



# **Morecambe Offshore Windfarm: Generation Assets Examination Documents**

## **Volume 9**

### **The Applicant's Comments on Deadline 3 Submissions by Interested Parties**

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## Glossary of Acronyms

ADD	Acoustic Deterrent Devices
AEoI	Adverse Effects on Integrity
AL	Action Level
ALARP	As Low As Reasonably Practicable
BML	Bodorgan Marine Limited
CEA	Cumulative Effects Assessment
CMS	Construction Method Statement
CNP	Critical National Priority
DCO	Development Consent Order
dML	deemed Marine Licence
E	East
EDR	Effective Deterrence Radius
EIA	Environmental Impact Assessment
EPP	Evidence Plan Process
ES	Environmental Statement
ETG	Expert Topic Group
ExA	Examining Authority
ExQ1	Examining Authorities First Written Questions
FLCP	Fisheries Liaison and Co-existence Plan
FLO	Fisheries Liaison Officer
HE	Historic England
HRA	Habitats Regulations Assessment
IoM	Isle of Man
IP	Interested Parties
IPMP	In Principle Monitoring Plan
JNCC	Joint Nature Conservation Committee
LBBG	Lesser Black Backed Gulls
MCA	Maritime and Coastguard Agency
MMMP	Marine Mammal Mitigation Protocol
MMO	Marine Management Organisation
MNEF	Marine Navigation Engagement Forum
NAS	Noise Abatement System

NE	Natural England
NFFO	National Federation of Fishermen's Organisation
NIHLS	Northern Irish Herring Larvae Survey
NPS	National Policy Statement
NRW	Natural Resource Wales
NSIP	Nationally Significant Infrastructure Project
OFTO	Offshore Electricity Transmission
OWF	Offshore Windfarm
PEIR	Preliminary Environmental Information Report
PEMP	Project Environmental Management Plan
PVA	Population Viability Analysis
RIAA	Report to Inform Appropriate Assessment
RR	Relevant Representation
RSPB	Royal Society for the the Protection of Birds
RTD	Red-throated diver
SAC	Special Area of Conservation
SL	Stena Line
SoCG	Statement of Common Ground
SoS	Secretary of State
SPA	Special Protection Areas
SSSI	Site of Special Scientific Interest
TH	Trinity House
TTS	Temporary Threshold Shift
UK	United Kingdom
UWSMS	Underwater Sounds Management Strategy
UXO	Unexploded ordnance
VHF	Very High Frequency
VTMP	Vessel Traffic Management Plan
WDA	Windfarm Development Area
WFA	Welsh Fishermen's Association
WSI	Written Scheme of Investigation
WTG	Wind Turbine Generators

## Glossary of Unit Terms

km	kilometre
nm	nautical mile

## Glossary of Terminology

Applicant	Morecambe Offshore Windfarm Ltd
Agreement for Lease (AfL)	Agreements under which seabed rights are awarded following the completion of The Crown Estate tender process.
Evidence Plan Process (EPP)	A voluntary consultation process with specialist stakeholders to agree the approach, and information to support, the Environmental Impact Assessment (EIA) and Habitats Regulations Assessment (HRA) for certain topics. The EPP provides a mechanism to agree the information required to be submitted to the Planning Inspectorate as part of the Development Consent Order (DCO) application. This function of the EPP helps Applicants to provide sufficient information in their application, so that the Examining Authority (ExA) can recommend to the Secretary of State whether or not to accept the application for examination and whether an appropriate assessment is required.
Expert Topic Group (ETG)	A forum for targeted engagement with regulators and interested stakeholders through the EPP.
Generation Assets (the Project)	Generation assets associated with the Morecambe Offshore Windfarm. This is infrastructure in connection with electricity production, namely the fixed foundation wind turbine generators (WTGs), inter-array cables, offshore substation platform(s) (OSP(s)) and possible platform link cables to connect OSP(s).
Other infrastructure projects	The offshore windfarm projects detailed in Appendix D of the Rule 6 Letter (PD-007).
Inter-array cables	Cables which link the WTGs to each other and the OSP(s).
Morgan and Morecambe Offshore Wind Farms: Transmission Assets	The Transmission Assets for the Morgan Offshore Wind Project and the Morecambe Offshore Windfarm. Also referred to in this report as the Transmission Assets, for ease of reading.
Offshore substation platform(s)	A fixed structure located within the windfarm site, containing electrical equipment to aggregate the power from the WTGs and convert it into a more suitable form for export to shore.
Platform link cable	An electrical cable which links one or more OSP(s).
Windfarm site	The area within which the WTGs, inter-array cables, OSP(s) and platform link cables will be present.





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# 1 Introduction

1. This document presents the Applicant's comments on Deadline 3 submissions by Interested Parties (IPs) at Deadline 3. These include the following:
  - Marine Management Organisation (REP-086 and REP3-087): **Table 2.1 – Table 2.3**
  - Natural England (REP3-089 – REP3-092): **Table 2.4 – Table 2.6**
  - Natural Resources Wales (REP3-094): **Table 2.7**
  - Blackpool Airport (Annex 1 of REP3-097): **Table 2.8**
2. Bodorgan Marine Ltd (REP3-098): Error! Reference source not found.
  - Corporation of Trinity House of Deptford Strond (REP3-100): **Table 2.9**
  - Eversheds Sutherland on behalf of Spirit Energy (REP3-101 & REP3-102): **Table 2.10**
  - Harbour Energy (REP3-104): **Table 2.11**
  - Orsted IPs (REP3-108 & REP3-111): **Table 2.12**
  - Royal Society for the Protection of Birds (REP3-114): **Table 2.13**
  - Stena Line (REP3-115): **Table 2.14**
3. The National Federation of Fishermen's Organisation (NFFO) and The Welsh Fishermen's Association (WDA) submissions were not made in sufficient time for Deadline 3. However, the intended submissions have subsequently been shared with the Applicant with the understanding that these will be submitted by the NFFO and WDA at Deadline 4. This has been responded to in **Table 2.15**.
4. As the owner of the Morecambe Offshore Windfarm Generation Assets, Morecambe Offshore Windfarm Ltd is the named undertaker that has the benefit of the Development Consent Order (DCO). References in this document to obligations on, or commitments by, 'the Applicant' are given on behalf of Morecambe Offshore Windfarm Ltd as the undertaker of Morecambe Offshore Windfarm Generation Assets.

# 2 Comments on Deadline 3 Submissions by IPs

5. The Applicant's comments on Deadline 3 submissions by IPs are provided in **Table 2.1 to Table 2.15**.

## 2.1 Marine Management Organisation (REP3-085 – REP3-088)

6. Please note that the Marine Management Organisation (MMO) submitted four separate submissions at Deadline 3:
7. Section 1 of REP3-085 comprised the MMO's responses to Examiners Questions (ExQ1s) and this has been responded to in a separate document (Document Reference 9.54).
  - REP3-086 is a duplication of REP3-085 and is therefore not duplicated below.
  - REP3-088 is a duplication of REP3-087 and is also not duplicated below.
8. The following table details Section 2 of REP3-085 ("Comments on PD1-011 Applicant's response to Relevant Representations from Marine Management Organisation"). The MMO noted that *"The MMO provided comments on the Applicant's comments at Deadline 1 (REP1-096) and 2 (REP2-035). After discussions with the Applicant the MMO notes it wasn't quite clear what was closed and what remained open at Deadline 2. Table 2 below has been updated to highlight which issues are closed. The MMO notes the Applicant will respond to all relevant comments at Deadline 3, to assist the ExA at Deadline 4 only open/new issues will be included in the response."* A response to each item is provided below in **Table 2.1**.

*Table 2.1 The Applicant's response to MMO's Section 2 (Table 2) of REP3-085*

ID referred to by MMO (from PD1-011)	Relevant Representation Comment (RR-047)	Applicant's Response at Procedural Deadline A (PD1-011)	MMO Response to Applicants Pre-Examination Procedural Deadline Submission (MMO's D3 comment) (REP3-085)	The Applicant's response at Deadline 4
The MMO considers the following matters closed: RR-047-01, RR-047-02, RR-047-03, RR-047-04, RR-047-05, RR-047-06, RR-047-07, RR-047-08, RR-047-09, RR-047-11, RR-047-24, RR-047-25, RR-047-26, RR-047-38, RR-047-40, RR-047-41, RR-047-42, RR-047-43, RR-047-44, RR-047-45, RR-047-51, RR-047-54, RR-047-55, RR-047-56, RR-047-61, RR-047-62, RR-047-64				The Applicant welcomes this response and close of matters.

ID referred to by MMO (from PD1-011)	Relevant Representation Comment (RR-047)	Applicant's Response at Procedural Deadline A (PD1-011)	MMO Response to Applicants Pre-Examination Procedural Deadline Submission (MMO's D3 comment) (REP3-085)	The Applicant's response at Deadline 4
<b>Draft DCO</b>				
RR-047-10	MMO has reviewed the draft DCO and provided comments below. MMO are currently undertaking a detailed review and will produce further comments on the DCO at Deadline 1 and during the course of the examination.	The Applicant notes this response and looks forward to receiving further comments on the draft Development Consent Order (DCO) and Deemed Marine Licence (DML) at Deadline 1.	The MMO has reviewed the updated DCO/DML and has provided additional comments in this letter in Section 3.2	See <b>Table 2.2</b> for a response.
RR-047-12	Section 2(d) states: 'the removal of sediment samples for the purposes of informing environmental monitoring under this licence during pre-construction, construction and operation' The MMO notes that geophysical surveys may require a separate licence. If so the wording in 2(d) must be clear that such	The Applicant notes that the removal of sediment samples was included in section 2 in error and, as such, this has been deleted in the revised draft DML submitted at Procedural Deadline A.	The MMO will review the Applicant comments at Deadline 3 and provide any further response in due course.	The Applicant has provided an updated Draft Development Consent Order_Rev 4 (DCO) alongside this document at Deadline 4 (Document Reference 3.1).

ID referred to by MMO (from PD1-011)	Relevant Representation Comment (RR-047)	Applicant's Response at Procedural Deadline A (PD1-011)	MMO Response to Applicants Pre-Examination Procedural Deadline Submission (MMO's D3 comment) (REP3-085)	The Applicant's response at Deadline 4
	activities are excluded from this licence.			
RR-047-13	Section 8 states: "With respect to any condition which requires the licensed activities be carried out in accordance with the details, plans or schemes approved under this licence, the approved details, plans or schemes are taken to include any amendments that may subsequently be approved in writing by the MMO" MMO recommends that the following be included in addition: "subsequent to the first approval of those plans, protocols or statements provided it has been demonstrated to the satisfaction of the MMO that the subject matter of the relevant	The Applicant considers that this additional text is not required as it is secured by paragraph 9(1) of Part 1 (Licensed marine activities of Schedule 6 (Deemed Marine Licence under the 2009 Act: Morecambe Offshore Windfarm Generation Assets) to the draft DCO (APP-012).	The MMO advised an update would be provided at Deadline 3, the MMO is still reviewing this and will provide any update to the Applicant as soon as possible and will update the ExA at each deadline.	The Applicant will provide a response to any further information provided by the Marine Management Organisation (MMO) at Deadline 5.

ID referred to by MMO (from PD1-011)	Relevant Representation Comment (RR-047)	Applicant's Response at Procedural Deadline A (PD1-011)	MMO Response to Applicants Pre-Examination Procedural Deadline Submission (MMO's D3 comment) (REP3-085)	The Applicant's response at Deadline 4
	amendments do not give rise to any materially new or materially different environmental effects to those assessed in the environmental information."			
RR-047-14	Details of the marine license activities 9(1) states: "Any amendments to or variations from the approved details, plans or schemes must be in accordance with the principles and assessments set out in the environmental statement. Such agreement may only be given where it has been demonstrated to the satisfaction of the MMO that it is unlikely to give	The Applicant does not consider that the wording proposed in paragraph 9(1) of Part 1 (Licensed marine activities of Schedule 6 (DML under the 2009 Act: Morecambe Offshore Windfarm Generation Assets) to the draft DCO (APP-012) lacks regulatory certainty or risks applying a lower standard than those approved in the Environmental Statement (ES). The proposed condition reflects the wording used in the environmental impact assessment process (of 'likely'	The MMO advised an update would be provided at Deadline 3, the MMO is still reviewing this and will provide any update to the Applicant as soon as possible and will update the ExA at each deadline.	The Applicant will provide a response to any further information provided by the MMO at Deadline 5.

ID referred to by MMO (from PD1-011)	Relevant Representation Comment (RR-047)	Applicant's Response at Procedural Deadline A (PD1-011)	MMO Response to Applicants Pre-Examination Procedural Deadline Submission (MMO's D3 comment) (REP3-085)	The Applicant's response at Deadline 4
	<p>rise to any materially new or materially different environmental effects from those assessed in the environmental statement." Due to a lack of regulatory certainty and risk of applying lower standards than those approved in the environmental statements the above wording should be amended to the following: "Any amendments to or variations from the approved details, plans or schemes must be in accordance with the principles and assessments set out in the environmental statements. Such agreement may only be given where it has been</p>	<p>significant effects).Additionally, the wording of paragraph 9(1) proposed by the Applicant reflects the wording used in other offshore wind precedents, including the Sheringham Shoal and Dudgeon Extensions Offshore Wind Farm Order 2024, the East Anglia ONE North Offshore Wind Farm Order 2022, the East Anglia TWO Offshore Wind Farm Order 2022, the Norfolk Vanguard Offshore Wind Farm Order 2022 and the Norfolk Boreas Offshore Wind Farm Order 2021.</p>		

ID referred to by MMO (from PD1-011)	Relevant Representation Comment (RR-047)	Applicant's Response at Procedural Deadline A (PD1-011)	MMO Response to Applicants Pre-Examination Procedural Deadline Submission (MMO's D3 comment) (REP3-085)	The Applicant's response at Deadline 4
	demonstrated to the satisfaction of the MMO that it will not give rise to any materially new or materially different environmental effects from those assessed in the environmental statement."			
RR-047-15	The MMO requests that the conditions include a sediment sampling plan.	As noted in the Sediment Disposal Site Characterisation Report (APP-024), the Applicant plans to designate the entirety of the windfarm site as a disposal area. The Sediment Disposal Site Characterisation Report (APP-024) includes details on sampling that was carried out during the pre-application process. No further sampling is considered to be required. As such, the Applicant does not consider that a DML condition is required.	The ongoing discussion on this point is related to disposal sites and the designation of these and what is required to be updated within the DML. The MMO is discussing this with the Applicant and will provide an update to the ExA in due course.	The Applicant reiterates the response provided at Procedural Deadline A (PD1-011) that no further sampling is required and that sufficient information has been provided in the DCO Application via the ES and Sediment Disposal Site Characterisation Report (REP1-008) for the windfarm site to be designated as a disposal ground. It is also noted this sample data was also presented in the Preliminary Environmental Information Report (PEIR)) and presented and discuss during the Evidence Plan Process pre application (please refer to the



ID referred to by MMO (from PD1-011)	Relevant Representation Comment (RR-047)	Applicant's Response at Procedural Deadline A (PD1-011)	MMO Response to Applicants Pre-Examination Procedural Deadline Submission (MMO's D3 comment) (REP3-085)	The Applicant's response at Deadline 4
				<p>Evidence Plan Report: Appendix A of the Consultation Report Appendices (APP-016), including Evidence Plan Process meeting minutes (Annex 1 of APP-016) and consultation logs and agreement logs (Annex 2 of APP-016)).</p> <p>The Applicant met with the MMO on the 14 February and understands that, with confirmation from the Applicant that the order limits set the area of the disposal ground, the MMO has sufficient information to designate the disposal site.</p>
RR-047-16	The MMO requests that a reporting condition in relation to 'Reporting of Impact Pile Driving/Detonation of Explosives' for reporting to the Marine Noise Registry is included.	Noted. The Applicant has added a new condition 19 (Marine Noise Registry) in the DML submitted with the updated draft DCO at Procedural Deadline A. As unexploded ordnance clearance and detonation of explosives are not licensable activities for the purposes of the application, the proposed	Please see comments in Section 3.2 below in relation to the updated condition wording.	See <b>Table 2.2</b> for a response.

ID referred to by MMO (from PD1-011)	Relevant Representation Comment (RR-047)	Applicant's Response at Procedural Deadline A (PD1-011)	MMO Response to Applicants Pre-Examination Procedural Deadline Submission (MMO's D3 comment) (REP3-085)	The Applicant's response at Deadline 4
		reporting condition is in only in relation to pile driving.		
RR-047-17	Condition 2(3) states: "No maintenance works authorised by this licence may be carried out until an offshore operation and maintenance plan substantially in accordance with the outline offshore operation and maintenance plan has been submitted to and approved by the MMO in writing" The MMO notes that whilst it is helpful that the maintenance plan must be approved by the MMO, it does not indicate that the maintenance works should be undertaken in accordance with this.	Noted. This has been added (with a minor change to refer to the 'offshore operation and maintenance plan' to reflect the document title) as a new subparagraph (4) to Condition 2 of the DML submitted with the updated draft DCO at Procedural Deadline A.	The MMO has provided further amendments to this condition in Section 3.2.13	See <b>Table 2.2</b> for a response.

ID referred to by MMO (from PD1-011)	Relevant Representation Comment (RR-047)	Applicant's Response at Procedural Deadline A (PD1-011)	MMO Response to Applicants Pre-Examination Procedural Deadline Submission (MMO's D3 comment) (REP3-085)	The Applicant's response at Deadline 4
	The MMO request that the additional wording is included for confirmation: "All maintenance works must be carried out in accordance with the approved operations and maintenance plan unless otherwise agreed in writing by the MMO."			
RR-047-18	Condition 7(6) states: "The undertaker must ensure that any rock material used in the construction of the authorised project is from a recognised source, free from contaminants and containing minimal fines." The MMO requests the following is included in addition: "Details of the source of	The Applicant does not consider that condition 7(6) requires to be updated. The wording of condition 7(6) reflects the wording used in other offshore wind precedents, including the Sheringham Shoal and Dudgeon Extensions Offshore Wind Farm Order 2024, the East Anglia ONE North Offshore Wind Farm Order 2022, the East Anglia TWO Offshore Wind Farm Order 2022, the Norfolk Vanguard Offshore Wind Farm	The MMO is still reviewing these comments.	The Applicant will provide a response to any further information provided by the MMO at Deadline 5.

ID referred to by MMO (from PD1-011)	Relevant Representation Comment (RR-047)	Applicant's Response at Procedural Deadline A (PD1-011)	MMO Response to Applicants Pre-Examination Procedural Deadline Submission (MMO's D3 comment) (REP3-085)	The Applicant's response at Deadline 4
	the rock materials to be used must be submitted to the MMO at least six weeks prior to the commencement of the licenced activity. The licenced activity [or specific activity] must not commence until written approval is provided by the MMO".	Order 2022 and the Norfolk Boreas Offshore Wind Farm Order 2021.		
RR-047-19	Condition 7(10) states: "All dropped objects which may reasonably be expected to cause a hazard in the marine environment must be reported to the MMO using the Dropped Object Procedure Form as soon as reasonably practicable and in any event within 24 hours of the undertaker becoming aware of an incident. On receipt of	The Applicant does not consider that condition 7(10) requires to be updated. Noting that the MMO's preferred wording has been included in several offshore wind DMLs, the Applicant considers that the wording proposed by the MMO is too wide. It places an unnecessary burden on the Applicant to report even minor, immaterial instances of dropped objects. The Applicant considers a pragmatic and	The MMO is still discussing this condition with the MCA.	The Applicant will provide a response to any further information provided by the MMO at Deadline 5.

ID referred to by MMO (from PD1-011)	Relevant Representation Comment (RR-047)	Applicant's Response at Procedural Deadline A (PD1-011)	MMO Response to Applicants Pre-Examination Procedural Deadline Submission (MMO's D3 comment) (REP3-085)	The Applicant's response at Deadline 4
	<p>the Dropped Object Procedure Form the MMO may require relevant surveys to be carried out by the undertaker (such as side scan sonar) if reasonable to do so and the MMO may require obstructions to be removed from the seabed at the undertaker's expense if reasonable to do so."</p> <p>The MMO requests condition 7(10) is amended to the following: "(1) The undertaker must report all dropped objects to the MMO using the dropped object procedure form as soon as reasonably practicable and in any event within 24 hours of becoming aware of an incident. (2) On receipt</p>	<p>proportionate approach must be taken and only considers dropped objects which may reasonably be expected to cause a hazard in the marine environment to be those to which the MMO's dropped objects procedure should apply.</p>		

ID referred to by MMO (from PD1-011)	Relevant Representation Comment (RR-047)	Applicant's Response at Procedural Deadline A (PD1-011)	MMO Response to Applicants Pre-Examination Procedural Deadline Submission (MMO's D3 comment) (REP3-085)	The Applicant's response at Deadline 4
	<p>of the dropped Object Procedure Form, the MMO may require, acting reasonably, the undertaker to carry out relevant surveys. The undertaker must carry out surveys in accordance with the MMO's reasonable requirements and must report the results of such surveys to the MMO. Receipt of such survey results, the MMO may, acting reasonably, require the undertaker to remove specific obstructions from the seabed. The undertaker must carry out removals of specific obstructions from the seabed in accordance with the MMO's reasonable requirements</p>			

ID referred to by MMO (from PD1-011)	Relevant Representation Comment (RR-047)	Applicant's Response at Procedural Deadline A (PD1-011)	MMO Response to Applicants Pre-Examination Procedural Deadline Submission (MMO's D3 comment) (REP3-085)	The Applicant's response at Deadline 4
	and at its own expense."			
RR-047-20	<p>The MMO does not consider that condition 8 Force majeure is necessary as it duplicates section 86 of the 2009 Act. The defence under Section 86 of MCAA has two limbs, and in the event that the</p> <p>undertaker fails to notify the appropriate licensing authority, in this case the MMO, within a reasonable time of their actions (Section 86(2) "matters") the defence cannot be relied upon in the event of any enforcement action. Therefore, the MMO recommends that this condition should be removed. In the event that you maintain that</p>	<p>Condition 8 (force majeure) serves a slightly different purpose to section 86 of the Marine and Coastal Access Act 2009. Condition 8 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. The Applicant has added a new subparagraph (2) to include the wording proposed by the MMO in the version of the DML submitted with the updated draft DCO at Procedural Deadline A.</p>	The MMO welcomes the update to the condition, further comments have been provided in Section 3.2.18.	See <b>Table 2.2</b> for a response.

ID referred to by MMO (from PD1-011)	Relevant Representation Comment (RR-047)	Applicant's Response at Procedural Deadline A (PD1-011)	MMO Response to Applicants Pre-Examination Procedural Deadline Submission (MMO's D3 comment) (REP3-085)	The Applicant's response at Deadline 4
	<p>the proposed provision does not duplicate Section 86 MCAA and instead introduces a reporting requirement which did not previously exist, the MMO require that it should be made clear that this provision is in addition to Section 86 and its requirements. If this is included the follow paragraph must also be included:</p> <p>"The unauthorised deposits must be removed at the expense of the undertaker unless written approval is obtained from the MMO."</p>			
RR-047-21	The MMO requests that the inclusion of archaeological reports in within condition 9. The correct statutory	Condition 9(1)(f) (pre-construction plans and documentation) requires the submission and approval of an offshore archaeological Written	The MMO is discussing this with Historic England to ensure they are content.	The Applicant notes this response and notes any further discussions between the MMO and Historic England (HE).



ID referred to by MMO (from PD1-011)	Relevant Representation Comment (RR-047)	Applicant's Response at Procedural Deadline A (PD1-011)	MMO Response to Applicants Pre-Examination Procedural Deadline Submission (MMO's D3 comment) (REP3-085)	The Applicant's response at Deadline 4
	historical body should be included as well as details of what the report should include.	Scheme of Investigation (WSI) (in accordance with the outline offshore WSI (APP-154)). This includes archaeological reports (sub-paragraph (vii)) and also makes provision for Historic England to be notified (sub-paragraph (vi)). The Applicant does not consider that any further text is needed.		
RR-047-22	Condition 13 states: "The undertaker must provide the following information in writing to the MMO— (a) the name, function, company number (if applicable), registered or head office address (as appropriate) of any agent or contractor appointed to engage in the licensed activities within seven days of appointment; and (b) each week during the	The Applicant has amended condition 13 to reflect the wording that the MMO has proposed, subject to other amendments made for consistency with the existing text of condition 13. This has been incorporated in the version of the DML submitted with the updated draft DCO at Procedural Deadline A.	The MMO Considers this matter closed – noting further minor updates have been requested in Section 3.1.16.	The Applicant welcomes this response and close of this matter and has responded to the minor update requests in <b>Table 2.2</b> .

ID referred to by MMO (from PD1-011)	Relevant Representation Comment (RR-047)	Applicant's Response at Procedural Deadline A (PD1-011)	MMO Response to Applicants Pre-Examination Procedural Deadline Submission (MMO's D3 comment) (REP3-085)	The Applicant's response at Deadline 4
	<p>construction of the authorised project a completed Hydrographic Note H102 listing the vessels currently and to be used in relation to the licensed activities." The MMO suggests the condition 13(1) is amended to the following for clarity: "The undertaker must provide the name, address and function of any agent, contractor or subcontractor that will carry out any licenced activity listed in this license on behalf of the undertaker to the MMO in writing no less than 24 hours before the agent, contractor or subcontractor carries out any licensed activity. Any changes to the name and</p>			

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	function of the specified agent, contractor or subcontractor that will carry out the specified licenced activities must be notified to the MMO in writing prior to the agent, contractor or subcontractor carrying out the licensed activity. The undertaker must ensure that a copy of this licence and any subsequent revisions or amendments has been provided to any agents, contractors or subcontractors that will carry out the licensed activity on behalf of the undertaker prior to them carrying out any licensed activity."			
RR-047-23	The provisions under article 7 Benefit of the Order are of concern to the MMO. The MMO requests that any	Article 7 of the draft DCO (APP-012) contains provisions for the transfer or lease of the provisions under the DCO. As set out in the Explanatory	Further comments have been provided in Section 3.2.	See <b>Table 2.2</b> for a response.

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	reference to the MMO and DML should be removed from this article for transfer of the benefit of the DCO.	Memorandum (APP-013), these provisions are based on the Model Provisions, and the drafting has developed through the inclusion of a similar article in many offshore wind farm development consent orders. Following the precedent drafting from other offshore wind farm orders, Article 7(2) provides the transfer or grant of DCO powers to take place with the written consent of the Secretary of State (SoS) and for this transfer or grant to take place without the need for consent in the circumstances specified in paragraph 7(5). Both of the circumstances set out in Article 7(2) allow for the transfer or grant of powers under the DML. Article 7(3) requires the Secretary of State to consult with the MMO before giving consent to the transfer or grant to another person of the benefit		

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		<p>of the DML. This ensures that the MMO has the opportunity to participate in any decision to transfer or lease made under Article 7. Article 7(11) disapplies sections 72(7) and (8) of the Marine and Coastal Access Act 2009 in relation to a transfer or grant of the benefit of the DML. The drafting in the draft DCO reflects a long-established precedent regarding the transfer of DCO powers and deemed marine licences that has been endorsed by the SoS many times, including most recently in the Sheringham Shoal and Dudgeon Extensions Offshore Wind Farm Order 2024. Where a transfer of the DML is sought under Article 7(2), the Secretary of State would consider the appropriateness of the party to whom the transfer or grant is proposed and would also take</p>		

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		<p>into account any representations made by the MMO before determining whether to grant consent. From a procedural perspective it is important that the DCO and the DML can be transferred together using the process set out in Article 7. It is considered important that the timing of any transfer or grant of powers/authorisations under the DCO and DML be aligned, as there is considerable overlap between the authorisations and the requirements/ conditions. In practice, the most common transfer scenario is when the offshore transmission infrastructure is transferred to the separate Offshore Electricity Transmission (OFTO) licenceholder following a public tender exercise via Ofgem, and it is important that an OFTO licence-holder have certainty</p>		

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		that all consents, licences and permits will transfer concurrently via the same approval process.		
<b>Draft MMMP (APP-149) and Appendix 11.3 Marine Mammal Unexploded Ordnance Assessment (APP-067)</b>				
RR-047-27	Further, Section 3.1.4 paragraph 143 regarding breaks in piling states "for any breaks in piling of less than 10 minutes, piling may continue as required (i.e. as if there was no break). For any breaks in piling of more than 10 minutes, but less than two hours, then the piling can recommence with a reduced soft- start procedure (e.g. five to six blows of the hammer at the starting hammer energy) before continuing as required, provided there are no	<p>The Applicant acknowledges the request, however notes that the wording proposed by the Applicant has previously been agreed for other offshore windfarm projects, including Dogger Bank A and Dogger Bank B.</p> <p>The Applicant notes finalisation of wording in the Marine Mammal Mitigation Protocol (MMMP) would be undertaken post-consent alongside developed Project design information, in the event that piled foundations are selected as part of detailed design for the Project.</p>	The MMO is reviewing the updated MMMP submitted at Deadline 2 and may have further comments on this matter and will provide these to the Applicant as soon as possible and the ExA at Deadline 4.	It is noted that no further comments have been received at Deadline 3 from the MMO and that in light of the marine noise policy paper (United Kingdom (UK) Government and Defra, 2025) released on the 21 January 2025, the Applicant has further updated the draft Marine Mammal Mitigation Protocol (MMMP) at Deadline 4 to reflect this guidance (Draft Marine Mammal Mitigation Protocol_Rev 03 Clean). The Applicant has also clarified the worst case scenario assessed and has committed to noise management measures for this worse case scenario.

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	<p>marine mammals within the Management Area". The JNCC (2010) guidance recommends that if there is a pause in piling operations for a period of greater than 10 minutes, then the pre-piling search and soft-start procedure should be repeated before piling recommences. If a watch has been kept during the piling operation, the Marine Mammal Observer or Passive Acoustic Monitoring Operative should be able to confirm the presence or absence of marine mammals, and it may be possible to commence the soft-start immediately. However, if there has been no watch, the complete pre-</p>			<p>The Applicant further considers that breaks in piling should be agreed against the final design of the Project and any noise measures, noting the Joint Nature Conservation Committee (JNCC) guidance on piling breaks dates back to 2010.</p> <p>The Applicant expects that the MMO will be able to close matters upon their review of documents submitted at Deadline 2, and then those updated further for Deadline 4.</p>



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RR-047-28	<p>Table 3.1 in the MMMP presents cumulative sound exposure Level (SELcum) modelled impact ranges for piling of both monopile and pinpile at the worst-case (south west) location. The MMMP refers the reader to Appendix 11.1 of the ES (Document Reference 5.2.11.1) for more details, which describes the underwater modelling undertaken. Please note that the impact ranges presented in Table 3.1 are vastly different to those presented in Appendix 11.1 (see Table 4-22 in Appendix 11.1 for example which presents the impact ranges for monopiles and Annex 7.1 and 7.2 of this document).</p>	<p>Table 3.1 in the draft MMMP (APP-149) lists the worst-case impact ranges for the Project based on the maximum strike rate scenario listed in Appendix B of Appendix 11.1 Underwater Noise Assessment (APP-065) and would be the worst-case impact range to be mitigated. There is no discrepancy, but it is noted that Appendix 11.1 Underwater Noise Assessment (APP-065) also presents the lower strike rate scenario.</p>	<p>The MMO is reviewing the updated MMMP submitted at Deadline 2 and will provide comments these to the Applicant as soon as possible and the ExA at Deadline 4.</p>	

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	These discrepancies must be checked and clarified.			
RR-047-29	With regard to Appendix 11.3 Marine Mammal Unexploded Ordnance Assessment, the MMO and Cefas note a minor discrepancy. In Table 4.8 and 4.9, the PTS (permanent threshold shift) and TTS (temporary threshold shift) criteria for UXO (unexploded ordnance) are based on the SPL <sub>peak</sub> (peak sound pressure level) metric, and the SEL <sub>ss</sub> (single strike sound exposure level) metric, not the SEL <sub>cum</sub> .	Noted, the error in the heading has been updated in The Applicant's Errata Sheet (Document Reference 8.4), submitted alongside this document at Procedural Deadline A.	The MMO is reviewing the updated MMMP submitted at Deadline 2 and will provide comments these to the Applicant as soon as possible and the ExA at Deadline 4.	
RR-047-30	Further, Table 5-1 confirms that 616 individual harbour porpoise are at risk of	Noted, 0.986% will be rounded up to 1% and the magnitude will be amended from medium to high. This will be updated	The MMO will review the comments submitted by the Applicant at Deadline 3 and provide	The Applicant awaits confirmation that this matter is closed from the MMO, noting that accommodating the precautionary change in

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	<p>PTS during high-order detonation (353.6 kg Net Explosive Quantity (NEQ) plus donor charge) but this has been assessed as having a 'Medium' magnitude. For Low-Order clearance, 7 individual harbour porpoise are at risk of PTS, and this has also been assessed as having 'Medium' magnitude. The MMO and Cefas question whether 'Medium' magnitude is appropriate for the high order assessment. The MMO and Cefas understand that this scoring is based on the fact that 1% of the reference population is anticipated to be exposed (which is 0.986 % of the Celtic and Irish Sea (CIS) Management</p>	<p>accordingly in a separate technical note to be submitted at Deadline 1. It is noted that the precautionary change in magnitude from medium to high would not change the overall significance and conclusions of the assessment.</p>	<p>confirmation if this point is now closed.</p>	<p>magnitude requested by the MMO has not altered any assessment conclusions.</p>

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	Unit (MU) according to Table 5-1).			
RR-047-31	Following on from the previous point, the MMO and Cefas also question the Magnitude scoring in Table 5.2. Table 5-2 confirms that 2,037 individual harbour porpoise are at risk of TTS during high order detonation, but this has been assessed as only having a 'Low' magnitude (with 3.3 % of the CIS MU anticipated to be at risk of TTS).	As outlined in Appendix 11.3 Marine Mammal Unexploded Ordnance (UXO) Assessment (APP-067) Table 4.3 the definition of impact magnitude for a marine mammal receptor, a 3.3% population level impact falls within the 'Low' magnitude category for an intermittent and temporary effect.	The MMO will review the comments submitted by the Applicant at Deadline 3 and respond at Deadline 4.	The Applicant awaits further comments from the MMO, noting that these points of detail relate to the Unexploded Ordnance (UXO) assessment which is not part of this DCO Application, and provided for information at this stage. A further targeted assessment will be undertaken post-consent as part of a separate marine licence. It is also noted that the new UXO guidance (UK Government et al., 2025) further requires (as committed to by the Project) use of low order UXO clearance, with high order clearance as a last resort.
RR-047-32	With regard to Section 5.2, 'Disturbance from underwater noise associated with UXO clearance', Cefas and the MMO do not support the use of TTS as a proxy for disturbance.	There are no agreed thresholds for the onset of a behavioural response from underwater noise generated by explosions during UXO clearance activities. Empirically-derived relationships between noise levels and the probability of a response to pile driving noise (i.e. the 26km Effective	The MMO will review the comments submitted by the Applicant at Deadline 3 and respond at Deadline 4.	

