordingly;"</i>			
RR-1601.A 1601.A.4	[APP-005] Article 2 (1) Page 6	<p>A4 Natural England does not agree with the definition of commence with respect to the offshore works. This definition is linked directly to the definition of offshore preparation works and effectively excludes the works detailed under offshore preparation from the definition of commence. It is important to note that all offshore mitigation plans are linked through timing conditions to the definition of commence. The definition of offshore preparation works includes highly damaging activities such as sandwave clearance, boulder removal, pre-lay grapnel run etc. In essence, by excluding these works from the definition of commence all agreed mitigations are rendered potentially ineffective as no plans will be required to be reviewed or approved prior to these damaging</p>	The definition of commence and offshore preparations works within the DCO and all three DMLs must be amended by the Applicant to exclude all works except pre- construction surveys to inform the construction plans and mitigation.		Please see the Applicants' response at RR-1601.A.1 above.

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		<p>activities being undertaken and subsequently any mitigation applied to the cable laying will be against a background of the impact already having occurred potentially unmitigated.</p> <p>We would note that this definition of commence is different to those used and accepted under a wide number of consented offshore wind projects such as the East Anglia Two and East Anglia One-North. We would further note that the definition of commence used in this DCO does not match that used for the transmission assets DCO.</p>			
RR-1601.A 1601.A.5	[APP-005] Article 2 (1) Page 8	A5 We note the definition of Natural England, however, this should be amended to the relevant Statutory Nature Conservation Body. This is the standard approach for offshore NSIP projects to future proof the consent against any changes to a statutory body such as Natural England. We would recommend the wording used in the recent East Anglia Two DCO.	The Applicant should remove the definition of Natural England and replace with a definition of Statutory Nature Conservation Body, all references to Natural England throughout the DCO should be amended to state the relevant Statutory Nature Conservation Body. This comment also applies to all four DMLs within the DCO, for brevity we will not repeat our comment but note that amendments should be made to all schedules.		The Applicants note this point, however, the Applicants consider that the tailpiece to the definition 'or any successor body to its functions' is sufficient to future proof against any changes to a statutory body. In the Applicants' experience, the use of 'Natural England' rather than relevant Statutory Nature Conservation Body is clearer for the relevant local planning body and avoids any uncertainty as to which nature conservation body should be consulted. We note that the same

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					approach to naming Natural England in relevant requirements was taken on The Sheringham Shoal and Dudgeon Extensions Offshore Wind Farm Order 2024.
RR-1601.A 1601.A.6	[APP-005] Schedule 2A Table 3 Page 57	A6 This table defines the maximum parameters of the project, however, do not include the maximum numbers of UXOs to be detonated. Due to the sensitivity of marine mammal and some fish species to the detonation of explosives and that the placement of explosives within the marine environment, as required to detonate UXOs, is a licensable activity, the maximum number of such detonations and the maximum size of the UXO to be removed should be secured within the DCO and dMLs.	The Applicant should amend the DCO to include maximum number and size of UXOs to remove using high order detonations. A similar issue arises within table 4 in Schedule 2B and in Schedules 14 and 15, for brevity we will not repeat our comment but would request these tables also be corrected.		The Applicants confirm that the draft DCO (AS-004) is being updated to limit UXO clearance authorised under the DCO and DMLs (AS-004) to low order clearance only. The updates will be included in the next version of the draft DCO to be submitted at Deadline 1. See also response RR-1601.37.
RR-1601.A 1601.A.7	[APP-005] Schedule 2A and 2B general point	A7 At no point within the requirements is there a requirement securing the need for Biodiversity Net Gain (BNG), as committed to by the Applicant. We would recommend as a matter of good practice such commitments should be secured by requirement.	The Applicant should include a requirement that secures the delivery and maintenance of any BNG.		The Applicants note that there is currently no legal requirement to provide for biodiversity net gain with applications for development consent under the Planning Act 2008 and that the Transmission Assets are exempt from any future legal requirement as the requirement will not apply retrospectively to applications made before the provisions come into force. However, the Applicants have

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					put forward an Onshore Biodiversity Benefit Statement (AS-054) with the Application and are seeking to provide biodiversity benefit measures on a voluntary basis. As these measures are not legally required and are not required in order to mitigate any environmental impacts identified through the EIA, the Applicants have not included a Requirement to deliver those biodiversity benefit measures. The Applicants are however committed to delivering those measures where they are able to acquire the land and rights to do so.
RR-1601.A 1601.A.8	[APP-005] Schedule 14 and 15 Part 2 Condition 18 (1) Page 299	A8 Natural England notes that the micro-siting required here is only for the micro-siting around archaeological interest features. We would note that micro-siting around features of conservation importance, such as reef of Annex I quality, is a standard mitigation. This has been included on all recent offshore wind farm consents. Please see East Anglia One North and East Anglia Two DCOs for recent examples.	We request that the requirement to consider micro siting around features of conservation importance be secured within the DMLs.		The Applicants confirm that updated drafting will be included in the next version of the draft DCO to be submitted at Deadline 1.

