

Morecambe Offshore Windfarm: Generation Assets Examination Documents

Volume 9

The Applicant's Comments to Interested Parties Responses to ExQ1

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Glossary of Acronyms

AMC	Alternative Means of Compliance
BEM	Biodiversity, Ecology and Marine Processes
CAA	Civil Aviation Authority
CAR	Civil and Military Aviation and Radar
CF	Commercial Fisheries
CO2	Carbon dioxide
DCO	Development Consent Order
DF	Direction Finding
DIO	Defence Infrastructure Organisation
EIA	Environment Impact Assessment
EPS	European Protected Species
ExQ1	Examining Authorities First Written Questions
FLCP	Fisheries Liaison Co-existence Plan
HRA	Habitats Regulations Assessment
IFP	Instrument Flight Procedure
IMC	Instrument Meteorological Conditions
INNS	Invasive Non Native Species
IoM	Isle of Man
IOM CAA	Isle of Man Civil Aviation Administration
IOM TSC	Isle of Man Territorial Seas Committee
IPMP	In Principle Monitoring Plan
JNCC	Joint Nature Conservation Committee
MMO	Marine Management Organisation
MNR	Marine Nature Reserve
MNZ	Morecambe Net Zero
NFFO	National Federation of Fishermen's Organisation
NISA	North Irish Sea Array
NPS	National Policy Statement
NSTA	North Sea Transition authority
OEI	One Engine Inoperative
OGA	Oil and Gas Authority
PEMP	Project Environmental Management Plan
PSR	Primary Surveillance Radar
PTS	Permanent Threshold Shift

RR	Relevant Representation
SETR	Socio-economics, Tourism and Recreation
SoCG	Statement of Common Ground
TCE	The Crown Estate
TDP	Take-Off Decision Point
TTS	Temporary Threshold Shift
UHF	Ultra High Frequency
UK	United Kingdom
UWSMS	Underwater Sound Management Strategy
UXO	Unexploded ordnance
VHF	Very High Frequency
VTMP	Vessel Traffic Management Plan
WFA	Welsh Fishermen's Association

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.
Expert Topic Group (ETG)	A forum for targeted engagement with regulators and interested stakeholders through the EPP.



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1 Introduction

1. This document presents the Applicant's comments on responses to Examiners Questions (ExQ1) by Interested Parties at Deadline 3. These include the following:
 - Civil Aviation Authority (CAA) (REP3-075): **Table 2.1**
 - The Crown Estate (TCE) (REP3-076 – REP3-079): **Table 2.2**
 - Defence Infrastructure Organisation (REP3-080): **Table 2.3**
 - Historic England (REP3-081): **Table 2.4**
 - Joint Nature Conservation Committee (JNCC) (REP3-082 & REP3-083): **Table 2.5** and **Table 2.6**
 - Maritime and Coastguard Agency (REP3-084): **Table 2.7**
 - Marine Management Organisation (REP-085): **Table 2.8**
 - Natural England (REP3-092): **Table 2.9**
 - Natural Resources Wales (REP3-095): **Table 2.10**
 - BAE Systems (Marine) Ltd and BAE Systems (Operations) Ltd (REP3-096): **Table 2.11**
 - Blackpool Airport (REP3-097): **Table 2.12**
 - Corporation of Trinity House of Deptford Strond (REP3-099): **Table 2.13**
 - Eversheds Sutherland on behalf of Spirit Energy (REP3-103): **Table 2.14**
 - Harbour Energy (REP3-105): **Table 2.15**
 - Isle of Man (IoM) Territorial Seas Committee (REP3-106): **Table 2.16**
 - Morgan Offshore Wind and Mona Offshore Wind Ltd (REP3-107): **Table 2.17**
 - Orsted IPs (REP3-109): **Table 2.18**
 - Royal Society for the Protection of Birds (REP3-113): **Table 2.19**
 - Stena Line (REP3-116): **Table 2.20**
2. 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 Responses to ExQ1s

2.1 Civil Aviation Authority (REP3-075)

Table 2.1 Applicant's comments on Civil Aviation Authority Responses to ExQ1 (REP3-097)

ExQ1 Ref.	Question to	Question	CAA Response	Applicant response (if required)
1CAR5	CAA	<p>New Civil Aviation Authority Regulations</p> <p>Paragraph 6 of Appendix 17.1 [APP-081] notes that there are proposed changes in Civil Aviation Authority (CAA) Regulations which could mean day Visual Meteorological Conditions (VMC) only access is permitted to an offshore installation (helideck) located within 3nm of a wind turbine. In their WR paragraph 2.21, [REP1-116] Spirit Energy states that it understands the 3nm restriction will be secured by a regulatory change in 2025; however in its response at D2 (paragraph 49 of [REP2-030] the Applicant states that the latest consultation on changes to CPA764 did not incorporate such a change and so it is unclear whether the regulatory change could be</p>	<p>CAA Rule Making Task 0187 - General update of the Air Operations Regulations (UK Regulation No 965/2012) related to Specific Approval SPA.HOFO includes the following item (text copied from the corresponding Aviation Legislation & Policy Mandate):</p> <p><i>Add Acceptable Means of Compliance (AMC) and Guidance Material (GM) material to cover operations to and in the vicinity of windfarms - There were no significant wind farm operations at the time SPA.HOFO was produced and, consequently, no specific material was included. Since then, the offshore wind industry has grown significantly and with it the associated helicopter support operations. Due to their proximity to offshore oil and gas installations, wind farms are also impacting oil and gas support operations despite the guidance published in CAP 764 CAA Policy and Guidelines on Wind Turbines. The current offshore operating limits are inappropriate for operations to and in the vicinity of windfarms, hence it is proposed that new, objectively based acceptable means of compliance (AMC) and</i></p>	<p>The Applicant notes the response, and welcomes the commitment to undertake public consultation on any new AMC and/or GM material.</p>

ExQ1 Ref.	Question to	Question	CAA Response	Applicant response (if required)
		<p>secured by 2025 as suggested.</p> <p>Furthermore, in its response at D2 (Section 3 of [REP2-033]) the Applicant raises concerns that the new CAA Regulations might seek to impose different separation distances for WTGs owned by a gas installation operator and that of a third party. In cases where the WTG is owned by a gas operator it is suggested the separation distance could be reduced from 3nm to 2nm.</p> <p>a) Can the CAA provide an update on the progress of the new CAA Regulations and likely timeframe for these coming into force?</p> <p>b) Can the CAA please confirm whether the new CAA Regulations being proposed will include exceptions such as those suggested by the Applicant?</p> <p>c) If safety is the determining factor for the proposed new CAA Regulations, what is the justification/ rationale for allowing exemptions for WTGs owned by an oil and gas</p>	<p><i>guidance material (GM) be produced and included. It is also proposed that CAP 764 be referenced in the AMC or GM (subject to OGC approval).</i></p> <p>The target for RMT 0187 is the November 2025 SI. Items involving IR changes are presently being prioritised, hence work has yet to start on the above item. However, some early discussions have taken place in relation to oil & gas support operations in the vicinity of wind farms/wind turbines, but no conclusions have been reached. Thus far, there have been no proposals to apply different separation standards for wind turbines associated with oil & gas installations vs other wind turbines. Any new AMC and/or GM material will be subject to public consultation.</p>	

ExQ1 Ref.	Question to	Question	CAA Response	Applicant response (if required)
		operator as opposed to those owned by a third party? Please can the CAA explain?		
1CAR15	The Applicant NATS CAA Isle of Man Ronaldsway Airport IoM TSC	<p>Isle of Man Airport - Ronaldsway Airport Primary Surveillance Radar (PSR)</p> <p>Paragraph 16.157 of ES Chapter 16 [REP1-036] indicates that Ronaldsway Airport has concerns about the number of offshore wind projects proposed in the Irish Sea and that there may be a technical impact with the processing capacity of the PSR. Paragraph 16.219 states that engagement is continuing to further understand any potential radar issues and mitigate these concerns.</p> <p>NATS have not commented on impacts to the Isle of Man Ronaldsway Airport in its RR [RR-060] and Ronaldsway Airport did not register a RR and so are not an IP. However, the RR from the IoM TSC [RR-031] does request continued engagement in relation to potential impacts on air travel and any mitigation and this is referenced within</p>	<p>a) The following extracts are taken from the Memorandum of Cooperation between the Isle of Man Civil Aviation Administration and CAA International Ltd.</p> <p><i>The Isle of Man is a self-governing British Crown Dependency separate from the United Kingdom (UK). The Isle of Man recognises that the UK ratification of the Chicago Convention 1944 extends to all of the Crown Dependencies and that the UK as a contracting state has an international obligation to ensure that the provisions of the Convention and the Standards and Recommended Practices are implemented in the Isle of Man. These obligations are detailed in a Memorandum of Understanding between the Department for Transport and the Isle of Man Government's Department for Enterprise (DfE).</i></p> <p><i>The Isle of Man Civil Aviation Administration (IOM CAA), headed by the Isle of Man Director of Civil Aviation (DCA), is a division of the DfT responsible for regulating aviation in the Isle of Man.</i></p> <p><i>Isle of Man Airport (IOMA) is licensed by the IOM CAA under article 129 of the Air</i></p>	The Applicant notes this response.