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	<p>Therefore, the MMO and Cefas disagree with paragraph 84 that "the use of the TTS threshold was appropriate for UXO disturbance because the noise from the UXO explosion would be only fleetingly in the environment". TTS constitutes a temporary reduction in the sensitivity of the auditory system. The characteristics of TTS are distinct from behavioural disturbance, in which an animal changes its behaviour in response to a stimulus. There is no cognitive impairment implicit in behavioural responses. TTS typically occurs at much higher sound exposures than the onset of behavioural disturbance, and so if behavioural disturbance</p>	<p>Deterrence Radius (EDR)) are not appropriate to apply here due to the very different nature of the sound. Other assessments of UXO clearance activities have used the Temporary Threshold Shift (TTS)-onset threshold to indicate the level at which a 'fleeing' response may be expected to occur in marine mammals. This is a result of discussion in Southall et al. (2007) which states that in the absence of empirical data on responses, the use of the TTS onset threshold may be appropriate for single pulses (like UXO detonation): "Even strong behavioural responses to single pulses, other than those that may secondarily result in injury or death (e.g., stampeding), are expected to dissipate rapidly enough as to have limited long-term consequence. Consequently, upon exposure to a single pulse, the onset of significant</p>		

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	<p>is assumed to occur only at sound exposures where TTS would occur, this is likely to significantly underestimate the risk of disturbance.</p>	<p>behavioural disturbance is proposed to occur at the lowest level of noise exposure that has a measurable transient effect on hearing (i.e., TTS-onset). We recognize that this is not a behavioural effect per se, but we use this auditory effect as a de facto behavioural threshold until better measures are identified. Lesser exposures to a single pulse are not expected to cause significant disturbance, whereas any compromise, even temporarily, to hearing functions has the potential to affect vital rates through altered behaviour" (Southall et al., 2007).</p> <p>Therefore, an estimation of the extent of behavioural disturbance is based on the sound levels at which the onset of TTS is predicted to occur from impulsive sounds. TTS thresholds are taken as those proposed for different functional</p>		

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		<p>hearing groups by Southall et al. (2019).</p> <p>It is noted that UXO clearance is not part of the DCO Application and assessment was provided for information, noting a marine licence application for UXO clearance, if required, would be made separate from the DCO Application.</p>		
RR-047-33	<p>To quantify the risk of behavioural responses where there are no better alternatives, the effective deterrence ranges (EDRs) in place for noise management in harbour porpoise Special Areas of Conservation (SACs) could be used instead. Since harbour porpoise are relatively skittish and sensitive to underwater noise, the EDRs are likely to be conservative</p>	<p>The Applicant acknowledges this response, noting, as stated in the draft MMMP (APP-149), the final MMMP for UXO clearance would be submitted for approval under a future marine licence application, separate from the DCO Application.</p> <p>As outlined in Southall et al. (2021) thresholds that attempt to relate single noise exposure parameters (e.g., received noise level) and behavioural response across broad taxonomic grouping and sound types could lead to severe</p>	<p>This is an ongoing point and further information will be provided at Deadline 4.</p>	

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	<p>for other marine mammal species and are therefore a suitably precautionary option in the absence of other data (unlike using TTS as a proxy for disturbance). Thus, the MMO and Cefas welcome that the 26km EDR, as per the Statutory Nature Conservation Bodies (SNCB) guidance (JNCC et al., 2020) has also been considered in the assessment for harbour porpoise and disturbance. A 5km potential disturbance range for low-order clearance, for all marine mammal species, has also been considered (JNCC, 2023) and includes vessels associated with the activity.</p>	<p>errors in predicting effects. Differences between species, individuals, exposure, situational context, the temporal and spatial scales over which they occur, and the potential interacting effects of multiple stressors could lead to inherent variability in the probability and severity of behavioural responses. The 26km EDR is based on harbour porpoise disturbance for piling activities and is also used for high order clearance "despite there being no empirical evidence of harbour porpoise avoidance" (JNCC et al., 2020). Consequently, this EDR may not accurately represent UXO clearances. Applying this EDR to other species is deemed overly conservative and could lead to an overestimate of potential effect for other species. TTS has been used as a proxy for disturbance for assessing disturbance from</p>		



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		high order UXO clearance for species where there is no recommended EDRs such as for dolphins, for other offshore windfarm projects such as Seagreen Offshore Wind Farm, Sheringham and Dudgeon Extension Projects, and Dogger Bank South Offshore Wind Farm Projects.		
RR-047-34	Additionally, Section 5.2, paragraph 90 states "In addition, the MMMP for UXO clearances will include ADD (acoustic deterrent device) activation prior to all UXO clearances, to ensure marine mammals are beyond the maximum potential impact range for PTS". There is no certainty or guarantee that animals will be deterred beyond the maximum impact ranges. In fact, the	The Applicant acknowledges this response, noting, as stated in the draft MMMP (APP-149), the final MMMP for UXO clearance would be submitted for approval under a future marine licence application, separate from the DCO Application. The Applicant will apply this advice when reviewing mitigation measures during the submission of the UXO clearance marine licence once further details of the proposed UXO works are known.	The MMO is still reviewing the information with our scientific advisors and will provide any additional comments or confirm this point is closed at Deadline 4.	

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	<p>assessment later highlights in para 98 that "as per ADD review in the JNCC report No. 615 (McGarry et al., 2022), the ranges of deterrence distances can vary significantly from only a few meters to several kilometres (approximately 6km for VHF cetacean); these differed between devices and dependent on the acoustic properties of the environment (Rosemeyer et al., 2021)". Although an indicative assessment has been provided, the MMO and Cefas request that the ADD activation times (and mitigation in general) are revisited once further details of the proposed UXO works are known.</p>			

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<b>Outline PEMP (APP-146) and IPMP (APP-148)</b>				
RR-047-35	The MMO and Cefas do not have any major comments on the Outline Project Environmental Management Plan (PEMP).	The Applicant notes this response.	Please see comments in relation to Chemicals in Section 3.2. The MMO will review the .	The Applicant notes the wording provided which was discussed at Issue Specific Hearing 2 on 4 February 2025. The Applicant notes that the Examining Authority (ExA) has asked further questions to the MMO on the wording (Rule 17 letter to Natural England (NE) and MMO; PD-013). The Applicant is comfortable with the premise of the condition but awaits further responses from the MMO on matters discussed at the hearings such as the 10 week approval time. The Applicant also wishes to ensure that the wording aligns with that used for other Irish Sea projects in examination.
RR-047-36	The MMO and Cefas welcome further assessment be conducted prior to construction, based on the foundation type and installation method, to determine if there is the	Noted, confirmation of requirements for mitigation would be agreed post-consent during the finalisation of the MMMP which is secured in Condition 9(1)(i) of Schedule 6 of the Draft DCO (APP-012). The Applicant is planning	The MMO's is still discussing the MMMP and UWSMS and will provide updates at Deadline 4.	It is noted that no further comments have been received at Deadline 3 from the MMO and that in light of the new underwater guidance released in January 2024 the Applicant has further updated the MMMP at Deadline 4 which will not have considered

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	risk of significant disturbance to marine mammals. This would then be used to determine if further mitigation measures which reduce sound propagation and disturbance are required. If they are required, then a review would be conducted to determine what is the most appropriate and effective method based on the latest and available methods prior to construction. This would include a review of all suitable noise abatement measures at that time.	appropriately for the potential requirement for noise abatement systems (NAS), and this will be one of the options considered when developing the MMMP.		any further comments that the MMO may have on the version submitted at Deadline 2. See <b>Table 2.2</b> for a response.
RR-047-37	The MMO and Cefas does not have any major comments in regard to the In Principle Monitoring Plan (IPMP).	The Applicant notes this response.	Other than the comments raised within Section 6 below on the IPMP the MMO is largely content with the IPMP but will continue to review NE	The Applicant notes that the In Principle Monitoring Plan (IPMP) has been updated and provided at Deadline 3 in response to Natural England's Deadline 2 comments (REP3-045).

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			advice and support any requests from NE.	
RR-047-39	Regarding potential disturbance resulting from underwater noise during piling activities, Table 2.3 states that in order to test key areas within the ES and Report to Inform Appropriate Assessment (RIAA), the purpose of this potential monitoring would be to research the behavioural response of marine mammals to different construction activities, including from mitigations (e.g. ADDS). This could be undertaken through either acoustic methods or through visual methods during Project required mitigation (e.g. Marine Mammal Observers (MMO) and	Noted, confirmation of requirements for monitoring would be agreed post-consent during the finalisation of the Monitoring Plan.	The MMO always requests potential monitoring to be included in the outline plan as much as possible and the detail then be confirmed post consent but has no comments to add on this point.	The Applicant welcomes this response and no further action is considered to be required given the updates made to the IPMP at Deadline 3 (REP3-045) and the fact this plan will be agreed and finalised post consent.

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	Passive Acoustic Monitoring (PAM)).			
<b>Chapter 8 Marine Sediment and Water Quality (APP-045)</b>				
RR-047-46	The MMO and Cefas request that section 8.61 be clarified to include the types of chemical analyses performed on samples (e.g. metals, PAHs, PCBs etc.) and which if any together with the location of those samples that exceeded AL (action level) 2, as stating there were no significant exceedance of AL2 does not provide adequate explanation of the contamination present. The MMO and Cefas are not suggesting these analyses are undertaken but require reasons as to why they were not selected.	Section 8.61 of Chapter 8 Marine Sediment and Water Quality (APP-045) relates to sediment data collected for other projects: Walney Extension IV Offshore Wind Farm (Dong Energy, 2013) (approximately 18.8km from the Project) and West of Duddon Sands offshore windfarms (Dong Walney (UK) Limited, 2006) (approximately 12.9km from the Project). Given the age of the Environmental Impact Assessment (EIA)s, distance to the Morecambe array area and age of the data, the MMO are guided to the site-specific data presented in sections 8.69 to 8.72 which was collected within the Morecambe array area and much more recently, in 2022. This data did not show any exceedances of Cefas Action	The MMO Will provide confirmation on the status of this comment at Deadline 4.	The Applicant notes further confirmation is to be provided by the MMO, highlighting that this relates to data considered as part of the wider baseline and not at the windfarm site.

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		Level (AL) 1 for any of the parameters for which analysis was undertaken and is considered the best and most relevant evidence regarding levels of contamination present that could potentially be disturbed. This aligns with MMO comment ID RR-047-45.		
RR-047-47	The MMO and Cefas note that comparison of levels of arsenic, cadmium, chromium, copper, lead, mercury, nickel and zinc to Canadian quality standards should not be undertaken as the methods used to produce the results are not directly comparable in that the Canadian sediment quality guidelines use normalised metals analysis and likely a different digestion to that of the methods used for	Noted. The appropriate comparison against United Kingdom (UK) actions levels has been undertaken (MMO, 2015) (see Paragraph 8.25 of Chapter 8 Marine Sediment and Water Quality (APP-045).	The MMO is reviewing these comments and currently working to designate disposal sites and will provide further comments in due course.	As per RR-047-47, the Applicant notes further comments will be provided by the MMO but highlights the analysis of site-specific samples and the presentation of results has been discussed through pre-application with the MMO, with results presented in the PEIR and discussed in Expert Topic Group (ETG) meetings (please refer to the Evidence Plan Report: Appendix A of the Consultation Report Appendices (APP-016), including Evidence Plan Process meeting minutes (Annex 1 of APP-016) and consultation logs and agreement logs (Annex 2 of APP-016)).

ID referred to by MMO (from PD1-011)	Relevant Representation Comment (RR-047)	Applicant's Response at Procedural Deadline A (PD1-011)	MMO Response to Applicants Pre-Examination Procedural Deadline Submission (MMO's D3 comment) (REP3-085)	The Applicant's response at Deadline 4
	production of results of dredge material for determination of suitability for disposal for comparison to the UK Action Levels (e.g. aqua regia/nitric digest, no sieving, no normalisation).			The Applicant further met with the MMO on the 14 February and understands that, with confirmation from the Applicant that the order limits set the area of the disposal ground, the MMO has sufficient information to designate the disposal site.
RR-047-48	You have suggested that for scour protection 'bagged solutions filled with grout or other materials. Protective aprons, mattresses with or without frond devices, and rock, concrete and gravel placement' (Chapter 5 section 5.53). Bags or mattresses may contain plastics. Concrete mattresses maybe linked polypropylene rope lattice, and artificial fronds mattresses made of continuous lines of overlapping buoyant	The Applicant acknowledges the MMO consideration of the risks associated with the introduction of plastic infrastructure. The selection of scour protection methods, where required, will be evaluated and further considered post-consent in the Offshore Construction Method Statement (CMS), focusing on both engineering and suitability and environmental recoverability. The Offshore Construction Method Statement will be developed through consultation with the MMO and is secured in Condition 9(1)(d)	This is reviewing the Applicant's comments and will provide a response at Deadline 4.	The Applicant notes an outline CMS is provided at Deadline 4 (Document Reference 9.49), listing the considerations that would be developed and reported within the CMS post-consent, including considerations of scour protection materials.



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	<p>fronds consisting of polypropylene or similar have been used in the marine environment over the years. Placing plastic infrastructure into the marine environment could pose a risk should they degrade.</p> <p>The MMO and Cefas request that the final design of these frond mattresses should be detailed in the offshore construction method statement that will be submitted to and approved by the MMO prior to commencement of development.</p> <p>This can then be secured within the Draft DCO submitted with the application for consent.</p>	of Schedule 6 of the Draft DCO (APP-012).		
RR-047-49	In line with OSPAR guidance on the construction operation maintenance and	The Applicant acknowledges the MMO comments.	Please see comments in Section 3.2 on updates to the chemical condition.	The Applicant notes the wording provided was discussed at Issue Specific Hearing 2 on 4 February 2025. The Applicant notes that the

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	decommissioning of offshore windfarms notification should be given to the regulator where there is potential for chemicals used and or discharged where there is a pathway to the marine environment, including those used within closed systems that require frequent top up should provide full details of the risk and justification for use of chemicals. This guidance includes the use of paints and coatings. In addition, some piles may require pre-drilling (with a maximum drill penetration of 56m) therefore the use of drilling fluids cements or cement additives etc., should be notified to the	An Offshore Project Environmental Management Plan (PEMP) will be finalised post-consent, to include details of a chemical risk assessment, that shall include information regarding how and when chemicals are to be used, stored and transported in accordance with recognised best practice guidance. The PEMP is secured in Condition 9(1)(e) of Schedule 6 of the Draft Development Consent Order (APP-012).		ExA has asked further questions to the MMO on the wording (Rule 17 letter to NE and MMO; PD-013). The Applicant is comfortable with the premise of the condition but awaits further responses from the MMO on matters discussed at the hearings such as the 10-week approval time. See <b>Table 2.2</b> for a response.

ID referred to by MMO (from PD1-011)	Relevant Representation Comment (RR-047)	Applicant's Response at Procedural Deadline A (PD1-011)	MMO Response to Applicants Pre-Examination Procedural Deadline Submission (MMO's D3 comment) (REP3-085)	The Applicant's response at Deadline 4
	MMO for approval prior to use (section 5.103).			
RR-047-50	For gravity base options where necessary ballast used maybe water or heavy material such as rock or both. It does not say whether there will be any antifouling or biocide used within the gravity base either on installation or potentially required in the future. The MMO request that this be clarified within the ES (section 5.100).	Should water be used as ballast, this would be locally sourced rather than imported, therefore the use of biocide is not considered necessary. The use of antifouling on solid ballast is again considered unnecessary. Implementation of biosecurity measures in line with international and national regulations and guidance will be listed within the PEMP, an Outline of which was submitted as part of the DCO Application (APP-146).	Please see comments in Section 3.2 on updates to the chemical condition.	
RR-047-52	The MMO and Cefas find it encouraging that outline procedures for the management of mud produced during drilling activities or any material from the seabed preparation are to be disposed of in accordance with the limits of the Deemed	The Applicant acknowledges the MMO comments. The PEMP will include reporting requirements and is secured in Condition 9(1)(e) of Schedule 6 of the Draft DCO (APP-012).	Please see comments in Section 3.2 on updates to the chemical condition.	See response to RR-047-49, and <b>Table 2.2.</b>

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	<p>Marine Licence for licensed marine activities including disposal location quantities measures for waste concrete etc. Reporting procedures for these were included as part of the Project Environmental Management Plan. The MMO and Cefas note that</p> <p>drilling fluids together with all chemicals with a pathway to the marine environment should be included in plans for reporting.</p>			
RR-047-53	<p>The MMO and Cefas note that if the sandwave clearance material is anticipated to be placed back within the array area you most likely would have to apply to the MMO to designate the area as a</p>	<p>While surveys to date do not identify prevalence of sandwaves within the windfarm site, Chapter 7 Marine Geology, Oceanography and Physical Processes (APP-044), Chapter 8 Marine Sediment and Water</p>	<p>The MMO will provide an update at Deadline 4.</p>	<p>See RR-047-15</p>

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	<p>disposal site for the MMO to be able to fulfil its statutory obligations under OPSAR to be able to make accurate returns for dredge and disposal.</p>	<p>Quality (APP-045) and Chapter 9 Benthic Ecology (APP-046) of the Environmental Statement (ES) assess the worst-case requirement for sandwave clearance/clearance of seabed sand features and disposal within the order limits. A Sediment Disposal Site Characterisation Report (APP024) has been provided as part of the application in order for the area within the order limits to be designated as a disposal site through the DCO.</p> <p>The Applicant notes that the removal of and disposal of inert material is included as associated development for the purposes of the definition of the authorised project (Schedule 1, Part 1, Paragraph 1(c)) and for the purposes of the definition of the licensed marine activities (Schedule 6, Part 1, Paragraph 3(c)). These definitions state that such activities are</p>		

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		authorised 'within the Order limits'. Accordingly, no separate application for designation is considered required.		
<b>Chapter 10 Fish and Shellfish Ecology (APP-047)</b>				
RR-047-57	Figure 10.6 of Volume 5 Chapter 10 Fish and Shellfish Ecology Figures presents a 'heatmap' of herring larvae abundance data over the most recent 10 years of the NHLS (Northern Irish Herring Larvae Survey) (2012-2021) which has been overlaid with the mapped noise contours for the three modelled pile locations (east, northwest and south-west) based on the maximum hammer energy of 6,600 kJ, based on the 135 dB SELss threshold. Cefas fisheries advisors have	The MMO are correct in their summary of the methods used to create heatmaps of herring larvae abundance from Northern Irish Herring Larvae Survey (NIHLS) data. The qualitative heatmap is intended to display how larval density distribution corresponds with existing spawning ground maps. An update to the figure legend has been made to display larval abundance quantitatively, giving further context to the heatmap colour scheme, and is being submitted at Procedural Deadline A (5.3.10 Chapter 10 Fish and Shellfish Ecology Figures_Rev 02) alongside this document.	The MMO Will confirm the position of this comment at Deadline 4.	The Applicant expects confirmation on this matter by the MMO at Deadline 4, noting that no overlap of noise contours and herring spawning grounds have been identified.

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	<p>had previous discussions with the Applicant's consultants regarding your approach to presenting data on the abundance and distribution of herring larvae at the Manx spawning ground. The MMO and Cefas understand that their approach has taken the NIHLs point data at each station and weighted these points according to the relative abundance of larvae across the grid, then smoothed the points to generated areas of higher and lower density/heat. Whilst it was agreed that this approach was suitable, it should be recognised that the 'high' / 'low' colour scheme shown in the legend in Figure 10.6 does not provide</p>			

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	any value to contextualise what 'high' abundance or 'low' abundance means in terms of the number of herring larvae (e.g. no. per m2), so the heatmaps have limited value to the reader (unless they have been made aware of how the data have been treated). The MMO alongside Cefas recommend that the legend is updated for transparency/clarity to all readers of the ES.			
RR-047-58	Cefas and the MMO do not support the conclusions made in the CIA (Cumulative Impact Assessment). The UWN modelling presented in Figures 10.8a and 10.8b present the piling noise impact range noise contours which overlap the	The Applicant acknowledges the overlap of Group 3 noise effect thresholds from the Project and Atlantic cod spawning grounds displayed in Figures 10.8a and 10.8b. The Cumulative Effects Assessment (CEA) conclusions made in Section 10.7.3 of Chapter 10 Fish and Shellfish Ecology (APP-047) are drawn from the	The MMO will review the Applicant's comments and updated UWSMS and provide further information at Deadline 4, please see Section 3.2 in relation to UWSMS condition.	The Applicant is mindful of the MMO's position and understands that either a piling restriction in the peak cod spawning season or noise management measures could be employed. It is also noted that in light of the new underwater guidance released in January 2025, the Applicant has further updated the Underwater Sound Management Strategy



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	<p>spawning grounds of Atlantic cod. The modelling uses the hearing thresholds in Group 3 fish for piling of 207, 203 and 186 dB SELcum for mortality and potential mortal injury, recoverable injury and temporary threshold shift (TTS), respectively. Results of the underwater noise modelling presented in Table 10.25 (Chapter 10 Fish and Shellfish Ecology) quantify the area of impact to eggs and larvae during mono- and pin-piling, which is limited to an area of 0.32km<sup>2</sup> for monopiling and 0.19km<sup>2</sup> for pinpiling, though the impact range for this impact is not shown in Figures 10.8a and 10.8b. Figures 10.8a and 10.8b show that</p>	<p>wide extent of cod spawning grounds across the Irish Sea and the temporary nature of piling effects in comparison to a four month spawning period. Effects on eggs and larvae are considered in Paragraphs 10.211 to 10.220 of Chapter 10 Fish and Shellfish Ecology (APP-047). In relation to the data sources mentioned by the MMO, the Applicant has considered these sources and is of the position that they are not sufficient to materially alter the understanding of cod spawning in relation to the Project, and subsequently would not materially affect the assessment of significance (or the MMO's position that they do not support the conclusions of the CEA in relation to cod spawning). The Applicant intends to follow the developments in the approach to piling of other nearby projects (in terms of timings, techniques, and mitigations),</p>		<p>(UWSMS) at Deadline 4 (Outline Underwater Sound Management Strategy_Rev 02). The Applicant considers that the updated UWSMS aligns with the MMO position and is sufficient to control noise mitigation and that a condition on the face of the DCO would duplicate this mechanism and is not therefore necessary. See <b>Table 2.2</b> for a response.</p>

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	<p>piling noise overlaps the spawning grounds of cod for all impairments, i.e. mortality and potential mortal injury, recoverable injury and especially for TTS.</p> <p>Whilst suitable UWN modelling has been undertaken in respect of cod, it is disappointing to see that the assessment of impacts from UWN has assessed cod under the generic Group 3 fish in Section 10.245. The assessment seems to be missing the link between the cod as a Group 3 fish and the spawning activity they engage in at their spawning grounds. Meanwhile, the assessment of impacts from noise on spawning grounds in Sections</p>	<p>and will further develop the piling strategy, including any mitigations, in agreement with the MMO postconsent.</p> <p>The Applicant will seek to discuss further with the MMO (and NE) given their comment regarding this in their Relevant Representation (RR)) the structure of an Underwater Sound Management Strategy (UWSMS) as a mechanism of agreeing mitigation post-consent, which will also consider measures the Project may need to take in light of potential cumulative effects and in line with other projects on similar timescales. The Applicant will provide an Outline Underwater Sound Management Strategy at Deadline 2 in order to take into account potential further comments from the MMO expected at Deadline 1. The Applicant has added a new condition 30 (Underwater</p>		

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	<p>10.211 – 10.220, only considers impacts to the eggs and larvae, rather than the spawning fish. In our advice for PEIR we highlighted that piling works could have potential to significantly impact cod at a population level if piling was to occur during their spawning season (January – April inclusive). This is of particular importance, given ICES' latest advice on cod for the Irish Sea which states that 'when the maximum sustainable yield (MSY) approach and precautionary considerations are applied, there should be zero catch in 2023' and that 'Fishing pressure on the stock is below FMSY, and spawning-stock size is below MSY</p>	<p>Sound Management Strategy) in the DML submitted with the updated draft DCO at Procedural Deadline A to secure this.</p> <p>Additionally, the Outline Underwater Sound Management Strategy has been added as document to be certified in the draft DCO.</p>		

ID referred to by MMO (from PD1-011)	Relevant Representation Comment (RR-047)	Applicant's Response at Procedural Deadline A (PD1-011)	MMO Response to Applicants Pre-Examination Procedural Deadline Submission (MMO's D3 comment) (REP3-085)	The Applicant's response at Deadline 4
	<p>Btrigger, Bpa, and Blim' (ICES 2022). We also pointed to Fox et al. (2000) which reports high site fidelity in cod spawning grounds in the Irish Sea. For these reasons, the MMO and Cefas would have expected you to consider this information, and potentially other sources of data to inform their assessment such as data from the Northern Irish ground fish trawl survey which has been ongoing since 2009 and has several survey stations within the eastern Irish sea (data are available from ICES: <a href="http://datras.ices.dk/">http://datras.ices.dk/</a>). In the absence of any data to suggest that this part of the cod spawning ground is of lower importance than other</p>			

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	<p>areas, and in consideration of ICES advice on the cod population in the Irish sea, the MMO and Cefas recommend that piling is not permitted during the cod spawning season and recommend that the following restriction is conditioned on the deemed marine licence:</p> <p>No piling of any kind shall take place during the cod spawning period from 1st January to 30th April (inclusive) of any year. Reason: To prevent disturbance to adult spawning cod during their spawning season.</p>			
RR-047-59	As per our advice on the PEIR, you may wish to consider the use of noise abatement measures such as big	The Applicant is planning appropriately for the potential requirement for NAS but maintains the position that the effects may be suitably	The MMO will review the Applicant's comments and updated UWSMS and provide further information at Deadline 4,	

ID referred to by MMO (from PD1-011)	Relevant Representation Comment (RR-047)	Applicant's Response at Procedural Deadline A (PD1-011)	MMO Response to Applicants Pre-Examination Procedural Deadline Submission (MMO's D3 comment) (REP3-085)	The Applicant's response at Deadline 4
	<p>as big bubble curtains (BBC) or double BBC during piling, to reduce the noise levels emitted during piling (see Würsig et al. (1999)). UWN modelling incorporating the use of noise abatement measures has been shown to reduce the range of effect for disturbance with sensitive habitats such as spawning grounds</p>	<p>mitigated through further design refinement and other embedded mitigation.</p> <p>The Applicant will seek to discuss further with the MMO (and NE given their comment regarding this in their RR) the structure of an Underwater Sound Management Strategy as a mechanism of agreeing mitigation post-consent, which will also consider measures the Project may need to take in light of potential cumulative effects and in line with other projects on similar timescales.</p> <p>The Applicant will provide an Outline Underwater Sound Management Strategy at Deadline 2 in order to take into account potential further comments from the MMO expected at Deadline 1. The Applicant has added a new condition 30 (Underwater Sound Management Strategy) in the DML submitted with the</p>	<p>please see Section 3.2 in relation to UWSMS condition.</p>	

ID referred to by MMO (from PD1-011)	Relevant Representation Comment (RR-047)	Applicant's Response at Procedural Deadline A (PD1-011)	MMO Response to Applicants Pre-Examination Procedural Deadline Submission (MMO's D3 comment) (REP3-085)	The Applicant's response at Deadline 4
		<p>updated draft DCO at Procedural Deadline A to secure this.</p> <p>Additionally, the Outline Underwater Sound Management Strategy has been added as document to be certified as one referred to in the DCO.</p>		
RR-047-60	<p>Cefas and the MMO do not support the conclusions made in the CIA that that the cumulative effects of piling noise are deemed to be no greater than project-alone effects 'minor adverse'. We would also add that recent advice for Morgan OWF (DCO/2022/00003) which is located entirely in the Irish sea cod spawning ground we highlighted the likelihood that a seasonal piling</p>	<p>The Applicant acknowledges the overlap of Group 3 noise effect thresholds from the Project and Atlantic cod spawning grounds displayed in Figures 10.8a and 10.8b in Chapter 10 Fish and Shellfish Ecology Figures (APP-094). The CEA conclusions made in Section 10.7.3 in Chapter 10 Fish and Shellfish Ecology (APP-047) are drawn from the wide extent of cod spawning grounds across the Irish Sea and the temporary nature of piling effects in comparison to a four-month spawning period. The Applicant intends to follow</p>	<p>The MMO will review the Applicant's comments and updated UWSMS and provide further information at Deadline 4, please see Section 3.2 in relation to UWSMS condition.</p>	

ID referred to by MMO (from PD1-011)	Relevant Representation Comment (RR-047)	Applicant's Response at Procedural Deadline A (PD1-011)	MMO Response to Applicants Pre-Examination Procedural Deadline Submission (MMO's D3 comment) (REP3-085)	The Applicant's response at Deadline 4
	<p>restriction to protect spawning adult cod and their eggs and larvae will be necessary during the spawning season (January – April inclusive). Whilst we have raised a number of points requiring further clarification on their UWN modelling, the modelling that was presented suggests that an extensive overlap of noise disturbance will occur at the spawning ground.</p>	<p>the developments in the approach to piling of other nearby projects (in terms of timings, techniques, and mitigations), and will further develop the piling strategy, including any mitigations, in agreement with the MMO postconsent.</p> <p>The Applicant will seek to discuss further with the MMO (and NE given their comment regarding this in their RR) the structure of an Underwater Sound Management Strategy as a mechanism of agreeing mitigation post-consent, which will also consider measures the Project may need to take in light of potential cumulative effects and in line with other projects on similar timescales.</p> <p>The Applicant will provide an Outline Underwater Sound Management Strategy at Deadline 2 in order to take into account potential further comments from the MMO</p>		



ID referred to by MMO (from PD1-011)	Relevant Representation Comment (RR-047)	Applicant's Response at Procedural Deadline A (PD1-011)	MMO Response to Applicants Pre-Examination Procedural Deadline Submission (MMO's D3 comment) (REP3-085)	The Applicant's response at Deadline 4
		<p>expected at Deadline 1. The Applicant has added a new condition 30 (Underwater Sound Management Strategy) in the DML submitted with the updated draft DCO (3.1 Draft Development Consent Order_Rev 02) at Procedural Deadline A to secure this.</p> <p>Additionally, the outline Underwater Sound Management Strategy has been added as document to be certified as one referred to in the DCO.</p>		
<b>Chapter 13 Commercial Fisheries (APP-050)</b>				
RR-047-63	The MMO defers to the National Federation of Fishermen's Organisations along with standalone representatives on matters of commercial fisheries. The MMO will continue to be part of the discussions relating	The Applicant notes this response.	The MMO will continue a watching brief on these matters in relation to the DMLs but these may be in separate sections of the document rather than in a table.	The Applicant draws the MMO's attention to an updated Statement of Common Ground (SoCG) with the National Federation of Fishermen's Organisation (NFFO) provided at Deadline 4 (Draft Statement of Common Ground with National Federation of Fishermen's Organisations_Rev 02)

ID referred to by MMO (from PD1-011)	Relevant Representation Comment (RR-047)	Applicant's Response at Procedural Deadline A (PD1-011)	MMO Response to Applicants Pre-Examination Procedural Deadline Submission (MMO's D3 comment) (REP3-085)	The Applicant's response at Deadline 4
	to securing any mitigation, monitoring or other conditions required within the DML.			
<b>Chapter 11 Marine Mammals (APP-048)</b>				
RR-047-65	With regard to Section 4.2.3 – SW location – installation of single monopile, the MMO and Cefas note that the received SELss versus range (transect curve in Figure 3-5), which are now explicitly included and thus are proving (together with the levels 750 m in Section 4-1) an additional point of reference for the sense checking process, are showing relatively high noise levels, which are well within the values we would expect for sandy seabed environments (i.e., with good propagation conditions).	Following the impact piling modelling presented in the main report Appendix 11.1 Underwater Noise Assessment (APP-065), further investigation into scenarios using higher strike rates were identified for the monopile and pin pile scenarios. A piling hammer is capable of more rapid strikes at lower blow energies. To show the differences between the maximum strike rate scenario and the results presented in Section 4 of Appendix 11.1 Underwater Noise Assessment (APP-065), additional modelling was completed for the SW location. Table 3.1 in the draft MMMP (APP-049) lists the worst-case impact ranges for the project based on the	The MMO will provide additional comments at Deadline 4 if required.	The Applicant notes that clarification of the high strike rate, and worst-case scenario has been provided in Chapter 11 Marine Mammals (Chapter 11 Marine Mammals_Rev 03 Clean), Appendix 11.1 (Appendix 11.1 Underwater Noise Assessment_Rev 02 Clean) and Appendix 11.2 (Appendix 11.2 Marine Mammal Information and Survey Data_Rev 04 Clean) submitted alongside this document at Deadline 4.

ID referred to by MMO (from PD1-011)	Relevant Representation Comment (RR-047)	Applicant's Response at Procedural Deadline A (PD1-011)	MMO Response to Applicants Pre-Examination Procedural Deadline Submission (MMO's D3 comment) (REP3-085)	The Applicant's response at Deadline 4
	<p>In this scenario, however, the MMO and Cefas would expect overall larger injury effect ranges for marine mammals (e.g., the maximum PTS (permanent threshold shift) ranges for the LF (low frequency) and VHF (very-high frequency) receptors could be 2-3 times larger). We note that these larger impact ranges seem to align well with the predictions presented in the draft MMMP document (Table 3.1 from the draft MMMP), where, for example, the maximum PTS ranges are 13 km for minke whale and 8.1 km for harbour porpoise, while corresponding ranges from the current Appendix 11.1 are 5.0 km and 3.3 km,</p>	<p>Maximum strike rate scenario listed in Appendix B of Appendix 11.1 Underwater Noise Assessment (APP065) and would be the worst-case impact range to be mitigated and therefore currently used in the assessments.</p>		

ID referred to by MMO (from PD1-011)	Relevant Representation Comment (RR-047)	Applicant's Response at Procedural Deadline A (PD1-011)	MMO Response to Applicants Pre-Examination Procedural Deadline Submission (MMO's D3 comment) (REP3-085)	The Applicant's response at Deadline 4
	respectively. The predicted impact ranges presented in the draft MMMP differ to those ranges presented in Appendix 11.1.			
RR-047-66	The MMO and Cefas note a minor discrepancy in the project description. Table 5.5 in Chapter 5 Project description states that the maximum pile diameter (m) for multi-legged pin piled jacket WTF/OSP foundations is 3 m, whereas the underwater noise modelling in Appendix 11.1 considers a worst-case scenario of installing 5m diameter pin piles.	The Applicant considers the worst-case scenario presented in the underwater noise modelling assessment is appropriate. It is noted that the worst-case for underwater noise modelling considers the largest hammer energy, and the highest strike rate, and includes either three sequential monopiles or four sequential pin piles in a 24hr period. The underwater noise assessment report (Appendix 11.1 Underwater Noise Assessment (APP-065)) presented modelling for larger pile sizes (14m for monopile and 5m for pin piles) as the modelling was undertaken prior to a Project refinement whereby pile diameters were reduced to	The MMO will review the Applicant's comments and provided an update at Deadline 4.	

ID referred to by MMO (from PD1-011)	Relevant Representation Comment (RR-047)	Applicant's Response at Procedural Deadline A (PD1-011)	MMO Response to Applicants Pre-Examination Procedural Deadline Submission (MMO's D3 comment) (REP3-085)	The Applicant's response at Deadline 4
		<p>12m for monopile and 3m for pin-piles. The modelling is therefore precautionary and encompasses the worst-case scenario.</p> <p>The Applicant commits to updated underwater noise modelling post-consent to inform the final MMMP once the selection of foundations have been made. This will inform the appropriate mitigation post consent alongside final design details.</p>		
<b>Chapter 14 Shipping and Navigation (APP-051)</b>				
RR-047-67	<p>MMO defers to the Maritime and Coastguard Agency and Trinity House on matters of shipping and navigation and supports any comments raised. The MMO will continue to be part of the discussions relating to the securing any mitigation, monitoring or</p>	<p>The Applicant notes this response.</p>	<p>The MMO will continue a watching brief on these matters in relation to the DMLs but these may be in separate sections of the document rather than in a table.</p>	<p>The Applicant notes this response, and highlights the updated SoCG's submitted at Deadline 4 with Trinity House and the Maritime and Coastguard Agency (MCA) (Draft Statement of Common Ground with Trinity House Rev 02 and Draft Statement of Common Ground with Maritime and Coastguard Agency Rev 03).</p>

ID referred to by MMO (from PD1-011)	Relevant Representation Comment (RR-047)	Applicant's Response at Procedural Deadline A (PD1-011)	MMO Response to Applicants Pre-Examination Procedural Deadline Submission (MMO's D3 comment) (REP3-085)	The Applicant's response at Deadline 4
	other conditions required within the DML.			
<b>Chapter 15 Marine Archaeology and Cultural Heritage (APP-052)</b>				
RR-047-68	The MMO defers to Historic England (HE) on matters of marine archaeology and supports any comments raised. The MMO will continue to be part of the discussions relating to securing any mitigation, monitoring or other conditions required within the DMLs.	The Applicant notes this response.	The MMO will continue a watching brief on these matters in relation to the DMLs but these may be in separate sections of the document rather than in a table.	The Applicant notes this response and highlights the updated SoCG's submitted at Deadline 4 with Historic England (Draft Statement of Common Ground with Historic England Rev 02).
<b>Chapter 18 Seascape, Landscape and Visual Impact Assessment (APP-055)</b>				
RR-047-69	The MMO defers to NE as the SNCB (Statutory Nature Conservation Body), along with HE and the Local Planning Authorities on matters of Seascape, Landscape and Visual Impacts and supports any comments	The Applicant notes this response.	The MMO will continue a watching brief on these matters in relation to the DMLs but these may be in separate sections of the document rather than in a table.	The Applicant notes this response.