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RR-1601.A 1601.A.9	[APP-005] Schedule 14 and 15 Part 2 Condition 18 (1) Page 299	<p>A9 Natural England notes that this condition does not include a requirement to submit an updated offshore operations and maintenance plan (OOMP). We would note that a condition covering the operations and maintenance activity is a standard condition of most offshore wind farms, further that an outline OOMP is included as a definition but not referred to in any condition. It is important that the plan be appropriately updated at time of construction and resubmitted to the MMO as enforcing body, and that the relevant SNCB is consulted on the final plan prior to its approval</p> <p>Further we would note that Natural England's standard position is that cable protection may only be deployed on a licence for up to ten years after construction outside of Fylde MCZ, and no deployment of cable protection during the operations and maintenance ('O&M') within Fylde MCZ. Any additional cable protection within Fylde MCZ beyond the initial deployment will require a new Marine Licence. This is due to the natural variability of the marine environment and the</p>	Natural England requests that a condition to secure an updated OOMP be included. Additionally, it should be stipulated within the OOMP that cable protection may only be deployed under this consent for a period of ten years post-construction outside of Fylde MCZ, and no deployment of cable protection during O&M within Fylde MCZ. Any additional cable protection within Fylde MCZ will require a new Marine Licence.		<p>The Applicants confirm that Condition 11 (maintenance of the authorised scheme) of the DMLs at Schedules 14 and 15 of the draft DCO (AS-004) includes a requirement to submit an Operation and Maintenance Plan for approval at least four months prior to commencement of operation of the licensed activities. The operations and maintenance plan must accord with the outline offshore operations and maintenance plan (APP-224) and must provide for review and resubmission every three years during the operational phase.</p> <p>In addition, the Applicants note that cable protection deployment is controlled by requirement 2 of Schedule 2A and 2B and Condition 10 of the DMLs at Schedules 14 and 15 which set out the maximum volume and area of cable protection that each project can deploy across the lifetime of each project and further controlled through Condition 19(e) within Schedules 14 and 15 which require submission and approval of cable specification and installation plans with the outline cable specification and installation plan confirming that within the Fylde</p>

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		potential for important ecological habitats to appear over time.			Marine Conservation Zone (MCZ) cable protection would only be used as a contingency measure and is limited to 3% of the offshore export cable route within the Fylde MCZ. These volumes represent the total spatial footprint of cable protection and are what has been assessed in the Environmental Statement over the operational lifetime of the Transmission Assets, taking into consideration all reasonably predictable operations and maintenance activities, and no significant impact has been identified. The Applicants do not therefore consider there to be justification to further limit any deployment during operations and maintenance to 10 years.
RR-1601.A 1601.A.10	[APP-005] Schedule 14 and 15 Part 2 Condition 19 (1) Page 299	A10 This condition secures that pre-construction plans must, except where stated otherwise, be submitted four months prior to construction. Due to the increased complexity of constructing such large offshore projects, it is no longer appropriate for these documents to be provided just four months prior to construction as additional time is often needed to	Natural England requests this condition be amended to require the pre-construction documentation six months prior to commencement of construction		Please refer to the Applicants' response to RR-1601.A.2.

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		agree on the required mitigation. We would note that East Anglia Two and East Anglia One North provided six months.			
RR-1601.A 1601.A.11	[APP-005] Schedule 14 and 15 Part 2 Condition 20 Page 300	Natural England notes that this condition relates to the detonation of UXOs. However, there is no mention within this condition of securing the use of Noise Abatement Systems (NAS). Given the potential impact on marine mammals Natural England would request that the condition secure that such systems will be applied where reasonable to do so.	Amend the condition to include the need to consider the use of NAS.		As noted in RR-1601A.6 and RR-1601.37, the Applicants confirm that the draft DCO is being updated to limit UXO clearance authorised under the DCO and DMLs to low order clearance only. As set out in the outline Marine Mammal Mitigation Protocol (APP-223), the use of Noise Abatement Systems (NAS) would be considered a secondary mitigation measure for high order detonation. As the draft DCO (AS-004) will not be authorising high order clearance, therefore the condition wording does not need to be updated to include the need to consider the use of NAS. See also response RR-1601.E.29.
RR-1601.A 1601.A.12	[APP-005] Schedule 14 and 15	These conditions detail and secure the required monitoring for the development. However, they do not include any of the ecological monitoring required, except the during construction piling monitoring.	The Applicant should update the monitoring conditions to secure the ecological monitoring requirements.		Conditions 24, 25 and 26 of Schedules 14 and 15 of the draft DCO (AS-004) require submission of relevant monitoring plans in accordance with the Offshore In Principle Monitoring Plan (APP-225),