ExQ1 Ref.	Question to	Question	CAA Response	Applicant response (if required)
		<p>the draft SoCG with the IoM TSC submitted at Deadline 1 (item TSC 22 in REP1-066)).</p> <p><u>To All Parties:</u></p> <p>a) Please explain if and how the Isle of Man (IoM) Ronaldsway Airport regulations on air traffic safety relate to relevant UK regulations and guidance?</p> <p><u>To IoM TSC:</u></p> <p>b) Noting paragraph 14 of the draft SoCG submitted at D1 [REP1-066]), can the IoM TSC confirm it is representing the views of the airport at this Examination and, if so, can the SoCG be amended to make this clear; and does it wish to make any further submissions in relation to the assessment or mitigation of potential interference with the airports PSR?</p> <p><u>To the Applicant</u></p> <p>c) Can the Applicant provide an update on discussions with</p>	<p><i>Navigation (Isle of Man) Order 2015. IOMA also holds an Air Traffic Control approval under article 100 and ATS equipment under articles 124 and 125 of that Order. The UK Civil Aviation Authority (UK CAA) has no legal accountability for the oversight of IOMA.</i></p> <p><i>The IOM CAA does not issue personnel licences but, in accordance with ICAO requirements, validates ATCO and student ATCO licenses and medical certificates that are issued by other ICAO Contracting States. UK issued air traffic control officer (ATCO) and student ATCO licences and associated medical certificates are automatically rendered as being validated.</i></p> <p><i>ATCOs and student ATCOs at IOMA hold and exercise the privileges of UK CAA issued licences. The UK CAA has accountabilities as the competent authority for these licences and the holders have their own obligations to comply with relevant UK licensing requirements.</i></p> <p><i>The IOM CAA is responsible for the establishment and management of the IoM's safety oversight system.</i></p>	

ExQ1 Ref.	Question to	Question	CAA Response	Applicant response (if required)
		the airport about potential concerns on radar processing capacity given the number of offshore projects and in particular whether any mitigation to address this has been agreed? If so, how is this to be secured?	<i>The IoM CAA utilises CAAi (a wholly owned subsidiary of the UK CAA) to support its delivery of safety oversight of IOMA.</i>	

2.2 The Crown Estate (REP3-077 – REP3-079)

3. REP3-076 has not been replicated below as it is a copy of The Crown Estate's Round 4 plan-level Habitats Regulations Assessment (HRA) (**Table 2.2**).

Table 2.2 The Applicant's comments on The Crown Estates Responses to ExQ1 (REP3-077 - REP3-079)

ExQ1 Ref.	Question to	Question	The Crown Estate Response	Applicant response (if required)
1GEN2	The Crown Estate	<p>Agreement for Lease</p> <p>At D1 the Applicant set out a note on the judgement of the High Court in the case of R (Parkes) v Secretary of State for the Home Department [2024] EWHC 1253 (Admin) [REP1-088]. This set out its view that the Application site did not represent 'land' or 'Crown land'. It also noted the Agreement for Lease between The Crown Estate and the Applicant and that, in the light of previous DCO decisions, the Applicant considers that no book of reference is required. The Crown Estate is asked: a) does it have any views on the opinions set out the Note [REP1-088], that is, does it agree with the analysis or have any different view? b) subject to the grant of the DCO and any terms therein</p>	<p>The Commissioners agree with the Applicants' overall conclusions that there is no 'land' forming part of the Crown Estate which is subject to the Orders. There is no onshore Crown land forming part of the Crown Estate included in the limits of the Orders and the seabed that is included in the limits of the Orders is not 'land' for the purpose of section 235 of the Planning Act 2008. Because of this, there is no need for a book of reference including Crown land or any provisions in the Draft DCO authorising the acquisition of third party interests in Crown land.</p> <p>Instead, the necessary rights and interests in the offshore Crown land that the Applicants require for the undertaking of the Proposed Developments are dealt with in the Agreements for Lease granted by the Commissioners.</p> <p>This being said, the Draft DCOs nevertheless contain "Crown rights" wording of Article 10. The Commissioners are satisfied with this wording.</p>	The Applicant notes this response.

ExQ1 Ref.	Question to	Question	The Crown Estate Response	Applicant response (if required)
		and any other necessary and separate consents, does The Crown Estate believe that it would be able to grant the necessary rights for the undertaking of the Proposed Development?	I trust that the Commissioners will be kept informed as to progress regarding the Orders at the Examinations progress.	
1HRA2	The Crown Estate The Applicant NE NRW	<p>Habitats Regulations Assessment from Round 4 Leasing</p> <p><u>To The Crown Estate</u></p> <p>a) Could The Crown Estate please provide a copy of The Crown Estate Round 4 plan-level HRA.</p> <p><u>To the Applicant</u></p> <p>b) With reference to paragraph 2.8.71 of NPS EN-3, could the Applicant set out the relevant mitigation measures identified in the Round 4 plan-level HRA and signpost to where these have been addressed in the Applicant's submission.</p> <p>c) Does the Applicant consider that any representations are seeking to revisit matters dealt with in the Round 4 HRA where a conclusion has been reached without further</p>	<p>In response to this question The Crown Estate is happy to share the attached copy of the Round 4 Plan-Level HRA.</p> <p>This is also publicly available on our website here along with other relevant documentation https://www.thecrownestate.co.uk/our-business/marine/round-4-document-library</p>	The Applicant notes this response.

ExQ1 Ref.	Question to	Question	The Crown Estate Response	Applicant response (if required)
		<p>evidence to indicate that the earlier conclusion was incorrect or that matters have subsequently changed?</p> <p><u>To NE and NRW</u></p> <p>d) Should either NE or NRW consider they are seeking to revisit matters, could NE and NRW please set out why they hold that any conclusion in the HRA for the Round 4 Irish Sea Projects is incorrect or matters have subsequently changed? If this is the case, could NE and NRW please explain their reasoning.</p>		
10016	The Crown Estate	<p>Crown Estate Round 4 Separation Criteria</p> <p>Paragraph 4.10 of the ES Chapter 4 [APP-041] suggests that when refining potential sites for Round 4 offshore wind projects, areas were excluded due to a number of hard constraints including maintaining a separation from operational windfarms of 7.5km.</p> <p>Can The Crown Estate advise upon what basis/ reason the</p>	<p>We reiterate our clarification on the separation distance below, previously provided in response to similar questions asked in other recent/ongoing Examinations.</p> <ul style="list-style-type: none"> ▪ The buffer/stand-off between wind farms (unless developers consent to closer proximity) is a separation distance to enable developers to develop, operate and maintain wind farms by allowing for a range of factors including amongst other matters, wake effects, navigation, and safety. ▪ The 2019 Information Memorandum ahead of Offshore Wind Leasing Round 4 	The Applicant notes this response.

ExQ1 Ref.	Question to	Question	The Crown Estate Response	Applicant response (if required)
		7.5km separation distance is used when identifying potential sites? For example, does this distance consider potential for wake effects/ reductions in energy output to other offshore wind farms or is this based upon some other consideration? Can The Crown Estate please comment and explain.	<p>set out the requirement that “Projects may not be located within 7.5 km of an existing offshore wind farm (meaning a wind farm at any stage of development which has been awarded an agreement for lease or lease from The Crown Estate) unless the owner of the existing offshore wind farm has given its written consent”.</p> <ul style="list-style-type: none"> ▪ This 7.5km was used for the purpose of processing project proposals in the tender only, being higher than the 5km buffers that are specified within the seabed lease agreements (introduced in Round 3); this was for the purpose of de-risking the Round 4 tender by providing additional mitigation and assurance to participants through limiting proximity. ▪ The Crown Estate acknowledges that inter-farm wake effects can extend beyond these buffer distances. TCE also notes that the spatial and temporal variability of wind speed means that it is complex to accurately predict the wake impact on nearby wind farms, which may depend upon factors beyond distance – e.g. prevailing wind direction and wind farm layout. ▪ The location of a wind farm within an area of seabed leased from The Crown Estate is for developers to decide and design for, subject to obtaining the 	

ExQ1 Ref.	Question to	Question	The Crown Estate Response	Applicant response (if required)
			necessary consents and The Crown Estate's approval.	

2.3 Defence Infrastructure Organisation (REP3-080)

Table 2.3 The Applicant's comments on DIOs Responses to ExQ1 (REP3-080)

ExQ1 Ref.	Question to	Question	DIO Response	Applicant response (if required)
1CAR8	The Applicant BAE Systems (Operations) Ltd BAE Systems Marine Ltd Blackpool Airport DIO NATS	<p>Mitigation</p> <p>Paragraph 16.161 of ES Chapter 16 [REP1-036] sets out that CAP764 Policy and Guidelines on Wind Turbines (published by CAA) Outlines other mitigation options that could be used either singly or in combination.</p> <p><u>To the Applicant:</u></p> <p>a) Could the Applicant please set out what mitigation options it considers would be most suitable to ensure that the adverse effects of the Proposed Development caused by permanent interference with civil and military PSRs are fully mitigated? Other parties:</p> <p>b) Do relevant IPs have any views on whether the identified adverse effects can be fully mitigated?</p>	<p>The MOD objection relates to the proposed turbines causing an unacceptable impact on the operation and capability of the PSR sited at BAE Warton. For the MOD objection to be removed, it is expected that the applicant will submit a technical mitigation proposal. Should the proposal be deemed technically and operationally acceptable to the MOD, and BAE Systems (Operations) Ltd, then the objection can be removed subject to the imposition of a radar mitigation suspensive planning condition on the consent. To date, the MOD is yet to receive a mitigation proposal to assess, and a proven mitigation is yet to be identified for the PSR. As no mitigation has been submitted, the MOD must maintain its objection. The MOD will provide any updates as soon as is possible.</p>	<p>The Applicant has now provided a proposed radar mitigation solution to the DIO and BAE Systems (Operations) Ltd on the 31 January 2025. Technical and operational assessments of the mitigation solution are now underway. A meeting is proposed for the 5 March 2025 to discuss the proposed radar mitigation with the DIO and BAE Systems (Operations) Ltd further.</p> <p>PSR mitigation is currently secured in Schedule 2 of the draft DCO; however, alternative wording has been provided by the DIO/MOD which is still being finalised with the MOD and BAE Systems (Operations) Ltd. The Applicant is mindful that the next deadline for the draft DCO (Deadline 6) will not give IPs or the ExA a meaningful opportunity to review the alternative wording. Accordingly, the Applicant proposes to submit revised wording by Deadline 5.</p>