ID referred to by MMO (from PD1-011)	Relevant Representation Comment (RR-047)	Applicant's Response at Procedural Deadline A (PD1-011)	MMO Response to Applicants Pre-Examination Procedural Deadline Submission (MMO's D3 comment) (REP3-085)	The Applicant's response at Deadline 4
	raised. The MMO will continue to be part of the discussions relating to securing any mitigation and monitoring or other conditions required within the DML.			
<b>Chapter 12 Offshore Ornithology (APP-049)</b>				
RR-047-70	The MMO defers to NE as SNCB, and supports any comments raised in relation to the Ornithology. The MMO will continue to be part of the discussions relating to securing any mitigation and monitoring or other conditions required within the DML.	The Applicant notes this response.	The MMO will continue a watching brief on these matters in relation to the DMLs but these may be in separate sections of the document rather than in a table .	The Applicant notes this response.

9. The following table details Section 3 - 5 of REP3-085 (The MMO's comments on the Applicants Deadline 2 Submissions, Comments on Stakeholders' Deadline 2 Submissions and General Comments on other documents). A response to each item is provided below in **Table 2.2**.

*Table 2.2 The Applicant's response to Section 3 – 5 of REP3-085*

ID	MMO Comment	Applicant response (if required)
<b>3. The Applicants Deadline 2 Submissions</b>		
<b>3.1 General Comments</b>		
REP3-085-01	At this time the MMO has no comments to raise regarding REP2-001, REP2-007, REP2-030, REP2-031, REP2-032 and REP-033.	The Applicant welcomes this response.
REP3-085-02	Regarding, REP2-008, REP2-009, REP2-010, REP2-011, REP2-012, REP2-013, REP2-014, REP2-015, REP2-016, REP2-017, REP2-018, REP2-019, REP2-024, REP2-025, REP2-026, and REP2-028, the MMO is reviewing these revised documents alongside our scientific advisors and will look to provide a response in due course. The MMO will share this with the Applicant as soon as this is received and provide an update to the ExA at Deadline 4.	
REP3-085-03	In relation to REP2-027 the technical topics are currently being reviewed by our scientific advisors. In relation to other Stakeholders the MMO notes there is ongoing discussions and will maintain a watching brief on these for any updates required to the DML. For other comments the MMO notes that there will be further comments provided in relation to our Deadline 2 response and as most of these are covered in Table 2 above will not be responding directly.	
REP3-085-04	REP1-060 Draft Statement of Common Ground with the Marine Management Organisation – the MMO will continue to discuss the SoCG with the Applicant and make comments on the draft at future deadlines due to resources the MMO was not able to provide an update to the Applicant for this deadline and therefore believes the Applicant will submit an updated version of the SoCG at Deadline 4.	
REP3-085-05	Regarding, REP2-002, REP2-003 and subsequently REP2-0006, the MMO welcomes the Applicant for the amendments of these documents. The MMO has reviewed these documents and has had a discussion with the Applicant. The MMO will continue to review these documents throughout examination and provide comments where relevant.	
REP3-085-06	The MMO welcomes the update to Condition 18 and the inclusion of Condition 21.	



ID	MMO Comment	Applicant response (if required)
REP3-085-07	In relation to REP1-086 the MMO is in discussion with the Applicant on action points 12 and 14 and will provide an update in due course.	
<b>3.2 DCO/DML Comments</b>		
REP3-085-08	The MMO highlighted in our Deadline 3 response that there were a few DML conditions being reviewed, these have been discussed with the Applicant and there is an ongoing discussion to come to agreement. Please see the comments below for updates at this stage:	The Applicant notes this response and welcomes ongoing discussions with the Marine Management Organisation (MMO) on the deemed Marine Licence (DML) conditions.
REP3-085-09	<b>Transfer of the benefit of the order Article 7</b> The MMO provided comments in Section 4.1 of the MMO's Deadline 2 submission (REP2-035). The MMO will review the Applicant's response submitted to these comments at Deadline 3 and respond in due course.	The Applicant maintains its position (set out in its Response to Relevant Representations (PD1-011) (ID RR-047-23) and its Comments on Deadline 2 Submissions by IPs (REP3-069) (ID D2 REP2035-13 to 29)) and considers that the proposed wording of Article 7 (Benefit of the Order) in the draft Development Consent Order (DCO) is appropriate and competent.  The Applicant also notes its response to the Examination Authority (ExA) Action Point No. 25 querying whether the MMO acts under its own powers or delegated powers in respect of decisions on marine licences and the Applicant's response to this question set out in its Response to Actions arising from Issue Specific Hearings 2, 3 and 4 (Document Reference 9.54).
REP3-085-10	The MMO does not believe there is any new reasoning why the DML should be included within this Article and requests the DML is updated to remove this provision.	
REP3-085-11	Please see comments in Section 3.1 of REP2-035 in relation to previous DCOs. The MMO would highlight that even if this Article has been included in previous DCOs it doesn't mean that these provisions should continue to be included, the drafting process is iterative, it has to be appropriate both generally and in the particular order in which it is to be included. 3.2.5	
REP3-085-12	The MMO questions why it is ok to require the SoS to consult with the MMO? If the SoS fails to do this they commit and offence under s161(1)(b) of the Planning Act if the SoS	
REP3-085-13	The reason that the DCOs only deem the Marine Licence to be granted, rather than bringing the ML into the DCO as it does for other permissions under s33 of the Planning Act 2008 is because the MMO was considered to be the expert in this area (see PINS advice note Annex 11 - MMO). The MMO questions why now	
		The Applicant notes that the MMO is still considering whether alternative wording can

ID	MMO Comment	Applicant response (if required)
	is the SoS best placed to consider the implications of the marine licence being transferred and what might need to change?	be provided and the Applicant will consider any such wording if and when it is provided.
REP3-085-14	Therefore, the provision in paragraph (3) should not extend to the DML. The Order and the DML are not the same thing and so this provision does not extend to the DML, and references to the undertaker in the DML will stay as is.	Ultimately, however, the Applicant considers this to be a matter which is unlikely to be resolved by the close of the examination, given the fundamental difference in position and interpretation.  The Applicant maintains that its approach, which has been included in previous DCOs by the Secretary of State (notwithstanding the MMO's line of arguing), is appropriate.
REP3-085-15	Whilst the mechanism is different, what falls out of the DCO process is a marine licence granted under MCAA which is distinct and separate to the DCO itself. The DML falls back to the MMO to further manage/regulate under the provisions of MCAA once the DCO is granted, to be regulated alongside and consistently with all the other marine licences we might issue. This is in part why s149A(4) says a person who fails to comply with a condition of the DML does not commit an offence under the s161 of the Planning 2008 Act and why 149A(5) disapplies the notification of application and representations provisions of MCAA from the DCO process.	
REP3-085-16	The MMO would also highlight that even for granted offshore windfarm orders that include a form of the Benefit of the Order Article, the MMO has done multiple variations alongside the transfer of benefit to ensure the DML variation is issued as close to the approval from the SoS to ensure the correct undertaker is on the face of the DML and so that updates to the Marine Case Management System can be completed enabling compliance to continue to be monitored.	
REP3-085-17	With the inclusion of Article 7 (7) current wording this causes the MMO concern as this is just a notice of the transfer and does not include an official variation request to the MMO as required under Section 72 of the Marine and Coastal Access Act 2009. The MMO does not believe the SoS cannot amend the DML once consented. Therefore, the MMO would have to use their regulatory power to conduct a variation and vary the licence to ensure the correct undertaker is on the schedule, this could cause a potential delay the project as if the transferring of unvaried licence impacted on our ability to enforce during this time, the MMO may have to suspend the licence while the MMO conducted the variation.	
REP3-085-18	This process could be delayed without the direct contact to the MMO to vary the DML. In addition to this the MMO has statute to charge for any variations and this	

ID	MMO Comment	Applicant response (if required)
	is not covered by the current Article. This is an issue for two reasons, the Applicant would be getting work at a different rate as the consultation would be a statutory request from the SoS and this is not aligning with other marine licences as per PINS advice note Annex 11 - MMO and two this puts the emphasise for the MMO to vary the licence once notified so there would still be an additional step for the MMO to take.	
REP3-085-19	The MMO strongly disagrees with the inclusion of the Article and the fundamental impact and change to the process and is considering the request by the ExA (DCO 2.3) in relation to providing something that we may be content with. If the MMO is minded to provide wording or information we will discuss this with the Applicant in the first instance. The MMO will submit this to the ExA as an additional submission. The MMO notes it is up to the ExA to accept an additional submission and will work with the Applicant if this is not accepted and provide all the information to the ExA in our Deadline 6 response.	
REP3-085-20	<p><b>Maintenance reporting (addition to condition 2)</b></p> <p>Reporting of Maintenance is requested to be included the DML conditions using the following wording:</p> <p><i>2(5) An annual maintenance report must be submitted to the MMO in writing within one month following the first anniversary of the date of commencement of operations, and every year thereafter until the permanent cessation of operation.</i></p> <p><i>(6) The report must provide a record of the licensed activities as set out in condition 4 during the preceding year, the timing of activities and methodologies used.</i></p> <p><i>(7) Every fifth year, the undertaker must submit to the MMO in writing, within one month of that date, a consolidated maintenance report, which will—</i></p> <p><i>(a) include a review of licensed activities undertaken during the preceding five years with reference to the reports submitted in accordance with condition XX(1) of this licence;</i></p> <p><i>(b) reconfirm the applicability of the methodologies and frequencies of the licensable activities permitted by this licence for the remaining duration of this licence.</i></p>	The Applicant notes the suggested additions by the MMO. These have largely been added to the draft DCO submitted at Deadline 4, save that the obligation to notify of annual maintenance is triggered at the date of completion of construction (which must be notified in accordance with Condition 18) rather than the date of commencement of operations. This is for consistency purposes, and it is considered more appropriate that maintenance reporting would begin once construction is complete rather the operations commencing

ID	MMO Comment	Applicant response (if required)
REP3-085-21	<p><b>Chemicals, drilling and debris 7(1)</b></p> <p>The MMO, along with its scientific advisors and DEFRA are currently reviewing chemical use in relation to offshore wind farms, as part of this the MMO is reviewing the condition and requires the condition to be updated to:</p> <p><i>7. (1) Unless otherwise agreed in writing by the MMO, all chemicals and substances, including paints and coatings, used below MHWS for the undertaking of the licensed activities must be approved in writing by the MMO prior to use. Submission for approval to the MMO must take place no later than ten weeks prior to use, unless otherwise agreed by the MMO in writing.</i></p>	<p>The Applicant is considering this amended wording and would welcome an explanation from the MMO as to why updates are considered necessary.</p> <p>While the Applicant, in principle, is broadly satisfied with the wording proposed, it would note that other projects undergoing examination have not sought to amend this condition (e.g. the Morgan Generation Assets), and the Applicant considers that there should be consistency in the drafting approach.</p> <p>The Applicant will discuss this further with the MMO.</p>
REP3-085-22	<p><b>Dropped Objects Condition 7(10)</b></p> <p>The MMO is discussing this condition with MCA and will provide an update in due course.</p>	<p>Noted, the Applicant welcomes an update in due course ahead of the final version of the draft DCO being submitted at Deadline 6.</p>
REP3-085-23	<p><b>Reporting of engaged agents, contractors and vessels Condition 13</b></p> <p>The MMO requests that the Applicant adds '<i>unless otherwise agreed in writing by the MMO</i>' to DML condition 13.</p>	<p>The Applicant would draw attention to the ExA's question (reference R17.1.18) in its Rule 17 Letter to Natural England and MMO (PD-013) which asks for this phrase to be justified in light of the High Court decision in <i>Midcounties Co-operative Ltd v Wyre Forest DC</i> [2009] EWHC 964.</p> <p>The Applicant understands, from discussions with the MMO on the draft Statement of Common Ground (SoCG), that this wording is recommended to allow for flexibility on the requirement for at least 24 hours notice (and</p>
REP3-085-24	<p>This will allow post consent grouping or arrangements of submission to streamline the process for the Applicant and the MMO case team.</p>	

ID	MMO Comment	Applicant response (if required)
		<p>not the wider requirement of the condition to provide notice). As such, the Applicant considers that this can be added to the condition, although it has formulated this differently ("or such other timescale as agreed with the MMO in writing") to make it clear that this phrase refers to the timescales within the condition and the not the substantive element of the condition itself.</p> <p>The Applicant, noting the ExA's comments on the suitability of the phrase "unless otherwise agreed", has amended the draft DML submitted at DCO to remove such references (save where they relate to timescales) following the High Court decision.</p>
REP3-085-25	<p><b>Force Majeure Condition 8</b></p> <p>The MMO maintains its position regarding Force Majeure, as it is not necessary to be included within the DMLs. It is not something that the MMO would include in standalone marine licences. PINS advice note Annex 11 - MMO says that DMLs should be broadly consistent with standalone marine licences.</p>	<p>The Applicant notes the MMO's position. Reference is made to the Applicant's response to the MMO on this point in its Response to Relevant Representations (PD1-011 at ID RR-047-20, pg. 45).</p>
REP3-085-26	<p>The MMO understands that Force Majeure is about events, situations and circumstances that arise which are outside of a person's control.</p>	<p>The Applicant maintains that the inclusion of this condition remains appropriate, noting that it has been included in other offshore wind DMLs currently at examination. In particular, the Applicant would note that it is included in the final version of the draft DCO submitted in respect of Rampion 2 ahead of the close of examination (REP6-007), which was not questioned by the MMO or included as a matter of disagreement within the MMO's</p>
REP3-085-27	<p>Currently the condition wording used is drafted to apply for stress of weather or any other cause which is very broad. It could cover anything, including causes which are entirely within the master's control such as negligence matters.</p> <p>Currently the MMO believes Condition 19 in Schedules 3 and 4 does not meet the five tests as set out in the National Planning Policy Framework for a number of reasons:</p>	
REP3-085-28	<p><b>Necessary</b></p>	

ID	MMO Comment	Applicant response (if required)
	If you read Section 86(1)(b) and 86(2) of Marine and Coastal Access Act 2009 (MCAA), for the defence to be relied on the person relying on it must inform the MMO that the act was carried out, tell it where it was carried out, the circumstances in which it was carried out, and what articles/objects were concerned. The inclusion of Condition 19 in Schedule 3 and 4 removes this defence and replaces it with a wider and less stringently controlled authorisation to deposit articles/substances and the MMO does not believe this is necessary.	submissions at the close of that examination (REP6-301 and REP6-302) in August 2024.  The Applicant notes that the MMO is reviewing the ExA's Recommendation Report and Secretary of State (SoS) decision in respect of the Sheringham and Dudgeon Extension Order and that an update may be provided on the MMO's position at Deadline 6. However, the Applicant will not be able to consider anything submitted at Deadline 6 as there are no further examination deadlines thereafter.
REP3-085-29	<b>Enforceable</b> The condition as it stands is too subjective and therefore unenforceable and this due to the fact that it is down to the master to determine whether it is necessary to make the deposit and there are no defined criteria.	
REP3-085-30	<b>Precise</b> The condition is also not restricted to Force Majeure situations or 'no fault situations', due to the inclusion of 'for any other cause'. The MMO questions this wording and why this has been included?	The Applicant would reiterate the importance of consistency in decision-making and precedent, particularly as this condition is included in numerous other DMLs granted or in process.
REP3-085-31	In effect the only obligation the master would have if Condition 19 in Schedules 3 and 4 are included, is to notify the MMO within 48 hours that the deposits have been made. The MMO questions if this notification would be enough to allow enforceability and if it was to remain should there not be further requirements to then remove the items.	Ultimately, the Applicant considers this to be a matter which is unlikely to be resolved by the close of the examination, given the fundamental difference in position and interpretation.
REP3-085-32	<b>Reasonable</b> The test set in Condition 19 in Schedules 3 and 4 which must be met to allow these deposits to be made is a much lower threshold test to that set in Section 86 of MCAA. This is because the safety of human life and/or the vessel is threatened is not the same as for the purpose of saving life or securing the safety of the vessel. The MMO questions why these masters and vessels be treated more favourably than others in this situation?	
REP3-085-33	The MMO also notes that 'any other cause' is the wording used in precedent licences, including the 2024 Sheringham and Dudgeon order and there is precedent set in other licences.	



ID	MMO Comment	Applicant response (if required)
REP3-085-34	The MMO is reviewing the ExA's Recommendation Report and SoS decision to understand if any reasoning or further information was included on the inclusion of this and may provide an update at Deadline 6.	
REP3-085-35	To summarise the MMO does not agree with the Applicant's reasons for including this provision. The condition should be removed, as the defence (Section 86 of MCAA) will apply if the Applicant or vessel masters needs to make a deposit for a Force Majeure reason.	
REP3-085-36	<u>Construction monitoring 15(1)</u> The MMO is discussing the requirement for 2 of the worst case piles to be monitored with the Applicant and will provide an update and any changes required to this condition in due course.	Applicant notes that there was discussion on this with the MMO on the 14 February and it is the Applicant position that monitoring of the first 4 piles is sufficient for the Project. The Applicant will further respond at Deadline 5 if further comments are received from the MMO at Deadline 4.
REP3-085-37	<u>Marine Noise Registry 19(1) (2) (3)</u> The MMO notes Condition 24 includes a previous standard condition, however due to updates to the MNR system and reporting the MMO requests that the following condition is included in the DMLs for both piling and any UXO detonations (including low order): <i>19.(1) In the event that driven or part-driven pile foundations and detonation of unexploded ordnance are proposed to be used as part of the foundation installation the undertaker must provide the following information to the Marine Noise Registry—</i> <i>(a) no less than four months prior to the commencement of each stage of construction of the licensed activities, information on the expected location, start and end dates of impact pile driving to satisfy the Marine Noise Registry's Forward Look requirements,</i> <i>(b) within two weeks after commencement of each stage of construction of the licensed activities, information on the location, start and end dates of impact pile driving to satisfy the Marine Noise Registry's Forward Look requirements;</i>	The Applicant has amended Condition 19 (noting that the reference to Condition 24 is likely to be an error) in the version of the draft DCO submitted at Deadline 4. The amendments do not include reference to 'detonation of unexploded ordnance' as no Unexploded Ordnance (UXO) clearance is authorised under the DCO.  The Applicant has also made minor typographical changes to the updated wording.

ID	MMO Comment	Applicant response (if required)
	<i>(c) at six month intervals following the commencement of pile driving, information on the locations and dates of impact pile driving to satisfy the Marine Noise Registry's Close Out requirements by 7 April for winter season October to March inclusive and 7 October for summer season April to September inclusive, or within 12 weeks of completion of impact pile driving whichever is earlier.</i>	
<b>4. Comments on Stakeholders' Deadline 2 Submissions</b>		
<b>4.1 Maritime and Coastguard Agency (MCA) (REP2-036)</b>		
REP3-085-38	The MMO has reviewed the submission and notes there are a few outstanding points between the Applicant and MCA.	The Applicant draws the MMO attention to the updated SoCG provided at Deadline 4 with the Maritime and Coastguard Agency (MCA) (Draft Statement of Common Ground with Maritime and Coastguard Agency_Rev 02).
REP3-085-39	In relation to section 3.1 the MMO welcomes the updates requested and understands further discussion may be required with the Applicant in relation to the microsinning buffers.	The Applicant draws the MMO attention to the updated microsinning provision in the deemed Development Consent Order (dDCO) provided at Deadline 4 (Draft Development Consent Order_Rev 04_Clean).
<b>4.2 Natural England (REP2-037 and REP2-038)</b>		
REP3-085-40	The MMO has reviewed Natural England's (NE) submission for Deadline 2 (document reference REP2-037). The MMO notes that NE has raised concerns with regards to the IPMP. The MMO agrees with NE in the importance of the IPMP. The MMO wishes to refer the Applicant to Annex A of Natural England's response.	The Applicant notes that the IPMP was updated at Deadline 3 (REP3-045) in response to NE comments, again noting that the monitoring plan would be finalised and approved post consent.
REP3-085-41	The MMO notes NE comments regarding the Applicant not proposing monitoring for marine mammals within the Mitigation and Monitoring Schedule document and the Offshore IPMP. The MMO is currently reviewing this with our scientific advisors and will look to provide a response in due course.	The Applicant draws attention to the updates around marine mammal monitoring in the IPMP (REP3-045) submitted at Deadline 3.



ID	MMO Comment	Applicant response (if required)
REP3-085-42	The MMO notes NE comments under Section 2.6 of their response in relation to ornithology. The MMO defers to NE on matters of ornithology. The MMO hopes to see the issues raised by NE resolved.	The Applicant notes this response.
<b>5. General Comments on other documents</b>		
<b>5.1 IPMP (APP-148)</b>		
REP3-085-43	In addition to the comments regarding the In-Principle Monitoring Plan (IPMP) provided at Deadline 4, the MMO would like further information included within the IPMP.	The Applicant has made updates to the IPMP at Deadline 4 to reflect these comments (In Principle Monitoring Plan_Rev 03), where possible at this stage but also reflecting the Applicant has no sight of the final list of standards expected.
REP3-085-44	The MMO is currently undertaking a project on the standardisation of offshore wind post-consent monitoring data. This project aims to standardise the collecting and reporting of offshore wind environmental monitoring data in English waters, for receptors/monitoring techniques where a widely recognised standard for monitoring already exists, and to implement this approach in post-consent monitoring for wind farms in English waters.	
REP3-085-45	The MMO has engaged a range of stakeholders, including SNCB's, industry, and Renewable UK to identify standards, and are currently finalising a list of agreed standards across 6 receptors: marine mammals, underwater noise, ornithology, fish and shellfish, benthic and geophysical monitoring.	
REP3-085-46	This will make it easier to compare and collate monitoring data from different projects, and ensure we get the most value out of monitoring. It will also ensure that developers know what is expected of them in terms of monitoring and add weight to previously agreed standards (e.g. Natural England's Best Practice Guidance). Standardisation will only be applied where an agreed standard already exists, and standardisation will deliver benefits.	
REP3-085-47	The final list of standards is expected to be agreed in 2025. These will then become the default approach to post-consent monitoring of these receptors. We request that the IPMP be updated to reference this project, where any of these 6 receptors are applicable.	

ID	MMO Comment	Applicant response (if required)
REP3-085-48	The MMO also requests that the IPMP include a general commitment to ensuring that any standards or best practice adhered to during monitoring, is outlined clearly within the relevant monitoring reports.	
REP3-085-49	The MMO will engage with the Applicant to ensure that this reference is included.	

10. The MMO's Deadline 3 summary (REP3-087) has been included in **Table 2.3** below. Detailed responses have also been provided to these points in **Table 2.1** and **Table 2.2**.

*Table 2.3 The Applicant's response to MMO's Deadline 3 summary (REP3-087)*

ID	Deadline 3 summary comment from the MMO	Applicant response at Deadline 4
<b>1. Responses to Examiner's Questions (ExQ1)</b>		
REP3-087-01	The MMO has reviewed the Examiner's Questions and provided responses in Section 2 Table 1 of the MMO's Deadline 3 response.	Responses to other parties Examiner Questions (ExQ1) are provided in The Applicant's Comments to Interested Parties Responses to ExQ1 (Document Reference 9.54) submitted alongside this document at Deadline 4.
REP3-087-02	The MMO has reviewed its internal systems and the Public Register to provide comments regarding the Barrow Offshore Wind Farm Marine Licence applications. The MMO met with Barrow Offshore Wind Limited and agreed that should works be required post 2030, a new Marine Licence application would be submitted for decommissioning activities.	
REP3-087-03	With regards to European Protected Species Licensing, the MMO notes that a DEFRA policy paper has been published in relation to underwater noise, which Natural England or the MMO will provide into examination.	
REP3-087-04	In relation to the disposal of sandwave material, the MMO notes that if disposal sites are not approved during examination the MMO will work with the Applicant to ensure there is a mechanism within the DML to confirm disposal sites post consent.	

ID	Deadline 3 summary comment from the MMO	Applicant response at Deadline 4
REP3-087-05	The MMO defers to NE on matters regarding ornithology and cumulative effects relating to Invasive Non-Native Species (INNS).	
REP3-087-06	Where comment has not yet been provided the MMO will respond at Deadline 4.	
2. Comments on PD1-011 Applicant’s response to Relevant Representations from Marine Management Organisation		
2.1 General Comments		
REP3-087-07	MMO has added comments in Section 3, Table 2 of the MMO’s Deadline 3 response.	The Applicant notes this response.
REP3-087-08	With regards to the draft MMMP, the MMO is reviewing this and will provide comments as soon as possible.	The Applicant notes that an updated Marine Mammal Mitigation Protocol (MMMP) has been provided at Deadline 4 (Draft Marine Mammal Mitigation Protocol_Rev 03 Clean), and commitment is made to use NAS for the worst-case piling scenario (maximum strike rate) presented in the Environmental Statement (ES).
REP3-087-09	The MMO notes that applying an EDR (Effective Deterrent Range) for harbour porpoise to other species is conservative. However, the MMO maintains that this would be a suitable precautionary option.	The Applicant notes this response. All appropriate assessment methods will be considered at the time of any Marine Licence application for Unexploded Ordnance (UXO) clearance.
REP3-087-10	The MMO is still discussing the Underwater Sound Management Strategy and will provide updates at Deadline 4.	The Applicant notes that an updated Underwater Sound Management Strategy (UWSMS) (Outline Underwater Sound Management Strategy_Rev 02_Clean) has been provided at Deadline 4 in-line with new guidance, and commitment is made to use Noise Abatement System (NAS) for the worst case

ID	Deadline 3 summary comment from the MMO	Applicant response at Deadline 4
		piling scenario (maximum strike rate) presented in the ES.
REP3-087-11	The MMO is largely content with the In Principle Monitoring Plan (IPMP) and will continue to review and support any requests from NE.	The Applicant notes this response.
REP3-087-12	Currently, the MMO considers previous matters regarding marine geology, oceanography and physical processes closed.	The Applicant welcomes this response and close of this matter.
REP3-087-13	With regards to marine sediment and water quality, the MMO will provide a response regarding the type of chemical analyses performed on samples, the location of samples that exceeded Action Level 2, and comparison against quality standards at Deadline 4.	The Applicant notes this response, and highlights that the sampling plan and results of the samples collected and presented in the Preliminary Environmental Information Report (PEIR) for the baseline in the Environmental Impact Assessment (EIA) were discussed throughout the Evidence Plan Process (EPP) process. It is considered there is sufficient information to designate the order limits as a disposal site.
REP3-087-14	The MMO considers matters in relation to benthic ecology closed.	The Applicant welcomes this response and close of this matter.
REP3-087-15	The MMO will provide further comments regarding fish and shellfish ecology at Deadline 4.	The Applicant notes this response.
REP3-087-16	Regarding marine mammals, the MMO will provide further comments at Deadline 4, specifically regarding the worse-case scenario presented in the underwater noise modelling assessment.	The Applicant notes that an updated MMMP (Draft Marine Mammal Mitigation Protocol_Rev 03 Clean), has been provided at Deadline 4, and commitment is made to use NAS for the worst case piling scenario (maximum strike rate and maximum hammer egengy) presented in the ES.

ID	Deadline 3 summary comment from the MMO	Applicant response at Deadline 4
REP3-087-17	The MMO will maintain a watching brief on matters regarding commercial fisheries, shipping and navigation, marine archaeology and cultural heritage, seascape, landscape and visual impact assessment and offshore ornithology.	The Applicant notes this response.
3. Comments on Applicant's Deadline 2 Submissions		
3.1 General Comments		
REP3-087-18	The MMO notes the Applicant has submitted a number of documents at Deadline 2.	The Applicant notes this response.
REP3-087-19	Currently, the MMO has no comments on REP2-001, REP2-007, REP2-030, REP2-031, REP2-032 and REP-033	
REP3-087-20	Regarding, REP2-008, REP2-009, REP2-010, REP2-011, REP2-012, REP2-013, REP2-014, REP2-015, REP2-016, REP2-017, REP2-018, REP2-019, REP2-024, REP2-025, REP2-026, and REP2-028, the MMO is reviewing these revised documents alongside and will provide comments in due course.	
REP3-087-21	In relation to REP2-027 the technical topics are currently being reviewed by our scientific advisors.	
REP3-087-22	REP1-060 Draft Statement of Common Ground with the Marine Management Organisation – the MMO will continue to discuss the SoCG with the Applicant and make comments at future deadlines.	
REP3-087-23	Regarding, REP2-002, REP2-003 and subsequently REP2-0006, the MMO thanks the Applicant for the amendments of these documents. The MMO will continue to review these documents throughout examination.	
3.2 DCO/DML Comments		

ID	Deadline 3 summary comment from the MMO	Applicant response at Deadline 4
REP3-087-24	There is an ongoing discussion to come to agreement with the applicant regarding DML conditions.	The Applicant notes this response and welcomes ongoing discussions with the MMO on the DML conditions.
REP3-087-25	The MMO does not believe there is new reasoning for the inclusion of the Transfer of the Benefit of the order Article 7.	The Applicant notes this response and has reiterated its position in Table 2.2 above.
REP3-087-26	The MMO request that Reporting of Maintenance is included on the DML conditions.	As noted in Table 2.2 above, changes to the DML condition have been made at Deadline 4.
REP3-087-27	The MMO will provide an update in due course regarding the dropped objects condition 7(10) and the construction monitoring 15(1).	The Applicant notes this and looks forward to an update in due course.
REP3-087-28	The MMO requests the reporting of engaged agents, contractors and vessels condition 13 and the chemicals, drilling and debris 7(1) conditions are updated.	As noted in Table 2.2 above, changes to condition 13 have been made at Deadline 4. Changes to condition 7 have not yet been made as the Applicant considers it would be helpful to discuss the rationale for these changes with the MMO first.
REP3-087-29	The MMO request the updated marine noise registry 19(1) (2) (3) is included in the DMLs for piling.	As noted in Table 2.2 above, updates to the Marine Noise Registry condition have made at Deadline 4.
<b>4. Comments on Stakeholders' Deadline 2 Submissions</b>		
<b>4.1 Natural England (REP2-037 and REP2-038)</b>		
REP3-087-30	The MMO notes that NE has raised concerns with regards to the IPMP.	The Applicant notes updates made to the IPMP at Deadline 3 (REP3-045) and 4 (In Principle Monitoring Plan_Rev 03 Clean).
REP3-087-31	The MMO notes NE comments regarding the Applicant not proposing monitoring for marine mammals within the Mitigation and Monitoring Schedule document and the Offshore IPMP.	The Applicant notes updates made to the IPMP at Deadline 3 (REP3-045) and 4 (In Principle Monitoring Plan_Rev 03 Clean).

ID	Deadline 3 summary comment from the MMO	Applicant response at Deadline 4
<b>4.2 Maritime and Coastguard Agency (MCA) (REP2-036)</b>		
REP3-087-32	The MMO notes there are a few outstanding points between the Applicant and MCA.	The Applicant notes progression made with the Maritime Coastguard Agency (MCA) as shown in the Statement of Common Ground (SoCG) submitted at Deadline 4 (Draft Statement of Common Ground with Maritime and Coastguard Agency_Rev 02).
<b>5. General Comments on other documents</b>		
<b>5.1 IPMP (APP-148)</b>		
REP3-087-33	The MMO requires further information included within the IPMP regarding standardisation of monitoring and adhering to best practice.	The Applicant notes updates made to the IPMP at Deadline 3 (REP3-045) and 4 (In Principle Monitoring Plan_Rev 03 Clean).

## 2.2 Natural England (REP3-089 – REP3-092)

11. Please note that NE submitted five separate submissions at Deadline 3:
12. REP3-089 is a cover letter and the points are addressed in detail in the subsequent submissions (REP3-090 – REP3-092). Therefore, it has not been responded to in this document.
  - REP3-090 comprised NEs comments on Offshore Ornithology. This has been responded to in **Table 2.4** and **Table 2.5**. REP3-091 comprised NEs comments on Marine Mammals. This has been responded to in **Table 2.6**.
  - REP3-092 comprised NEs responses to ExQ1s and this has been responded to in a separate document (Document Reference 9.54)
13. REP3-093 is NEs Risk and Issues Log. Since Deadline 3, there has been progress on several points in the Risk and Issue Log and therefore the Applicant believes that it would be more useful to the ExA to respond to NEs Deadline 4 Risk and Issue Log. This will be submitted by the Applicant at Deadline 5.

*Table 2.4 The Applicant's response to NE's Deadline 3 submission on Offshore Ornithology (REP3-090)*

ID	Deadline 3 Submission comment	Applicant response
REP3-090-01	<b>1. Major/Complex comments</b> In formulating these comments, the following documents have been considered: <ul style="list-style-type: none"> <li>▪ [REP1_080] 9.22 Offshore Ornithology Technical Note 1 (EIA)</li> <li>▪ [REP1_081] 9.23 Offshore Ornithology Technical Note 2 (HRA)</li> <li>▪ [REP2_023] 6.9.1 Outline Vessel Traffic Management Plan - Revision 02 (Volume 6)</li> </ul>	The Applicant notes this response.
REP3-090-02	<b>1.1 Summary</b> The Applicant has submitted updated cumulative and in-combination assessments including impact values for historical projects for which data were not previously available, derived largely from those calculated by RPS for Mona Offshore Wind Project (RPS, 2024). We are satisfied that the presentation of these updated figures	The Applicant welcomes Natural England's confirmation that the submitted information resolves its outstanding concerns on this matter.



