Isle of Man
Government
Reiltys Ellan Vannin

infrastructure
bun-troggalys

Office of the Minister
and Chief Officer

By email to: info@morganoffshorewind.com

Contact: Tracy Clift
Telephone: (01624) 686603
Email: tracy.clift@gov.im
Date: 2nd June 2023

Dear Sirs,

Re: Morgan Offshore Wind Project Generation Assets: Preliminary Environmental Information Report consultation (Statutory consultee)

This response has been prepared by the Isle of Man Government (identified as a statutory consultee) with the opportunity to review and comment on the Preliminary Environmental Information Report (PEIR). This letter is a response from the Territorial Sea Committee (TSC) made up of representatives of a number of Departments and Statutory Boards of the Isle of Man Government.

The TSC found it a useful and interesting document and await the associates outcomes and future opportunity to comment as the project advances. The TSC is of the opinion that the Isle of Man should be identified as one of the main stakeholders in this process given the proximity to the Manx territorial limits. Thank you for affording us with the opportunity to consider, and provide comments on the above.

The PEIR sets out the preliminary findings of the Environmental Impact Assessment (EIA) undertaken to date. The TSC is satisfied from the information in these documents that all international environmental standards and best practice will be adhered to when undertaking the collection and analysis of the data obtained from within the proposed development area, and will ensure appropriate mitigation measures are in place to address any concerns identified throughout the remaining Environmental Assessments process. The TSC had however expected there to be more emphasis and greater detail provided on proposed mitigation measures for the impacts identified to date as part of the PEIR, particularly as set out in the Statement of Community Consultation whereby "It (the PEIR) also sets out measures that could prevent, reduce or offset any environmental effects, identified as part of early assessments and consultation".

Whilst the Isle of Man is not a member of the EU and is therefore not directly covered by most European directives, the Isle of Man still follows relevant European environmental safeguards and expects best practice to be followed. The Isle of Man also meets its obligations under both the Bonn and the Bern Conventions, via statutory instruments, specifically the Wildlife Act 1990. As part of this, the TSC would request that appropriate consideration is given to the species which are protected under this Act, and ensure that there are no detrimental impacts on these species as part of this proposed project given its close proximity to Isle of Man waters. In addition, the same would be requested in respect of the marine protected sites and the manner in which these are designated and managed, and key seabird breeding sites, including any transboundary impacts arising from the project.

It is noted that the cumulative effects will be thoroughly investigated. However, of particular importance and concern would be the habitats and species found within Isle of Man waters, particularly those protected under Manx law[1] or identified as threatened or declining by the OSPAR Convention, and which may be affected by the proposed developments. Comments included below request the inclusion of relevant, island-based conservation organisations which may also have relevant information and data of interest to

[1] Wildlife Act 1990 (http://www.legislation.gov.im/cms/images/LEGISLATION/PRINCIPAL/1990/1990-0002/WildlifeAct1990_2.pdf)

the project. Any marine developments within or adjacent to the Isle of Man territorial waters could potentially impact commercial fisheries in Manx waters so it would be appreciated if the relevant fishing organisations on the island were included as consultees via the appointed Fisheries Liaison Officer.

The above proposal also has the possibility for potential trans-boundary impacts on Manx land/seascapes and the TSC would particularly like to ensure that the impacts on wildlife/habitat conservation and fisheries in Manx waters are fully considered within the scope of this assessment developments.

Shipping and Navigation
As an island nation, any significant risk of interference with marine navigation is of concern to the TSC with regard to transport to and from the island, and the shipping lanes in our Territorial waters which are used to connect the UK and Ireland. These are strategic, lifeline routes that the Island depends on and it is essential that these are not impacted upon as part of these proposals. The economy of the Island is highly reliant on the regular, safe shipping for its goods, and any deviations from well established timetables and routes would not support the Island's business community relying on daily deliveries via the Isle of Man Steam Packet Company.