ExQ1 Ref.	Question to	Question	DIO Response	Applicant response (if required)
1CAR10	The Applicant BAE Systems (Operations) Ltd DIO	<p>Warton Aerodrome – Radar mitigation</p> <p>In the Ørsted IPs WR [REP1-112] they have advised mitigation for the Warton PSR is currently being implemented and that they require assurances that the Project will not impact on the effectiveness or cost of this already agreed radar solution. For this Project we note that discussions between the Applicant and DIO/ BAE Systems have commenced to identify potential mitigation solutions to Warton’s PSR and at D2 a new Requirement relating to this has been added to the dDCO [REP2- 002].</p> <p>To BAE Systems/ DIO: a) Can BAE Systems/ DIO confirm what radar mitigation solution has been agreed/ secured in relation to the Burbo Bank Extension and Walney Extension OWFs and whether this is now active or when it is due to become active? If the</p>	<p>a) The Burbo Bank and Walney Extension Projects have BAE Warton PSR radar mitigation conditions applied to their consents. Unfortunately, we are unable to comment on the specific mitigation that is currently being implemented to mitigate the Burbo Bank and Walney Extension Projects.</p> <p>b) The applicant has engaged DIO and BAE Systems (Operations) Ltd to discuss potential mitigation. As mentioned before, a proven mitigation is yet to be identified for the PSR. The MOD will write to PINS with an update once one is available regarding progress on mitigation discussions. For the MOD to remove an objection, an applicant is required to submit a technically and operationally acceptable mitigation proposal to the MOD. It is an applicant’s responsibility to provide mitigation. It is only at this point, once a mitigation proposal has been submitted and accepted, that the MOD would replace its objection with a radar mitigation planning condition. To date, a mitigation proposal is yet to be submitted to the MOD or BAE Systems (Operations) Ltd. Unless and until a technical mitigation is submitted and accepted by the MOD, the MOD will maintain its objection to this development.</p>	<p>a) The Applicant notes this response.</p> <p>b) to e) The Applicant has now provided a proposed radar mitigation solution to the DIO and BAE Systems (Operations) Ltd on the 31 January 2025. Technical and operational assessments of the mitigation solution are now underway. A meeting is proposed with the DIO and BAE Systems (Operations) Ltd on the 5 March 2025 to discuss whether the proposed radar mitigation is deemed acceptable.</p> <p>PSR mitigation is currently secured in Schedule 2 of the draft DCO; however, alternative wording has been provided by the DIO/MOD which is still being finalised with the MOD and BAE Systems (Operations) Ltd. The Applicant is mindful that the next deadline for the draft DCO (Deadline 6) will not give IPs or the ExA a meaningful opportunity to review the alternative wording. Accordingly, the Applicant</p>

ExQ1 Ref.	Question to	Question	DIO Response	Applicant response (if required)
		<p>mitigation has not been implemented, how have impacts on the radar system been managed in the intervening period?</p> <p>b) What potential mitigation solution(s) are being discussed with the Applicant for the Proposed Development and are BAE Systems/ DIO content that any such mitigation is realistically achievable?</p> <p>c) Having regard to the answers to (c) above, is the mitigation being discussed in relation to this Project distinct and separate from that already agreed/ secured and as such are the solutions and costs associated with each of these independent of one another?</p> <p>d) Having regard to Schedule 2, Req 8 of the latest version of the dDCO [REP2-002], are BAE Systems/ DIO in agreement with the drafting? If amendments are sought, please provide alternative drafting.</p>	<p>c) As above, the MOD or BAE Systems (Operations) Ltd are yet to receive a technical mitigation proposal to consider.</p> <p>d) The applicant has included a Requirement (8) within their draft DCO to address the BAE Warton PSR concerns. As no mitigation proposal has been submitted, the MOD is unable to move from the position of objecting and agree the wording of a Requirement covering radar mitigation. The MOD objection must remain in place unless and until an acceptable technical mitigation proposal is submitted. Should this happen, the MOD will then write to PINS to update the MOD's position to the application and will confirm the wording of the required radar mitigation Requirement at this stage.</p> <p>e) The MOD cannot advise on timescales at this stage.</p>	<p>proposes to submit revised wording by Deadline 5.</p>

ExQ1 Ref.	Question to	Question	DIO Response	Applicant response (if required)
		<u>To all parties:</u> e) Can all parties provide an update as to any progress made towards agreement on the proposed mitigation identified and likely timeframe for this mitigation solution to be secured/ implemented?		
1CAR13	The Applicant Blackpool Airport BAE Systems (Operations) Ltd BAE Systems Marine Ltd DIO NATS	Instrument Flight Procedures (IFPs) IFPs for Warton, Walney, Lowther and Blackpool Airport would require revision. In the Applicant's response to Blackpool Airport's Relevant Representation ([PD1-011], RR-013-02) it is stated IFP mitigation is predicated on revisions to Blackpool Airports IFPs following the CAA five-year audit review. This review is stated to be ongoing and due for completion by November 2024. If necessary, the IFP assessment may need to be reassessed. <u>To the Applicant:</u> a) Can the Applicant clarify and explain whether the CAA five year audit applies to all	The MOD does not safeguard BAE Warton's IFP's. Please refer to the separate representation submitted by DLP Group Services on behalf of BAE Systems (Operations) Ltd.	The Applicant notes this response.

ExQ1 Ref.	Question to	Question	DIO Response	Applicant response (if required)
		<p>airports/ aerodromes or just Blackpool Airport?</p> <p>b) Can the Applicant please advise if this audit has been completed, summarise its findings (if known) and advise whether an update to the IFP assessment submitted as part of the application is required? If an update is required, please can the Applicant set out a likely timeframe for submission of such an assessment?</p> <p>c) Can the Applicant explain who would be responsible for making the changes to IFPs and the likely timeframe for completion? Would the timeframes differ for each airport or would these be the same?</p> <p><u>All Parties:</u></p> <p>d) Is there any reason or identifiable impediment why the required changes to the IFPs would not be agreed/achieved?</p> <p>e) Having regard to Schedule 2, Requirements 5, 6 and 7 of</p>		

ExQ1 Ref.	Question to	Question	DIO Response	Applicant response (if required)
		the latest version of the dDCO [REP2-002], do parties agree with the drafting or are any amendments sought? If amendments are sought, please can all parties explain and provide any alternative drafting by Deadline 3?		
1CAR14	DIO	<p>Military Low Flying Area and aviation lighting</p> <p>Paragraph 5.5.5 of NPS EN-1 states that lighting may need to be compatible with night vision devices for military low flying purposes and in its RR [RR-021] the DIO refers to the Proposed Development lying within Low Flying Area 17 (LFA17).</p> <p>Please can the DIO:</p> <p>a) provide a plan showing the extent of the area covered by LFA17?</p> <p>b) advise whether low flying operations are restricted to daytime hours only or whether these can also be carried out during the night?</p> <p>c) having regard to Schedule 2, Requirement 3 of the latest</p>	<p>a) The UK Low Flying System comprises Class G Airspace extending vertically from the surface to 2000 feet AGL/AMSL and laterally to the UK/Republic of Ireland border and the UK Flight Information Region (FIR) boundaries. A plan showing the extent of Low Flying Area 17 (LFA 17), including the layout of low flying areas across the United Kingdom (UK) and its territorial waters, can be found at 10.2 Figure 3 Map of Day Low Flying Areas by following the below link: The pattern of military low flying across the UK: 2021/2022 - GOV.UK</p> <p>b) The low flying system is available 24 hours a day, however, to minimise potential disturbance to the public, the low flying system is routinely closed at weekends (23:00 Friday – 07:00 Monday) and on public holidays. Additional restrictions are also imposed on weekday evenings (Monday – Thursday 23:00 – 07:00).</p> <p>c) The applicant has acknowledged that the development has the potential to impact military aviation safety due to the heights of</p>	<p>a) and b) The Applicant notes this response.</p> <p>c) The Applicant notes that the DIO proposed alternative wording within Annex A of their D3 submission for (i) the aviation lighting and (ii) an aviation charting and safety management requirement. The Deadline 3 submission states that “The MOD is generally content with the wording of Requirement 3, however, the MOD feels that the Requirement wording provided at Annex 1 would be more suitable”.</p> <p>The Applicant has submitted alternative wording of the lighting and charting conditions to the DIO on the 12 February 2025. This has now been approved and is included within the draft</p>

ExQ1 Ref.	Question to	Question	DIO Response	Applicant response (if required)
		version of the dDCO [REP2-002], confirm if it is agreement with the drafting or whether any amendments are needed. If amendments are sought, please can the DIO explain and provide any alternative drafting.	the wind turbines causing a physical obstruction to the airspace within which military low flying takes place. A Requirement to address this harm has been included at Schedule 2 of the draft DCO. The MOD is generally content with the wording of Requirement 3, however, the MOD feels that the Requirement wording provided at Annex 1 would be more suitable.	DCO_Rev 4 Clean (Document Reference 3.1) submitted at Deadline 4.
1SN12	The Applicant MoD/ DIO BAE Systems Marine Ltd	<p>Submarine Nautical Paths</p> <p>BAE Systems Marine Ltd [RR-007] has commented that there appears to have been no consideration regarding potential impacts on submarine nautical paths. Submarines are part of national defence and national security and so BAE requires further and more in-depth consultation with the Royal Navy/ MoD on the matter of submarine nautical paths. In its response [PD1-011] the Applicant indicates that previously no concerns had been raised, by the MoD and ABP.</p> <p>Could all parties please set out their latest understanding of the situation.</p>	<p>No concerns relating to submarine nautical paths have been raised by the MOD in its representations so far. Following receipt of this question, the Navy have been contacted to confirm that this is the case given the comments from BAE Systems Marine Ltd. It has been confirmed that the proposed development will not affect submarine nautical paths, and the MOD therefore has no concern relating to this matter.</p> <p>I trust this is clear however should you have any questions please do not hesitate to contact me.</p> <p>Yours sincerely, [redacted]</p>	The Applicant notes this response.