ID	Deadline 3 Submission comment	Applicant response
	resolves the methodological issues we had with the assessment and consider that we are now able to reach a position regarding the assessment's conclusions.	
REP3-090-03	We advise that significant adverse impacts can now be ruled out for guillemot and Manx shearwater due to cumulative displacement impacts, and for herring gull, lesser black-backed gull and little gull due to cumulative collision impacts at an EIA scale.	The Applicant welcomes Natural England's confirmation on this matter.
REP3-090-04	We continue to advise that significant adverse effects on the UK western waters and Channel population of great black-backed gull due to cumulative collision risk cannot be ruled out at EIA scale. As stated in our Deadline 2 submission ([REP2-037] Appendix B4), we welcome the additional analysis presented by the Applicant regarding the effectiveness of increasing the proposed air gap as a possible mitigation measure, and we acknowledge that in this instance, it is unlikely that this would made a significant difference.	The Applicant welcomes Natural England's confirmation on this matter.
REP3-090-05	For HRA, we advise that adverse effects on site integrity (AEOf) cannot be ruled out for the lesser black-backed gull feature of Morecambe Bay and Duddon Estuary SPA and Ribble and Alt Estuary SPA due to in-combination collision risk impacts. While we acknowledge that the assessed contribution of the Project alone to these impacts is relatively minor, we consider that the collision risk figures presented are likely to be an underestimate of the levels expected in future years, and given that the lesser black-backed gull population at both these sites is currently well below the target level in the conservation objectives. Therefore, we advise that it is imperative that further deterioration from current levels is avoided. As with great black-backed gull at EIA scale, we accept the Applicant's analysis that increasing the air gap would not make a significant difference in this instance. We have been working with the Applicant on a proposed derogations case and we are confident that this will be capable of delivering adequate compensation for these impacts if required. We will include further detail on the rationale for our integrity judgements once the updated in-combination assessment is incorporated into the RIAA.	The Applicant welcomes confirmation that Natural England agrees that further increase in air gap would make no meaningful difference to the assessment outcome. While it remains the Applicant's position that there would be no Adverse Effects on Integrity (AEOf) for the lesser black-backed gull feature of Morecambe Bay and Duddon Estuary Special Protection Area (SPA) and Ribble and Alt Estuary SPA (due the very small Project-alone effect), we also welcome confirmation of Natural England's support for the without prejudice derogation case and compensation proposals.
REP3-090-06	We are broadly in agreement with the Applicant regarding impacts on the non-breeding little gull feature of Liverpool Bay SPA and we advise that AEOf due to in-combination collision impacts can be ruled out due to uncertainties around the SPA	Noted, the Applicant welcomes Natural England's confirmation on this matter.

ID	Deadline 3 Submission comment	Applicant response
	population size, the wider population's size and movements and the difficulty in apportioning impacts to the SPA.	
REP3-090-07	For avoidance of doubt and for audit trial purposes in relation to ornithological impacts, we also reiterate that we continue to advise that AEOL on the red-throated diver feature of Liverpool Bay cannot be ruled out due to displacement impacts from the Project alone, affecting the distribution of the feature within the SPA.	Noted. The Applicant maintains that AEOL in respect of the red-throated diver feature of Liverpool Bay SPA can be ruled out, and will present further information to support this position at Deadline 4.
REP3-090-08	We support the inclusion of best practice measures for reducing impact to red-throated diver and common scoter in Liverpool Bay SPA. We advise that these measures must also be applied within a buffer of 2k from the SPA boundary. We also advise that further information is required to understand the potential magnitude of disturbance from vessel traffic and therefore to be able to advise on whether the broad measures outlined in the VTMP will be sufficient, or if more concrete commitments around seasonal restrictions and routing will be required (issue RI_B31).	The Applicant considers that the measures outline in the Vessel Traffic Management Plan (VTMP) (REP3-047) and Project Environmental Management Plan (PEMP) (REP3-041) are suitable and no further mitigation is required, noting the measures reflect similar measures adopted by other projects in the region. It is noted that measures could be further detailed and updated post-consent in line with the finalisation of the VTMP and PEMP when the port location will also be defined.
REP3-090-09	While we acknowledge/highlight that no further assessment or updates are necessary for several issues, we draw the ExA attention to the fact that there remains an unresolved amber RAG status for some issues. This is due to the need for the updated assessments to be reflected within the ES chapter and assessments reports in order for NE to consider them to be resolved and sufficiently secured to be taken forward in the post consent phases.	Noted. The Applicant confirms that it proposes to update to Environmental Statement (ES) Chapter 12 (REP1-032) to include all updates presented during the Examination and therefore considers that the applicable unresolved matters can be concluded.

*Table 2.5 The Applicant's response to NE's Deadline 3 submission on Offshore Ornithology (Table 1 of REP3-090)*

ID	Key Concern and/or Update	Natural England's Advice to Resolve Issue	RAG status	Applicant Response
<b>Document reviewed: 9.22 Offshore Ornithology Technical Note 1 (EIA); 9.23 Offshore Ornithology Technical Note 2 (HRA)</b>				
REP3-090-10	<p>In addition to the Applicant's submissions, we have reviewed the Offshore Ornithology Cumulative Effects Assessment (CEA) and Incombination Gap-filling Historical Projects Results (RPS, 2024) document submitted by Mona Offshore Wind Project. This is referenced by the Applicant as the source for the gap-filled impact estimates for historical projects. We welcome cooperation between the projects in sharing the figures.</p> <p>We do note the inconsistency in air gap parameter between that used for the Applicant's little gull collision risk modelling gap-fill for West of Duddon Sands and that in the Mona gap-fill method document. It is unclear from the Crown Estate database whether the parameter is relative to HAT, MSL or LAT, and we note that the Applicant has used the minimum possible air gap for the little gull analysis, which is the most precautionary approach.</p>	No further assessment is needed for the CEA. We are satisfied that the methodology used to produce the figures is robust and has been effectively carried out. The gap-filling exercise has allowed us to have increased confidence in the assessment.		Noted, the Applicant welcomes Natural England's confirmation on this matter, and advises that updates will be presented in an updated Chapter 12 Offshore Ornithology at Deadline 5 to account for Natural Resource Wales (NRW) comments anticipated at Deadline 4.

ID	Key Concern and/or Update	Natural England's Advice to Resolve Issue	RAG status	Applicant Response
	This raises the question of whether the air gap used by Mona Offshore Wind Project for the collision risk model gap-filling exercise for other species (which the Applicant has used) was appropriate. Using the Applicant's smaller air gap for collision risk estimates for other species at West of Duddon Sands OWF would result in collision estimates 25-50% greater for that project than what is presented, depending on each individual species' flight height distribution. Given that this is only one project in the cumulative assessment, however, this is unlikely to affect the conclusions of the assessment.			
REP3-090-11	We welcome the Applicant's updated CEA for little gull collision impacts, and we thank the Applicant for sharing the log files with us	We are satisfied with the approach taken for this assessment and therefore no further work is needed		Noted, the Applicant welcomes Natural England's confirmation on this matter, and advises that updates will be presented in an updated Chapter 12 Offshore Ornithology at Deadline 5.
REP3-090-12	We note the gap-filled cumulative assessment led to an estimated range of displacement impacts on guillemot of 289-6746 individuals at EIA scale, giving a	Guillemot is listed as Amber on Birds of Conservation Concern 5a (BoCC5a) (Stanbury and others, 2024) and has recently been uplisted to 'Vulnerable' in the latest		Noted, the Applicant welcomes Natural England's confirmation on this matter, and advises that updates will be presented in an updated Chapter 12 Offshore Ornithology at Deadline 5.

ID	Key Concern and/or Update	Natural England's Advice to Resolve Issue	RAG status	Applicant Response
	<p>maximum potential impact that is equivalent to 4.23% of baseline mortality for the UK Western waters population. We welcome that the Applicant has carried out PVA to investigate the potential impacts of this additional mortality on the population. We note that with an impact value at the upper end of the range of those considered, the PVA predicted a 0.37% reduction in annual population growth rate and 12.53% reduction in final population size after 35 years compared with an unimpacted population.</p>	<p>IUCN2a update (Stanbury and others, 2024).</p> <p>While there is some empirical evidence to support the displacement levels for auks, it is unknown what the likely mortality impacts of displacement are. We therefore consider it appropriate to consider a range of mortalities from 1-10%. However, on the basis that the projects that have been scoped into the cumulative assessment largely lie in areas of the UK western waters that represent low to medium levels of guillemot density during both the breeding (where relevant) and nonbreeding seasons (Waggitt and others, 2019), it is assumed that areas of low/medium density will be less important/desirable feeding areas, and therefore mortality impacts of displacement from less desirable areas would be lower than displacement from optimal/important areas. Therefore, we do not expect mortality rates to be towards the top of the range considered.</p> <p>Based on the above, we advise that a significant adverse impact to guillemot from cumulative</p>		

ID	Key Concern and/or Update	Natural England's Advice to Resolve Issue	RAG status	Applicant Response
		operational displacement (plus underwater collision) can be ruled out at an EIA scale.2		
REP3-090-13	We agree with the Applicant's assessment that EIA-scale adverse effects can be ruled out for displacement (plus underwater collision) impacts on Manx shearwater, on the basis that the predicted mortality for all impact scenarios considered is below 1% of the baseline mortality figure.	No further assessment is needed regarding Manx shearwater.		Noted. The Applicant welcomes Natural England's confirmation on this matter.
REP3-090-14	We agree with the Applicant's assessment that EIA-scale adverse effects can be ruled out for collision impacts on herring gull, and lesser blackbacked gull on the basis that the predicted mortality is below 1% of the baseline mortality figure.	No further assessment is needed regarding EIA level impacts to herring gull and lesser black-backed gull.		Noted, the Applicant welcomes Natural England's confirmation on this matter, and advises that updates will be presented in an updated Chapter 12 Offshore Ornithology at Deadline 5.
REP3-090-15	We welcome the Applicant's updated PVA for great black-backed gull following the provision of updated CEA figures. We note that the annual population growth rate is predicted to decrease by 0.47% and the final population size by 15.52% after 35 years compared to an unimpacted	No further PVA updates are needed for this species. We agree with the Applicant's assessment that a moderate adverse effect on great black-backed gull is predicted due to the cumulative collision risk impacts of the Project and other existing and proposed offshore wind projects in the region.		Noted, the Applicant welcomes Natural England's confirmation on this matter, and advises that updates will be presented in an updated Chapter 12 Offshore Ornithology at Deadline 5.

ID	Key Concern and/or Update	Natural England's Advice to Resolve Issue	RAG status	Applicant Response
	scenario. We welcome that the Applicant has provided scenarios with and without the Project's impact to add context to the scale of the Project's contribution, which is relatively minor	The standard mitigation practice for reducing collision risk is to increase the air gap between the turbine blades and the sea surface. However, as noted in our previous comments, the Applicant has presented an analysis of the effect of increasing the air gap in this instance, and we are satisfied that it would not make a significant difference to the overall cumulative effect.		
REP3-090-16	We are now satisfied that our concerns around the CEA for little gull have been addressed. Whilst taking note of the lack of evidence that exists regarding this species' population, movement patterns and demographics, we advise that significant adverse effects at EIA scale due to cumulative collision risk can be ruled out for this species	No further assessment is needed regarding little gull.		Noted, the Applicant welcomes Natural England's confirmation on this matter, and advises that updates will be presented in an updated Chapter 12 Offshore Ornithology at Deadline 5.
<b>Document Reviewed: 9.23 Offshore Ornithology Technical Note 3 (HRA)</b>				
REP3-090-17	We welcome the updated in-combination assessment the Applicant has provided. We are satisfied that the methodology is robust and has been effectively carried out. The updated figures	No further assessment is needed.		Noted, the Applicant welcomes Natural England's confirmation on this matter, and advises that updates have been presented in an updated Report to Inform Appropriate Assessment (RIAA) at



ID	Key Concern and/or Update	Natural England's Advice to Resolve Issue	RAG status	Applicant Response
	allow us to have greater confidence in the assessment.			Deadline 4 (Report to Inform Appropriate Assessment_Rev 03 Clean).
REP3-090-18	<p>We note that the Applicant has partly followed our recommended method for improved proxy apportioning values. In our [PREVIOUS COMMENTS], we noted that the Applicant had used the Project's apportioning values as a proxy for apportioning impacts from multiple wind farms to Morecambe Bay and Duddon Estuary (MBDE) SPA. As apportioning rates are heavily distance dependent and many of the wind farms are significantly closer to MBDE than the Project, we advised that this was likely to underestimate impacts apportioned to the SPA, and recommended calculating a more appropriate proxy.</p> <p>Rather than calculating a new value using the NatureScot method, the Applicant has instead applied a distance correction factor to the Project's apportioning rate to account for the difference in distance. This correction factor is based on the</p>	We consider the Applicant's apportioning method to be an acceptable compromise in the context of the levels of impact predicted. No further assessment is needed.		Noted, the Applicant welcomes Natural England's confirmation on this matter, and advises that updates have been presented in an updated Report to Inform Appropriate Assessment (RIAA) at Deadline 4 (Report to Inform Appropriate Assessment_Rev 03 Clean).



ID	Key Concern and/or Update	Natural England's Advice to Resolve Issue	RAG status	Applicant Response
	calculations used in the NatureScot method and the result was a higher breeding season apportioning rate.			
REP3-090-19	<p>We welcome that the Applicant has carried out PVA to investigate the effect of the updated impact figures on the MBDE SPA lesser blackbacked gull population. We note that the PVA predicted a 0.90% reduction in annual population growth rate and a 27.75% reduction in annual population size compared to an unimpacted scenario after 35 years, when considering incombination total. We consider this level of impact to run counter to the site's conservation objectives. We welcome that the Applicant has run PVA for two scenarios, one with and one without the Project's impacts, to provide context to the scale of the Project's impacts.</p>	<p>The colony at South Walney in MBDE SPA is currently in a period of gradual recovery, following the installation of a predator exclusion fence after the colony had collapsed and was failing to produce any chicks in the mid-2010s. It is therefore still in a vulnerable state, with a most recent population count of 1,724 breeding individuals (862 pairs). The site's conservation objectives include a breeding population attribute target to restore the population to 20,000 breeding individuals (10,000 pairs). We consider that the apportioned impact value of 0.33 is likely to be an underestimate of the potential impacts resulting from project once it is constructed. The Project's baseline surveys were carried out during the first two years of the colony's recovery following the installation of the predator exclusion fence in March 2021. The number of apparently occupied nests was significantly lower in those years than in the years since</p>		<p>The Applicant welcomes confirmation from Natural England that it agrees with the updated assessment results (including Population Viability Analysis (PVA)) presented in the Offshore Ornithology Technical Note 2 (Habitats Regulations Assessment (HRA)) (REP1-012). It remains the Applicant's position that there would be no AEoI for the lesser black-backed gull feature of Morecambe Bay and Duddon Estuary SPA (due the very small Project-alone effect), but also notes Natural England's broad support and confidence in the submitted without prejudice derogation case and compensation proposals (REP3-008).</p>

ID	Key Concern and/or Update	Natural England's Advice to Resolve Issue	RAG status	Applicant Response
		(Dalrymple, 2023; JNCC, 2025). As lesser black-backed gulls are known to forage more offshore when provisioning chicks (Isaksson and others, 2016)), and given the colony's current trajectory, it is reasonable to assume that more individuals will be using the Project area in future years than were observed in the baseline surveys, and therefore an increased number will be at risk of collision. We therefore consider that adverse effects on site integrity due to collision risk of the Project in-combination with other OWF projects cannot be ruled out for this feature of MBDE SPA.		
REP3-090-20	We welcome that the Applicant has carried out PVA to investigate the effect of the updated impact figures on the Ribble and Alt Estuaries (RAE) SPA lesser black-backed gull population. We note that the PVA predicted a 0.54% reduction in annual population growth rate and a 17.83% reduction in annual population size compared to an unimpacted scenario after 35 years, when considering the in-combination	The most recent count of breeding lesser black-backed gull at RAE SPA was 4,638 individuals (2,319 pairs). This is well below the site's breeding population attribute target of maintaining the population at 8,097 pairs. It is therefore imperative that any further deterioration is prevented. We therefore advise that AEOL cannot be ruled out for the lesser black-backed gull feature of RAE SPA due to the in-combination collision risk of the Project in-combination		The Applicant welcomes confirmation from Natural England that it agrees with the updated assessment results (including PVA) presented in the Offshore Ornithology Technical Note 2 (HRA) (REP1-012). It remains the Applicant's position that there would be no AEOL for the lesser black-backed gull feature of Ribble and Alt Estuaries SPA (due the very small Project-alone effect), but also notes Natural England's broad support and confidence in the submitted without prejudice derogation case and compensation proposals (REP3-008).

ID	Key Concern and/or Update	Natural England's Advice to Resolve Issue	RAG status	Applicant Response
	total. We consider this level of impact to run counter to the site's conservation objectives. We welcome that the Applicant has run PVA for two scenarios, one with and one without the Project's impacts, to provide context to the scale of the Project's impacts	with other projects. We have been working with the Applicant on the development of a derogations case, which is well progressed and is more than capable of delivering compensation for the Project's impacts on both MBDE and RAE SPAs.		
REP3-090-21	We thank the Applicant for providing the log files for the little gull CRM, allowing us to resolve our concerns around the methodology. We are broadly in agreement with the reasoning the Applicant has set out around the potential impact on little gull. This is an evidence-poor species, making it difficult to draw clear conclusions about potential impacts. It is likely that the size of the Liverpool Bay SPA population is underestimated, and there is also likely to be a significant transitory population moving through the Irish Sea, which the individuals observed during the project surveys may belong to, rather than the wintering SPA population. On this basis, we advise that an adverse effect on	No further assessment is needed. We are satisfied that the in-combination assessment of collision risk for this species has been carried out appropriately.		Noted, the Applicant welcomes Natural England's confirmation on this matter.

ID	Key Concern and/or Update	Natural England's Advice to Resolve Issue	RAG status	Applicant Response
	site integrity can be ruled out for collision impacts on the little gull feature of Liverpool Bay SPA, both alone and in-combination with other projects.			

*Table 2.6 The Applicant's response to NE's Deadline 3 submission on Marine Mammals (REP3-091)*

ID	Deadline 3 Submission comment	Applicant response
REP3-091-01	<p><b>Morecambe Generation Deadline 3 Marine Mammal Specialist Comments</b></p> <p><b>1. Minor comments</b></p> <p>In formulating these comments, the following documents have been considered:</p> <ul style="list-style-type: none"> <li>REP2-026 9.32 Outline Underwater Sound Management Strategy – Revision 02 (Volume 9) (UWSMS)</li> <li>REP2-023 6.9.1 Outline Vessel Traffic Management Plan – Revision 02 (Volume 6) (VTMP)</li> <li>REP2-019 6.5.1 Draft Marine Mammal Mitigation Protocol – Revision 02 (Volume 6) (MMMP)</li> <li>REP2-017 5.5.1 Schedule of Mitigation – Revision 02 (Volume 5)</li> <li>REP2-021 6.6.1 Offshore Operations and Management Plan – Revision 02 (Volume 6) (OOMP)</li> </ul>	The Applicant notes this response.
REP3-091-02	<p>We welcome The Applicant's proposal to limit piling activity on days where UXO clearance is being carried out, to reduce area of effect for species displacement. Natural England advises that in order to fully resolve this issue more information is required regarding what is going to be limited, and in what way, and how this will be secured as a commitment and conditioned.</p>	<p>This commitment is secured in the Underwater Sound Management Strategy (UWSMS), which has been clarified in the updated version at Deadline 4 (Outline Underwater Sound Management Strategy_Rev 02_Clean).</p>

ID	Deadline 3 Submission comment	Applicant response
REP3-091-03	Natural England is satisfied that The Applicant has included a code of conduct to mitigate the risk of collision with marine mammals in the VTMP, and in the Outline PEMP which will be conditioned in Schedule 6 of the DCO.	The Applicant notes this response.
REP3-091-04	<b>1. Major/Complex comments</b> In formulating these comments, the following documents have been considered: <ul style="list-style-type: none"> <li>REP2-026 9.32 Outline Underwater Sound Management Strategy - Revision 01 (Volume 9)</li> </ul>	The Applicant notes this response.
REP3-091-05	<b>2. Summary</b> Natural England notes that the Outline Underwater Sound Management Strategy submitted by The Applicant at Deadline 2 does not address the need for additional mitigation measures. We reiterate that the UWSMS should contain a commitment to the use of Noise Abatement Systems to mitigate residual impacts.	In line with the latest joint position statement (Joint Nature Conservation Committee (JNCC), Natural England and Cefas, 2025) and the marine noise policy paper (United Kingdom (UK) Government and Defra, 2025), the Applicant has committed to primary or secondary noise reduction measures (e.g. Noise Abatement System (NAS)) and commits to implement NAS for its worst case scenario (i.e., maximum strike rate and maximum hammer energy) and to review the final mitigation requirements based on the final Project design.  Further information on the potential reduction in impact ranges will be supplied as an Appendix to the UWSMS at Deadline 5.  This commitment and the agreement of required measures will be secured through the UWSMS (Outline Underwater
REP3-091-06	Natural England draws the ExAs and Applicant's attention to the publication of DEFRA's new measures to curb underwater noise and accelerate renewable energy (21 January 2025). Once we have considered the documents in full, we will provide updated nature conservation advice, where appropriate, for this Application, at the next appropriate deadline.	
REP3-091-07	<b>2.2 Detailed comments - Longform</b> i) Sufficiency of mitigation measures Natural England advises the mitigation measures proposed must be sufficient to mitigate for the project as it is consented. Additional design refinements confirmed post consent may reduce the overall impact of the project (and thus the level of mitigation actually needed), but this cannot be considered in the level of mitigation required for consent. The mitigation requirements must be based on current available evidence on the maximum design scenario and potential impacts i.e. the worst-case scenario. It is not clear that the current mitigation measures proposed will be adequate for the final consented project design.	

ID	Deadline 3 Submission comment	Applicant response
REP3-091-08	<p>ii) High strike rate scenario mitigation</p> <p>The Applicant has stated that the Outline Underwater Sound Management Strategy would include information on the residual impacts to Harbour Porpoise resulting from the higher strike rate scenario, as our relevant reps state that the proposed mitigation is insufficient and further assessment of this residual impact is required to inform additional mitigation. The Applicant has not included an assessment of this residual impact in the UWSMS.</p>	Sound Management Strategy_Rev 02_Clean).
REP3-091-09	<p>Natural England notes that the Applicant refers to potential refinements to the project design in the UWSMS, as well as potential mitigation which may be required depending on the final project design. We reiterate that as there is a residual impact to harbour porpoise under the higher strike rate scenario, further mitigation such as the use of Noise Abatement Systems is required and should be committed to at this stage. Furthermore, recently announced policy guidance indicates that the UK government will <i>“expect that all offshore wind pile driving activity across all English waters will be 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”</i>.</p>	

## 2.3 Natural Resources Wales (REP3-094)

Table 2.7 The Applicant's response to NRW's Deadline 3 submission (REP3-094)

ID	Deadline 3 Submission comment	Applicant response
<b>Offshore Ornithology</b>		
<b>General Comments</b>		
REP3-094-01	The majority of the Deadline 1 submissions are focused on issues raised by Natural England in their Relevant Representations. As NRW was unable to submit a detailed Relevant Representation due to capacity constraints, meaning our first set of advice on the submission was not submitted until our Written Representations at Deadline 1 [REP1-099], the Applicant's Deadline 1 submissions do not account for the comments/issues raised by NRW in our Written Representations [REP1-099].	The Applicant notes this response, with Deadline 3 submissions targeted in response to Natural Resource Wales (NRWs) detailed comments.
REP3-094-02	NRW (A) note that the updated 'REP1-013: 4 'Report to Inform Appropriate Assessment_Rev02' [REP1-013] and updated 'Chapter 12 Offshore Ornithology Rev 02' [REP1-033] only have minor updates that do not address any of the issues raised by NRW (A) regarding offshore ornithology in our Written Representations [REP1-099]. Therefore, we have not provided any comments on these.	Noted. The Applicant proposes to provide updates to Chapter 12 Offshore Ornithology and the Report to Inform Appropriate Assessment (RIAA) to incorporate all updates provided by the Applicant during the course of the Examination. An updated Chapter 12 Offshore Ornithology will be provided at Deadline 5 and an updated RIAA has been submitted alongside this document at Deadline 4 (Report to Inform Appropriate Assessment_Rev 03 Clean).
REP3-094-03	Additionally, the 'Update on Without Prejudice Compensatory Measures' [REP1-093] relates to compensation measures for English lesser black-backed gull SPAs (Morecambe Bay & Duddon Estuaries SPA and Ribble & Alt Estuaries SPA). These English sites are not within NRW's remit and therefore we have not provided any comments on this.	The Applicant notes this response.



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<b>Offshore Ornithology Technical Note 1_EIA [REP1-080]</b>		
REP3-094-04	NRW (A) specific comments on this relate to the updates to the Cumulative Effects Assessment (CEA) presented in Section 3 of REP1-080, as this will then feed into any in-combination assessments for Welsh SPAs/Ramsar's.	The Applicant notes this response.
REP3-094-05	NRW (A) note that updates to fill the gaps in the CEA have been undertaken in REP1-080 for guillemot, herring gull, lesser black-backed gull, great black-backed gull, little gull and Manx shearwater. No gap filling has been undertaken for kittiwake, gannet, razorbill and puffin. This could potentially have implications for Welsh SPA features, particularly as we note that razorbill at Skomer, Skokholm and seas off Pembrokeshire SPA was taken through to in-combination assessment by the Applicant in their submission Report to Inform Appropriate Assessment (RIAA) [APP-027, updated in REP1-012] and hence gaps will likely need to be filled before we can reach agreement on integrity conclusions. We also note that as yet, the issues identified by NRW (A) with the EIA scale project alone mean seasonal peak abundances for Manx shearwater and gannet used in the apportionment to the designated sites (as per our advice provided in Section 3.1.1 of our Written Representations, REP1-099) have not been resolved by the Applicant and taken through to updated project alone HRA assessments. Once this has been done, there will be a subsequent need for the Applicant to revisit their apportioned impacts from the project alone for Welsh SPAs with these features and for a need to revisit in-combination assessments and include gap-filled projects. There may also be a need to gap fill at CEA for gannet.	<p>The Applicant has presented updated information at Deadline 3 within the Offshore Ornithology Technical Note 1 (Environmental Impact Assessment (EIA)) Rev 02 (REP3-060) and Offshore Ornithology Technical Note 2 (Habitats Regulations Assessment (HRA)) Rev 02 (REP3-062) which addresses NRW's comments in respect of Manx shearwater and gannet, at both the EIA and HRA scales.</p> <p>The Applicant notes NRW's comment in respect of razorbill at Skomer, Skokholm and seas off Pembrokeshire Special Protection Areas (SPA), and has provided an update to the in-combination assessment for this species within the RIAA alongside this document at Deadline 4 (Report to Inform Appropriate Assessment_Rev 03 Clean).</p> <p>In respect of kittiwake, gannet and puffin, the Project-alone assessments for these species set out in the RIAA (REP1-012) confirm that predicted mortality for each species is below a threshold likely to contribute to in-combination effects. Sufficient information is therefore</p>



ID	Deadline 3 Submission comment	Applicant response
		available to enable the Secretary of State (SoS) to conclude that there would be no risk of an adverse effect on integrity (AEoI) for these species.
REP3-094-06	<p>The Applicant has utilised the gap fill numbers for historic projects from the Mona Deadline 3 and Morgan Deadline 1 submissions. During the Mona and Morgan examination we were of the view that the approach taken by the Mona/Morgan Applicants broadly provided the information requested by SNCBs and considered that the approach of using Marine Ecosystems Research Programme (MERP) data (Waggitt 2019) rather than a proxy approach represents a more repeatable and defensible approach. As the Morecambe Applicant has utilised the numbers from the Mona/Morgan approach, we conclude the same here. However, we do note that the Mona CEA submissions have been subject to some updates since their Deadline 3 submission (at Deadlines 4, 5 and 7) and the most comprehensive and easily accessible CEA tables (including gap filled projects) produced by the Mona Applicant can now be found in the updated offshore ornithology ES Chapter submitted by the Applicant at Deadline 7. Based on the cumulative effects totals presented by the Morecambe Applicant in REP1-080, we note that the collision and displacement totals presented are all lower than the totals presented by the Mona Applicant in their cumulative effects assessments within their updated Offshore Ornithology ES Chapter submitted at Deadline 7 of the project examination. We note that these differences are likely largely due to the Mona Applicant including numbers for the Llyr 1 project and gap filled figures for the Barrow and North Hoyle offshore wind projects following submissions from Ørsted interested parties during the Mona project examination. Given that there are issues/lack of clarity regarding consented lifespans of early offshore wind projects (such as North Hoyle), we would recommend that these projects are included within the cumulative and in-combination assessments and are gap filled where required. As per our advice to the Mona and Morgan Generation Applicants, we would also recommend that the Llyr 1 project is included within the cumulative assessments.</p>	<p>Noted. The Applicant will review numbers presented within the cumulative assessments, and present any updates at Deadline 5 within Environmental Statement (ES) Chapter 12 Offshore Ornithology. The Applicant reiterates, however, that any updates are not expected to affect any assessment conclusions.</p> <p>In respect of the Barrow and North Hoyle windfarms, the Applicant maintains that it is appropriate to exclude these projects from cumulative totals, as, according to the published decommissioning dates, there would be limited or no temporal overlap with the operation of these and the Project. This is based on the available information set out in the respective assessment documents presented for the application submissions for those projects, which the Applicant considers is consistent with the requirements of the relevant EIA regulations. It is also noted that the recent submission from the Marine Management Organisation (MMO) to the Examination (REP3-085) states that <i>'The MMO attended a meeting with Barrow Offshore Wind Limited on 15 January 2025 to discuss 1GEN10. The</i></p>

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		<p><i>MMO notes that the Barrow Offshore Wind Limited is aware that it currently holds two active licences with the MMO (L/2016/00297/4 and L/2015/00281/1). The MMO and Barrow Offshore Wind Limited both agreed within this meeting that should works be required post 2030, then a new Marine Licence application will be submitted. A new licence would be submitted for any decommissioning activities.’ Accordingly, it would be reasonable to expect that any new licence would require assessment (including cumulative and in-combination assessment) by that project, and that it is not required or appropriate for the Project to speculate on the outcome of any such assessment.</i></p> <p><i>Regardless, in the event that these Project were to continue beyond the expected decommissioning dates, the Cumulative Effects Assessment (CEA) already includes a high degree of precaution as it assesses a large number of other operational projects in the Irish Sea and has no way of accounting for the fact these projects would not overlap the entire operational period of the Project. It is noted in Natural England’s (NE’s) response to Examining Authority questions (REP3-092) that they state ‘We also note the lack of clarity over the end</i></p>

ID	Deadline 3 Submission comment	Applicant response
		<p><i>of life of early projects and consider that if a decommissioning date is not legally secured, then the appropriately precautionary approach is to assume it will continue to be operational and have an impact, though the impacts of early wind farms are generally relatively small.</i> It is considered sufficient precaution is built into the CEA without the inclusion of Barrow and North Hoyle, noting that the following operational projects are included:</p> <ul style="list-style-type: none"> <li>▪ Burbo Bank</li> <li>▪ Burbo Bank Extension</li> <li>▪ Gwynt y Môr</li> <li>▪ Ormonde</li> <li>▪ Rhyl Flats</li> <li>▪ Robin Rigg</li> <li>▪ Walney 1 &amp; 2</li> <li>▪ Walney 3&amp;4</li> <li>▪ West of Duddon Sands</li> </ul>
REP3-094-07	<p>NRW (A) also note that the updated cumulative assessments that include the gap-filled historic projects have not been included in the cumulative assessments of the updated ES Chapter submitted at Deadline 1 [REP1-033]. We would recommend that an updated version of the ES Chapter that contains the full cumulative assessments including gap filled historic projects is submitted into the examination so that all the numbers feeding into the cumulative assessments are contained within one place that is readily and easily accessible for future projects to utilise this information.</p>	<p>Noted, as set out above the Applicant proposes to provide an update to ES Chapter 12 (REP1-032) at Deadline 5, which will incorporate all updates provided by the Applicant during the course of the Examination, including the CEA.</p>

ID	Deadline 3 Submission comment	Applicant response
<b>Offshore Ornithology Technical Note 2_HRA [REP1-081]</b>		
REP3-094-08	On review of REP1-081, this documents specifically covers updated in-combination assessments to include gap-filled projects specifically for English SPAs for lesser black-backed gulls only (namely Morecambe Bay & Duddon Estuaries SPA and Ribble & Alt Estuaries SPA), along with an update on Liverpool Bay SPA little gull in-combination collision assessment.	The Applicant notes this response.
REP3-094-09	<p>NRW (A) note that the following Welsh SPA sites/features were taken through to in-combination assessment for the operations and maintenance phase by the Applicant in their submission Report to Inform Appropriate Assessment (RIAA) [APP-027, updated in REP1-012]: Page 7 of 19</p> <ul style="list-style-type: none"> <li>• Aberdaron Coast SPA: Manx shearwater (displacement)</li> <li>• Skomer, Skokholm and seas off Pembrokeshire (SSSP) SPA: Manx shearwater (displacement), lesser black-backed gull (collision), assemblage named components guillemot and razorbill (both for displacement).</li> </ul>	The Applicant notes this response.
REP3-094-10	These Welsh feature/site combinations were taken through to in-combination assessment in APP-027/REP1-012 because the predicted impacts from the project alone for these exceeds the Applicant's threshold of 0.1% baseline mortality at any point across the advised range of rates. Therefore, we advise that the gap fill work undertaken for EIA scale cumulative should also be included and impacts apportioned and included in updated in-combination assessments for these sites and features.	The Applicant has provided an updated in-combination assessment for the Manx shearwater feature of the Aberdaron Coast SPA and Skomer, Skokholm and seas off Pembrokeshire SPA in the Offshore Ornithology Technical Note 2 (HRA) Rev 02 (REP3-062). The Applicant confirms that it has reviewed the in-combination assessment for the other species referred to NRW's comment and has presented updates in the RIAA (Report to Inform Appropriate Assessment_Rev 03 Clean) alongside this document at Deadline 4.
REP3-094-11	NRW (A) draw attention to the recent Mona Offshore Windfarm examination, we have recently been able to conclude that an AEoSI can be ruled out for all in-	Noted. The Applicant agrees with NRW that the conclusions of the in-combination

ID	Deadline 3 Submission comment	Applicant response
	<p>combination impacts for all marine ornithology features of Welsh SPAs. Given that the Morecambe Generation Assets project is in examination at the same time as the Mona project and that both projects are located in the north Irish Sea/Liverpool Bay area, we would expect the same projects to be included within the in-combination assessments and that the in-combination totals for both projects would be the same/very similar. Therefore, we consider it likely that we will be able to reach the same conclusions regarding in-combination at Morecambe, but cannot be definitive until we see assessments presented by the Applicant.</p>	<p>assessment are expected to be consistent across the Round 4 Irish Sea Projects (i.e. the Project, Mona and Morgan Generation Assets), and that no AEol can be concluded for all Welsh SPAs. As above, the Applicant has provided an updated RIAA (Report to Inform Appropriate Assessment_Rev 03 Clean) alongside this document at Deadline 4.</p>
REP3-094-12	<p>NRW (A) also note that the apportioned impacts from the project alone for Welsh SPAs with Manx shearwater and gannet as qualifying features should be revisited once the Applicant has checked and updated where necessary the EIA scale mean seasonal peak abundances used in the apportionment to the designated sites (as per our advice provided in Section 3.1.1 of our Written Representations, REP1-099). We understand from the Applicant's responses to our Written Representations [REP2-027] that they intend to submit information to address these issues into the examination at Deadline 3. These updated predicted impacts for these sites and features should then be used to inform in-combination assessments for these sites and features and if they are required, then the gap-filled projects should also be included within these updated in-combination assessments.</p>	<p>The Applicant confirms that updates to the assessment for Manx shearwater (at both the EIA scale and HRA scale for Welsh SPAs) were presented at Deadline 3 in the Offshore Ornithology Technical Note 1 (EIA) Rev 02 (REP3-060) and Offshore Ornithology Technical Note 2 (HRA) Rev 02 (REP3-062) respectively. A further update for the HRA scale assessment has been presented in the RIAA (REP3-012) at Deadline 4, to reflect more recent discussions with NRW.</p>
REP3-094-13	<p>With regard to little gull at Liverpool Bay SPA, as noted in our Written Representations [REP1-099], given that the Morecambe Generation Assets project is located wholly in English waters, NRW (A) defer comment/advice regarding predicted impacts and integrity judgements of the project alone and in-combination for all qualifying features of the Liverpool Bay SPA to NE, this includes the little gull feature.</p>	<p>The Applicant notes this response.</p>
<b>Offshore Ornithology Technical Note 3_RTD at Liverpool Bay SPA Update Assessment [REP1-082]</b>		
REP3-094-14	<p>As NRW (A) noted in our Written Representations [REP1-099], given that the Morecambe Generation Assets project is located wholly in English waters, we defer</p>	<p>The Applicant notes this response.</p>