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	Part 2 Conditions 24, 25 and 26 Page 302	Please see East Anglia Two and East Anglia One North for examples. We would expect benthic surveys to be conducted to identify any features of conservation importance (which would then link into the requirement to micro-site around these features where reasonably practicable). We would also expect post-construction monitoring to be secured for any features of conservation importance identified in the pre-construction surveys that are predicted to be impacted by construction, in order to monitor their recovery.			which includes commitments for monitoring benthic subtidal and intertidal ecology within the Fylde MCZ. The Environmental Statement does not identify a need for any other additional ecological monitoring. The Applicants also note for clarification that no piling is proposed offshore as part of this Application.
RR-1601.A 1601.A.13	[APP-005] Schedules 14 and 15 Part 2 Conditions 24, 25 and 26 Page 318	The recent SoS decision for Sheringham and Dudgeon Extensions Project (SADEP) approved the following condition based on a recommendation from Natural England and the MMO for particular impacts requiring remediation or further mitigation works (see Condition 20 in Schedules 10 and 11 of SADEP DCO). We have copied and included the condition below for your reference. <i>(7) In the event that the reports provided to the MMO under sub-</i>	Natural England advises that a similar condition should be included within all offshore wind dMLs.		The Applicants note that this condition was included within the recently granted Sheringham Shoal and Dudgeon Extensions Offshore Wind Farm Order 2024 (SADEP), following a recommendation by the Examining Authority. However, that recommendation was specific to that application as it related specifically to concerns raised about the impact of that project on sensitive habitats and species. There is a clear distinction between SADEP and this Application, as the Environmental Statement has not

Ref	Doc Ref	Comment	Recommendation	RAG	Applicants' response
		<p><i>paragraph (4) identify impacts which are unanticipated and or beyond those predicted within the Environmental Statement and the Habitats Regulations Assessment an adaptive management plan to reduce effects to within what was predicted within the Environmental Statement and the Habitats Regulations Assessment, unless otherwise agreed by the MMO in writing, must be submitted alongside the monitoring reports submitted under sub-paragraph (4). This plan must be agreed by the MMO in consultation with the relevant statutory nature conservation bodies to reduce effects to an agreed suitable level for this project. Any such agreed and approved adaptive management or mitigation should be implemented and monitored in full to a timetable first agreed in writing with the MMO. In the event that this adaptive management or mitigation requires a separate consent, the undertaker shall apply for such consent. Where a separate consent is required to undertake the agreed adaptive management or mitigation, the undertaker shall</i></p>			<p>identified any likely significant environmental effects that would require ecological post-construction monitoring or need for potential adaptive management. The Applicants do not consider any amendment to this condition to be necessary and maintain that a robust and reasonable worst-case assessment has been undertaken throughout all parts of the Environmental Statement.</p>

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		<i>only be required to undertake the adaptive management or mitigation once the consent is granted.</i>			
Document used: [APP-224] Outline Offshore Operations and Maintenance Plan					
RR-1601.A 1601.A.14	[APP-224] Table 1.1 Page 6	As per point A9 above, Natural England does not support the deployment of cable protection across the entire lifetime of the development and requests that this be limited to a maximum period of ten years post-construction outside of Fylde MCZ, and no deployment of cable protection during O&M within Fylde MCZ. Any additional cable protection within Fylde MCZ beyond the initial deployment will require a new Marine Licence. This is a standard position applied to all OWF construction projects.	The Applicant should amend the table to note the maximum period that cable protection may be deployed as ten years post construction outside of a Fylde MCZ, and no deployment of cable protection during O&M within Fylde MCZ. Any additional cable protection within Fylde MCZ will require a new Marine Licence.		Please see response to 1601.A.9.
RR-1601.A 1601.A.15	[APP-224] 1.3.1.3	This section states that the Application includes typical unscheduled, emergency or reactive maintenance. However, offshore emergency works have not been clearly defined by the Applicant within the OOOMP or the DCO. We highlight that for offshore emergency works, the MMO have guidance on emergency works under the Marine and Coastal Access Act (MACAA,	We advise that the Applicant should define 'offshore emergency works' in the dCO/dML. The MMO's guidance on emergency works offshore should be followed and referred to within the Application. The definition of emergency offshore works should be updated for clarity within the OOOMP and DCO/dML.		The Applicants note that the draft DCO (AS-004) already includes the standard offshore safety management condition at Condition 22 of Schedules 14 and 15 of the draft DCO (AS-004) which ensures that activities will be undertaken in accordance with the relevant guidance.

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		2009). We advise that the Applicant should provide clarity that they will be using the MMO guidance for emergency works offshore.			<p>In addition to this, the Applicants wish to draw Natural England's attention to the fact that certain emergency inspection or repair works to any cable do not require a marine licence pursuant to Article 34 of the Marine Licensing (Exempted Activities) Order 2011. Any emergency works which do not fall within this exempted criteria are adequately covered by Condition 22 of Schedule 14 and 15 of the draft DCO (AS-004) as noted above, and the Applicants maintain that it is not appropriate or necessary to include provision for emergency works which would be exempt from requiring a marine licence.</p> <p>On this basis, the Applicants do not consider that any updates to the outline offshore operations and maintenance plan are required.</p>