ExQ1 Ref.	Question to	Question	DIO Response	Applicant response (if required)
Annex A				
Comment			Applicant response	
<p>Aviation Lighting</p> <p>Prior to commencing construction, installation, or deployment of any permanent, or temporal structure(s) with a height of 50 metres or greater (above mean sea level), the undertaker must submit an aviation lighting scheme for the approval of the Secretary of State in conjunction with both the Civil Aviation Authority and the Ministry of Defence. The aviation lighting scheme shall define how the development will be lit throughout its life to maintain civil and military aviation safety requirements as required under the Air Navigation Order 2016 and, or, determined necessary for aviation safety by the Ministry of Defence and, or, as directed by the Civil Aviation Authority.</p> <p>The aviation lighting scheme shall include, but not be limited to:</p> <ul style="list-style-type: none"> a. Details of any construction equipment and temporal structures with a height of 50m or greater (above mean sea level) that will be used during the construction, installation or deployment of the development, and details of any aviation warning lighting that they will be fitted with, specifying the position of the lights; the type(s) of lights that will be fitted; and the performance specification(s) of those lights; b. Details of any floating structures with a height of 50m or greater (above mean sea level) specifying the position of any lights; the type(s) of lights that will be fitted; and the performance specification(s) of those lights for all stages of marine transit or storage, or whilst moored prior to final installation; c. Details of any permanent structures with a height of 50m or greater (above mean sea level), providing their locations and heights, and identifying those that will be fitted with aviation warning lighting, 			<p>The Applicant has submitted alternative wording to the DIO for review and approval on the 12 February 2025. This has now been approved and is included within the draft DCO_Rev 4 Clean (Document Reference 3.1) submitted at Deadline 4.</p>	

ExQ1 Ref.	Question to Question	DIO Response	Applicant response (if required)
	<p>specifying the position of the lights; the type(s) of lights that will be fitted; and the performance specification(s) of those lights.</p> <p>d. The undertaker must exhibit such lights as detailed in the approved aviation lighting scheme. Where fitted to permanent structures, the approved lighting installed will remain operational for the lifetime of the development.</p>		
	<p>Aviation Charting and Safety Management</p> <p>The undertaker must notify the Ministry of Defence, at least 14 days prior to the commencement of the works, in writing of the following information:</p> <p>a. the date of the commencement of the construction, installation, or deployment of any permanent structures with a height of 50m or greater (above mean sea level);</p> <p>b. the latitude and longitude, and maximum height of any construction equipment with a height of 50m or greater (above mean sea level) that will be used in the implementation of the approved development;</p> <p>c. the latitude and longitude, and maximum heights of any permanent structures with a height of 50m or greater (above mean sea level).</p> <p>On completion of the development, the Ministry of Defence must be notified of any changes to the information supplied in accordance with these requirements.</p>	<p>The Applicant has submitted alternative wording to the DIO for review and approval on the 12 February 2025. This has now been approved and is included within the draft DCO_Rev 4 Clean (Document Reference 3.1) submitted at Deadline 4.</p>	

2.4 Historic England (REP3-081)

Table 2.4 Applicant's comments on Historic England's response to ExQ1

ExQ1 Ref.	Question to	Question	HE Response	Applicant response (if required)
1CH4	Affected local authorities HE	<p>Identification of heritage assets</p> <p>In making their assessment the Applicant has only rarely referred to non-designated heritage assets. This question relates to both designated and non-designated heritage assets.</p> <p>Do IPs agree with the Applicant's assessment as to which heritage assets should be scoped out of assessment? If not, could they identify the asset including its heritage significance, and explain why the significance of the asset would be affected by the Proposed Development.</p>	<p>We agree with the assessment conducted by the Applicant. We consider adequate and sufficient information has been presented in the Environmental Statement regarding heritage assets (i.e. maritime and aviation archaeology within Examination Document APP-052). We also acknowledge the work completed to corroborate desk-based sources of information with geophysical survey data acquired for this proposed project. We therefore consider that sufficient attention has been given to determining risk of encountering known or presently unknown heritage assets.</p>	<p>The Applicant welcomes this response.</p>
1CH6	The Applicant Affected local authorities HE	<p>Settings of heritage assets</p> <p>In paragraph 15.216 of ES Chapter 15 [REP1-034], the Applicant indicates that construction effects on coastal (terrestrial) heritage assets "are not anticipated to give rise to material harm". It then goes on to indicate "changes are anticipated to be negligible adverse significance".</p>	<p>We consider this to be a question focused on assessment and the detail included within Tables 15.25 and 15.33 that should be answered by the Applicant. However, we appreciate that you have also directed this question to Historic England, and we appreciate the attention given to "Impact 5: Impacts to the setting of</p>	<p>The Applicant defers to its response to 1CH6 in the Applicant's Response to ExA's Written Question 1 (REP3-068).</p>

ExQ1 Ref.	Question to	Question	HE Response	Applicant response (if required)
		<p>Could the Applicant please clarify whether it considers the Proposed Development, within the terms set out in NPS EN-1, would result in less than substantial harm to the settings and significance of the heritage assets or preserve the settings and significance of the heritage assets? Could this also be reconciled with Tables 15.25 and 15.33.</p> <p>Any reassessment should consider both the Proposed Development on its own and cumulatively with other identified plans and projects.</p>	<p>coastal (terrestrial) heritage assets". In consideration of the focus of our attention on nationally important designated heritage assets, we are satisfied by the heritage assets included within the assessment conducted by the Applicant. However, we appreciate that the relevant local historic environment advice service (i.e. the county archaeologist) might wish to offer advice regarding other elements of the historic environment such as Grade II Listed Buildings and/or other heritage assets that might be of local or regional importance.</p>	
1CH7	The Applicant Blackpool Council HE	<p>Settings of Blackpool Heritage Assets</p> <p>In Section 8.7 and 8.8 of ES Appendix 15.3 (Settings assessment) [APP-077] the Applicant asserts that the Proposed Development does not affect the settings of various heritage assets in Blackpool. Could the Applicant, and Interested Parties who wish, respond to the proposition that these assets only exist because of the proximity to the sea, and its open seascape. Consequently, any interruption to the existing seascape would affect their settings.</p>	<p>We are aware the Examination Document APP-077 includes consideration of a high number of designated assets on the coast. Given that our statutory remit is to deal with higher graded (designated) assets, e.g. Grade I and II*.</p> <p>Listed Buildings, we acknowledge that most of the highly grade heritage assets identified and assessed are a considerable distance away from the proposed Morecambe Windfarm Generation</p>	The Applicant welcomes this response.

ExQ1 Ref.	Question to	Question	HE Response	Applicant response (if required)
		If IPs agree with this proposition, could they set out their views as to the effect on the identified assets.	<p>assets array area. We also appreciate that there are already numerous wind turbine generators visible in the distance from locations such as Blackpool, Heysham and Cockersand. However, we do not see any reason to question the assessment carried out, or the conclusion set out in Document APP-077.</p> <p>In conclusion, it is our advice that the presence of this proposed development, while visible from designated heritage assets along the coastline, including identified heritage assets in the Blackpool area, will not detract from their archaeological, historic, and architectural interest. This is in full consideration of an adjacent marine area that contains several offshore windfarm developments. We do not consider there to be any change in the significance of the identified designated heritage assets as related to changes in their setting.</p>	

2.5 Joint Nature Conservation Committee (JNCC) (REP3-082 and REP3-083)

Table 2.5 Applicant's comments on JNCC response to ExQ1 (REP3-082)

ExQ1 Ref.	Question to	Question	JNCC Response	Applicant response
Marine mammal comments on the Report to Inform Appropriate Assessment (RIAA)				
1HRA1	JNCC	1HRA1: Habitats Regulations Assessment As the JNCC do not delegate authorisation to NE for sites in Wales, Scotland and Northern Ireland. JNCC are requested to provide comments on the Applicant's HRA [REP1-012] in respect of the UK National Site Network sites for which it is the statutory advisor.	Marine mammal comments on the Report to Inform Appropriate Assessment (RIAA) In line with JNCCs offshore remit, we defer to Natural Resources Wales Advisory (NRW (A)) regarding potential impacts to Special Areas of Conservation (SACs) designated for bottlenose dolphins and seals as these are all located within territorial waters. Our review has focussed on the North Anglesey Marine SAC designated for harbour porpoise, as this is the closest to the proposed development. This site is situated 49km from the proposed development and is located in Welsh territorial and offshore waters.	The Applicant notes this response.
			1.1 Report to inform appropriate assessment The applicant has concluded no likely significant effect on the North Anglesey Marine SAC for all impact pathways considered. Given the distance between the proposed project and the SAC, we do not anticipate an adverse effect on the integrity of this site from the proposed development; however, we have concerns	The Applicant notes this response. Further information is presented below.