ID	Deadline 3 Submission comment	Applicant response
	comment/advice regarding predicted impacts and integrity judgements of the project alone and in-combination for all qualifying features of the Liverpool Bay SPA to NE, this includes the red-throated diver (RTD) feature.	
REP3-094-15	<p>However, we do note that in Section 2.5.2, paragraph 45 of Offshore Ornithology Technical Note 3 (Red-Throated Diver at Liverpool Bay SPA Update Assessment) [REP1-082] the Applicant states: <i>"It is acknowledged by the Applicant that the small relative contribution of the Project is not strictly relevant when considering the total in-combination effect. However, it is the case that there must be a threshold of effect that is considered by NE to generate an AEol, and below which AEol can be ruled out. In this case, therefore, it appears that NRW (and by proxy NE) considered that the effect up to and including Awel y Môr OWF was below such a threshold...."</i></p> <p>The assertion highlighted in bold above is a misinterpretation of the advice provided by NRW during the AYM examination. In paragraph 2.6.14 of our Written Representations at Awel y Môr (NRW 2022), we stated that: <i>'From the evidence provided, it does appear that the extent of the supporting habitat for red-throated diver (RTD) within Liverpool Bay SPA will be maintained if the project is constructed, and therefore there will be no adverse effect on the RTD feature of Liverpool Bay SPA from habitat loss.'</i></p> <p>Therefore, as there was considered to be no effect on RTD habitat loss from Awel y Môr project alone there would be no additional habitat loss to add from the project to an in-combination total</p>	<p>The Applicant notes NRW's comment on this matter but reiterates the evidence presented in the Offshore Ornithology Technical Note 3 (Red-Throated Diver at Liverpool Bay SPA Update Assessment) (REP1-082). Section 2.5.1 of this document demonstrates unequivocally that the effect of the Project alone on the red-throated diver feature of Liverpool Bay SPA would be substantially less than would be the case for the Awel y Môr project. Therefore, as the Secretary of State was able to conclude that there would be no AEol for this feature in respect of the Awel y Môr Offshore Wind Farm (OWF) (both alone and in-combination), there can be no justification for a different conclusion in respect of the Project alone.</p> <p>The statement referred to by NRW in Section 2.5.2, paragraph 45 of Offshore Ornithology Technical Note 3 (Red-Throated Diver at Liverpool Bay SPA Update Assessment) (REP1-082) has been presented in the context of the Applicant's position that (as is the agreed case for Awel y Môr and for the Round 4 Plan Level HRA) there would be no</p>



ID	Deadline 3 Submission comment	Applicant response
		contribution of the Project to in-combination effects.
<b>Offshore Ornithology Comments on Morecambe Applicant Deadline 2 Submissions</b>		
<b>Responses to Applicant's Comments on Written Representations [REP2-027]</b>		
REP3-094-16	WR-099-08: Please see responses to points WR-099-17 below.	See corresponding responses below.
REP3-094-17	WR-099-09: Whilst the Applicant has presented information to address the gap-filling of historic projects for EIA scale cumulative assessments, NRW (A) note that no inclusion of these gap filled projects into apportioned in-combination assessments have been provided for the Welsh SPA sites and features taken through to the in-combination assessments in the Report to Inform Appropriate Assessment, RIAA [REP1-012]. While gaps in these assessments persist we continue to be unable to provide advice on in-combination impacts for Welsh SPAs at this stage. The only SPAs where the gap filled figures for historic projects have been apportioned to designated sites and included in the in-combination assessments in REP1-081 are lesser black-backed gull for Morecambe Bay and Duddon Estuaries SPA and Ribble and Alt Estuaries SPA, which are both English sites and not within NRW's remit. Please see our response to Offshore Ornithology Technical Note 2_HRA REP1-081 for more details.	See responses above. The Applicant confirms it has updated the RIAA (Report to Inform Appropriate Assessment_Rev 03 Clean) and submitted it alongside this document at Deadline 4, which has incorporated all updates provided by the Applicant during the course of the Examination, together with further updates to the in-combination assessment for Welsh SPAs where appropriate.
REP3-094-18	WR-099-11: Please see responses to points WR-099-07 above and to WR-099-13 to WR-099-15 below.	See corresponding responses below.
REP3-094-19	WR-099-12: Please see response to point WR-099-07 above.	See corresponding responses below.
REP3-094-20	WR-099-13: NRW (A) welcome that the Applicant intends to include an updated assessment for Manx shearwater displacement in an update to the Offshore Ornithology Technical Note 1 (EIA) at Deadline 3. We will therefore provide further comment/advice on this matter following full review of the Applicant's Deadline 3 submission. Given that the Offshore Ornithology ES Chapter can generally be considered as the place that future projects will go to for extracting the	The Applicant confirms that an update to the Manx shearwater displacement assessment was presented at Deadline 3 in the Offshore Ornithology Technical Note 1 (EIA) Rev 02 (REP3-060) and Offshore Ornithology Technical Note 1

ID	Deadline 3 Submission comment	Applicant response
	information/predicted impacts for the Morecambe Generation Assets projects for inclusion in future cumulative and in-combination assessments, we would advise that any updates to the abundance estimates and associated assessments should be included within an updated ES Chapter, rather than the information being contained within various different documents. This would also apply to any updates to apportioned impacts to designated sites and associated impacts and assessments relating to the Report to Inform Appropriate Assessment (RIAA).	(HRA) Rev 02 (REP3-062), and that it has updated the RIAA (Report to Inform Appropriate Assessment_Rev 03 Clean) at Deadline 4, which has incorporated all updates provided by the Applicant during the course of the Examination, together with further updates to the in-combination assessment for Welsh SPAs where appropriate. The Applicant proposes to provide an update to ES Chapter 12 (REP1-032) at Deadline 5.
REP3-094-21	WR-099-14: NRW (A) welcome that the Applicant intends to include any required updates to gannet and Manx shearwater assessments to address these issues in updated versions of the Offshore Ornithology Technical Note 1 (EIA) and Offshore Ornithology Technical Note 2 (HRA), which will be submitted at Deadline 3. We will therefore provide further comment/advice on these issues and assessments following full review of the Applicant's Deadline 3 submission. Please also note our advice on point WR-099-13 above regarding including these updated information/assessments in updated versions of the ES Chapter and RIAA, rather than in separate technical notes.	
REP3-094-22	WR-099-15: Please see responses to points WR-099-07, WR-099-13 and WR-099-14 above.	See corresponding responses above.
REP3-094-23	WR-099-16: The Applicant's clarification regarding the puffin seasonal definitions used is welcomed. Following this, as the predicted impacts from the project alone for puffin displacement for the Skomer, Skokholm and seas off Pembrokeshire SPA equate to well below 1% of baseline mortality of the colony (0.04% at worst case scenario of 70% displacement and 10% mortality, Table 8.82 of the RIAA, REP1-012), we can now agree with the Applicant's conclusion that an adverse effect on site integrity (AEoSI) can be ruled out for this feature for the project alone. Additionally, we note that at the worst case scenario of 70% displacement and 10% mortality the predicted impact from the project alone equates to 0.04% of baseline mortality (see Table 8.82 of the RIAA, REP1-012), which is below the Applicant's threshold for taking through to in-combination assessment of the project alone exceeding 0.1% of baseline mortality. As we have agreed to the Applicant's approach regarding screening for inclusion of site/features in in-combination assessments in this instance, we are content that this feature is not taken through to	Noted. The Applicant welcomes NRW's agreement that there would be no AEoI in respect of the puffin feature of the Skomer, Skokholm and seas off Pembrokeshire SPA.



ID	Deadline 3 Submission comment	Applicant response
	in-combination assessment and that an AEoSI can be ruled out for this feature from in-combination displacement.	
REP3-094-24	WR-099-17: NRW (A) have advised a range of 1-10% mortality be considered for all relevant species, including gannet, for displacement assessments. We do however acknowledge the Applicant's position regarding gannet mortality rates. We agree that gannet has a large foraging range (mean-maximum of 516.7km for Grassholm SPA, Woodward et al. 2019) and has a high habitat flexibility (Furness & Wade 2012) suggesting that displaced birds would readily find alternative habitats including foraging areas. As a result, we agree that it is unlikely that gannet displacement mortality rates would be at the top of the range considered and may be more likely to be towards the lower end of the range. Therefore, we advise that, following any updates to apportioned Grassholm gannet abundances, the full displacement matrices are provided so that we can consider predicted impacts at any range of impacts or at any point within the range.	Noted. The Applicant welcomes NRW's agreement that lower mortality rates for this species are appropriate when considering displacement effects. It is noted that the predicted displacement mortality for the gannet feature of Grassholm SPA, as presented in the RIAA (REP1-012) is zero (assuming 1% mortality), and as the updated seasonal apportioning as presented by the Applicant at Procedural Deadline A (PD1-010) results in a reduction in the annual population, no change to the assessment conclusions are predicted. The Applicant confirms that it has presented a displacement matrix for this effect in the updated RIAA submitted alongside this document at Deadline 4 (Report to Inform Appropriate Assessment_Rev 03 Clean).
REP3-094-25	WR-099-18: No further comments.	Noted, the Applicant considers this matter closed.
REP3-094-26	WR-099-19 to WR-099-21: NRW (A) welcome the additional information presented by the Applicant to address the gap filling of historical projects submitted at Deadline 1. Please see our separate comments on REP1-080 and REP1-081.	The Applicant welcomes NRW's response. See also corresponding responses.
REP3-094-27	WR-099-22: Please see our comments on REP1-081.	Please see corresponding response.
REP3-094-28	WR-099-23: Please see our comments on the gap filling of historic projects and updated cumulative and in-combination assessments in REP1-080 and REP1-081.	Please see corresponding responses.

ID	Deadline 3 Submission comment	Applicant response
REP3-094-29	WR-099-24 to WR-099-25: Please see our comments on REP1-080 and REP1-081.	Please see corresponding responses.
REP3-094-30	WR-099-26 to WR-099-29: No further comments.	Noted, the Applicant considers this matter closed.
REP3-094-31	WR-099-30 to WR-099-31: NRW (A) welcome the response and will provide further advice/comment regarding potential impacts to Aberdaron Coast and Bardsey Island SPA and Skomer, Skokholm and seas off Pembrokeshire SPA Manx shearwater following detailed review of the information the Applicant intends to submit at Deadline 3. We also draw attention to our advice provided on point WR-099-13 above regarding the inclusion of any updated SPA feature assessments in an updated version of the RIAA, such that all information is included in one place and hence easily accessible by future projects rather than being spread across various documents.	Noted. As set out above, the Applicant confirms that it has provided an updated RIAA alongside this document at Deadline 4 (Report to Inform Appropriate Assessment_Rev 03 Clean).
REP3-094-32	WR-099-32: Please see response to point WR-099-16 above.	Please see corresponding response.
REP3-094-33	WR-099-33: NRW (A) welcome the response and will provide further advice/comment regarding potential impacts to Grassholm SPA gannet following detailed review of the information the Applicant intends to submit at Deadline 3. We also note our advice provided on point WR-099-13 above regarding the inclusion of any updated SPA feature assessments in an updated version of the RIAA, such that all information is included in one place and hence easily accessible by future projects rather than being spread across various documents. Please also see our response to point WR-099-17 above regarding gannet % displacement rates.	Noted. As set out above, the Applicant confirms that it has provided an updated RIAA alongside this document at Deadline 4 (Report to Inform Appropriate Assessment_Rev 03 Clean. See also corresponding responses above.
REP3-094-34	WR-099-34: No further comment.	Noted, the Applicant considers this matter closed.
REP3-094-35	WR-099-35: Noted. Please also see our comments on REP1-082 regarding NRW advice regarding Liverpool Bay SPA and red-throated diver habitat loss during the Awel y Mor examination.	Please see corresponding response.

ID	Deadline 3 Submission comment	Applicant response
REP3-094-36	<p>WR-099-36 to WR-099-41: NRW (A) welcome the response and will provide further advice/comment regarding impacts to the Great Orme's Head SSSI following detailed review of the information the Applicant intends to submit at Deadline 3. Please also note our advice provided on point WR-099-13 above regarding the inclusion of any updated assessments relating to EIA (for which SSSI assessments are relevant) being included in an updated version of the Offshore Ornithology ES Chapter, such that all information is included in one place and hence easily accessible by future projects rather than being spread across various documents.</p>	<p>The Applicant confirms that updates to the assessment for Great Orme's Head Site of Special Scientific Interest (SSSI) was presented at Deadline 3 in the Offshore Ornithology Technical Note 1 (EIA) Rev 02 (REP3-060). The Applicant also confirms that it proposes to update ES Chapter 12 (REP1-032) to incorporate all updates provided by the Applicant during the course of the Examination at Deadline 5.</p>
<b>Marine Mammals</b>		
<b>Outline Underwater Sound Management Strategy (UWSMS) REP2-026</b>		
REP3-094-37	<p>WR-099-48: NRW (A) welcomes, in principle, the commitment to develop an Underwater Sound Management Strategy (UWSMS), and that it will identify all potential noise sources associated with the project with further detail provided in associated mitigation plans. Whilst NRW (A) acknowledge that further significant detail cannot be populated at this time, we agree that the UWSMS should reduce the magnitude of impacts to an acceptable level. NRW (A) agree that the UWSMS should be conditioned through both the deemed Marine Licence (dML) and standalone Marine Licence (ML). NRW (A) welcomes the opportunity to engage with the Applicant on developing the UWSMS during the examination and post-consent.</p>	<p>Noted. The Applicant has updated the Underwater Sound Management Strategy (UWSMS) for Deadline 4 (Outline Underwater Sound Management Strategy_Rev 02_Clean) and agrees that this would be further developed and agreed post-consent.</p>
REP3-094-38	<p>WR-099-51: With reference to the applicant's response to WR-099-51, NRW (A) acknowledge and welcome the Applicant's commitment to use all appropriate tools and up-to-date information when evaluating the potential effects of the Project post-consent, considering the final project design and the mitigation requirements for the development of the final UWSMS, the final MMMP for piling and European Protected Species (EPS) Licence requirements. NRW (A) advise that the mitigation method recommended via the Offshore Renewables Joint Industry Programme's (ORJIP) Range dependent nature of impulsive noise (RaDIN) project is included as a mitigation option within the final UWSMS and MMMP.</p>	<p>Noted. The Applicant will take in to account all available guidance in the final development of the Underwater Sound Management Strategy (UWSMS). The strike rate profile will be reviewed post consent based on the final project design and all appropriate measures will be taken to reduce impacts where practicable.</p>

ID	Deadline 3 Submission comment	Applicant response
<b>Outline Vessel Traffic Management Plan (VTMP) REP2-022</b>		
REP3-094-39	Section 7.1 Marine Mammal and Basking Shark Measures: NRW (A) acknowledge and welcome the changes made to the chapter in the VTMP [APP-153]. We seek confirmation that these measures essentially match those in the WiSe scheme	The measures outlined in the Vessel Traffic Management Plan (VTMP) (REP3-047) are in line with the publicly available guidance, noting the WiSe scheme is directed to leisure users (primarily at wildlife cruise operators, dive and service boats, yacht skippers and sea kayakers, plus people participating in coasteering, stand-up paddle boarding and wild swimming).
<b>Draft Marine Mammal Mitigation Protocol (MMMP) REP2-017</b>		
REP3-094-40	Please be advised that an updated Position Statement (which NRW have contributed to) is currently in development and may be published prior to the completion of this examination process. If this is published during the examination process, we will draw the Examining Authority and the Applicant's attention to this document immediately.	The Applicant is aware of these publications. In line with the latest joint position statement (Joint Nature Conservation Committee (JNCC), Natural England and Cefas, 2025) and the marine noise policy paper (UK Government, 2025), the Applicant is committed to primary or secondary noise reduction measures (e.g. Noise Abatement System (NAS)) and commits to implement NAS for its worst case scenario (i.e., maximum strike rate and maximum hammer energy) and to review the final mitigation requirements based on the final Project design.
REP3-094-41	Please be advised that an updated Position Statement (which NRW have contributed to) is currently in development and may be published prior to the completion of this examination process. If this is published during the examination process, we will draw the Examining Authority and the Applicant's attention to this document immediately.	This commitment and the agreement of required measures will be secured through the UWSMS (Outline Underwater

ID	Deadline 3 Submission comment	Applicant response
		Sound Management Strategy_Rev 02_Clean).
REP3-094-42	Sections 2.2.3 and 3.1.2 Acoustic Deterrent Devices (ADD): NRW (A) advise inclusion of a statement that the Applicant understands and commits to the need for proportionate and judicious application of ADDs, to avoid excessive ADD exposure (particularly cumulatively over multiple piling events), and that this will be considered carefully when finalising the ADD deployment duration post consent.	Noted. The Applicant has included a statement in an updated version of the Draft Marine Mammal Mitigation Protocol (MMMP) (Deadline 4 submission), committing to the need for proportionate and judicious application of Acoustic Deterrent Devices (ADDs)
<b>Responses to Applicant's Comments on Written Representations [REP2-027]</b>		
REP3-094-43	WR-099-48: NRW (A) welcomes the applicant's response. Please refer to paragraph 37, NRW response to WR-099-48 for comment.	The Applicant welcomes the response and notes that further commitments around the use of noise mitigation have been made at Deadline 4 (submissions of the MMMP (Draft Marine Mammal Mitigation Protocol_Rev 03 Clean) and UWSMS (Outline Underwater Sound Management Strategy_Rev 02_Clean)) in respect of the new guidance (latest joint position statement (JNCC, Natural England and Cefas, 2025) and the marine noise policy paper (UK Government, 2025)).
REP3-094-44	WR-099-51: NRW (A) welcomes the applicant's response. Please refer to paragraph 38, NRW response to WR-099-51 for comment.	
REP3-094-45	WR-099-52: NRW (A) acknowledge and welcome the updates to the VTMP [APP-153].	Noted, the Applicant considers this matter closed.
REP3-094-46	WR-099-54: NRW (A) acknowledge and welcome the intent to update Chapter 11 Marine Mammals and Report to Inform Appropriate Assessment (RIAA) accordingly. NRW (A) would not expect the adjustment in the methodology to significantly alter the conclusions.	The Applicant highlights the updated ES Chapter 11 Marine Mammals has been provided at Deadline 4 (Chapter 11 Marine Mammals_Rev 03 Clean).

ID	Deadline 3 Submission comment	Applicant response
REP3-094-47	<p>WR-099-55: – NRW (A) fully agree that the Interim Population Consequences of Disturbance (iPCoD) model is an appropriate tool to assess the potential impacts of disturbance, however we clarify that our preference is to interpret the results from iPCoD modelling within the context of other approaches. NRW (A) agree with the applicant that, although a number of thresholds for estimating numbers disturbed and guidance texts for these currently exist, no such guidance or methodology (other than iPCoD) has been widely agreed upon with regard to how to use the estimated number of animals disturbed when assessing a population level effect. This does not mean such methods (including expert judgement) do not exist.</p>	<p>Noted. The Applicant highlights that Section 2.3 in the Marine Mammal Technical Note 1 (EIA) (REP3-060) further compares and considers the use of quantified disturbance methods versus the iPCoD results, in this case for cumulative disturbance. The Applicant highlights the updated ES Chapter 11 Marine Mammals has been provided at Deadline 4, incorporating information supplied in the technical notes.</p>
REP3-094-48	<p>NRW (A) are currently in the process of producing such a position statement (which will also function as guidance) on assessing population level effects of disturbance and displacement within a Special Area of Conservation (SAC) and at Marine Mammal Management Unit (MMMU) level. While this is still a work in progress, in addition to IPCoD other methods might include (but and are not limited to): population viability analysis (PVA); percentage of the MMMU population disturbed either over a single event or multiple events; or percentage of the SAC population (mainly relevant to Bottlenose dolphin).</p>	<p>The Applicant notes this response and is looking forward to the development of guidance on the assessment of population level effects at different levels. However, for this Development Consent Order (DCO) Application, and noting the windfarm site is not within a Special Area of Conservation (SAC), suitable available methods have been used appropriately to allow the findings of the ES and RIAA to be confirmed, which include assessment of the percentage of the SAC population (where defined) potentially disturbed by the Project.</p>
REP3-094-49	<p>WR-099-56: NRW (A) agrees with the applicant that the application of a harbour porpoise D/R curve to bottlenose dolphin is expected to lead to highly precautionary results. Therefore, NRW (A) fully agree with the assessment conclusions given that these were ultimately informed by numbers obtained using the D/R approach.</p>	<p>Noted, the Applicant considers this matter closed.</p>

ID	Deadline 3 Submission comment	Applicant response
REP3-094-50	<p>NRW (A) has previously advised (for other projects) that the literature indicates that bottlenose dolphin and minke whale are more tolerant to noise than harbour porpoise. NRW (A) have also published similar advice in an evidence report that reviewed and provided recommendations on assessment of noise disturbance for marine mammals [Sinclair <i>et al.</i>, 2023]. Anecdotal and qualitative observations also suggest that these species behave very differently from harbour porpoise. Therefore, applying a D/R curve from a more sensitive species to a less sensitive species is likely to result in overestimates of disturbance, which, while not ideal (strictly in terms of capturing numbers accurately), would be considered a precautionary approach. Having said that for minke whale, one needs to consider that the sound energy of pile driving is highest in the low frequency range, and overlaps more with the hearing range of a minke whale than that of a harbour porpoise - pile strikes of the same unweighted single-strike Sound Exposure Level (SEL) are therefore louder for a minke whale than a harbour porpoise. However, for minke whale, the limited evidence available from studies with sonar seems to indicate that they are less sensitive by about 40-50 dB [Kvadsheim <i>et al.</i>, 2017; Sivle <i>et al.</i>, 2015; Tougaard 2021].</p> <p>For future assessments, this does not preclude the fact that NRW (A) do not advise the use of Temporary Threshold Shift (TTS) thresholds as thresholds to assess disturbance for comparison purposes - as used here. We would generally recommend the use of other existing thresholds that have previously also been used in assessments such as but not limited to the 160 dB SPLrms level B harassment threshold [NFMS, 2005], notwithstanding this threshold has its own limitations that users should be aware of [Sinclair <i>et al.</i>, 2023].</p>	<p>Noted. The Applicant has considered a number of methods to assess disturbance, and acknowledges the limitations associated with each method. Conclusions are considered to be precautionary and consider the worst case, with Temporary Threshold Shift (TTS) used for comparison purposes, as noted by NRW.</p>



ID	Deadline 3 Submission comment	Applicant response
REP3-094-50	<p>WR-099-57-58: NRW (A) agrees with the applicant that assuming a fleeing speed of 1.5 m/s (which may be slower than speeds recorded in the field) may lead of precautionary estimates of ADD deployment length. However, deployment length is not the only concern; source level and range of effect are also crucial to consider. The concern is that to mitigate for and prevent PTS incidents, there is a risk that ADDs may be used at too powerful a setting to ensure that the area is cleared – potentially effectively shifting the impact pathway to disturbance via strong behavioural and physiological responses at ranges of several kilometres.</p> <p>NRW (A) therefore welcome the applicant's statement that the duration and potential effect of the use of the ADD will be further considered post-consent in the final UWSMS, MMMP and EPS licence with consultation based on the most up to date available information.</p>	Noted, the Applicant considers this matter closed.
REP3-094-51	WR-099-59: NRW (A) note the applicant's response, however, our question has not been addressed. We can confirm that we did not query the level of precaution used and requested a methodological clarification regarding the assumptions made in the calculation. Could the applicant therefore clarify whether the method used assumed that: (1) disturbed animals will leave the area; and/or (2) no new animals will be disturbed (or repeatedly disturbed) other than those within the 285.4 km <sup>2</sup> area?	In response to the question, the quantitative assessment assumed that all animals within a 4km radius are disturbed. The Applicant presumes, as a worst-case the total (100%) displacement of marine mammals within a 4km radius at any one time. As outlined in the previous response to WR-099-59 (REP2-027), this is considered precautionary, as in the study by Benhemma-Le Gall <i>et al.</i> (2021), the decline in harbour porpoise responses 'halted' before the 4km. The Applicant acknowledges the suggestion to use the data as a dose-response function, however it is not considered that this assessment (which would be designed to reduce over conservatism) is required to be undertaken for this DCO Application given that sufficient information has been presented to conclude no significant
REP3-094-52	NRW (A) fully agree with the applicant that observations made by Benhemma-Le Gall <i>et al.</i> , [2021] showed that the presence of harbour porpoise decreased by 35.2% at 2km from construction vessels, and to 24% at 3 km. NRW (A) have previously also recommended the use of a dose response curve based on this data in our advice to reduce over conservatism in assessments particularly when calculating the impacts of vessels under way across the length of their trip, most recently for the for Mona and Morgan offshore wind farm examinations.	



ID	Deadline 3 Submission comment	Applicant response
		<p>effects and that mitigation is secured in the VTMP (REP3-047) to reduce disturbance effects from vessels.</p> <p>With regard to repeated disturbance, whilst previously not presented by the Applicant in detail in the ES Chapter 11 Marine Mammals, the effect of repeated cumulative vessel disturbance has been discussed further in Section 3.1.3.2 in the Marine Mammal Technical Note 1 (EIA) Rev 02 (REP3-060). This qualitative assessment looked at disturbance from vessels from other offshore projects in the area, which could be considered a repeated disturbance event, the conclusion was not significant in EIA terms. This has been added to the ES chapter submitted at Deadline 4.</p>
REP3-094-53	WR-099-61: NRW (A) welcomes the intention to submit an updated marine mammal technical note at Deadline 3 that will comment on the effects from all sources across the Project lifetime from a cumulative perspective	Noted, a Marine Mammal Technical Note 1 (EIA) Rev 02 (REP3-060) was submitted at Deadline 3 under Section 3.1.4.
REP3-094-54	WR-099-62 - WR-099-64: NRW (A) appreciate the clarifications and consider this issue closed.	Noted, the Applicant considers this matter closed.
REP3-094-55	WR-099-65 - WR-099-66: NRW (A) welcomes the intention to submit an updated marine mammal technical note at Deadline 3 that will comment on the effects from all sources across the Project lifetime from a cumulative perspective	Noted, a Marine Mammal Technical Note 1 (EIA) Rev 02 (REP3-060) was submitted at Deadline 3.
REP3-094-56	WR-099-67: NRW (A) note that the explanation offered by the applicant is still based on considering worst case scenarios occurring simultaneously for piling alone. The CEA should consider the sum of all impacts, otherwise the potential number of days	An assessment of additive effects, considering different impact pathways to occur at the same time was provided in Section 3.1.1 in a Marine Mammal

ID	Deadline 3 Submission comment	Applicant response
	of disturbance may be artificially limited to the piling days alone as opposed to all types of disturbance sources over the length of the construction period.	Technical Note 1 (EIA) Rev 02 (REP3-060), submitted at Deadline 3.
REP3-094-57	<p>WR-099-68: NRW (A) agree with the applicant that the suggestion in King <i>et al.</i>, [2015] was conceptual in nature, suggesting that IPCoD could be used to model population effects from other sources given adequate parameterisation. This work is ongoing, given that the SATURN project has incorporated the ability to assess impacts from shipping into the DEPONS model for simulating population effects of noise for harbour porpoises [e.g. Schnitzler <i>et al.</i>, 2024]. Similarly, work is being done to further develop Dynamic Energy Budget (DEB) models for their eventual inclusion into the iPCoD framework [Harwood <i>et al.</i>, 2022].</p> <p>The key point being made here is that the scientific community recognises that for noise events where the effect may be individually small (e.g. passage of one vessel), it is plausible that the cumulative impact of repeated but individually small disturbances may be greater than the impact from a single larger disturbance event. Thus, it may not be sufficient to argue that an impact is “reversible / recoverable” or “short lived / temporary”, as in the process of recovering from the disturbance event the animal may have incurred some cost.</p> <p>This appears to be underpinned by evidence, which shows that harbour porpoise respond to vessel noise by increasing swimming effort, making deeper dives, and ceasing echolocation and foraging for several minutes [Dyndo <i>et al.</i>, 2015; Wisniewska <i>et al.</i>, 2018] and potentially reducing their daily net energy gain [Rojano-Doñate <i>et al.</i>, 2023]. Wisniewska <i>et al.</i>, [2018] further noted that “<i>although these individuals lived in highly trafficked coastal waters, they did not seem to have habituated to vessel noise</i>”. Within acoustically degraded habitats, it is possible that animals need to make trade-offs between the benefits of remaining and taking advantage of important resources while tolerating disturbance, and the physiological and energetic costs of relocation [e.g. Hastie <i>et al.</i>, 2021; Findlay <i>et al.</i>, 2024].</p>	<p>The Applicant is aware that shipping disturbance is incorporated into the DEPONS model, however this model is only available for harbour porpoise in the North Sea and cannot simply be applied to other sea regions where demographic and biological parameters are unknown (or applied to the complex model).</p> <p>The Applicant agrees that effects to an animal's energy budget could take place when disturbed, due to having to forage elsewhere to find nutritious food. In the Marine Mammal Technical Note 1 (EIA) (REP3-060), submitted at Deadline 3, the Applicant discussed the effects of shipping to marine mammals, and found that long-term studies on the behavioural effects from vessel disturbance are lacking and difficult to quantify, but that the susceptibility to disturbance maybe dependent on the resilience of the individual population and their environment. The additional analysis has provided further information to support the overall conclusions of the ES, despite the limitations in available information and assessment methodologies.</p>

ID	Deadline 3 Submission comment	Applicant response
		The Applicant highlights the updated ES Chapter 11 Marine Mammals has been provided at Deadline 4.
REP3-094-58	WR-099-69: NRW (A) welcomes the intention to submit an updated marine mammal technical note at Deadline 3 that will comment on the effects from all sources across the Project lifetime from a cumulative perspective	Noted, additional information was provided in Section 3.1.5 in a Marine Mammal Technical Note 1 (EIA) Rev 02 (REP3-060), submitted at Deadline 3
REP3-094-59	WR-099-70: NRW (A) welcomes the intention to submit an updated marine mammal technical note at Deadline 3 that will comment on the effects from all sources across the Project lifetime from a cumulative perspective. NRW (A) also welcome the Measures to reduce the risk of collision have been presented in the Outline PEMP (APP-146) and included in the Outline VTMP updated at Deadline 2 and agree that the measures included would also help to reduce the potential level of disturbance from vessels.	Noted, additional information was provided in Section 3.1.3 in a Marine Mammal Technical Note 1 (EIA) Rev 02 (REP3-060), submitted at Deadline 3
REP3-094-60	WR-099-71: NRW (A) welcomes the intention to update Chapter 11 Marine Mammals and RIAA at Deadline 4.	Noted, the updated RIAA and ES chapter are submitted at Deadline 4 alongside this response.
REP3-094-61	WR-099-72: NRW (A) welcomes the intention to submit an updated marine mammal technical note at Deadline 3, and Updates to Appendix 11.4, CEA Project Screening (APP-068) at Deadline 4.	Noted, additional information was provided in Section 3.1.2 in a Marine Mammal Technical Note 1 (EIA) Rev 02 (REP3-060), submitted at Deadline 3. The updated RIAA and ES have been submitted at Deadline 4 alongside this response.
REP3-094-62	WR-099-73 - WR-099-74: NRW (A) welcomes the applicant's response and acknowledges that the Applicant commits to using all appropriate tools and up-to-date information when evaluating the potential effects of the Project post-consent. NRW (A) also note that potential mitigation options, including noise abatement systems (NAS), are listed within the Draft MMMP (APP-149) and outline UWSMS which would be finalised post-consent in line with the final design of the Project.	The Applicant welcomes the response and notes that further commitments around the use of noise mitigation have been made at Deadline 4 (submissions of the MMMP and UWSMS) in respect of the new guidance (latest joint position statement (JNCC, Natural England and

ID	Deadline 3 Submission comment	Applicant response
		Cefas, 2025) and the marine noise policy paper (UK Government, 2025)).
REP3-094-63	WR-099-75 - WR-099-78: NRW (A) welcomes the intention to submit an updated marine mammal technical note and Chapter at Deadlines 3 and 4.	Noted, additional information was provided in Section 3.1.7 and 3.1.3 in a Marine Mammal Technical Note 1 (EIA) Rev 02 (REP3-060), submitted at Deadline 3. The updated RIAA and ES chapter have been submitted at Deadline 4 alongside this response.
REP3-094-64	WR-099-79: NRW (A) acknowledges the clarification provided by the applicant, directing towards Table 4.3 of Appendix 11.4 Marine Mammal CEA Project Screening (APP-068). We can consider the issue closed.	Noted, the Applicant considers this matter closed.
REP3-094-65	WR-099-80 - WR-099-81: Noted, no further comments.	Noted, the Applicant considers this matter closed.
REP3-094-66	WR-099-82: NRW (A) welcomes the intention to submit an updated marine mammal technical note at deadline 3.	There are no identified changes to the overall conclusions of the CEA (as outlined in Section 3 of the Marine Mammal Technical Note 1 (EIA) Rev 02 (REP3-060). The CEA and RIAA have been updated at Deadline 4. As the CEA informs the in-combination assessment in the RIAA there are no changes to the overall conclusions of the in-combination assessment as presented in the RIAA (APP-027). Further summary of the CEA, where referenced in the RIAA, is also provided in the RIAA update submitted at Deadline 4 (Report to Inform Appropriate Assessment_Rev 03 Clean).

ID	Deadline 3 Submission comment	Applicant response
REP3-094-67	WR-099-83 - WR-099-86: NRW (A) welcomes the intention to submit an update to Chapter 11 Marine Mammals and the RIAA, expected Deadline 4.	Noted, the RIAA and ES have been submitted at Deadline 4 alongside this response (Chapter 11 Marine Mammals_Rev 03 Clean and Report to Inform Appropriate Assessment_Rev 03 Clean).
REP3-094-68	WR-099-87 - WR-099-88: NRW (A) welcomes the intention to submit updates in a marine mammal technical note at Deadline 3, and updates to Chapter 11 Marine Mammals and the RIAA, expected Deadline 4.	Noted, additional information was provided in Section 3.1.2 in a Marine Mammal Technical Note 1 (EIA) Rev 02 (REP3-060), submitted at Deadline 3. Updates to Chapter 11 Marine Mammals and the RIAA to include this information have been submitted at Deadline 4 (Chapter 11 Marine Mammals_Rev 03 Clean and Report to Inform Appropriate Assessment_Rev 03 Clean).
REP3-094-69	WR-099-89 - WR-099-91: NRW (A) welcomes the applicant's response and acknowledges that the Applicant will use all appropriate tools and up-to-date information when evaluating the potential effects of the Project post-consent. We also note that potential mitigation options, including NAS, are listed within the Draft MMMP (APP-149) and outline UWSMS which would be finalised post-consent in line with the final design of the Project.	The Applicant welcomes the response and notes that further commitments around the use of noise mitigation have been made at Deadline 4 (submissions of the MMMP and UWSMS) in respect of the new guidance (latest joint position statement (JNCC, Natural England and Cefas, 2025) and the marine noise policy paper (UK Government, 2025)).
REP3-094-70	WR-099-92: Please refer to our response for WR-099-52 and WR-099-70.	Noted, please see WR-099-52 and WR-099-70 response.
REP3-094-71	WR-099-93 - WR-099-95: Noted, NRW (A) consider the issue closed.	Noted, the Applicant considers this matter closed.