The TSC is particularly concerned about the cumulative impacts from all of the proposed windfarms awarded as part of The Crown Estate's Round 4 project, and would want to see this fully taken into account as part of this application and forthcoming EIA. It is essential that the Island's shipping companies, the Isle of Man Steam Packet Company and other shipping companies are continuously engaged throughout this process.

The TSC believes these well-established sea links including the safe passage of all vessels navigating these routes should be given appropriate weight as part of this assessment, and subsequent examination. Any deviations to these lifeline routes will be unacceptable for an Island nation entirely dependent on its well established sea links and lifeline ferry services. The TSC would therefore oppose any deviations to these lifeline routes at every opportunity throughout this process.

Ørsted proposed offshore windfarm Agreement for Lease
The TSC wishes to point out that there is an AfL with Ørsted for an offshore windfarm within Isle of Man territorial waters, something which appears to have been omitted from a number of maps depicting neighbouring offshore windfarms (committed and proposed). This is particularly of interest with respect to the hard constraints identified by The Crown Estate in Table 4.4 which requires a bidding area to be at least 7.5kms from an existing offshore windfarm. It is acknowledged that the Ørsted site is not related to a Crown Estate lease, however, the principles of proximity should continue to apply and it should have been included in paragraph 4.6.3.3 and represented on Figures 4.2 and 12.1 for context. The Deaprtment can advise that to the nearest point, the Ørsted site in Manx waters is 2.1 kms away from the nearest point of the current Morgan site boundary as identified within the PEIR. There is also no mention of this site, nor of the hydrocarbon site (detailed below) in paragraph 12.4.4.4.

It is acknowledged in Table 12.4 that the site was raised in a response from the Isle of Man Government in respect of the Scoping Opinion previously submitted as part of the TSC's response to the Planning Inspectorate, so why then was one of the underlying assumptions as part of the Hazard Risk Navigation Assessment Scenarios at the stakeholder workshop in October 2022 in Liverpool that the offshore windfarm project in Manx waters was not going to proceed?

The TSC is disappointed that this site has been omitted from the cumulative assessment specifically in respect of shipping and navigation, one of the major issues that will need to be resolved as part of the cumulative impact of all Round 4 proposed offshore windfarms. Given that it has not taken into account this site, the TSC does not believe a full cumulative impact assessment for shipping and navigation has been undertaken and this should be reconsidered. The Ørsted site has the potential to remove a large section of open water from being able to be used for safe passage for ships which may have cause to be diverted from their established routes as a result of the Round 4 sites as is being proposed as part of the Shipping and Navigation Risk Assessment, and indeed, any action that may be required of the Masters as per any adverse weather conditions.

Crogga Hydrocarbon site
The Department of Infrastructure has issued a Seaward Production Innovate Licence to Crogga Limited in respect of the hydrocarbon block 112/25. This licence commenced on 1st January 2019. Again, the TSC would draw this to your attention as it does not appear on any of your plans when oil and gas fields within the vicinity of the proposed Morgan Array Area are discussed.

Data Sources
The TSC would draw the applicant's attention to the Manx Marine Environmental Assessment[2] (MMEA) which provides a useful overview of the Island's marine environment and should be taken into account as part of both the transboundary and possibly also the cumulative impacts assessment as part of this application. More detail will be provided below in respect of specific areas of the MMEA that should be reviewed.

Clarity is sought as to some statements within the PEIR in respect of dredging activities within the Island's harbours and volumes associated with these activities. The Department of Infrastructure can provide this data should it be requested by the project team.

In addition to this broad statement, the TSC has provided specific ccomments, over subsequent pages, in relation to the individual chapters of the PEIR, and collated on behalf of various contributors within the responsible Departments of the Isle of Man Government.

The TSC would welcome the opportunity for continued involvement in the process.

Should you require any further information or clarification on any of the contents of this response, then please do not hesitate to contact myself, and I can raise any items with the members of the TSC.

Yours faithfully

Mrs Emily Curphey
Chair, Territorial Seas Committee

[2] https://www.gov.im/about-the-government/departments/infrastructure/harbours-information/territorial-seas/manx-marine-environmental-assessment/