ExQ1 Ref.	Question to	Question	JNCC Response	Applicant response
			regarding the information presented to support some of the conclusions as well as the mitigation provided.	
			<p>1.1.1 Injury from piling</p> <p>We have concerns that the draft marine mammal mitigation plan (dMMMP) would not sufficiently reduce the risk of injury from piling noise. Further consideration of the dMMMP is provided below.</p>	<p>The finalisation of the MMMP for piling and EPS licencing applications will be undertaken post-consent and consider the latest policy on noise reduction at that time. The Applicant is aware 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> <p>The Applicant notes that potential mitigation options, including NAS, are listed within the Draft MMMP (REP2-018) which would be finalised post-consent in line with the final design of the Project. The Applicant acknowledges if the Project proceeds at the maximum design envelope parameters in regard to the pile diameter, hammer energy and strike rate that implementation of NAS would be required to mitigate effectively. This has been made clear in an update to the dMMMP at Deadline 4.</p> <p>The Applicant has also provided an Outline Underwater Sound Management Strategy (UWSMS) (REP2-026) (as requested by NE in RR-061-215) at Deadline 2. This (in line with the updates to the dMMMP) has been updated at Deadline 4 to consider recently</p>

ExQ1 Ref.	Question to	Question	JNCC Response	Applicant response
				issued Government underwater noise guidance (UK Government and Defra (2025)) released on 21 January 2025. The Applicant has committed that, upon refinement of the design information and implementation of primary measures which will be defined in the UWSMS, any need for the implementation of NAS will be decided in consultation with the licencing authority. These agreed measures will be implemented through the Final MMMP.
			<p>1.1.2 Disturbance due to piling from the project alone</p> <p>We agree predicted areas within which disturbance could occur do not overlap with the designated site; however, insufficient information is provided to explain how some of the conclusions around population level effects have been reached.</p> <p>The RIAA indicates substantial numbers of animals could be disturbed (5.5% of the Celtic and Irish sea management unit) during piling of mono-piles but the interim Population Consequences of Disturbance (iPCoD) modelling concluded no significant impact to the population. The purpose of this RIAA is to support the regulator's appropriate assessment. Simply referring to sections of the</p>	<p>The Applicant noted in paragraph 3308 in the RIAA (APP-027) that the harbour porpoise density and reference population (i.e., the Celtic and Irish Sea Management Unit (CIS MU)) are the same for the ES and RIAA. This is because there is no North Anglesey SAC specific population estimate upon which assessments could be based. Thus, the assessments for harbour porpoise in both the ES and the RIAA would be identical and have therefore not been repeated. This was also to avoid repetition of extensive text and assessments. It is not considered repetition of information is required, however the Applicant has added a summary of the rationale to the RIAA, noting that reference to the ES and the full details are provided in the ES where assessments are the same.</p> <p>The Applicant would like to direct JNCC to Appendix 11.2 Marine Mammals Information and Survey data (APP-066), which provides</p>

ExQ1 Ref.	Question to	Question	JNCC Response	Applicant response
			<p>Environment Statement (ES) without some form of explanation is not sufficient. We advise that further information is required to support population-level conclusions for disturbance, including caveats and limitations when interpreting data.</p>	<p>all information regarding population modelling methodology, assumptions and limitations.</p> <p>Additionally, as a result of previous relevant representations from NRW and Natural England, further clarifications for iPCoD modelling and on disturbance assessments in the RIAA were presented in Section 2.1 of the Marine Mammal Technical Note 2 (HRA) (REP3-062).</p> <p>With regard to how the conclusions around population level effects have been reached, the Applicant refers JNCC to Section 2.3 in the Marine Mammal technical Note 2 (HRA) (REP3-062), in which the Applicant compares and contrasts the use of quantified disturbance methods versus the iPCoD results.</p> <p>The Chapter 11 Marine Mammals_Rev 03 Clean (Document Reference 5.1.11) and the RIAA_Rev 03 Clean (Document Reference 4.9) have also been updated and submitted at Deadline 4 to incorporate changes made following comments from the MMO, NE and NRW. These are presented in the technical notes submitted post-application (Marine Mammal Technical Note 1 (EIA); REP1-083; Marine Mammal Technical Note 2 (HRA) - Revision 02 REP3-062).</p>
			<p>1.1.3 In-combination assessment for piling</p>	<p>The Applicant refers JNCC to Section 2.3 in the Marine Mammal technical Note 2 (HRA)</p>

ExQ1 Ref.	Question to	Question	JNCC Response	Applicant response
			<p>We note the in-combination assessment for disturbance with other plans and projects has only presented the outputs of iPCoD modelling. As stated above, we advise that further information should be provided in the RIAA to explain how the conclusions presented were reached. This is particularly pertinent for this assessment as any uncertainty will be compounded by the number of projects being assessed.</p>	<p>(REP3-062), in which the Applicant compares and contrasts the use of quantified disturbance methods with the iPCoD results. Chapter 11 Marine Mammals_Rev 03 Clean (Document Reference 5.1.11) and the RIAA_Rev 03 Clean at Deadline 4 (Document Reference 4.9) have also been updated and submitted at Deadline 4 to incorporate changes made following comments from the MMO, NE and NRW. These are presented in the technical notes submitted post-application (Marine Mammal Technical Note 1 (EIA); REP1-083; Marine Mammal Technical Note 2 (HRA) Rev 02 REP3-062).</p>
			<p>1.1.4 In-combination assessment for non-piling construction activities</p> <p>We note inconsistencies in the information presented in this assessment. For example, Paragraph 3433 states 5.7% of the management unit population will be disturbed by non-piling noise, however, the table which summarises this assessment (Table 9.15) states 0.2%. This needs clarifying.</p>	<p>The Applicant notes the inconsistency. Table 9.15 in the RIAA (APP-027) omitted an additional row. The first row should read that the percentage of CIS MU is equal to 5.7%, so the statement in paragraph 3433 is correct. The second, omitted, row should read '<i>(without the Project)</i>' and is equal to 0.2%.</p> <p>Corrections to Table 9.15 have been made in an updated RIAA_Rev 03 Clean at Deadline 4 (Document Reference 4.9) with no change to assessment conclusions.</p>
			<p>1.1.5 In-combination assessment of industries and activities</p>	<p>While Table 9.16 identifies a 4.19% disturbance to the population, the table itself does not provide an overall conclusion that</p>

ExQ1 Ref.	Question to	Question	JNCC Response	Applicant response
			<p>Table 9.16 predicted 4.19% of the population will be disturbed by other industries e.g. aggregates, seismic, and UXO clearance. The table also provides an overall conclusion that <1% of the management unit will be disturbed. However, no explanation is provided to support the conclusion in this table. This needs to be provided.</p>	<p>states that <1% of the CIS MU will be disturbed. The activities listed in Table 9.16 are potential activities that could be taking place in the wider area but no actual marine licence applications for these activities had been lodged or approved at the time of assessment for the construction period of the Project and therefore an indicative assessment was completed for information.</p> <p>A conclusion of no LSE on harbour porpoise from the North Anglesey Marine SAC was derived based on the assessment in Table 9.17, and the preceding text in paragraph 3444 in the RIAA (APP-027) and based on piling at other OWFs being assessed using iPCoD, instead of a quantified estimate of disturbance. The assessment for the iPCoD modelling was undertaken including both potential PTS and disturbance effects from all projects with no secondary mitigation (such as noise abatement). This presents a conservative worse case approach as it is unlikely that all of the projects would be piling at the same time.</p> <p>The Applicant directs JNCC to Section 2.3.3 in the Marine Mammal technical Note 2 (HRA) (REP3-062), where clarifications have been provided relating to the potential disturbance from underwater noise impacts from all noisy activities (including vessels). This section included two tables (Table 2.18</p>

ExQ1 Ref.	Question to	Question	JNCC Response	Applicant response
				<p>and 2.19) that offer a quantified assessment of all noisy and indicative activities, similar to Table 9.17 in the RIAA (APP-027). The Applicant compared two scenarios: one where piling disturbance is based on iPCoD and another based on a quantitative estimate of disturbance. Both scenarios demonstrated the extent to which indicative activities could affect the reference populations, whether included or not.</p> <p>It is noted that that all windfarm projects will be required to have sufficient mitigation measures in place for potential impacts on marine mammals via their own MMMPs for piling and/or UXO clearance if required, and that these measures will be managed through individual plans. The Projects final UWSMS will manage the Project's contribution to cumulative underwater noise effects in the wider area.</p>
			<p>1.1.6 Summary conclusions of the in-combination assessment</p> <p>We note Paragraph 3474 refers to modelling undertaken for the southern North Sea (Booth <i>et al.</i>, 2017) in support of conclusions in this document. We highlight that the southern North Sea has a long history of anthropogenic activities at a scale greater than has occurred within the Irish Sea. Subsequently,</p>	<p>The Applicant welcomes this response. While JNCC is correct in advising caution when making direct comparisons, and differences between the Irish and North Sea, it is reasonable consideration. Text has been amended in the RIAA_Rev 03 Clean (Document Reference 4.9) at Deadline 4 light of these comments.</p>

ExQ1 Ref.	Question to	Question	JNCC Response	Applicant response
			reference to this source of information should be treated with caution as direct comparisons between the two regions of sea cannot be assumed.	
			<p>1.1.7 Decommissioning</p> <p>We appreciate the limited information available to developers at this stage of the project, however, we are disappointed by the level of assessment undertaken by the Applicant regarding the impacts of decommissioning. The RIAA states it is not possible to provide details of methods that could be used at the time for decommissioning, but we question why an assessment cannot be undertaken assuming current decommissioning methods would be used? We highlight the OEUK 'Designing for Decommissioning of Offshore Wind' guidelines, which discusses assessing decommissioning based on available technologies now and not in the future.</p>	<p>The Applicant's approach to assessing decommissioning impacts within the ES has followed the industry standard approach and is proportionate to the level of information available to consider on the topic at this time.</p> <p>The ES Chapter 11 Marine Mammals has a "Potential Effects During Decommissioning" section which describes the impacts of relevance and details how / if they would differ from construction.</p> <p>The RIAA reflects the approach taken in the ES.</p> <p>The decommissioning sequence would generally be the reverse of construction and would involve similar types and numbers of vessels and equipment. As such, the effects of decommissioning would be comparable or less than those during the construction phase.</p> <p>Although information is available regarding current decommissioning methods, there is a lack of detail on how individual activities might affect marine mammals (in regard to noise and disturbance). In the absence of this information, the effects observed during construction, operation, and maintenance can provide an estimate of what to expect</p>