ID	Deadline 3 Submission comment	Applicant response
REP3-094-72	WR-099-96: NRW (A) acknowledge the applicant's response. NRW (A) agree with Natural England and defer to them for further comment.	Applicant has provided a thorough response to this matter in The Applicant's Response to Relevant Representations (PD1-011; ID RR-061-217). This issue is no longer under consideration by Natural England.
REP3-094-73	WR-099-97: NRW (A) welcomes the intention to submit Updates to Chapter 11 Marine Mammals and the RIAA, expected Deadline 4.	Noted, the updated RIAA and ES chapter have been submitted at Deadline 4 alongside this response.
REP3-094-74	<p>WR-099-98: NRW (A) has previously advised that from a consenting perspective monitoring can be requested where either there is insufficient mitigation, or the applicant concludes no significant impact without sufficiently specifying or providing sufficient information on the expected mitigation measures. Such monitoring allows validation of the predictions made in the assessment, reducing any uncertainty inherent in the assessment conclusions because of uncertainties about the mitigation methods.</p> <p>Given the additional commitments made by the Applicant, NRW (A) may be able to agree that no monitoring may be required from a consenting perspective, however any additional data collection carried out by the applicant would be welcome.</p> <p>Therefore, using the additional aerial surveys proposed during the winter season (potentially November to March) for Red Throated Diver to provide information on marine mammal presence and densities would be highly appreciated.</p> <p>Finally, we do note that noise monitoring requirements are usually specified within the Marine Licence granted and typically for offshore wind farm projects across the UK there is a requirement to measure the underwater noise from the installation of the first four piles for each foundation type, or a representative number of pile locations, or the four largest piles. NRW (A) would also adopt a standard approach to this monitoring requirement (ISO 18407:2017).</p>	<p>Noted, the Applicant welcomes this feedback which is reflected in the In Principle Monitoring Plan (IPMP) that was updated at Deadline 3 (REP3-045).</p> <p>The requirement for measuring the underwater noise from the installation of the first four piles for each foundation type is listed in In Principle Monitoring Plan (IPMP) (REP3-045) Table 2.3. This is also reflected in the draft DCO (Draft Development Consent Order_Rev 04_Clean).</p> <p>The requirements and specifics of the noise monitoring will be confirmed through consultation post consent through the finalisation of the monitoring plan, as secured in the dDCO (Draft Development Consent Order_Rev 04_Clean).</p>

ID	Deadline 3 Submission comment	Applicant response
REP3-094-75	WR-099-101: NRW (A) welcomes the applicant's response and acknowledges that the Applicant will use all appropriate tools and up-to-date information when evaluating the potential effects of the Project post-consent. NRW (A) also note that potential mitigation options, including NAS, are listed within the Draft MMMP (APP-149) and outline UWSMS which would be finalised post-consent in line with the final design of the Project.	The Applicant welcomes the response and notes that further commitments around the use of noise mitigation have been made at Deadline 4 (submissions of the MMMP and UWSMS) in respect of the new guidance (latest joint position statement (JNCC, Natural England and Cefas, 2025) and the marine noise policy paper (UK Government, 2025)).
REP3-094-76	WR-099-102 - WR-099-103: NRW (A) acknowledge that the finalisation of procedures in the MMMP will be undertaken post-consent alongside developed Project design information and will follow the latest JNCC guidelines at the time as required. NRW (A) also welcome that potential mitigation options, including NAS, are listed now within the Draft MMMP (APP-149) and outline UWSMS which would be finalised post-consent in line with the final design of the Project.	
REP3-094-77	WR-099-104: NRW (A) acknowledge and welcome the commitment of the applicant to an outline UWSMS which also includes a commitment to consider the use of NAS. NRW (A) also welcome the inclusion of condition 30 in the dML. NRW (A) welcomes the opportunity to engage with the Applicant on developing the UWSMS during the examination and post-consent.	
REP3-094-78	WR-099-105- WR-099-108: NRW (A) agree with the Applicant that they have presented an appropriate Management Unit (MU) approach for this assessment. As discussed in the meeting held on 4th December 2024, the point raised here was simply to clarify NRW's advice with respect to the use of the OSPAR III MU to address a comment made by the applicant regarding potential dilution effects. NRW (A) confirm that no updates to the assessment are expected.	Noted, the Applicant considers this matter closed.



## 2.4 Blackpool Airport (REP3-097)

14. **Table 2.8** presents Annex I of Blackpool Airport's 'Response to ExQ1' (REP3-097) which detailed their proposed amendments to the draft DCO requirement 5.

*Table 2.8 The Applicant's comments on Blackpool Airports proposed amendments to draft DCO requirement 5 and proposed broader requirement wording (REP3-097)*

ID	Deadline 3 comment	Applicant comment (if required)
<b>Annex I: Proposed amendments to draft DCO requirement 5</b>		
REP3-097-01	<p>Blackpool Airport Instrument Flight Procedures</p> <p>5.—(1) No construction of any wind turbine generator (excluding foundations) as part of the authorised development shall take place until the Secretary of State, having consulted with the airport operator, confirms satisfaction in writing that— (a) an IFP scheme has been <del>agreed with the airport operator submitted to the airport operator</del>; (b) the Civil Aviation Authority has evidenced its approval to the airport operator of the IFP scheme <del>(if such approval is required)</del>; (c) the IFP scheme is accepted by NATS Aeronautical Information Service (AIS) for implementation through the Aeronautical Information Regulation and Control (AIRAC) cycle (or any successor publication), where applicable, and is available for use by aircraft; and (d) a mitigation agreement has been <del>submitted to the airport operator to</del> entered into.</p> <p>(2) For the purposes of this requirement—</p> <p>(a) “airport operator” means Blackpool Airport Operations Limited or any successor as holder of a licence under the Commission Regulation (EU) No. 139/2014 (or any successor regulation) from the Civil Aviation Authority to operate Blackpool Airport;</p> <p>(b) “IFP scheme” means a scheme <del>that will provide appropriate mitigation measures to prevent or remove any adverse impacts which the authorised development may have address the potential impact of the turbines</del> on the instrument flight procedures of the airport operator and Blackpool Airport; and</p> <p>(c) “mitigation agreement” means an agreement between the airport operator and the undertaker which <del>ensures that the IFP scheme will be implemented and maintained throughout the lifetime of the authorised development—(i) obliges the parties to</del></p>	<p>The Applicant notes the proposed amendments to the draft Development Consent Order (DCO) requirement from Blackpool Airport.</p> <p>As noted in ISH4, it is the Applicant's preference to move forward with the proposed broader requirement wording (set out in Appendix 2), provided by Blackpool Airport as this will capture other items that may require mitigation, such as the Very High Frequency (VHF) communications.</p>



ID	Deadline 3 comment	Applicant comment (if required)
	<del>agree an IFP scheme; and (ii)(c) obliges the undertaker to comply with the IFP scheme and the remaining terms of this requirement.</del>	
<b>Appendix 2: Proposed broader requirement wording</b>		
REP3-097-02	<p><b>Operation of Blackpool Airport</b></p> <p>[x].—(1) No part of any wind turbine generator (excluding foundations) shall be erected as part of the authorised development until the Secretary of State, having consulted with the Operator and the CAA, has confirmed in writing that s/he is satisfied that:</p> <p>(i) Appropriate Mitigation will be implemented and maintained throughout the lifetime of the authorised development; and</p> <p>(ii) appropriate arrangements have been put in place with the Operator to ensure that such Appropriate Mitigation is so implemented and maintained.</p> <p>(2) For the purposes of this requirement—</p> <p><b>“Appropriate Mitigation”</b> means appropriate mitigation measures to prevent or remove any adverse impacts which the authorised development will have on the ability of the Operator to provide safe airport operational and air traffic services (including but not limited to any adverse impacts on instrument flight procedures, minimum sector altitudes, and very high frequency radio and direction finding communication systems) for Blackpool Airport;</p> <p><b>“Approved Mitigation”</b> means the Appropriate Mitigation agreed with the CAA and the Operator and approved by the Secretary of State in accordance with sub-paragraph (1);</p> <p><b>“CAA”</b> means the Civil Aviation Authority constituted by the Civil Aviation Act 1982; and</p> <p><b>“Operator”</b> means Blackpool Airport Operations Limited (incorporated in England and Wales with company number 09307995 and whose registered office is Number One Bickerstaffe Square, Talbot Road, Blackpool FY1 3AH), or any successor as holder of a licence under the Commission Regulation (EU) No. 139/2014 (or any successor regulation) from the CAA to operate Blackpool Airport.</p> <p>(3) The undertaker shall thereafter comply with all obligations contained within the Approved Mitigation throughout the lifetime of the authorised development</p>	<p>The Applicant welcomes the proposed broader requirement wording from Blackpool Airport to the draft DCO. The Applicant has made some suggested amendments to the broader requirement wording to ensure this is precise to the impacts of the development. The proposed changes to the broader requirement wording were shared with Blackpool Airport on the 12 February 2025 for review and approval and have now been agreed following discussions between the parties. The Applicant has included the agreed requirement wording within the draft DCO submitted at Deadline 4.</p>

## 2.5 Bodorgan Marine Ltd (REP3-098)

15. This section presents the Applicant's response to Bodorgan Marine Limited's ('BML') written representation submitted at Deadline 3 (REP3-098). Due to the length of BML's submission, and BML's current lack of status as an Interested Party in the Examination, the Applicant has not included a point-by-point response to BML. Instead, this response sets out the Applicant's overarching comments.

### 2.5.1 Introduction

16. BML has presented ambitions to co-locate an offshore mussel farm on part of the seabed and in the water column within the Order Limits of the Morecambe OWF.
17. It appears from BML's submission that they do not currently hold any seabed licencing rights for the co-located aquaculture activities proposed (from The Crown Estate (TCE)) or consent to carry out licensable activities (from the MMO). No evidence has been provided by BML to indicate that any such licences will be forthcoming. Similarly, no evidence has been provided confirming that targeted surveys or environmental assessments have been carried out or are proposed within the Order Limits, nor are there any licence applications being contemplated within the Order Limits. The Applicant notes that BML confirmed at Issue Specific Hearing 3 on the Morgan Generation Assets examination that no environmental assessment work had been done in respect of BML's proposals.
18. As set out in detail below, the Applicant does not consider BML's proposals to constitute fishing activities which require consideration under planning policy or environmental impact assessment requirements. This is because the proposals are at an embryonic stage with limited to no detail on (a) what they would seek to authorise, (b) where such proposals would be situated, (c) when any such proposals might come forward and (d) that there is a reasonable prospect of proposals coming forward.
19. The Applicant considers that there is uncertainty as to whether, under the United Nations Convention on the Law of the Sea and the Energy Act 2004, it is legally competent for The Crown Estate to lease seabed beyond 12nm for aquaculture. The Applicant is not aware of any aquaculture proposals having been made or granted consent beyond 12nm to date within the UK.
20. The Applicant also notes that BML did not submit a response to the Project's statutory consultation in June 2023 which took place simultaneously with the statutory consultation for the other Round 4 projects located in the East Irish Sea (Morgan and Mona).

21. Additionally, the Applicant notes that BML has been participating in the examination for the Mona Offshore Wind Project since the outset, having submitted a relevant representation on 6 May 2024 to participate as an Interested Party and having submitted representations at subsequent deadlines. Notwithstanding this participation, BML have not engaged with the examination of the Morecambe Project to date, seeking instead to lodge long submissions (much of which relates to the Mona project) at Deadline 3 with no previous engagement.
22. BML's assertion that the Applicant has failed to comply with NPS policy on commercial fisheries, or that its environmental assessment is deficient, for failing to consider BML's proposals and co-located aquaculture generally, is without merit. As is set out below, and contained within the Application documents, the Applicant's assessment has robustly considered commercial fisheries (and other sea users generally) where such proposals are known, quantifiable or likely to come forward.

## **2.5.2 National Policy Statements (NPS EN-1 and EN-3)**

23. Section 4 of BML's submission relates to National Policy and how this has been addressed within the Application. BML's key comments are that the Project does not include provisions for the co-location of offshore mussel farms and therefore does not comply with EN-1 (particularly paragraphs 4.5.2, 4.5.3, 4.5.4, 4.5.8, 4.5.11) and EN-3 (paragraphs 2.8.46–2.8.48 and 2.8.250–2.4.8.251 of EN-3). Similar comments are made by BML around a perceived failure to consider marine planning policy, although the Applicant notes that BML's comments in this regard are limited to the Welsh Marine Plan Area. As is clear from the Application, the Project is located within the EEZ off English waters (and not, therefore, in the Welsh Marine Area).
24. The Applicant has carried out a detailed policy assessment, contained in its National Policy Statements Accordance Tables (REP3-010), which sets out how the Applicant has satisfied the policy tests under NPS EN-1 and EN-3, including the paragraphs cited by BML. The Applicant has also undertaken an assessment of the Project in accordance with the relevant North West Inshore and North West Offshore Marine Plan, documented in the Marine Plan Policy Review (APP-025), in accordance with EN-1 paragraphs 4.5.8, 4.5.9, 4.5.10 and 4.5.11, EN-3 paragraph 2.8.46 and s104(aa) of the PA2008.
25. The Applicant has worked collaboratively with other identified developers and sea users on co-existence/co-location opportunities as set out in the Report on Interrelationships with Other Infrastructure Projects (REP1-078) and in compliance with paragraph 2.8.48 of EN-3. The Applicant has made considerable progress with all affected developers and sea users to resolve issues as set out in the Combined Examination Progress Tracker and

Statement of Commonality (REP3-049) and each respective Statement of Common Ground. The process for identifying developers and sea users is set out below. The Applicant is satisfied that it utilised all reasonable efforts through engagement and consultation to identify developers and sea users.

26. The Applicant further considers paragraphs 2.8.250 and 2.8.251 of EN-3 are not relevant to BML's submission at Deadline 3 because there are no identified impacts to BML's activities (which are, in turn, not defined or advanced enough to allow for a robust assessment).
27. BML's written representation highlights the responsibility of projects to 'enhance' related industries as set out by the NPS. However, the Applicant considers that the requirement for enhancement set out in paragraph 2.8.251 of EN-3 applies when there is an adverse impact that requires mitigation. Paragraph 2.8.251 states clearly that "mitigation should be designed to enhance, **where reasonably possible**, any potential medium and long-term positive benefits to the fishing industry, commercial fish stocks and the marine environment" (emphasis added). Given the lack of definitive proposals within BML's submission, the Applicant does not consider it reasonable or possible (let alone reasonably possible) to assess what the impacts might be and what potential mitigation might be applicable. The Applicant is dedicated to designing mitigation that enhances marine-related industries where evidence demonstrates that there would be a potentially significant impact on other sea users who have recognised and understood projects or plans.
28. The policy framework for the Secretary of State's decision-making in respect of commercial fisheries is clear that a decision must be considered against 'recognised' fishing grounds and sustainable fishing activities. Paragraph 2.8.319 of NPS EN-3 states that "The Secretary of State should consider the extent to which the proposed development occupies any recognised important fishing grounds, and whether the project would prevent or significantly impede protection of sustainable commercial fisheries or fishing activities."
29. No evidence has been provided to suggest that BML's proposals for aquaculture co-location are situated in "recognised important fishing grounds" or that the proposed activities can or will come forward.
30. If, in the future, BML's proposal was able to provide evidence that their proposed works were 'recognised' fishing activities, the Project would be keen to discuss the potential for co-existence and co-location at that stage.

### 2.5.3 Consultation

31. Thorough and effective stakeholder engagement has been a key element of the Applicant's approach to Project development. The Applicant recognises

that building long-term relationships with local communities and other key stakeholders is critical to successfully developing the Project.

32. A Statement of Community Consultation was prepared in accordance with Section 47 of the Planning Act 2008 which set out how the Applicant consulted on the proposed application. For land-based projects, there is an established process for identifying stakeholders and consultees. As this project is entirely marine, to meet our responsibilities as developers, we consulted widely, and sought feedback from people or groups who may interact with the Project or otherwise have an interest in it.
33. Through desk-based research, the Applicant identified a range of relevant local interest groups, community organisations and gateway organisations representing the interests of seldom heard and underrepresented groups. This included organisations likely to co-exist/co-locate with the Project, in particular those with publicly available plans or proposals that would be reasonably foreseeable. Section 6.11 of the Consultation Report [REP1-002] provides a summary of the commercial fisheries stakeholder engagement that took place.
34. Desk-based research identified an exercise carried out by the MMO in 2021 to characterise strategic areas of sustainable aquaculture production in English waters (MMO1184). This was restricted to English territorial waters – that is, within 12nm. No strategic areas have been identified beyond the 12nm boundary mark.
35. The Applicant is not aware of BML’s plans or proposals having been publicly available. Similarly, the Applicant does not consider BML’s proposals, at this stage, to be “reasonably foreseeable” as it is not readily apparent whether BML would obtain consent or seabed rights for its proposals at all, let alone whether such proposals would come forward within or near to the Order limits and within a proximate timeframe to the construction or operation of the Generation Assets.
36. The Applicant held two rounds of public consultations, both of which were delivered jointly with the Mona Offshore Wind Project and/ or the Morgan Offshore Wind Project Generation Assets, meaning stakeholders would have been informed of all consultations together. A series of 19 in-person events were held. Consultation events held in Wales were co-hosted with Mona Offshore Wind Project. For those who could not make it to an in-person event, the Project hosted an online event via Zoom. The purpose of the consultation was to ensure persons or bodies of interest in the Project had the opportunity to provide comments at the early design stages.
37. A collaborative approach was also taken to promote the consultations. The collective projects carried out a comprehensive programme of advertising and

publicity online, via Google search, audio and print channels, with the aim being to reach as large and broad a demographic as possible.

38. As the statutory consultation took place simultaneously with the Mona Offshore Wind Project and Morgan Offshore Wind Project Generation Assets, this allowed stakeholders to participate in all consultations at the same time.
39. In line with a 'digital first' approach to the Project's consultation, the website acted as the main hub of information. All community and technical materials were also made available on the Project's consultation website and at 12 publicly accessible deposit locations, four of which were in Wales. Additionally, the Project's consultation website was optimised, to enable stakeholders and communities to easily access information online and submit their feedback.
40. The Applicant's **Consultation Report** (REP1-002) provides further information on the consultation process and how the consultation process met the statutory requirements of the PA2008.
41. BML did not respond to pre-application consultation and did not proactively engage with the Applicant (despite shared consultation with Mona) nor register as an Interested Party to the Project's examination. First contact with BML has been their Deadline 3 submission, with no direct meetings having been held with them (despite what is claimed in their Written Representation), and the Applicant presumes that this reference it is likely this has been erroneously copied from BML's final Mona examination submission, which mentioned that such a meeting had been held with Mona Offshore Windfarm in December 2024.
42. As noted above, BML did register as an Interested Party in respect of the Mona examination in May 2024, suggesting that it did have earlier knowledge of the Round 4 proposals in the Irish Sea notwithstanding its assertions to the contrary in respect of the Project.

#### 2.5.4 Consideration of Submission

43. The Applicant has reviewed BML's submission and considers that it is unable to provide opportunities at this stage for co-location given the lack of detail in BML's proposals as well as BML's late engagement, which comes after much of the design for the Project has been fixed
44. Exploration of potential co-location activities (particularly those which are lacking detailed plans and evidence of a successful Feasibility Study) is not appropriate or achievable once detailed survey work and environmental impact assessments have been carried out and a full planning application has been submitted.



45. The PINS website publicly advertises offshore windfarm projects from scoping stage onwards, and the Applicant suggests that scoping would be the most appropriate stage for BML to approach developers to incorporate such proposals. BML's approach in submitting high level proposals unsupported by scientific evidence, lacking detailed design and with no assessment of any potential impacts on environmental, social or economic receptors at the examination stage for this Project and other Round 4 projects is counter-productive, as there is limited scope for meaningful engagement. Detailed proposals should be presented at an earlier stage in the pre-application process when the potential for co-location with aquaculture schemes could be discussed with interested developers and, if appropriate, included within a future DCO application prior to submission.
46. The Applicant notes that many of BML's comments relate to the approach which The Crown Estate has taken for its fourth leasing round (such as comments about the Applicant "sub-letting" part of its allocated seabed area to BML "for a peppercorn rent"). The Applicant would respectfully suggest that BML seek to discuss proposals with TCE in the first instance, as the criticisms it has made of the Applicant's assessment and Application relate more to matters that were canvassed several years ago during the leasing allocation round.
47. While the Applicant agrees with BML that there may be merit in considering opportunities for co-location between aquaculture and offshore wind, this should be carried out at a higher, strategic level with relevant industry and government stakeholders to ensure that a holistic, well-rounded position is reached having fully considered views from all stakeholders and interested industries. It is difficult to consider completely new opportunities at late stages in an examination process, particularly where the proposals are as unrealised and undefined as BML's proposals, and on a project alone basis.

## 2.6 Trinity House (REP3-100)

*Table 2.9 The Applicant's comments on Trinity House' Written Representation to the Examining Authority on the Applicant's Further Update to the draft DCO and Deemed Marine Licence for Deadline 3 (REP3-100)*

ID	Deadline 3 comment	Applicant response (if required)
REP3-100-01	<p><b>The Morecambe Offshore Wind Farm Generation Assets Written Representation to the Examining Authority on the Applicant's Further Update to the draft DCO and Deemed Marine Licence for Deadline 3</b></p> <p>We refer to the above application for Development Consent.</p> <p>Trinity House requests to make a written representation to the Examining Authority (ExA) in respect of the Applicant's Further Update to the draft DCO and Deemed Marine Licence (Rev 03 -12.12.2024).</p> <p>In particular, Trinity House would refer to Schedule 6, Part 2, Paragraph 6 (Colouring of structures) and notes that sub-paragraph (1) has been amended as follows:</p> <p>6.—(1) Except as otherwise required by Trinity House, the undertaker must paint all structures forming part of the authorised project yellow (colour code RAL 1023) from at least HAT <b>to a minimum of 15m above HAT or such other</b> height as directed by Trinity House.</p> <p>The principal change in this regard being the inclusion of the additional text in this Condition (as highlighted in red above) '<b>minimum of 15m above HAT or such other</b>'</p> <p>Trinity House understands that the Applicant has made this amendment consequent to a request made by the ExA at ISH 1.</p> <p>As such, Trinity House respectfully requests to highlight that, in its view, this wording is too prescriptive and may imply that 15m is the absolute minimum height in relation to the painting of structures in all cases.</p>	<p>The Applicant notes Trinity House (TH)'s comments on the draft DCO, which it discussed directly with TH following ISH3. The Applicant has reinstated the original wording of Condition 6 in the version of the draft DCO submitted at Deadline 4.</p>



ID	Deadline 3 comment	Applicant response (if required)
	<p>However, this is not, in practice, the case and simply reflects a guideline* for the recommended minimum height in relation to the painting of structures rather than what Trinity House considers should be stated as the typical presumption under the DML.</p> <p><i>*IALA Guideline G1162: The Marking of Offshore Man-Made Structures.</i></p> <p>Trinity House would therefore suggest that the standard wording should apply to above referenced Condition, omitting the words “minimum of 15m above HAT or such other”, this being consistent with several other made Orders of this nature.</p> <p>We trust that this response is helpful and would ask that all correspondence regarding this matter is addressed to myself at [REDACTED] and to Mr Steve Vanstone at navigation@trinityhouse.co.uk</p>	

## 2.7 Eversheds Sutherland on behalf of Spirit Energy (REP3-101 & REP3-102)

48. The Applicant has provided an update on the position as it stands with Spirit (and Harbour) at Deadline 4 in paragraph 5.2.1 of the Combined Examination Progress Tracker and Statement of Commonality (Rev 05) (Clean) (Document Reference 8.5). Meeting minutes are also included within Response to Actions arising from Issue Specific Hearings 2, 3 and 4 (Document Reference 9.5.4).
49. Otherwise, the Applicant does not seek to repeat positions set within previous submissions and during Issue Specific Hearing 3. Therefore, please note that the entirety of Spirit Energy's Deadline 3 submission has not been copied into **Table 2.10**. The Applicant has not included Section 3 to 7 of the Spirit Energy's Response to the Applicant's Deadline 2 Submissions (REP3-101).
50. However, "Section 1: Introduction" and "Section 2: Summary of Spirit's Position and the Applicant's Response" has been included. The Applicant has referenced previous submissions for the ExA's benefit including those made at Deadline 3 which Spirit Energy will not have reviewed prior to providing their comments in **Table 2.10**.

*Table 2.10 The Applicant's comments on Spirit Energy comments on the Applicant's Deadline 2 submissions*

ID	Deadline 3 comment	Applicant comment (if required)
<b>1. Introduction</b>		
	<p>'Spirit Energy' is the trading name used by Spirit Energy Limited and its subsidiaries, including Spirit Energy Production UK Limited, a group which collectively conducts European oil and gas operations.</p> <p>Eversheds Sutherland (International) Limited are instructed by Spirit Energy (Spirit) in relation to the proposed development consent order application (the Application) made by Morecambe Offshore Windfarm Ltd (the Applicant) for the proposed Morecambe Offshore Windfarm Generation Assets (the Project or Proposed Development).</p>	The Applicant notes this response.

ID	Deadline 3 comment	Applicant comment (if required)
	<p>This submission contains Spirit's responses to the Applicant's submissions at Deadline 2 of the Examination of the Application. Table 1 signposts where Spirit has addressed the Applicant's submissions. Table 1 from REP3-102 not replicated here.</p> <p>To the extent possible, Spirit has structured its response in parallel with the 'Applicant's Response to the Spirit Energy Deadline 1 Submissions - Revision 01 (Volume 9)' [REP2- 030] (the D2 Response). However, in order to assist the Examining Authority, Spirit has sought to consolidate topics and responses in this submission. Spirit's has provided a table of responses to the D2 Response [REP2-030] in relation to Aviation and Shipping and Navigation at Appendix 1.</p>	
<b>2. Summary of Spirits position and the Applicant's response</b>		
	<p>Spirit remains committed to cooperating with the Applicant in respect of the Application, and is ready and willing to work together to secure appropriate mitigation, wherever that is capable of being agreed between the parties.</p> <p>This section provides an overarching summary of Spirit's position and addresses the Applicant's responses at Deadline 2.</p>	<p>The Applicant welcomes this response and is also ready and willing to work to secure appropriate mitigation to enable co-existence between the two parties.</p>
<b>Summary of Spirit's position</b>		
	<p>Spirit requires an aviation buffer of 3.9 nm around the outer extremity of CPC, DP6 and Calder helidecks (the Aviation Affected Assets). The area where, in accordance with Requirement 2(1) of Schedule 2 of the draft Development Consent Order submitted at Deadline 2 (dDCO) [REP2-002] wind turbine generators can be constructed (and being the area identified as Work No. 1 shown hatched green on the offshore works plan [APP-007]). The area where turbines can be installed has previously been referred to by the Applicant as the Unconstrained Areas. Spirit will adopt these terms in the remainder of this submission.</p> <p>As Spirit has specified in paragraph 2.10 of its Written Representation dated 26 November 2024 [REP1-116] Spirit requires a minimum unobstructed airspace of 3.9nm between the Aviation Affected Assets and the Unconstrained Areas. This is the minimum distance that is required in order for Spirit to safely take-off using</p>	<p>As noted above, the Applicant has provided an update on the position as it stands with Spirit at Deadline 4 in paragraph 5.2.1 of the Combined Examination Progress Tracker and Statement of Commonality (Rev 05) (Clean) (Document Reference 8.5). Meeting minutes are also included within Response to Actions arising from Issue Specific Hearings 2, 3 and 4 (Document Reference 9.5.4).</p> <p>Otherwise, the Applicant has commented on aviation related concerns raised by Spirit</p>

ID	Deadline 3 comment	Applicant comment (if required)
	<p>instrument flying rules (IFR) from a platform, incur a single engine failure (OEI), climb to 1000ft and undertake a 180 degree turn (collectively 2.9 nm) plus the imposition of the legally required 1nm clearance distance from obstacles (the IFR Manoeuvre). For full information on this calculation, underlying assumptions and figures that may aid understanding, the Examining Authority is directed to page 26 of the AviateQ Report at Appendix A of Spirit's Written Representation dated 26 November 2024 [REP1-116] (AviateQ Report).</p> <p>The IFR Manoeuvre represents a scenario that is unlikely but foreseeable and which both parties agree requires safeguarding measures. It must therefore inform the separation distance between turbines and the Unconstrained Areas, for IFR flying to continue to be permitted.</p> <p>The Aviation Affected Assets comprise the platforms Spirit owns and operates (or operates only in the case of Calder) that are located at a distance of less than 3.9nm of the Unconstrained Areas. Put simply, and save for what is stated at paragraph 2.13, the IFR Manoeuvre could not be performed safely in an unobstructed airspace area that is less than 3.9nm.</p> <p>The continued ability to fly using IFR is integral to safe operations across the South Morecambe Field. Further information on the impact of loss of IFR flying is set out in this submission.</p> <p>The counter-argument from the Applicant is that the separation distance between the Aviation Affected Assets and Unconstrained Areas need only be 1.5nm. The protective provisions for the benefit of Spirit securing only an "WTG and OSP aviation buffer zone" of 1.5nm, as secured by paragraph 4 of Part 3 of Schedule 3 of the dDCO [REP2-002] and shown on the Spirit and Harbour Protective Provisions Plan [APP-007].</p> <p>The Applicant's rationale for a 1.5nm area of unobstructed airspace is based on an assertion that: a) Spirit does not need any ability to fly in IFR – day or night; b) Spirit does not need any ability to fly at night in visual flight rules (VFR); and c) that a residual 1.5nm distance provides adequate unobstructed airspace for day time flying only in VFR.</p>	<p>Energy and does not seek to repeat previous submissions.</p> <p>A detailed response to Spirit Energy's position is outlined in two parts:</p> <p>The Applicant's Response to Spirit Energy Deadline 1 Submissions (REP2-030) and the following appendices:</p> <ul style="list-style-type: none"> <li>Appendix A: The Applicant's Comments on Spirit Energy and Harbour Energy Aviation Access Study Report (REP2-031)</li> <li>Appendix B: Helicopter Access IMC Corridor (REP2- 032)</li> <li>Appendix C: Helicopter Supporting Information Technical Note (Document (REP2-033)</li> </ul> <p>Remaining Responses from the Applicant's to Spirit Energy Deadline 1 Submissions (REP3-071) and the following appendices:</p> <ul style="list-style-type: none"> <li>Appendix A: Report on Impact to Helicopter Flights (REP3-071)</li> <li>Appendix B: Effect of Proposed Morecambe Offshore Windfarm on Offshore Oil and Gas Operations (REP3-072).</li> </ul>
	<p>Spirit strongly disagrees with the Applicant on each of these matters. However, it is critical that the Examining Authority (and the Applicant) understand Spirit's primary</p>	

ID	Deadline 3 comment	Applicant comment (if required)
	<p>position. This is unambiguous: IFR flying is required from the Aviation Affected Assets. It follows that the IFR Manoeuvre must be capable of being performed from the Aviation Affected Assets. The consequence is that a 3.9nm unobstructed airspace requirement between the Aviation Affected Assets and the Unconstrained Areas is a necessity for Spirit to safely operate.</p> <p>For the avoidance of doubt (and secondary to the primary position set out in the preceding paragraph) it is also intolerable:</p> <p>2.11.1 For Spirit to lose all ability to fly at night in VFR to the Aviation Affected Assets; and</p> <p>2.11.2 For a 1.5nm VFR 'buffer' between the Affected Assets and the Unconstrained Areas to be imposed.</p> <p>For the avoidance of doubt (and secondary to the primary position set out in the preceding paragraph) it is also intolerable:</p> <p>2.11.1 For Spirit to lose all ability to fly at night in VFR to the Aviation Affected Assets; and</p> <p>2.11.2 For a 1.5nm VFR 'buffer' between the Affected Assets and the Unconstrained Areas to be imposed.</p> <p>With respect to the 1.5nm buffer, the AviateQ Report has already established (supported by a full calculation and figures) that a 1.9nm buffer is required for VFR (see page 14 of the AviateQ Report). This being the minimum safe distance to perform a safe landing with a tailwind and in order to execute a missed approach in demanding flying conditions (the VFR Manoeuvre).</p> <p>The Applicant has also sought to discredit assumptions in the AviateQ Report in its D2 Response [REP-030] and Appendix A to the D2 Response [REP-031]. Spirit has responded to all of these technical matters within this submission. It stands behind all the assumptions and calculations in the AviateQ Report, except that it accepts that there may be scope to marginally reduce the 3.9nm buffer distance to 3.76nm (based on calculating the IFR Manoeuvre from Mean Sea Level (MSL) rather than Above Take-off Surface (ATS) – i.e. the 1000ft climb from sea rather than the platform). This assumption forms a critical part of the Applicant's attempts to discredit the AviateQ Report. In practice it makes a marginal difference to the requisite buffer distance that is required to fly safely in IFR from the Aviation Affected Assets. That</p>	

ID	Deadline 3 comment	Applicant comment (if required)
	<p>said, Spirit acknowledge it and will work with the Applicant to explore a protection on those terms.</p> <p>Otherwise Spirit understands that there is consensus on a number of the assumptions that underpin the calculation of unobstructed airspace distances (including wind speed, air temperature and air pressure). The underlying calculations and supporting figures from the Applicant are however omitted: in particular the tables in D2 Appendix C [REP2-033] simply provide the final buffer distances. It is not possible for Spirit (or the Examining Authority) to undertake any comparative analysis with the AviateQ Report on this information.</p> <p>With a view to addressing Spirit's concerns, the Applicant has in Appendix B: Helicopter Access IMC Corridor - Revision 01 (Volume 9) [REP2-32] of its D2 Submission proposed a 2nm wide x 4nm long take-off corridor into the prevailing wind (the IMC Take Off Corridor). Spirit has provided illustrative examples of the constraints of the IMC Take Off Corridor at Appendix 5.</p> <p>The IMC Take Off Corridor is not a credible mitigation. The reasons are set out in Spirit's response to the Examining Authority's Written Questions at Q1CAR6 (submitted in a separate document from this submission). The IMC Take Off Corridor only accounts for take-off from the CPC and does not address: a) landing at the CPC heli-decks using IFR; b) take-off or landing at Calder or DP6 using IFR. With respect to take off at CPC, the IMC Take Off Corridor is based on a head wind requirement that would only facilitate IMC flying within the corridor approximately 22% of the time (when weather conditions are suitable). Further analysis of the IMC Take Off Corridor is provided in this submission and with figures at Appendix 5 providing illustrative examples of the limitations of this proposal.</p>	
	<p>Taken together there is nothing in the Applicant's D2 Submissions that materially changes Spirit's primary position.</p> <p>Spirit strongly supports the principle of decarbonisation and new offshore renewables development. It also acknowledges that the Proposed Development is 'critical national priority' infrastructure that is subject to a presumption in favour of development consent being granted. However the presumption is not without qualification, and it does not apply to residual impacts which present an unacceptable risk to, or interference with, human health and public safety<sup>1</sup>.</p>	

ID	Deadline 3 comment	Applicant comment (if required)
	<p>In accordance with Policy EN-3, paragraph 2.8.344, it is for the Applicant to demonstrate that the Proposed Development can safely co-exist with existing offshore infrastructure and activities. The Applicant has accepted that the Proposed Development will have an impact on the conditions in which Spirit can reach its assets<sup>2</sup>. While the extent of that impact is disputed by the parties, Spirit's position remains that any limitation on the safety of its operations is not acceptable, and that the Applicant has failed to demonstrate (as it must) that the Proposed Development can safely co-exist with existing offshore infrastructure.</p> <p>Spirit has made its position clear on the need for a suitable buffer for its operations since the Applicant undertook statutory pre-application consultation<sup>3</sup>, since which Spirit has substantiated its position with technical analysis provided by a leading third party expert<sup>4</sup>. The Applicant is however still seeking to install turbines with an area that is too close to existing offshore operations and that will disrupt and cause adverse effects on safety, contrary to Policy EN-3 paragraph 2.8.345. The Applicant has not proposed a solution that mitigates this impact, and disregards the mitigation (in the form of a 3.9nm buffer) that Spirit has proposed.</p> <p>By refusing to engage with or acknowledge Spirit's requirement for a 3.9 nm buffer, and instead seeking to discredit the technical analysis that Spirit has provided, Spirit is not satisfied that the Applicant has satisfied its duty to "work with" Spirit as an affected party to minimise negative impacts and reduce risks to as low as reasonably practicable, as required by Policy EN-3 paragraph 2.8.344.</p> <p>In taking the current proposed site boundary and unconstrained areas forward, the Applicant has also failed to demonstrate appropriate site selection and good design which should consider "opportunities for co-existence" (Policy EN-3 paragraph 2.5.2). The proposed location of the wind farm and inadequate mitigations (as currently proposed) do not provide an opportunity for safe co-existence.</p> <p>Policy EN-3 para 2.8.342 - 2.8.348 states that the Secretary of State should not consent a project that poses intolerable risk to safety after mitigation measures have been applied. In the absence of further mitigation, an intolerable risk would exist. Adverse effects on viability and safety of offshore infrastructure and activities must be afforded "substantial weight" by the Secretary of State in decision-making.</p>	



ID	Deadline 3 comment	Applicant comment (if required)
	<p>The underlying reasons for the development presenting an unacceptable safety risk have been detailed in Spirit's Relevant Representation and Written Representation, and are further set out in this submission. It bears repeating: the adverse effect on safety would exist, and (in the absence of further mitigation) substantial weight must be applied to that finding.</p>	
<b>Protective provisions</b>		
	<p>Spirit is liaising with the Applicant on the protective provisions. A full undertaking from the Applicant in relation to the initial forecast costs of drafting and negotiating the protective provisions was received on 20 January 2025. Spirit understands that the Applicant intends to submit an updated DCO and protective provisions at Deadline 4 on 18th February 2025.</p> <p>Spirit will liaise with the Applicant to seek alignment on protective provisions in advance of this date and with a view to securing common ground (where possible) for the 18th February deadline.</p>	<p>The Applicant included updated Protective Provisions in favour of Spirit Energy in the draft DCO at Deadline 2 (REP2-002); discussions are ongoing directly and via each parties' legal teams on the updating the Protective Provisions. It is anticipated that these updates will be provided at Deadline 5.</p>
<b>Statement of Common Ground (SoCG)</b>		
	<p>At Deadline 1 the Applicant submitted the initial draft SoCG on behalf of the Applicant and Spirit [REP1-075].</p> <p>The SoCG included tracked changes to indicate the changes made by the Applicant shortly before submission of the SoCG at Deadline 1. Spirit subsequently provided an updated version of the SoCG which the Applicant has not submitted.</p> <p>Spirit will continue to engage with the Applicant on the drafting of updates to the SoCG to be submitted in accordance with the updated Examination Timetable as set out in the Rule 8 letter [PD-010].</p>	<p>The Applicant notes this response. The Applicant will work with Spirit to provide an updated Statement of Common Ground (SoCG) at a subsequent deadline following technical and commercial discussions.</p>
<b>Combined Examination Progress Tracker and Statement of Commonality</b>		
	<p>Spirit notes the updated Combined Examination Progress Tracker and Statement of Commonality submitted by the Applicant at Deadline 2 [REP2-025] and clarifies the following points.</p> <p>In the Examination Progress Tracker, the Applicant refers to meeting with Spirit to discuss Spirit's Relevant Representation in relation to 'Aviation and Radar', 'Other</p>	<p>The Applicant included updated Protective Provisions in favour of Spirit Energy in the draft DCO at Deadline 2 (REP2-002); discussions are ongoing directly and via each parties' legal teams on the updating</p>



ID	Deadline 3 comment	Applicant comment (if required)
	<p>Offshore Infrastructure and Sea users', and 'Shipping and Navigation'. One meeting has been held between Spirit and the Applicant since Spirit submitted its Relevant Representation. This meeting was in relation to aviation matters only.</p> <p>The Applicant has further stated that discussions are ongoing in relation to a revised coexistence agreement between the Applicant and Spirit. This is not accurate. Spirit is not in a position to negotiate a co-existence agreement with the Applicant until the requirements Spirit has requested throughout the examination process are appropriately provided for by the Applicant in protective provisions.</p> <p>With regard to Shipping and Navigation, the Applicant has stated that it considers this issue in relation to Spirit 'capable of resolution'. At this stage, this is unclear as its concerns have not been appropriately reflected in protective provisions submitted in the dDCO at Deadline 2. The parties will be liaising further on these matters with the benefit of the undertaking for costs and in anticipation of submissions at Deadline 4 on 18th February.</p>	<p>the Protective Provisions. It is anticipated that these updates will be provided at Deadline 5.</p> <p>The Combined Examination Progress Tracker and Statement of Commonality (Document Reference 8.5) has been updated at Deadline 4 to remove reference to the meeting held between the Applicant and Spirit in relation to 'Shipping and Navigation' and 'Other Offshore Infrastructure and Sea users'. It has also amended the following text "<i>Spirit Energy have confirmed that they will be progressing their drafts of the Protective Provision following these technical meetings. It is anticipated that further discussion between the parties on a co-existence and commercial agreement to supplement the Protective Provisions will follow.</i>"</p>
<b>Further submissions</b>		
	<p>Spirit notes that the Applicant intends to submit a more detailed response in relation to the following topics at Deadline 3:</p> <p>2.34.1 Spirit's Radar Early Warning System;</p> <p>2.34.2 Additional analysis using updated Vantage flight data provided by Spirit on 4 December 2024;</p> <p>2.34.3 MNZ and carbon capture utilisation and storage;</p> <p>2.34.4 Shipping and navigation impact.</p> <p>The Applicant's submissions at Deadline 2 focussed on aviation matters. As this document responds to those submissions, it similarly focusses on aviation.</p>	<p>The Applicant submitted further analysis at Deadline 3 which included Remaining Responses from the Applicant's to Spirit Energy Deadline 1 Submissions (REP3-070) and the following appendices:</p> <ul style="list-style-type: none"> <li>▪ Appendix A: Report on Impact to Helicopter Flights (REP3-071)</li> <li>▪ Appendix B: Effect of Proposed Morecambe Offshore Windfarm on</li> </ul>

ID	Deadline 3 comment	Applicant comment (if required)
		<p>Offshore Oil and Gas Operations (REP3-072).</p> <p>An updated Appendix 17.2 Radar Early Warning System Technical Report was also submitted (REP3-034).</p>

## 2.8 Harbour Energy (REP3-104)

51. The Applicant has provided an update on the position as it stands with Harbour at Deadline 4 in paragraph 5.2.2 of the Combined Examination Progress Tracker and Statement of Commonality (Rev 05) (Clean) (Document Reference 8.5). Meeting minutes are also included within Response to Actions arising from Issue Specific Hearings 2, 3 and 4 (Document Reference 9.5.4).
52. Otherwise, the Applicant does not seek to repeat positions set within previous submissions and during Issue Specific Hearing 3. The Applicant has referenced previous submissions for the ExA's benefit including those made at Deadline 3 which Harbour Energy will not have reviewed prior to providing their comments in **Table 2.11**.

*Table 2.11 The Applicant's comments on Harbour Energy's comments on the Applicant's Deadline 2 submissions (REP3-104)*

ID	Deadline 3 comment	Applicant response (if required)
REP3-104-01	Harbour Energy notes that at DL2 the Applicant made very extensive comments on submissions made at DL1 by Spirit Energy (REP2-030; REP2-031; REP2-032; REP2-033) and submitted a revised draft Development Consent Order (Rev03) containing modifications to the proposed Protective Provisions for the protection of Harbour Energy (REP2-002) along with an associated Spirit and Harbour Protective Provisions Plan (REP2-007). To the extent that the above submissions are material to Harbour Energy's future operations at the Calder Field, Harbour Energy wishes to bring several matters to the attention of the Examining Authority. In the interests of efficiency, rather than respond point by point to each comment made by the Applicant, Harbour Energy wishes to focus on the most material areas where agreement has yet to be reached. The absence of a comment regarding any statement made by the Applicant should not be taken to imply Harbour Energy's agreement	The Applicant notes this response.
REP3-104-02	<u>Calder Remaining Production Operations</u> In the interests of brevity and clarity, the following discussion highlights only the annual average impact on aviation support to the Calder Field during remaining production operations. It should be noted that the impact over the winter months would be much higher.	As noted above, the Applicant has provided an update on the position as it stands with Harbour at Deadline 4 in paragraphs 5.2.2 of the Combined Examination Progress Tracker and Statement of Commonality (Rev 05) (Clean)

ID	Deadline 3 comment	Applicant response (if required)
	<p>As set out in Harbour Energy's Written Representation (REP1-102), during production operation of the Calder Field, Spirit Energy is the Offshore Safety Directive Installation and Well Operator for the Calder Field, and in such capacity is responsible for operating and maintaining the Calder Platform on behalf of Harbour Energy as the sole Calder owner. The safety case which governs operation during the production phase is held by Spirit Energy, and therefore all aviation operations are conducted by Spirit Energy under its safety case. Accordingly, Harbour Energy will rely upon Spirit Energy's assessment of changes to aviation operations in proximity to the Morecambe Generation Assets during remaining production from the Calder Field. Based on Spirit Energy's assessment of the changes to aviation operations arising from the proposed Project, Harbour Energy has independently carried out its own assessment of the likely disruption during remaining Calder production (set out in Section 2.1.3 of Harbour Energy's Written Representation). The methodology used by Harbour Energy (set out in Appendix D: Morecambe Wind Farm Impact Report of Spirit Energy's Relevant Representation (RR-077)) differs slightly from, but is broadly consistent with, that used by Spirit Energy. Harbour Energy calculates that an annual average of fifty six percent (56%) of all opportunities currently available to make a pair of trips to the Calder Platform with at least 7hrs between outward and return flights (giving 5 hours available for work) would be lost. Spirit Energy, considering only historical flights; not considering limitations due to wind direction if wind turbine generators are placed less than 1.9nm; using the corresponding durations of each return trip and assuming flexibility within the day to re-schedule outward or return crew journeys, calculated that an annual average of 31% of visits to a case study NUI would be cancelled or curtailed (Slide 22 of Appendix D: Morecambe Wind Farm Impact Report, contained within Spirit Energy's Relevant Representation). Based on common data and assumptions, Spirit Energy's methodology represents a best case whilst Harbour Energy's methodology represents a reasonable worst case consistent with the requirements of the Overarching National Policy Statement for Energy (EN-1). A loss in the range of 31%-56% of visits currently possible to the Calder Platform differs markedly from the Applicant's assessment.</p> <p>In Section 6.3.1 of The Applicant's Response to Spirit Energy Deadline 1 Submissions Appendix C: Helicopter Supporting Information Technical Note (REP2-033), the Applicant describes the current access to the Calder platform as "an average of 99% (94.2% VMC</p>	<p>(Document Reference 8.5). Meeting minutes are also included within Response to Actions arising from Issue Specific Hearings 2, 3 and 4 (Document Reference 9.5.4).</p>

ID	Deadline 3 comment	Applicant response (if required)
	<p>and 4.8% usable IMC) of daylight conditions and 98.4% (88.4% VMC and 10.0% usable IMC) of night conditions.”</p> <p>Setting aside the suggestion of using an alternative means of compliance (AltMoC), the Applicant acknowledges in Section 6.3.3 that “under the proposed CAA rule change, access would be restricted to day VMC only.”</p> <p>Using the same assumptions as the Applicant for daylight hours during Blackpool Airport normal operating hours, daylight accounts for an annual average of 87% of Blackpool Airport normal opening hours, the other 13% being night. Harbour Energy believes that the most meaningful way of presenting such information is to consider the proportion of currently available flights that would be lost following construction of the Project. Using the above figures from the Applicant, being restricted to daylight VMC would result in the loss of 17%<sup>1</sup> of all currently available flying opportunities. In Table 6.2 of Section 6.3.3 the Applicant shows an analysis of actual flights made to Calder over a 5-year period. A total of 1,154 flights were made of which 1,048 were conducted in daylight and under conditions suitable for visual flying. A loss of 106 flights or 9% of flights made.</p> <p>Spirit Energy highlighted many differences between the Applicant’s initial analysis and their own in Appendix D: Morecambe Wind Farm Impact Report of Spirit Energy’s Relevant Representation. Based on documentation subsequently submitted by the Applicant and extensive technical discussion with the Applicant, Harbour Energy understand the main reasons for the substantial differences between the Applicant’s assessment of impact and both Harbour Energy’s and Spirit Energy’s respective assessments of the likely impact of the Project to be that:</p> <ul style="list-style-type: none"> <li>▪ The Applicant has assumed that daylight visual operations can be conducted irrespective of wind direction with wind turbine generators 1.5nm from a helideck. Spirit Energy’s and Harbour Energy’s aviation advisors, in consultation with the helicopter operator currently providing services to Spirit Energy’s EIS assets (including Harbour Energy’s Calder platform), have made clear that an unobstructed airspace of 1.76nm upwind of a helideck is required to effect a take-off (or missed approach) with one engine inoperative and an unobstructed</li> </ul>	

ID	Deadline 3 comment	Applicant response (if required)
	<p>airspace of 1.9nm is required downwind of a helideck to effect an approach and landing (refer to pages 14-19 of Appendix A to Spirit Energy's Written Representation (REP1-116)). Unlike the Applicant, Harbour Energy's analysis considers the wind direction when determining whether or not conditions would be suitable for flying.</p> <ul style="list-style-type: none"> <li>▪ Harbour Energy has considered the proportion of all currently available flying windows that would be impacted. By contrast, the Applicant has focussed only on the times of historical flights (a much smaller dataset than the full 5-year met-ocean dataset with conditions recorded every 10 minutes). This assumes that the timing of flights in the past is indicative of the timings that would be used in the future. There is no basis for such an assumption.</li> <li>▪ Most significantly, the Applicant has considered individual flights in isolation. As explained in Sections 2.31-2.33 of Spirit Energy's Written Representation, in order to mobilise personnel to work at Calder, at least one pair of flights are required with sufficient time between them to allow work to be undertaken. Harbour Energy understands that the Applicant has undertaken some analysis recognising pairing of flights to a NUI, but no results of such analysis have been presented.</li> <li>▪ It is also necessary to consider the conditions applicable throughout a multiple-leg flight and not consider an individual leg in isolation. As set out for example on Page 20 of Appendix D: Morecambe Wind Farm Impact Report of Spirit Energy's Relevant Representation, most flights to NUIs such as the Calder Platform are via CPC-1. This is because maintenance personnel and their equipment are based at CPC-1. As noted by Spirit Energy (Page 27 of Appendix D: Morecambe Wind Farm Impact Report of Spirit Energy's Relevant Representation) Spirit Energy considered over 10,000 multi-leg flights whereas the Applicant extracted 4,300 individual legs from these for their analysis (relating to CPC-1). The 1,154 legs to Calder analysed by the Applicant were likewise only a fraction of the total number of integrated legs that had to be flown in order to service the platform.</li> </ul> <p>Harbour Energy notes that the Applicant has proposed revised protective provisions based upon the adoption by the helicopter operator servicing Calder production of an alternative means of compliance (AltMoC). Whether or not an AltMoC could be adopted is a matter that Spirit Energy and its helicopter operator would need to determine and not a decision that Harbour Energy can make during the production phase of Calder</p>	

ID	Deadline 3 comment	Applicant response (if required)
	<p>operations. Harbour Energy has however evaluated how such an AltMoC, if it could be adopted, would affect the impact of the Project upon aviation support to Calder during remaining production operations. With an AltMoC as described by the Applicant in The Applicant's Response to Spirit Energy Deadline 1 Submissions Appendix B: Helicopter Access IMC Corridor (REP2-032), Harbour Energy calculates that the annual average loss of all opportunities currently available to make a pair of trips to the Calder Platform with at least 7hrs between outward and return flights would fall from 56% to 33%.</p> <p>Apart from the significant differences discussed above between the Applicant's assessment of the loss of flights due to the Project and the corresponding range of lost flights calculated by Harbour Energy and Spirit Energy, the Applicant has also questioned the extent of operational and safety impact such a loss of flights would have. Harbour Energy will rely upon Spirit Energy to respond on these matters but as an experienced operator with a good understanding of Spirit Energy's EIS operations Harbour Energy supports Spirit Energy's conclusions.</p> <p>Harbour Energy notes that the Applicant has modified its drafting of the protective provisions for the protection of Harbour Energy (Part 2 of Schedule 3 of Draft Development Consent Order Rev03) to place a cap on any compensation payable (refer also to Paragraph 86, Section 8 of The Applicant's Response Spirit Energy Deadline 1 Submissions). The Applicant expresses the view (see for example Paragraph 119, Section 12 of The Applicant's Response Spirit Energy Deadline 1 Submissions) that the compensation provisions in the proposed DCO protective provisions would avoid any economic loss to Harbour Energy. Harbour Energy is of a view that the compensation terms proposed are too restrictive, would be impractical to implement, would be tax inefficient and, particularly if capped, would be inadequate given the likely scale of disruption and economic loss that would arise during remaining production operations.</p>	
REP3-104-03	<p><u>Calder Decommissioning Operations</u></p> <p>During Calder decommissioning, Harbour Energy will be responsible for aviation support to any NPIs involved in decommissioning. As set out in Section 2.2.3 of Harbour Energy's Written Representation, the details of such future aviation support have yet to be determined but a reasonable working assumption, considering the remoteness of the EIS, is that a helicopter would be brought to the EIS from another area of the UKCS for 3 days</p>	<p>The Applicant submitted further analysis at Deadline 3 which included Remaining Responses from the Applicant's to Spirit Energy Deadline 1 Submissions and the following appendices:</p>



ID	Deadline 3 comment	Applicant response (if required)
	<p>each week during the approximately 4 months of peak activity. Accordingly, unlike during production operations:</p> <ul style="list-style-type: none"> <li>flights would not need to be routed via CPC-1;</li> <li>it should be possible to schedule all the flights within daylight hours (even within winter);</li> <li>whilst in the EIS, the aircraft would normally be dedicated to Calder decommissioning so there would not be a requirement for multi-leg flights with the potential for knock-on effects within an integrated schedule; and</li> <li>as flights would be to an NPI with accommodation, there would be no need to consider pairs of flights.</li> </ul> <p>Whereas in the foregoing discussion of Calder remaining production operations, only the annual average impact of the Project was discussed, decommissioning is likely to occur over a period of about 4 months with an equal likelihood that this could be during the winter so both the annual average impact and winter impact are presented here.</p> <p>As set out in Section 2.2.3 of Harbour Energy's Written Representation, Harbour Energy has assessed the impact of the Project on such an operation and calculates, assuming use of AW169 helicopters as a reasonable worst case, that an annual average of 26% of all currently available flying opportunities would be lost, rising to a loss of 40% of currently available flying opportunities in winter.</p> <p>The Applicant has not made a distinction in its analysis between flights to an NPI and flights to a NUI. Accordingly, the Applicant's assessment of the impact of the project is shown in Section 6.3.1 of The Applicant's Response to Spirit Energy Deadline 1 Submissions Appendix C: Helicopter Supporting Information Technical Note. As discussed above in the context of Calder production operations, the Applicant's statistics with respect to day and night VMC/IMC equate to a loss of 17% of all currently available flying opportunities to an NPI. The subsequent analysis of actual historic flights made to Calder in Table 6.2 of Section 6.3.3 is not relevant as the flying schedule during decommissioning would be very different. As described in Section 2.2.3 of Harbour Energy's Written Representation, there are likely to be around 2 flights per day over a 3-day period each week through the approximately 4-month decommissioning programme. Whilst there is likely to be flexibility within each day regarding the timing of the flights, it</p>	<ul style="list-style-type: none"> <li>Appendix A: Report on Impact to Helicopter Flights (REP3-071)</li> <li>Appendix B: Effect of Proposed Morecambe Offshore Windfarm on Offshore Oil and Gas Operations (REP3-072).</li> </ul>



ID	Deadline 3 comment	Applicant response (if required)
	<p>will be necessary to execute around 6 flights over a fairly inflexible 3-day period each week.</p> <p>The main differences in analysis that account for the difference in numerical results are:</p> <ul style="list-style-type: none"> <li>▪ The Applicant has assumed that daylight visual operations can be conducted irrespective of wind direction with wind turbine generators 1.5nm from a helideck. Spirit Energy's and Harbour Energy's aviation advisors, in consultation with the helicopter operator currently providing services to Spirit Energy's EIS assets (including Harbour Energy's Calder platform), have made clear that an unobstructed airspace of 1.76nm upwind of a helideck is required to effect a take-off (or missed approach) with one engine inoperative and an unobstructed airspace of 1.9nm is required downwind of a helideck to effect an approach and landing (refer to pages 14-19 of Appendix A to Spirit Energy's Written Representation (REP1-116)). Unlike the Applicant, Harbour Energy's analysis considers the wind direction when determining whether or not conditions would be suitable for flying.</li> <li>▪ The Applicant has considered each 10-minute data point within the met-ocean dataset and assumed that if conditions are suitable for flying, a flight would go ahead. In practice, an aircraft would not leave Blackpool Airport without a reasonable expectation, based on a weather forecast, of being able to land. Harbour Energy has assumed (refer to Section A1.2.4 of Harbour Energy's Written Representation) that unless at least 2 of the next 3 data points are suitable for flying, a flight would not go ahead.</li> </ul> <p>Harbour Energy notes that the Applicant has proposed revised protective provisions based upon the adoption by the helicopter operator servicing Calder decommissioning of an alternative means of compliance (AltMoC). Harbour Energy is aware that helicopter operators are reticent to seek AltMoCs and some have a policy of not doing so. It would not be possible within the DCO examination phase to determine whether an AltMoC could be applied for and obtained as:</p> <ul style="list-style-type: none"> <li>▪ Harbour Energy would need to consult with its helicopter operator, once selected, to determine whether operation under such an AltMoC would be acceptable;</li> </ul>	

ID	Deadline 3 comment	Applicant response (if required)
	<ul style="list-style-type: none"> <li>Until the CAA implements new rules in respect of flying in proximity to wind farms, such an AltMoC could not be applied for.</li> </ul> <p>Harbour Energy has however evaluated how such an AltMoC, if it could be adopted, would affect the impact of the Project upon aviation support to Calder during decommissioning operations. With an AltMoC as described by the Applicant in The Applicant's Response to Spirit Energy Deadline 1 Submissions Appendix B: Helicopter Access IMC Corridor (REP2-032), Harbour Energy calculates that the annual average loss of all opportunities currently available to fly to an NPI at the Calder Field would fall from 26% to 18% and the corresponding loss in winter months would reduce from 40% to 29%.</p>	
	<p>Harbour Energy notes that the Applicant has modified its drafting of the protective provisions for the protection of Harbour Energy (Part 2 of Schedule 3 of Draft Development Consent Order Rev03) to place a cap on any compensation payable (refer also to Paragraph 86, Section 8 of The Applicant's Response Spirit Energy Deadline 1 Submissions). The Applicant expresses the view (see for example Paragraph 119, Section 12 of The Applicant's Response Spirit Energy Deadline 1 Submissions) that the compensation provisions in the proposed DCO protective provisions would avoid any economic loss to Harbour Energy. Harbour Energy is of a view that the compensation terms proposed are too restrictive, would be impractical to implement, would be tax inefficient and, particularly if capped, may be inadequate given the likely scale of disruption and economic loss that would arise during decommissioning.</p>	<p>The Applicant maintains the previously set out in position set out in the response to Harbour Energy's Written Representation WR-102-32 within The Applicant's Comments on Written Representations (REP2-027). The Applicant's position is that the updated Protective Provisions secured for operation can also be maintained into the decommissioning phase in order to reduce any disruption and ensure that additional direct costs incurred resulting from reduced helicopter are compensated. The Applicant notes that discussions are ongoing, noting that in their submissions at Deadline 3 Harbour Energy confirmed that they would be seeking to align the Protective Provision in their favour with those</p>

ID	Deadline 3 comment	Applicant response (if required)
		<p>being agreed between the Applicant and Spirit Energy.</p> <p>It is anticipated that these updates will be provided once Spirit Energy have shared their draft of Protective Provisions.</p>

## 2.9 Ørsted (REP3-108)

*Table 2.12 The Applicant's comments on Ørsted's Deadline 3 submission (REP3-108)*

ID	Deadline 3 comment	Applicant comment (if required)
<b>Introduction</b>		
REP3-108-01	<p>This submission is provided in accordance with Deadline 3 of the examination timetable for the application by Morecambe Offshore Windfarm Limited (the "Applicant") for an Order under the Planning Act 2008 (the "Act") granting Development Consent for the Morecambe Offshore Windfarm Generation Assets (the "Project").</p> <p>We represent six owners of operational offshore windfarms in the East Irish Sea (as set out relevant representations RR-008, RR-014, RR-056, RR-088, RR-089, RR-093), who we refer to together as the "Ørsted IPs" for the purposes of this submission.</p> <p>This document contains the Ørsted IPs' responses the Applicant's comments on their written representations [REP2-027].</p>	The Applicant notes this response.
<b>Wake Effects</b>		

ID	Deadline 3 comment	Applicant comment (if required)
REP3-108-02	<p>The Ørsted IPs have set out their position in respect of the requirement for the wake effects of the Project to be assessed and addressed fulsomely in a number of submissions [REP1-103], [REP2-040], [REP2-041]. However, the Ørsted IPs wish to respond to a number of comments made by the Applicant regarding wake effects in [REP2-027].</p> <p>The Ørsted IPs note that the wake assessment report carried out by independent consultants Wood Thilsted, and submitted at deadline 2 [REP2-041] ("Wake Report"), has been updated to reflect feedback received in the examination for the Morgan Offshore Windfarm (regarding the use of the PEIR boundary for that project). An updated version of the Wake Report is submitted alongside this submission. It is noted that there are no changes to the estimated effects of the Project as a result of the updates, although there are minor changes in the predicted cumulative effects.</p>	The Applicant notes this response.
REP3-108-03	<p><u>Definition of 'close'</u></p> <p>The Ørsted IPs have set out their view that what should be considered "close to" for the purposes of paragraph 2.8.197 of the NPS-EN3 that must be determined in its context, by reference to the likelihood of potential effects in [REP1-103].</p> <p>The Applicant has responded that the Ordinary dictionary definition of close should be used, being "<i>Very near in position: in or nearly in contact: narrowly escaped. Very near in position, relation, or connection: in or into immediate proximity or intimacy.</i>"</p> <p>The Ørsted IPs do not consider this definition resolves any ambiguity in the interpretation of 'close'. What constitutes "<i>very near in position</i>" also requires a judgment to be made, in the context of the assets at play</p> <p>An important principle of legal interpretation is that where the meaning of a word is not defined, the meaning should be established in light of the purpose of the provision.</p> <p>The purpose of paragraph 2.8.197 of the NPS-EN3 is to provide an understanding of the effects of a development on existing sea users, in order to allow the Secretary of State to undertake decision making in accordance with paragraphs 2.8.341-2.8.348 (which includes satisfaction that site selection and site design has been made with a view to avoiding or minimising disruption or economic loss to other offshore industries). We consider the purpose of these policies is to ensure that new</p>	<p>The Applicant has commented on wake effects related concerns raised by the Ørsted Interested Parties (IPs) at previous deadlines and does not seek to repeat previous submissions.</p> <p>The Applicant also set out its position in relation to wake loss within Issue Specific Hearing 3. A summary of this position is included within Written Summary of the Applicant's Oral Submissions - Issue Specific Hearings 2, 3 and 4 (Document Reference 9.53).</p>

ID	Deadline 3 comment	Applicant comment (if required)
	<p>development understands and minimises adverse impacts on existing infrastructure, to ensure successful coexistence.</p> <p>Therefore, if a development has the potential to result in a material impact on existing infrastructure, it should be considered ‘close’ to that infrastructure for the purposes of the NPS-EN3.</p> <p>The Applicant goes on to state that its position is supported by the Frazer-Nash report [REP1- 089], which considers wake effects of windfarms and makes findings regarding the impacts of wakes at certain distances. These findings include (as relied on by the Applicant) that <i>“For separations much larger than 20 km, farm -to -farm wake losses will become vanishingly small.”</i></p> <p>The Applicant, therefore, relies on a report relating to the degree of wake impacts experienced at different distances to support its interpretation of the term ‘close’. This would suggest that the Applicant also considers level of effect is relevant to this exercise.</p> <p>The Applicant has taken an unduly narrow interpretation of the NPS-EN3 in respect of effects on sea-users, which the Ørsted IPs consider undermines the intent of the policy document.</p> <p>The Ørsted IPs consider recent statements by the UK Government on the issue of wake effects supports their interpretation of the NPS-EN3 – one which requires wake effects to be evaluated and addressed.</p> <p>In the Clean Power 2030 Action Plan, the UK Government identified that wake effects between developments present a risk to offshore wind development. In particular, that document recognises that new projects with larger and/or a greater number of turbines have “an even greater propensity” to cause wake effects on existing downstream operational projects. The document goes on to describe the Awel y Mor decision as setting a “precedent” through the imposition of a wake loss condition (where historically the issue had been dealt with privately)<sup>1</sup>.</p> <p>The Government is now working to bring together industry experts to work on this issue, in particular in relation to mitigation. In light of these statements, there can be no doubt that the Government’s position is that wake effects from new developments can result in material adverse effects and that there is a need for these effects to be addressed. This does not support the Applicant’s position that a wake assessment is</p>	

ID	Deadline 3 comment	Applicant comment (if required)
	out with the requirements of the NPS-EN3 or that the examining authority and secretary of state should not be considering this issue. The Applicant's refusal to engage meaningfully on the issue is not helpful to decision makers.	
REP3-108-04	<p><u>Relevance of the TCE leasing process</u></p> <p>In response to the Applicant's discussion regarding compliance with the Crown Estate's ("TCE") separation distances in the leasing process, the Ørsted IPs' reiterate that compliance with such boundaries does not obviate the need to assess and address a proposed developments' effects in the consenting process. There is no evidence to suggest that TCE intended for leasing separation distances to be relied upon for this purpose, as outlined in the Ørsted IPs' deadline 2 submission [REP2-040].</p>	The Applicant notes this response and also notes the Crown Estate has provided a response to ExQ1 Reference 10016 on this matter (REP3-079).
REP3-108-05	<p><u>Future viability</u></p> <p>The Applicant has stated that the Orsted IPs' view that the Project could impact long-term decision making regarding their developments is "<i>supposition</i>".</p> <p>The Orsted IPs' position is based on evidence and industry experience. To explain further, the Ørsted IPs consider (based on modelling undertaken by Wood Thilsted and other evidence regarding the potential for wake loss between windfarms at the distances at play) that the Project individually and cumulatively with other proposed developments, is likely to have a material impact on decisions regarding lifetime extensions of their developments.</p> <p>Extending the lifetime of the Orsted IPs' existing projects would benefit the UK grid by providing additional green electricity in a sustainable manner. However, decisions regarding lifetime extensions will hinge on the financial viability of the projects beyond their expected earliest decommissioning date (we note a number of the projects do not require additional consents to continue operating). A material increase of wake impact as a result of the Project could be sufficient to make operations uneconomic.</p> <p>The UK Government has indicated its strong support for maximising the lifetime of existing assets in its Clean Power 2030 Action Plan. In that document, it is recognised that early retirement of existing assets presents a risk to the achievement of Clean Power 2030 targets and Carbon Budget 6. It is also noted that wider measures are being implemented to support the repowering and life extension of renewable assets.<sup>2</sup></p>	<p>The Applicant does not agree that the Project individually and cumulatively would be likely to have a material impact and would simply point to the fact that how much impact, if any, remains uncertain and is subject to various factors beyond the scope of the Project alone.</p> <p>While the Applicant recognises the United Kingdom (UK) Government's commitment to maximising the lifetime of existing offshore wind assets, this objective must be balanced with the need for continued expansion of offshore renewable energy generation. The Project is aligned with national policy objectives to increase renewable energy capacity, supporting the UK's net-zero targets and energy security goals.</p>

ID	Deadline 3 comment	Applicant comment (if required)
	<p>In particular, in relation to offshore wind, the Government is implementing measures that will support the repowering and life extension of renewable assets, including through Ofgem's work on Offshore Transmission Owner asset life extensions.<sup>3</sup></p> <p>This builds upon work being undertaken by TCE in relation to lifetime extensions. As part of their 2023 annual report,<sup>4</sup> The Crown Estate published a study of the benefits of life extension along with a comparative analysis of different offshore wind project types. They summarise their finding as follows: <i>"while new developments contribute highly to security of affordable energy, a life extended project scores much higher in terms of the efficiency of materials and space, and minimising environmental impact"</i>.</p>	<p>While the Ørsted IPs' note a number of projects do not require additional planning consent to continuing operating, the Applicant considers these projects would still require additional consents and licences to continue operating and maintaining operations beyond its lifetime. The only realistic possible approach is for the Applicant to consider Environmental Impact Assessments (EIAs) in the public domain. It is not possible for the Applicant to assess the impacts of projects beyond their expected lifetime as this information is not available.</p> <p>The Applicant also notes that life extension decisions for existing projects depend on multiple commercial and technical considerations beyond wake effects alone, including maintenance costs, market conditions, and regulatory frameworks. Therefore, while wake impact is potentially a consideration, it is not the sole determinant of financial viability.</p> <p>The Applicant remains committed to ongoing engagement with stakeholders, including Ørsted IPs, to ensure that concerns are appropriately considered.</p>
REP3-108-06	<p><u>North West Marine Plan</u></p> <p>The Ørsted IPs agree the policies of the North West Marine Plan highlighted by the Applicant apply to the Project.</p>	<p>The Applicant set out its position in relation to wake loss within Issue Specific Hearing 3. A summary of this position is included within Written</p>



ID	Deadline 3 comment	Applicant comment (if required)
	<p>The Ørsted IPs consider these policies support their argument that the wake effects of the Project should be assessed and mitigated in order to achieve coexistence.</p> <p>Policy NW-CO-1 of the North West Marine Plan provides that proposals which “incorporate opportunities for co-existence and cooperation with existing activities will be supported.” Proposals that may have significant adverse impacts on existing activities must demonstrate that they will avoid, minimise and mitigate such adverse effects on an existing activity so they are no longer significant.</p> <p>The Applicant is unable to demonstrate that this policy has been complied with, given its refusal to assess and mitigate wake effects and its reluctance to engage with the Ørsted IPs. The Applicant has noted that it did not identify any significant adverse effects to the Ørsted IPs during its EIA assessment and therefore considers it has complied with the policy. The Ørsted IPs consider this finding is not relevant as the Applicant has refused to assess wake effects of the Project. The Ørsted IPs have provided evidence demonstrating a significant adverse effect to their assets arising from the Project and therefore the Applicant must take steps to mitigate the effect in order to provide for coexistence, as required by the Marine Plan.</p>	<p>Summary of the Applicant's Oral Submissions - Issue Specific Hearings 2, 3 and 4 (9.53).</p> <p>The Applicant has also set out its policy position on wake loss in The Applicant's Comments on Deadline 2 Submissions by Interested Parties - Revision 01 (REP3-069). While the North West Marine Plan is an important and relevant matter for the Secretary of State (SoS), the NPSs takes precedent in that the SoS must determine an Nationally Significant Infrastructure Projects (NSIP) application in accordance with the relevant National Policy Statements (NPS).</p> <p>The Applicant therefore considers that the NPS is the relevant policy to be considered for this matter.</p> <p>Despite this, the Applicant has provided its consideration of Policy NW-CO-1 of the North West Marine Plan as follows:</p> <p>Policy NW-CO-1 of the North West Marine Plan states that, <i>‘Proposals that may have significant adverse impacts or, or displace, existing activities must demonstrate that they will in order of preference, a) avoid, b) minimise, c) mitigate – adverse impacts so they are no longer significant’. If it is not possible to mitigate significant adverse impacts,</i></p>