ExQ1 Ref.	Question to	Question	JNCC Response	Applicant response
				during the decommissioning of the Project. Both phases have been assessed using the worst-case and maximum design scenarios to safely encompass all possibilities. Therefore, it is considered the current assessments are sufficient to cover all potential decommissioning activities.
			<p>1.2 Draft Marine Mammal Mitigation Plan (dMMMP)</p> <p>We have reviewed this document as it underpins conclusions within the RIAA for marine mammals.</p> <p>1.2.1 Piling</p> <p>JNCC advise the outline MMMP is not sufficient to support conclusions made in the RIAA for injury to piling.</p> <p>JNCC do not agree with the approach to only use instantaneous Permanent Threshold Shift (PTS) (i.e. sound pressure level, SPL) to determine mitigation requirements to reduce the risk of auditory injury to negligible levels. The use of cumulative (SELcum) sound exposure levels in addition to the SPL is currently best practice and insufficient justification has been provided to deviate from this approach. The predicted injury ranges using this metric are 8.1km for mono-piles, which cannot be mitigated using the</p>	<p>The Applicant notes that potential mitigation options, including NAS, are listed within the updated Draft MMMP_Rev 03 Clean (Document Reference 6.5) which would be finalised post-consent in line with the final design of the Project. The Applicant acknowledges if the Project proceeds at the maximum design envelope parameters in regard to the pile diameter, hammer energy and strike rate that implementation of NAS will be required to mitigate effectively. The Applicant is committed to primary (reduce noise emissions at source through design changes) 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 taking into account primary and/or secondary measures as needed.</p> <p>This commitment and the agreement of required measures will be secured through</p>

ExQ1 Ref.	Question to	Question	JNCC Response	Applicant response
			<p>methods currently described in the dMMMP. The injury range for pin piles is 5.1km; while this could be mitigated using an acoustic deterrent, the duration of deterrent deployment needs careful consideration as this will introduce more noise into the marine environment and cause additional disturbance.</p> <p>We also note the commitment to consider the use of noise abatement systems (NAS) in the final MMMP (Paragraph 146). Given the predicted injury ranges using the SEL_{cum} metric, we advise NAS should be a consideration at this Development Consent Order (DCO) stage. This would reduce the range within which injury could occur and reduce the duration acoustic deterrents need to be used for. We highlight a position statement published by JNCC, Natural England, and Cefas (21 January 2025) outlining our stance on the use of noise abatement during piling. In this we advise that quieter installation methods and/or NAS should always be considered as primary and/or secondary mitigation measures when planning to undertake impact piling in the marine environment. We also recommend that quieter installation methods and/or NAS are considered early in the project design</p>	<p>the Outline UWSMS_Rev 02_Clean (Document Reference 9.32).</p> <p>This has been clarified in an update to the Draft MMMP_Rev 03 Clean (Document Reference 6.5) submitted at Deadline 4.</p> <p>The Applicant has carried out assessments using both metrics: the SPL metric identifies the range at which an animal would be at risk of experiencing physical or auditory injury effect (PTS), whilst the SEL_{cum} metric identifies the risk at which PTS could occur if the animal is moving away from the sound source.</p> <p>As such, the SPL metric will be used to define the final Monitoring Area based post-consent on the final Project design and updated underwater noise modelling, with a minimum range of 500m based on the JNCC guidance. The SEL_{cum} metric was used to determine the ADD activation time required for an animal to move out of the area (i.e., SEL_{cum} PTS area). For impact ranges as large as those identified from the Project for the worst-case scenario and maximum strike rate, the use of an ADD would be insufficient to mitigate effectively.</p> <p>The Applicant is aware that long ADD activation times have the potential to add additional noise to the environment, as outlined in ES Chapter 11 Marine Mammals</p>

ExQ1 Ref.	Question to	Question	JNCC Response	Applicant response
			<p>process to reduce the risk of delay to licence applications, mitigation plans, and site integrity plans that may be required and provide sufficient time to procure required equipment.</p> <p>The Department for Environment, Food & Rural Affairs (Defra) have also published a Marine Noise Policy (21 January 2025). This includes expectations that from January 2025 onwards, it is expected that all offshore wind pile driving activity in English waters will be required to demonstrate they have utilised best endeavours to deliver noise reductions through the use of primary and/or secondary noise mitigation methods in the first instance. Primary methods aim to reduce noise emissions at the source through modifications of the piling process (for example, alternative hammer types, alternative foundation types). Secondary methods aim to reduce the noise propagated through the water column during pile driving by employing systems such as casings, resonators, and bubble curtains.</p> <p>There are also inconsistencies regarding what the mitigation zone will be for visual surveys, i.e. it has been reduced from 700m to 500m in Paragraph 97 but Plate 3.1 and Paragraph 102 refer to a 700m</p>	<p>(APP-048) under 'Disturbance during ADD activation' (paragraph 11.313 and all subsequent paragraphs).</p> <p>In line with the latest joint position statement (JNCC, Natural England and Cefas, 2025) and the marine noise policy paper (UK Government and Defra, 2025), the Applicant has committed to use primary (reduce noise emissions at source through design changes) or secondary noise reduction measures (e.g. Noise Abatement System (NAS)) and commits to implement NAS for its worst-case piling scenario (maximum strike rate and maximum hammer energy) and to review the final mitigation requirements based on the final Project design taking in to account primary and/or secondary measures, as needed, which has the potential to significantly reduce the impact ranges and subsequent ADD activation time.</p> <p>For instance, at the German OWFs 'He Dreiht', and Gode Wind 3, Ørsted tested an innovative installation method, reducing noise levels by 34dB relative to commonly used methods, "<i>and without additional mitigation, noise levels were reduced by over 99 % to a level just marginally above the ambient noise</i>" (Ørsted, 2024).</p>

ExQ1 Ref.	Question to	Question	JNCC Response	Applicant response
			<p>zone. This needs clarifying. We highlight that the SNCB mitigation guidelines for piling should be considered a minimum requirement, and the size of mitigation zone adjusted to reflect, as best as possible, the predicted injury ranges. We also highlight that an update to these guidelines is planned for 2025.</p>	<p>Preliminary modelling of the worst case scenario for the Project with a 10dB reduction achieved by NAS showed a large reduction to impact ranges and that the impact can be suitably mitigated. Information will be provided at Deadline 5.</p> <p>The MMMP does not refer to a reduction of the mitigation zone for piling. As per paragraph 98, the mitigation zone is currently 700m, based on the maximum predicted distance for instantaneous PTS (SPL_{peak}). This radius is greater than the minimum requirements (500m) set out in the piling guidance (JNCC, 2010). Taking into account the potential Project design updates and that NAS will be used for the worst case scenario, the area of the mitigation zone will be updated in the final version of the MMMP post-consent but will be at a minimum 500m (as noted in the MMMP).</p> <p>The Applicant has updated the dMMMP (REP2-018) and UWSMS (REP2-026) to reflect the latest guidelines published on 21 January 2025 (UK Government and Defra, 2025) and will comply with any further UK Government guidance issued prior to final submission of these documents post-consent.</p>

ExQ1 Ref.	Question to	Question	JNCC Response	Applicant response
			<p>1.2.2 UXO clearance</p> <p>We appreciate that potential methods have been included for clearance of UXOs even though the applicant has committed to applying for a separate marine licence for this activity should it be required. JNCC agree with both these approaches as they provide a holistic consideration of potential risks associated with the construction of this development, while recognising the lack of information on clearance requirements available at this stage.</p> <p>We highlight that an update to the Governments UXO position statement has been published (21 January 2025). We highlight the new statement requires low noise methods of clearance to be the default method, and that high order clearance should only be used in extreme circumstances. We also highlight that guidance to support licence applications has been published along with the new statement, and that JNCC have published new marine mammal mitigation guidelines specifically for UXO clearance. These should be considered when developing subsequent mitigation plans to accompany marine licence applications.</p>	<p>The Applicant notes this response, and welcomes confirmation that JNCC agree with the UXO assessment provided at this stage. The Applicant is aware of the latest Joint Position Statement by all UK Regulators and SNCBs (UK Government <i>et al.</i>, 2025). This and any subsequent published updates will be taken forward when applying for the Marine Licence for UXO clearance and the dMMMP_Rev 03 (Document Reference 6.5) has been updated at Deadline 4 to reflect this.</p>

Table 2.6 The Applicant's comments on JNCCs Responses to ExQ1 (REP3-083)