ID	Deadline 3 comment	Applicant comment (if required)
		<p><i>proposals must state the case for proceeding.</i> The Applicant notes that:</p> <ul style="list-style-type: none"> <li>It has not identified significant adverse impacts to the Orsted IPs and therefore the Applicant considers this policy not relevant to this particular matter, and</li> <li>If impacts were identified by the Applicant, it is not possible to mitigate these impacts. The need for the Project is established in EN-1 and EN-3 which identifies the Project as Critical National Priority (CNP) infrastructure. The Applicant has also set out a needs case for the Project in Planning, Development Consent and Need Statement (REP3-004) which together with the NPS demonstrates the case for the Project to proceed in accordance with Policy NW-CO-1.</li> </ul> <p>The Applicant remains committed to ongoing engagement with stakeholders, including Orsted IPs, to ensure that concerns are appropriately considered.</p>
REP3-108-07	<p><u>Modelling limitations</u></p> <p>The Applicant has argued that any wake assessment of the Project would be limited by factors such as operating parameters/final array of turbines, lack of agreed modelling software/standard guidance and the fact that the Applicant does not have access to the Ørsted IPs' operating performance.</p>	<p>The Applicant set out its position in relation to wake loss within Issue Specific Hearing 3. A summary of this position is included within Written Summary of the Applicant's Oral</p>

ID	Deadline 3 comment	Applicant comment (if required)
	<p>In response, the Ørsted IPs note that industry specialists routinely undertake wake assessments. The Wake Report submitted by the Ørsted IPs have submitted is one such assessment. While certain assumptions must be made in carrying out wake assessments, these can be made on an educated basis to provide a range of robust likely outcomes.</p> <p>The model used for the Wake Report (Wind Farmer) was developed to enable more consistent application of AEP methodologies and technical components that can otherwise influence wake analysis outcomes. These tools are as close to an industry standard as is available. Wind Farmer has been validated on hundreds of wind farm projects.</p> <p>The Ørsted IPs note that many of the inputs required for wake assessments (and which have been used in the Wake Report) are publicly available. While power curves of turbine manufacturers are confidential, these could be shared confidentially with consultants through an NDA. This is normal industry practice.</p> <p>The Ørsted IPs consider the Wake Report is a reliable and robust assessment of the likely effects of the Project and reiterate that such assessments are routinely carried out and relied upon by wind farm developers.</p>	<p>Submissions - Issue Specific Hearings 2, 3 and 4 (9.53).</p>
<b>Environmental Assessment</b>		
REP3-108-08	<p>In response to the Applicant's comments at WR-112-08, regarding the operational lifetime of the Barrow Offshore Wind Farm, the Ørsted IPs refer to their response to the examining authority's first set of written questions (question 1GEN1).</p> <p>Appendix 1 to that response provides evidence that this asset can continue to operate beyond 2030 without requiring further consent. Therefore, the Ørsted IPs request the Applicant updates their cumulative environmental assessments going forward to include Barrow Offshore Wind Farm, noting Mona Offshore Wind Project have updated their relevant assessments taking into account our request for Barrow Offshore Wind to be included.</p>	<p>The Applicant notes that the Marine Management Organisation (MMO) have responded to question 1GEN10 (REP3-085) in which the MMO states:</p> <p><i>"The MMO attended a meeting with Barrow Offshore Wind Limited on 15 January 2025 to discuss 1GEN10. The MMO notes that the Barrow Offshore Wind Limited is aware that it currently holds two active licences with the MMO [...]. The MMO and Barrow Offshore Wind Limited both agreed within this meeting that should works be required</i></p>

ID	Deadline 3 comment	Applicant comment (if required)
		<p><i>post 2030, then a new Marine Licence application will be submitted”.</i></p> <p>The Applicant considers that this clarifies that a further consent would be required for Barrow Offshore Windfarm (OWF) to continue operating post 2030.</p>
REP3-108-09	<p>While the ‘Update on Without Prejudice Compensation Measures [REP1-093]’ document does state that the Applicant is developing potential compensation options for red-throated diver should these be required, no potential measures have been presented yet.</p> <p>There is still uncertainty regarding compensatory measures for red throated divers and therefore the Ørsted IPs request for ‘a proper understanding of the potential compensatory measures’ which remain unaddressed.</p>	<p>Potential measures for red-throated diver (presented on a without prejudice basis) have been submitted at Deadline 3, see the Habitats Regulations Assessment (HRA) Without Prejudice Derogation Case – Red-Throated Diver at Liverpool Bay / Bar Lerpwl Special Protection Area (SPA) (REP3-064) and Outline Compensation Implementation and Monitoring Plan – Red-throated diver (REP3-065).</p> <p>These measures are secured within the updated draft DCO submitted at Deadline 4.</p>
<b>Shipping and Navigation</b>		
REP3-108-10	<p>The Ørsted IPs acknowledge that the Applicant has stated in WR-112-13 that in-isolation “...allision likelihood for WoDS OWF is greatest on the southern structures, but these likelihoods remain very similar to the base case scenario...”. However, the Orsted IPs retain concerns about the cumulative impacts of Morecambe Offshore Windfarm Generation Assets, especially in light of offshore wind receptors not being adequately addressed direct impacts to existing offshore wind assets within Volume 5 – Chapter 15 Shipping and Navigation (APP-051) or Chapter 17 - Infrastructure and Other Users (APP-054).</p>	<p>The Applicant has committed within the updated Outline Vessel Traffic Management Plan (VTMP) (REP3-047) submitted at Deadline 3 to maintaining the Marine Navigation Engagement Forum (MNEF) post-consent and for a minimum of five years into the operational and maintenance phase of the Project. It is noted that similar</p>

ID	Deadline 3 comment	Applicant comment (if required)
	<p>The Ørsted IPs are therefore not satisfied that the commitment to engage with “existing sea users” or through the Marine Navigation Engagement Forum (MNEF) provides sufficient certainty that they will be engaged with pre-approval of the Vessel Traffic Management Plan (“VTMP”). Provisions regarding the MNEF currently in the outline VTMP are relatively high-level and do not detail in sufficiently clear or specific terms how the MNEF will be engaged with in respect of the VTMP, nor the Marine Pollution Contingency Plan (“MPCP”) or Emergency Response Cooperation Plan (“ERCoP”).</p> <p>Therefore, the Orsted IPs seek a formal commitment to ensuring they have the opportunity to review the VTMP pre-submission to the Marine Management Organisation pre-construction in the interests of navigational safety within the vicinity of the Ørsted IPs assets, as a named consultee in the VTMP.</p>	<p>commitments are made by the Mona Offshore Wind Project and Morgan Offshore Wind Project Generation Assets in their Outline VTMP.</p> <p>The Applicant considers the list of bodies that the MMO can consult with pursuant to Schedule 6 Condition 9(12) in relation to the approval of pre-construction plans and documentation to be non-exhaustive. The MMO has discretion to consult with any parties it considers relevant, which includes parties with known interests within an area (such as the Orsted IPs).</p>

## 2.10 Royal Society for the Protection of Birds (REP3-114)

*Table 2.13 The Applicant’s comments on RSPB submission in respect of compensation measures*

ID	Deadline 3 comment	Applicant comment (if required)
<b>2. Compensation measures</b>		

ID	Deadline 3 comment	Applicant comment (if required)
REP3-114-01	<p>The RSPB has reviewed the Applicant's submissions at Deadline 1 which relate to the potential compensation measures for LBBG (REP1-093). The RSPB welcomes the updates on the different compensation options being considered and the progress with each. We also refer to our relevant representation which set out our general approach to compensation measures and the Applicant's LBBG compensation measures (RR-073)</p> <p>The RSPB has noted that in addition to the LBBG compensation measures, the Applicant is separately developing potential compensation measures for Red-throated Divers should these be required (section 1.2.2, REP1-093). This is in light of Natural England's responses in respect of the potential impacts of the Morecambe offshore wind farm on the wintering Red-throated Divers of the Liverpool Bay SPA. The RSPB will review the Applicant's submission on any potential compensation measures for this species when it becomes available.</p>	<p>The Applicant welcomes this response and signposts the Habitats Regulations Assessment Without Prejudice Derogation Case – Red-Throated Diver at Liverpool Bay / Bar Lerpwl SPA (REP3-064) and Outline Compensation Implementation and Monitoring Plan – Red-throated diver (REP3-065) submitted at Deadline 3.</p>
REP3-114-02	<p>The following comments relate to the Applicant's updates in respect of:</p> <ul style="list-style-type: none"> <li>▪ Steep Holm; and</li> <li>▪ Banks Marsh (megafence).</li> </ul> <p>The RSPB has noted that the Lagoon complex at South Walney has been retained as a further option if required. In this context, it would be helpful to understand when the Applicant anticipates it will be in a position to indicate a clear preference as to which of the three options it has under consideration it intends to take forward.</p> <p>The RSPB will continue discussions with the Applicant in relation to specific compensation objectives for LBBG and further details on the proposed compensation measures to assess their suitability.</p>	<p>The Applicant has progressed the proposed compensation at Steep Holm to enable commencement of delivery in 2025. Accordingly, this is considered to be the Applicant's preferred measure, and the most likely to be provided for the duration of the Project, should the Secretary of State conclude that adverse effect on integrity (AEoI) cannot be ruled out in respect of Lesser Black Backed Gulls (LBBG). Notwithstanding this expectation, the Applicant will retain the other options (Banks Marsh Megafence and South Walney) to enable compensation to be delivered in the unlikely event that measures at Steep Holm cannot be progressed.</p>

ID	Deadline 3 comment	Applicant comment (if required)
REP3-114-03	A key step will be to agree the range of predicted impacts to be compensated for (based on the preferred parameters of the Applicant, NE and the RSPB) and to translate these into compensation objectives for LBBG compensation. Those objectives must specifically address the requirement to recruit sufficient breeding adults into the LBBG National Site Network to compensate for the agreed impacts.	The Applicant has provided an update to the proposed scale of compensation (i.e. the number of additional nests required to recruit sufficient breeding adults into the LBBG National Site Network) in the revised LBBG derogation case submitted at Deadline 3 (REP3-008). This update has been provided in response to comments from Natural England, that requested that the approach used by the Hornsea Three project for kittiwake should be used to calculate the scale of LBBG compensation. This approach cannot be directly applied to LBBG, so the Applicant has used the equivalent multiplier (25.6) to estimate the total number of new nests (26 nests) required. This has increased substantially since the original derogation case submission (18 nests) and is considered to provide a generous level of compensation for any potential impacts.
<b>Steep Holm</b>		
REP3-114-04	The RSPB welcomes the updates set out in sections 3.1.4 and 3.3, which summarise progress with stakeholder engagement, land agreements, habitat management methodology and trials, consents and delivery programme	The Applicant notes this response.
REP3-114-05	<p>In relation to the RSPB's concerns set out in its Relevant Representation (RR- 073), the RSPB would welcome further information from the Applicant in respect of the following:</p> <ul style="list-style-type: none"> <li>▪ The current understanding of typical breeding density of LBBG on Steep Holm;</li> <li>▪ The implications of this typical breeding density for the area of vegetation requiring clearance, based on the number of breeding pairs required. The</li> </ul>	There is no definitive data on the breeding density of LBBG on Steep Holm, aside from the knowledge that birds are nesting at very high densities that reflect the constraints on available nesting areas within the site. The Applicant has therefore applied a precautionary estimate, based on the

ID	Deadline 3 comment	Applicant comment (if required)
	<p>latter will comprise a range based on the preferred parameters of the Applicant, NE and the RSPB.</p> <ul style="list-style-type: none"> <li>The Applicant's methodology for scrub clearance on Steep Holm, including an indicative map of the areas identified as suitable for scrub clearance and the area in hectares of each (paragraph 68, REP1-093).</li> </ul> <p>This information will help understand the potential scale of compensation available at Steep Holm, based on local breeding densities, and the practicalities of its delivery and ongoing maintenance.</p>	<p>documented densities at the nearby colony at Flat Holm (where densities are likely to be lower) (Ross-Smith <i>et al.</i>, 2015). At those densities, it is estimated that an area of approximately 0.06ha would be required to provide space for 26 additional nests (REP3-008). As the Applicant is proposing to provide &gt;1ha new nesting habitat, the proposals would provide substantial over-capacity for any predicted loss.</p> <p>The Applicant has provided further detail of the proposed scrub clearance methodology and location in a document that is being circulated to the LBBG compensation steering group, noting that Royal Society for Protection of Birds (RSPB) has been invited to be part of this group. In any event, the Applicant is happy to provide RSPB with a copy of this document for review.</p>
<b>Banks Marsh (megafence)</b>		
REP3-114-06	The RSPB welcomes the updates set out in sections 3.1.3 and 3.2, which summarise progress with stakeholder engagement, land agreements, design, consents and delivery.	The Applicant notes this response.
REP3-114-07	The RSPB is content that the fence design itself will be effective in meeting its ecological objectives of excluding mammalian predators from the areas of Banks Marsh and Hesketh Out Marsh. Based on the RSPB's experience, both at Hesketh Out Marsh and elsewhere, implementation of this design of fencing should result in improved breeding success of ground nesting birds where mammalian predation is known to be factor affecting breeding success, including the Banks Marsh LBBG colony.	The Applicant notes this response, and welcomes confirmation from RSPB that this measure is likely to be effective.

ID	Deadline 3 comment	Applicant comment (if required)
REP3-114-08	We note that any necessary consents and permits will be obtained by Natural England and RSPB (paragraph 28, REP1-093), as appropriate.	The Applicant notes this response.
REP3-114-09	Finally, the RSPB notes that funding discussions involve a number of parties (paragraph 25, REP1-093) and that discussions are ongoing. The RSPB would welcome an update on progression with those discussions, including the role and potential contributions of the other parties.	The Applicant continues to discuss funding of the measure with the RSPB, Natural England and other interested parties, however there have been no further meetings to take this forward since 7 November 2024 and as such there are no further updates to report. XX



## 2.11 Stena Line (REP3-115)

Table 2.14 The Applicant's comments on Stena Line' Comments on any further information received at Deadline 2 (REP3-115)

ID	Deadline 3 comment	Applicant response (if required)
REP3-115-01	<p><b>To the Examining Authority Application by Morecambe Offshore Windfarm Limited for Morecambe Offshore Wind Farm Response by Stena Line UK Limited (Stena Line) - (Ref: 20049477) –</b></p> <p>Stena Line operates two passenger and one freight RoRo vessels on its Belfast to Liverpool service on three separate routes, all of which cross through the site of the proposed offshore windfarm. These services are year-round and each vessel makes one round trip every day between the two ports.</p> <p>Stena Line have invested heavily in the route with two new 1000 Passenger E-Flexer's being delivered in 2020 &amp; 2021</p> <p>The individual and cumulative development of the four offshore wind farms would effectively obstruct the currently direct line of passage between the ports. Fig 1 shows the magnitude of the physical deviation which is 5.5 Nm passing North of the Isle of Man and c 1.5 Nm passing South of the Isle of Man.</p> <p>As a consequence, whilst it is certainly the case that the Stena Line vessels would have the option of diverting from their currently direct line of passage and could as an alternative transit either to the North or South of the Isle of Man, such a forced diversion would create serious commercial implications in terms of service viability, operational practicality and navigational safety.</p>	<p>The Applicant acknowledges that Stena Line ferry services have typical and very occasional adverse weather passage plans that intersect the Morecambe Array Area and would require deviation were the Project to be constructed.</p> <p>Nonetheless, the Applicant maintains that the Liverpool to Belfast (East (E) of Isle of Man (IoM) and E of Calder) would have a 1.6nm (5.1 minutes) deviation in typical and adverse conditions.</p> <p>The Applicant further emphasises that this route is used once every couple of days, with 153 transits in 2019 and 196 in 2022. This accounts between 8% and 13% of all Stena Line (SL) transits between Liverpool and Belfast. A 1.6nm deviation on this 113.9nm transit is equivalent to a 1.4% increase on approximately 10.5% of the transits. Therefore, the Project alone is not considered to cause 'appreciably longer transit times' and would not have significant effects on strategic routes.</p> <p>The Applicant further acknowledges that there is a consequential cumulative impact on ferry services (Liv-Belfast E (E of Calder)), with a total deviation of 5nm in typical weather conditions (as per Table 26 CRNRA [APP-074]) and 20.8nm in adverse weather conditions (as per Table 27 CRNRA [APP-074]). However, the contribution by the Morecambe Project to the</p>

ID	Deadline 3 comment	Applicant response (if required)
		<p>required deviations is the same (or less) as during Project-alone, with the impacts driven by other projects. In fact, the impact of the Morecambe Project on adverse weather routes is even smaller within the cumulative scenario compared to the Project-alone, as even without the presence of Morecambe, vessels would still choose to route west of the Mona Array Area.</p>
<p>REP3-115-02</p>	<p><b>Navigational safety,</b></p> <p>As long ago as Quarter 2 in 2021, Stena Line's concerns in relation to navigational safety have been made clear to the applicant and Nash Maritime, which is advising the applicant on navigational risk. Since then, we have participated in several marine navigational engagement forums, marine simulator exercises conducted by HR Wallingford and the resulting HAZID workshops. This process has looked at both the original and reduced red line boundaries for the cumulative effect of Mona, Morgan and Morecambe ORE projects.</p> <p>While the process has concluded that the residual risk levels are likely to be ALARP – albeit for the majority of risks identified – it is important to appreciate that these exercises were undertaken from the point of view of the promoter of the scheme. In other words the exercises were conducted with the offshore wind farms in place and risks do still exist - but that they are “as low as reasonably practicable” provided, in Stena Line’s case, suitable measures of mitigation are implemented – regardless of cost.</p> <p>That does rather miss the point, however, when viewed from the perspective of a commercial vessel operator whose vessels will either have to divert to reduce the obvious risk or alternatively, zig-zag between four offshore wind farms whilst they are being constructed and operational with regular maintenance.</p>	<p>The Applicant acknowledges that there will be a residual increase in the navigational risks above the current baseline, but emphasises that these have been determined to be Broadly Acceptable or As Low As Reasonable Practicable (ALARP) and Tolerable through the NRA (APP-073).</p> <p>With regard to the safety issues presented by Stena Line, the Applicant notes the following points:</p> <ul style="list-style-type: none"> <li>While there may be increased funnelling of marine traffic in the area into reduced seaways as a result of the cumulative developments in the area, there is a very low likelihood of a meeting situation between commercial vessels in the funnelled passages.</li> <li>One adverse weather route would be affected by the presence of the Project (Liverpool – Belfast, East of IoM) and this route is used approximately 8-13 times per year (Table 27 of the CRNRA [APP-074]).</li> </ul>

ID	Deadline 3 comment	Applicant response (if required)
	<p>As far as Stena Line is concerned, the risk clearly remains and this residual risk is appreciably raised above the current level. As Stena Line will remain the owners of this risk for the duration of the project's lifetime, it will be for Stena Line as the operator, and for Stena Line alone, to determine what is a deemed acceptable risk.</p> <p>Those risks include being responsible for the lives and wellbeing of up to 1000 persons on board our vessels during each crossing and we take the management of such risk with the greatest importance.</p> <p>The ExA should note, however, that additional safety risks will arise as a result of the offshore wind farm proposals, both singly and cumulatively. In summary, these include:</p> <ul style="list-style-type: none"> <li>▪ The funnelling of marine traffic in the area into reduced seaways as a result of ORE development in the area.</li> <li>▪ Anticipated additional vessel encounters particularly at the corners of the developments.</li> <li>▪ Reduced weather routing options for masters during periods of adverse weather which judging by recent meteorological experience would indicate that we are experiencing more notable weather events. While our vessels are large and designed to deal with heavy seas and swells we must be conscious the passenger falls and the shifting of cargo inside freight units is somewhat outside our practical control but remains within our duty of care to mitigate.</li> <li>▪ An incident aboard any vessel resulting in even a temporary loss of power or propulsion whilst navigating through the channels which the proposed level of ORE's create, greatly reduces the availability of both sea room and time for the master of that vessel to react and risks the possibility of an allision with a turbine, construction vessels, maintenance vessels or other structure.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Whilst the Applicant accepts that mechanical failure could result in such a hazard occurring, the Applicant considers that there is a low likelihood of breakdown, and a very high redundancy in terms of propulsion and steering given that all conventional Ro-Ro/RoPax vessels considered in this matter are equipped with twin propellers, at least two engines, and two rudders. Moreover, despite the low frequency of machinery failure incidents, it is important to note that not all such failures would actually result in a vessel striking a wind farm. The low likelihood of this occurring is demonstrated through a detailed incident analysis. Based on the number of offshore wind farms and their years of operation, it was estimated that there were 496 years of operational experience across the United Kingdom (UK), during which there has never been an incident of allision between a commercial vessel and a wind turbine.</li> <li>▪ The National Academies study referred to by Stena Line concludes that "larger spacing between turbines will lead to less electromagnetic interaction between turbines. Consequently, it is expected that spurious echoes due to multiple scattering between turbines will lessen as turbine spacing increases". As such, the minimum 1,060 m spacing between Wind Turbine Generators (WTGs) in the Morecambe Array Area, will likely result in having lesser effects</li> </ul>

ID	Deadline 3 comment	Applicant response (if required)
	<ul style="list-style-type: none"> <li>While it was argued by the applicant during simulation exercises that Marine Radar is not significantly affected by the proximity of wind turbines, the National Academies of Sciences, Engineering, and Medicine, 2022 paper Wind Turbine Generator Impacts to Marine Vessel Radar gives us cause for concern that such interference is not fully evaluated in particular when passing between two ORE projects. We continue to believe that there is an element of uncertainty as to the level of interference. See Fig. 3. as a local example.</li> <li>The Swedish government has recently rejected applications for 13 offshore wind farm applications in Baltic Sea this week citing their military's concerns with regards to the possible effect on radar. While the report does not specify the areas of the radio spectrum effected it would be reassuring to understand if the Marine bands are included ie 3.02–3.1 GHz (S band) or 3.1–9.45 GHz (S and X band)</li> <li>The addition of so many additional red lights on the turbines of the four new proposed ORE's combined with the ones already in place will present every mariner with a landscape for which it will be difficult to effectively identify the red navigation lights on other vessels at night. See Fig 2</li> </ul>	<p>than those currently experienced with operational wind farms which Stena Line are successfully managing.</p> <ul style="list-style-type: none"> <li>While there will be a large addition of red WTG lights in the cumulative scenario, any vessels passing through the Array Areas should be transiting at a sufficiently slow speed that there would be adequate time to distinguish and identify any vessel lights from the aviation lights. Most of these vessels are also likely to be small recreational or fishing craft which will travel at a relatively low speed compared to the vessels themselves and would not be at a height that would overlap or obscure the WTG lights. Moreover, the aviation lights on the WTGs are flashing 'red morse W' lights and couldn't be confused with steady port lights on vessels.</li> </ul>
REP3-115-03	<p><b>Commercial impacts.</b></p> <p>While navigational safety is clearly our primary consideration, the commercial impacts on the company's business model are undeniable. These will be sharing these with the applicant and can be made available to the ExA on a confidential basis.</p> <p>It is self-evident that the development of the offshore wind farms, either singly or cumulatively, will increase the transit distance between Belfast and Liverpool. While this may appear to be only a small distance depending on the route selected – which incidentally will itself be dependent on a variety of circumstance from weather conditions, wind farm operation and maintenance vessels, other shipping lines, contractual obligations etc., - its long-term effect has a significant cost.</p>	<p>As discussed at ISH3 and ISH4, the Applicant notes Stena's position regarding commercial impacts and, while it maintains its position regarding the level of impacts on Stena's operations (as noted at REP3-115-01 and REP3-115-02 above) means that no mitigation is necessary, the Applicant is progressing with protective provisions and a side agreement as a good neighbour and in the interest of cooperation.</p> <p>The Applicant and Stena are still in discussions as to the final form of the protective provisions that will be included in the draft Development Consent Order (DCO), however an initial draft</p>

ID	Deadline 3 comment	Applicant response (if required)
	<p>In order to maintain schedule and so that each vessel does not impact on the other during their slot time in port, vessels will be required to increase speed which in turn results in increased fuel consumption, increased emissions trading system costs and increased maintenance.</p> <p>Stena Line have committed to migrate to new greener marine fuels and the fuel selected is Methanol. This initiative, however, brings with it cost implications and increased crossing speeds adds further to this.</p> <p>Many of our freight customers work on a just in time model and delays to service are not acceptable to them in particular with foodstuffs being shipped to Northern Ireland.</p> <p>We have further expressed concerns in relation to the increased transit time for the three vessels and the effect this will have on not only our increased carbon emissions along with its associated carbon tax. This will additionally have an effect on our bunker consumption and turn-around times in port.</p> <p>There is no doubt that the Morecambe project either alone or together with other proposed offshore windfarms will have considerable implications for our ferry operations simply as a consequence of increased cost.</p> <p>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 – which are designed to meet and satisfy a growing commercial need by providing a trade link between England and Northern Ireland. Indeed, the company has risen to recent commercial challenges, seeing increased freight volumes and passenger traffic on the route, much of which was brought about post Brexit. Stena Line now provides the vital</p>	<p>has been included in the version of the draft DCO submitted at Deadline 4 (Part 4 of Schedule 3).</p> <p>The Applicant is also expecting a draft Side Agreement from Stena (or via its solicitors), although it is understood the timing of this from Stena is linked to discussions it is having on other projects in the area. The Applicant is pressing for sight of this as soon as possible, mindful that this Examination is moving forward on its own timetable.</p> <p>The Applicant is committed to continued engagement with Stena to resolve its concerns.</p>

ID	Deadline 3 comment	Applicant response (if required)
	<p>shipping services based on the just-in-time model our freight customers require in order to supply Northern Ireland and the UK mainland.</p> <p>Increased crossing distances that will be created as a result these windfarm proposals, if approved, will have to be mitigated if the company is to continue to deliver its contractual obligations. This can only be achieved, however, with increased speed on passage to mitigate the extra distance that will now have to be covered. Inevitably, however, increased speed requires increased bunker fuel consumption and this will have to be factored into the company's operational costs.</p> <p>In addition, additional costs will be brought about by the introduction of the UK's Emissions Trading Scheme (UK ETS) with which we expect compliance obligations to commence on 1 January 2026. There is no phase-in period for maritime emissions, and we therefore anticipate full cost exposure from that date onwards. Stena Line's commitment to building new fuel-efficient tonnage and to changing to new greener fuels will be heavily negated by the construction and operation of the proposed offshore wind farms, either singly or cumulatively.</p> <p>We have calculated the magnitude of these costs in a framework document over the lifetime of the project and have or will share them with the relevant applicants for transparency.</p> <p>Should the construction of the four projects go ahead as tabled, Stena Line will be seriously disadvantaged both operationally and commercially. This will be despite the provisions of UNCLOS Article 60.7 which states that –</p> <p><i>“Artificial islands, installations and structures and the safety zones around them may not be established where interference may be caused to the use of recognized sea lanes essential to international navigation.”</i></p>	

ID	Deadline 3 comment	Applicant response (if required)
	<p>Regular shipping services between the two ports have existed since 1824. The construction and operation of a single offshore wind farm, let alone four, in the established sea lanes will certainly act as a critical “interference” to our operations.</p> <p>It is the view of Stena Line that if the Morecambe project is to proceed, the only possible mitigation available to the promoter of the scheme must be –</p> <ul style="list-style-type: none"> <li>a) Formal agreement as to the compensation payable to Stena Line during the construction of the windfarm and for the life of its operation and ultimate removal; and</li> <li>b) The inclusion of adequate protections in the DCO.</li> </ul>	



## 2.12 National Federation of Fishermen's Organisation (NFFO) and The Welsh Fishermen's Association

53. As noted within Written Summary of the Applicant's Oral Submissions - Issue Specific Hearings 2, 3 and 4 (Document Reference 9.53), submissions by the National Federation of Fishermen's Organisation (NFFO) and The Welsh Fishermen's Association (WDA) were not made in sufficient time for Deadline 3. However, the intended submissions have subsequently been shared with the Applicant with the understanding that these will be submitted by the NFFO and WDA at Deadline 4.
54. To aid the ExA, the Applicant has responded to these submissions at Deadline 4 (**Table 2.15**).

*Table 2.15 The Applicant's comments on expected Deadline 4 National Federation of Fishermen's Organisation and The Welsh Fishermen's Association*

ID	Comment	Applicant response (if required)
REP3-001-01	<p>This written representation forms the response from the NFFO and WFA-CPC to key documentations of concern to the fishing industry as part of the examination of the Morecambe offshore wind project generation assets.</p> <p>The National Federation of Fishermen's Organisation (NFFO) represents the interests of over 400 commercial fishing businesses in England and Wales. The Welsh Fishermen's Association (WFA-CPC) represents over 200 commercial fishing businesses in Wales.</p> <p>Please treat this written representation as a joint representation from both the NFFO and the WFA-CPC.</p> <p>The response below is in response to specific comments we have with regards the outline Fisheries Liaison and Co-existence Plan (FLCP).</p> <p><u>Fisheries Liaison and Coexistence plan</u></p> <p>It is acknowledged that this document is merely an outline that will aid in the development of the final FLCP. Roles and responsibilities for each sector need including and highlighting what is expected of each sector through each of the phases.</p>	<p>The Applicant welcomes the National Federation of Fishermen's Organisation (NFFO) and Welsh Fishermen's Association (WFA) comments on the Outline Fisheries Liaison and Co-existence Plan (FLCP) (REP3-043).</p>



ID	Comment	Applicant response (if required)
REP3-001-02	<b>Paragraph 6.</b> The FLCP covers the whole period between construction and decommissioning, we would expect to see a review schedule to ensure the FLCP is appropriate and relevant throughout the lifetime of the Morecambe project. We acknowledge the commitment is stated in <b>Paragraph 10</b> but we are unclear on what is meant be periodically reviewed.	The Applicant is committed to regularly reviewing the FLCP. The Outline FLCP includes a commitment to ensure that the final FLCP is “ <i>periodically reviewed and updated throughout the lifetime of the Project as appropriate.</i> ” (Outline Fisheries Liaison and Co-Existence Plan_Rev 03 Clean). The final FLCP will include details of planned reviewed schedule.
REP3-001-03	<b>Paragraph 11.</b> The FLOWW guidelines are in a process of being updated. Suggest altering text to reflect use of the latest guidelines where available.	The Applicant notes this response and the Outline FLCP has been updated to include the following at Paragraph 12: “ <i>The Applicant will take into account any revised guidance where it becomes available within the relevant timeframe</i> ” (Outline Fisheries Liaison and Co-Existence Plan_Rev 03 Clean).
REP3-001-04	<b>Table 3.1.</b> Suggest adding dissemination of NTMs to the FLO role, the responsibility for this normally sits with the FLO rather than an FIR. Or at least ensure NTMs are sent to FIR for dissemination. We request that local OFLOs are used wherever possible, this helps mitigate and deconflict issues quickly as they arise due to local expertise.	The Applicant notes this response. Liaising with the FIR and dissemination of relevant project information has been added to the Fisheries Liaison Officer (FLO) role within the Outline FLCP submitted at Deadline 4 (Outline Fisheries Liaison and Co-Existence Plan_Rev 03 Clean).
REP3-001-05	<b>Paragraph 16.</b> The role between FLO and FIR is unclear in this section. It is stated that the FLO is the main point of contact but the FIR for day-day contact – clarity is needed on who fisheries stakeholders should contact when needed.	The Applicant notes this response, and additional clarification has been included at Deadline 4 (Outline Fisheries Liaison and Co-Existence Plan_Rev 03 Clean).
REP3-001-06	<b>Paragraph 17.</b> We support the inclusion of allowing fisher access to the Marine Operations Handbook.	The Applicant notes this response.

ID	Comment	Applicant response (if required)
REP3-001-07	<b>Paragraph 18.</b> I don't see the relevance of this statement in this section of the FLCP.	This section was included to meet the requirement to demonstrate previous stakeholder engagement had taken place.
REP3-001-08	<b>Table 3.2.</b> We support the minimum notification period of 2-weeks given for the activities here.	The Applicant notes this response.
REP3-001-09	<b>Paragraph 21.</b> We recommend the use of local guard vessels wherever possible when a need for guard vessels arises. This helps mitigate and deconflict issues quickly as they arise due to local expertise being on site.	The use of local guard vessels where practicable is standard practice and therefore the following sentence has been added into the updated Outline FLCP at paragraph 22: <i>"Local guard vessels will be utilised where practicable."</i> (Outline Fisheries Liaison and Co-Existence Plan_Rev 03 Clean).
REP3-001-10	<b>Paragraph 23 and 24.</b> See earlier comment on updated FLOWW guidelines ( <b>Paragraph 11</b> ).	See response above to REP3-001-03.
REP3-001-11	<b>Paragraph 26.</b> We welcome the approach taken to conduct an In Principle Monitoring Plan. However, there is no guidance on what will process will be followed if the monitoring highlights a significant change in fisheries behaviour in response to the Morecambe wind farm site. This would need developing and including in the final FLCP.	The Applicant notes this response and this would be developed within the final FLCP.
REP3-001-12	<u>Further comment</u> There is growing concern on the reliability of the modelling used by offshore developers regards cable burial and the chance of cable exposure over the lifetime of the project. It has been demonstrated at several operational wind farms that the target burial depth during construction has not been of sufficient depth resulting in remediation. There have been sites with extensive areas of cables exposed within an array that has resulted in a monitor only approach as opposed to remediation or mitigation measures. We would expect to see a commitment from the developer to remediate any cable exposures as soon as	This would be covered in the details of the cable specification, installation and monitoring that must be submitted within the Construction Method Statement, as required in the deemed Marine Licence (DML) (Condition 9(1)(d)(i)). An Outline has been provided at Deadline 4 (Document Reference 9.49).

ID	Comment	Applicant response (if required)
	possible, if this is not the case the risk to fisheries stakeholders completely negates the return to fish mitigation during the operational phase.	

### 3 References

Benhemma-Le Gall, Aude, et al. "Broad-Scale Responses of Harbor Porpoises to Pile-Driving and Vessel Activities during Offshore Windfarm Construction." *Frontiers in Marine Science*, vol. 8, 2 July 2021, <https://doi.org/10.3389/fmars.2021.664724>. Accessed 5 Aug. 2021.

JNCC, Natural England and Cefas (2025). JNCC, Natural England and Cefas position on the use of quieter piling methods and noise abatement systems when installing offshore wind turbine foundations. Available at: <https://hub.jncc.gov.uk/assets/e1d38ce8-9bc6-4fb5-b867-f7f595caa25a>. Accessed 3rd February 2025.

Marine Management Organisation (2021). Identification of strategic areas of sustainable aquaculture production in English waters: Final Report. (MMO1184). Available at: <https://www.gov.uk/government/publications/identification-of-areas-of-aquaculture-potential-in-english-waters-mmo1184> (Accessed: 1 February 2025).

UK Government and Defra (2025). Policy paper - Reducing marine noise. Published 21 January 2025. Available at: <https://www.gov.uk/government/publications/reducing-marine-noise/reducing-marine-noise>. Accessed 3rd February 2025.

UK Government, Defra, MMO, JNCC, NE, OPRED, DAERA, Nature Scot, Marine Scotland, NRW, BEIS and DESNZ (2025). Policy Paper. Marine Environment: Unexploded Ordnance Clearance Joint Position Statement. Available at: UK Government. (Accessed February 2025).