ExQ1	Question to	Question	JNCC response	Applicant response
Offshore Ornithology				
1BEM44	The Applicant JNCC NE NRW DAERA	<p>Northern Ireland windfarms – screening and CEA</p> <p><u>To the Applicant</u></p> <p>a) Could the Applicant explain why it has been able to consider Sceirde, Codling, Dublin Array and North Irish Sea windfarms in its CEA for marine mammals (ES Appendix 11.4, Table 4.1 [REP1-048]) based on overlapping construction activities but has ruled out an assessment for these sites in relation to birds in ES Chapter 12, Table 12.54 [REP1-032] due to lack of data and does not reference Sceirde in its list of sites for the Ornithological Assessment?</p>	<p>JNCC have not reviewed in detail the applications submitted for the projects highlighted by the Examining Authority, but it would appear that, for example Oriel Windfarm, the assessments for displacement and collision risk have followed advice produced by the UK Statutory Nature Conservation Bodies (SNCBs) (RPS 2024a). We note that this assessment has not apportioned impacts to UK Special Protection Areas (SPA), and therefore the NatureScot Apportioning Tool would need to be employed. Assuming that the other projects in the Irish Republic Territorial Waters have followed the same methodologies, indicative unapportioned breeding season impact numbers are potentially available for species within foraging range of the Skomer, Skokholm and the Seas off Pembrokeshire/Sgomer, Sgogwm a Moroedd Penfro SPA.</p> <p>However, it should be noted that the Biologically Defined Minimum Population Scale (BDMPS) populations against which impact is assessed in both Environmental Impact Assessment (EIA) and Habitats Regulations Assessment (HRA) (for non-breeding season impacts on breeding SPAs) scales are calculated for UK waters only (Furness, 2015). We are not aware of any corresponding estimate of the proportion of UK birds entering Irish Republic waters, which would</p>	<p>The Applicant refers to its response to 1BEM44 in the Applicant's Response to ExA's Written Question 1 (REP3-068), and also the corresponding responses from Natural England and Natural Resources Wales (NRW) (REP3-092 and REP3-095). The latter responses confirm (as is also the Applicant's understanding) that there is no equivalent to the BDMPS for Irish waters, and therefore comparable assessment is not possible. The Applicant also notes that the Irish projects where published assessment information is available (NISA, Arklow Bank 2 and Oriel) have concluded that there would be no measurable effects for SPAs likely to contribute to in-combination effects with the Project. Therefore, none of these projects would affect the conclusions of the Project HRA assessment presented in the RIAA (REP1-012) and Offshore Ornithology Technical Note 2 (HRA) Rev 02 (REP3-058).</p>

ExQ1	Question to	Question	JNCC response	Applicant response
		<p>Oriel and Arklow windfarms, which are listed in ES Table 12.54 are not referenced in Table 4.1 of the HRA Screening Report [APP-034] or in the RIAA [REP1-012] and appear to have been ruled out of further assessment based on the Applicant's Appendix 6.1 CEA longlist [APP-061].</p> <p>b) Could the Applicant please provide more detailed HRA screening information for Sceirde, Northern Irish Sea Array (NISA), Arklow and Oriel offshore windfarms? It is noted that applications have been lodged for NISA, Arklow and Oriel windfarms, meaning that detailed</p>	<p>be necessary in apportioning the displacement and collision mortalities estimates for the projects highlighted by the Examining Authority for inclusion in the cumulative and in-combination assessments for the Morecambe project. The UK SNCBs recognise this gap and are looking to address it in an update to the BDMPS report, but this will not be available in time for a consenting decision on this project to be made.</p> <p>We suggest that the Applicant investigates whether information on the proportion of UK birds entering Irish Republic waters is available, and whether the other Irish Projects identified by the Examining Authority have also assessed collision and displacement mortality in accordance with UK SNCB advice. We advise consultation with the relevant SNCBs to determine whether it is appropriate to include any available indicative impact totals into the cumulative and in-combination assessments.</p> <p>Rockabill SPA and the North-west Irish Sea SPA both fall under the jurisdiction of The Irish Republic's National Parks and Wildlife Service (NPWS), and therefore JNCC are unable to provide advice on potential impacts.</p>	

ExQ1	Question to	Question	JNCC response	Applicant response
		<p>information is now available for assessment.</p> <p>c) In addition, the Applicant should update the HRA screening report with information relating to Rockabill Special Protection Area (SPA) and the Northwest Irish Sea (NWIS) SPA.</p> <p>d) In relation to all the above points, the Applicant's HRA screening and RIAA should be updated where relevant, to inform the SoS's Appropriate Assessment.</p> <p><u>To NE, NRW, DAERA and JNCC</u> e) NE, NRW, DAERA and JNCC are invited to comment on the points above.</p>		
1BEM46	The Applicant JNCC NE	<p>Assessments</p> <p>In paragraph 62 of the Offshore Ornithology</p>	Mortality due to existing windfarms, which may be decommissioned before Morecambe begins operation, is somewhat captured within frequently updated colony counts. Therefore,	Noted, the Applicant agrees that it is not possible to incorporate changes in the contributing consented windfarms during

ExQ1	Question to	Question	JNCC response	Applicant response
	NRW NatureScot DAERA RSPB North West Wildlife Trusts	<p>Technical Note 1 (EIA) [REP1-080] it is noted that the NE advice in relation to the CEA was not to include historic projects with limited (or no) overlap with the construction and operational timeframe of the Proposed Development.</p> <p>a) However, would the existing background mortality rates include those associated with these windfarms? If so, does there need to be an associated assessment from the removal of their effects as they are decommissioned? It is appreciated that the assessment is precautionary, but without removing any such effects, is there a risk that the assessment becomes over-</p>	<p>with regards to the HRA, existing background mortality rates include those associated with these windfarms. However, with regards to the EIA, the regional population sizes have been calculated based on data from the 1990s to 2015. Therefore, the ongoing impact of some, but not all, existing windfarms will have been captured.</p> <p>Similarly, the demographic rates (specifically adult survival) used to calculate baseline mortality are in large part based on data collected before the majority of offshore wind projects were constructed. For example, adult survival rates for black-legged kittiwake are based on studies published in 2002, 2004, and 2010 (see Table 18 in Horswill & Robinson, 2015) and therefore baseline mortality calculations will not take into account the impact from the majority of UK offshore wind projects. The UK SNCBs are progressing an update of demographic rates, but it should still be noted that it will be difficult to tease out the contribution that offshore wind projects make to this baseline. Therefore, while recognising the potential to over-estimate impacts, it will likely be necessary to continue to base assessments on the total baseline mortality due to the uncertainty of how to account for any contribution of offshore wind projects.</p> <p>In principle, we agree that removing the impact of offshore wind projects from the assessments as they are decommissioned would give more</p>	<p>the life of the Project within PVA modelling. The Applicant also refers to its response to 1BEM46 in the Applicant's Response to ExA's Written Question 1 (REP3-068).</p>

ExQ1	Question to	Question	JNCC response	Applicant response
		<p>precautionary, leading to mitigation that is not required?</p> <p>It is also appreciated that there is a separate discussion in relation to when the Barrow windfarm is to be decommissioned (see ExQ1GEN10) which may also need to be considered.</p> <p>This argument, taken to its logical conclusion, should also factor in any effects associated with the decommissioning of other windfarms (see Table 5.1 of Applicant's response to Actions from PM and ISH1 [REP1-085]) for longer-term effects).</p> <p>b) Could the Applicant, JNCC, NE, NRW, NatureScot,</p>	<p>accurate cumulative and in-combination assessments. However, it is currently only possible to enter one impact value into the Population Viability Analysis at the beginning of the simulation. This will be addressed by the Cumulative Effects Framework on its release, but this is not currently available.</p> <p>Additionally, we note there are issues and lack of clarity regarding consented lifespans of early offshore wind projects (as highlighted in 1BEM47) and regarding consented vs. as built parameters within assessments (see response to 1BEM47 below). Therefore, we do not consider it currently possible to be less precautionary in assessments. We do note that this is a recognised issue and work is currently on-going at a national level to look at this, but we await its conclusions.</p>	

ExQ1	Question to	Question	JNCC response	Applicant response
		DAERA, the RSPB and the North West Wildlife Trusts please give their views as to how the effects of the decommissioning of existing windfarms should be considered to avoid overprecautionary mitigation/compensation.		
1BEM47	The Applicant JNCC NE NRW NatureScot DAERA RSPB North West Wildlife Trusts	<p>Base cases</p> <p>The ExA understands that, following NE advice, consented turbine parameters have been used as opposed to as built parameters on the basis that it is, theoretically, possible that the remainder of the consented scheme could be built out.</p> <p>a) However, either where a scheme is coming to end of its life (see Table 5.1 of Applicant's response to Actions from PM</p>	<p>The standard approach to cumulative and in-combination assessments is to use the consented parameters of each project and to refer to the worst-case scenario (WCS) assessed within the relevant Environmental Statement (ES), taking account of any updated assessments provided throughout the examination process. There is a recognition that the Rochdale Envelope WCS within the ES are often different to the as built project. Displacement and collision assessments based on the worst-case may over-estimate the total cumulative and in-combination impacts. However, it should be noted that the predicted collision mortalities as calculated for Burbo Bank in the Mona Offshore Wind Project cumulative and in-combination assessments were higher when using 'as-built' parameters compared to consented ones (RPS, 2024b).</p>	<p>Noted. The Applicant refers to its corresponding response to 1BEM47 in the Applicant's Response to ExA's Written Question 1 (REP3-068).</p>

ExQ1	Question to	Question	JNCC response	Applicant response
		<p>and ISH1 [REP1-085]) or where the scheme as built would prevent additional development, should not 'as built' data be utilised? Would this alter any of the effects assessed?</p> <p>b) Could the Applicant, JNCC, NE, NRW, NatureScot, DAERA, the RSPB and the North West Wildlife Trusts please give their views on this proposition.</p>	<p>We consider it to be acceptable for projects to present assessments based on both consented and as built parameters. However, our current understanding is that with regard to projects in Welsh and English waters, unless the as built scenario is legally secured (which is a planning issue), the assessments should be based on the parameters within the Development Consent Order (DCO).</p> <p>We note that there is national recognition of this issue and that there is industry led work underway to look into and/or address this issue. However, it is highly complex and at present there is not an agreed way forward.</p> <p>The same difficulties apply to projects approaching end of life and hence whether the as built parameters could be used, i.e. at what point in time it is not possible to build out more of the consented capacity and certainty over whether this is secured.</p>	
1HRA1	JNCC	<p>Habitats Regulations Assessment</p> <p>As the JNCC do not delegate authorisation to NE for sites in Wales, Scotland and Northern Ireland. JNCC are requested</p>	<p>The relevant SPAs for which JNCC has sole or joint responsibility are:</p> <ul style="list-style-type: none"> ▪ Skomer, Skokholm and the Seas off Pembrokeshire/Sgomer, Sgogwm a Moroedd Penfro SPA (joint responsibility with Natural Resources Wales) ▪ Liverpool Bay/Bae Lerpwl SPA (joint responsibility with Natural Resources Wales and Natural England) ▪ Irish Sea Front SPA (sole responsibility) 	The Applicant notes this response.

ExQ1	Question to	Question	JNCC response	Applicant response
		to provide comments on the Applicant's HRA [REP1-012] in respect of the UK National Site Network sites for which it is the statutory advisor.	<p>In our view, the proposed project is not directly connected with or necessary for the conservation management of any SPA for which JNCC has sole or joint responsibility.</p> <p>Our conclusions on Likely Significant Effect (LSE) and Adverse Effect on Integrity (AEol) to the relevant SPAs for which JNCC has sole or joint responsibility is presented below.</p> <p>Skomer, Skokholm and the Seas off Pembrokeshire/Sgomer, Sgogwm a Moroedd Penfro SPA</p> <p>The relevant seabird features of Skomer, Skokholm and the Seas off Pembrokeshire/Sgomer, Sgogwm a Moroedd Penfro SPA are:</p> <ul style="list-style-type: none"> ▪ European storm petrel ▪ Manx shearwater ▪ Atlantic puffin ▪ Lesser black-backed gull ▪ Seabird assemblage 	
			We agree with the conclusion that AEol from the project alone can be ruled out for all qualifying features. We do not agree with elements of the in-combination assessment, which we detail in each feature's section below. Therefore, based	Noted. The Applicant welcomes confirmation from JNCC that it considers that no AEol could be concluded for SPAs for which it has jurisdiction, noting the conclusions for the in-combination

ExQ1	Question to	Question	JNCC response	Applicant response
			<p>on the information provided to the examination to date, we cannot rule out AEol from the project in-combination with other Plans and Projects. However, we are minded to note that for the Mona and Morgan Generation Offshore Wind Projects we were able to conclude no AEol from those projects in-combination with other plans and projects once all the required evidence was submitted. Given the proximity of Morecambe to those two projects, we see no reason that we would be unable to come to the same conclusion for Morecambe, upon receipt of the required information which we list within this response. We detail below our conclusions regarding LSE and AEol to each feature below.</p>	assessments for the Mona and Morgan Generation projects.
			<p><u>European storm-petrel</u></p> <p>Given that European storm-petrel were not observed in baseline surveys, we agree that AEol alone and in-combination can be ruled out.</p>	The Applicant welcomes confirmation from JNCC on this matter.
			<p><u>Manx shearwater</u></p> <p>The conclusion on AEol alone and in-combination is given based on the Applicant's preferred displacement and mortality rates of 50% and 1%, respectively. For both the alone and in-combination assessments this results in less than 1% increase in baseline mortality, therefore a Population Viability Analysis (PVA) has not been carried out. However, we would advise that the full range of displacement and mortality ranges are used in determining the need for a PVA, and hence conclusions on AEol.</p>	The Applicant notes that the predicted in-combination mortality for Manx shearwater has been updated in the Offshore Ornithology Technical Note 2 (HRA) Rev 02 (REP3-058), including 'gap-filling' of historic projects. This indicates a maximum predicted mortality at 70% displacement and 10% mortality of displaced birds (noting the Applicant's view that such a high level of mortality is unrealistic) would result in an increase in background mortality of 0.94%. This is

ExQ1	Question to	Question	JNCC response	Applicant response
			<p>In this case, for the alone assessment at the worst-case scenario of 70% displacement and 10% mortality, the predicted 384 annual mortality represents a 0.32% increase in baseline mortality, therefore we agree that AEol alone for Manx shearwater can be ruled out.</p> <p>However, for the in-combination assessment at the worst-case scenario of 70% displacement and 10% mortality, the predicted 1,201 annual mortality represents a 1.01% increase in baseline mortality, which suggests a PVA is required prior to coming to conclusions on AEol. In addition, the Applicant has not quantitatively included several other projects which may act in-combination with Morecambe on Skomer, Skokholm and the Seas off Pembrokeshire/Sgomer, Sgogwm a Moroedd Penfro SPA. We advise that estimates of mortality due to these projects are included quantitatively within the in-combination assessment. We note that the Mona Offshore Wind Farm has calculated estimates of mortality from multiple projects which do not have readily available mortality estimates, and from windfarms which have recently submitted applications, such as Llŷr Offshore Wind Project, all of which could be used within this in-combination assessment. We note that the Applicant has provided additional EIA cumulative information using this gap-filled information. The Applicant has also applied this gap-filled information to lesser black-backed gull qualifying</p>	<p>below the threshold (1%) where the requirement for PVA would be triggered. The Applicant therefore considers that no further assessment in respect of this feature is required, and that sufficient information has been presented to enable no AEol for this feature to be concluded.</p>

ExQ1	Question to	Question	JNCC response	Applicant response
			features of Morecambe Bay and Duddon Estuary SPA and Ribble and Alt Estuary SPA. However, this should also be applied to Skomer, Skokholm and the Seas off Pembrokeshire/Sgomer, Sgogwm a Moroedd Penfro SPA. A PVA should then be based upon revised in-combination estimates.	
			<u>Atlantic puffin</u> The alone assessment estimated between zero and two mortalities annually (based on 30% displacement and 1% mortality, and 70% displacement and 10% mortality, respectively), which in the worst-case scenario represents a 0.04% increase in baseline mortality, therefore we agree that AEol alone and in-combination can be ruled out for Atlantic puffin.	The Applicant welcomes confirmation from JNCC on this matter.
			<u>Lesser black-backed gull</u> The alone assessment estimated 0.13 mortalities annually, which represents a 0.11% increase in baseline mortality, therefore we agree that AEol alone can be ruled out for lesser black-backed gull. The in-combination assessment estimated 12.21 mortalities annually, which represents a 0.64% increase in baseline mortality. We note that the Llŷr Offshore Wind Project has not been included in the in-combination assessment, but based on location this wind project should be included quantitatively in the assessment.	The Applicant welcomes confirmation from JNCC on this matter.
			<u>Seabird assemblage</u>	Noted, see responses below.

ExQ1	Question to	Question	JNCC response	Applicant response
			<p>The seabird assemblage has an estimated 394,260 individuals in total at designation, and the main components are razorbill, common guillemot, black-legged kittiwake, Atlantic puffin, lesser black-backed gull, Manx shearwater, and European storm petrel. The Applicant has made individual assessments of the impact of the Project on each assemblage component. We summarise our conclusions regarding AEol to the seabird assemblage at the end of all of the components.</p>	
			<p><u>Razorbill</u></p> <p>The alone assessment estimated between zero and two mortalities annually (based on 30% displacement and 1% mortality, and 70% displacement and 10% mortality, respectively), which in the worst-case scenario represents a 0.19% increase in baseline mortality.</p> <p>The conclusion on AEol in-combination is given based on the Applicant's preferred displacement and mortality rates of 50% and 1%, respectively. However, we would advise that the full range of displacement and mortality ranges are used in determining the need for a PVA, and hence conclusions on AEol. The in-combination assessment estimated two to 42 mortalities annually, which in the worst-case scenario represents a 4.23% increase in baseline mortality, which suggests a PVA is required prior to coming to conclusions on AEol. In addition,</p>	<p>The Applicant notes this comment and confirms that an update to the assessment in respect of the razorbill feature of Skomer, Skokholm and the Seas off Pembrokeshire SPA has been undertaken. The Applicant has presented this in an update to the RIAA_Rev 03 Clean at Deadline 4 (Document Reference 4.9).</p>

ExQ1	Question to	Question	JNCC response	Applicant response
			<p>the Applicant has not quantitatively included several other projects which may act in-combination with Morecambe on Skomer, Skokholm and the Seas off Pembrokeshire/Sgomer, Sgogwm a Moroedd Penfro SPA. We advise that estimates of mortality due to these projects are included quantitatively within the in-combination assessment. We note that the Mona Offshore Wind Project has calculated estimates of mortality from multiple projects which do not have readily available mortality estimates, and from wind projects which have recently submitted applications, such as Llŷr Offshore Wind Project, all of which could be used within this in-combination assessment. We note that the Applicant has provided additional EIA cumulative information using this gap-filled information. The Applicant has also applied this gap-filled information to lesser black-backed gull qualifying features of Morecambe Bay and Duddon Estuary SPA and Ribble and Alt Estuary SPA.</p> <p>However, this should also be applied to Skomer, Skokholm and the Seas off Pembrokeshire/Sgomer, Sgogwm a Moroedd Penfro SPA. A PVA should then be based upon revised in-combination estimates.</p>	
			<p><u>Common guillemot</u></p> <p>The alone assessment estimated between one and 15 mortalities annually (based on 30%</p>	<p>The Applicant notes this comment and confirms that an update to the assessment in respect of the guillemot feature of Skomer, Skokholm and the</p>

ExQ1	Question to	Question	JNCC response	Applicant response
			<p>displacement and 1% mortality, and 70% displacement and 10% mortality, respectively), which in the worst-case scenario represents a 0.90% increase in baseline mortality.</p> <p>The conclusion on AEol in-combination is given based on the Applicant's preferred displacement and mortality rates of 50% and 1%, respectively. However, we would advise that the full range of displacement and mortality ranges are used in determining the need for a PVA, and hence conclusions on AEol. The in-combination assessment estimated 13 to 300 mortalities annually, which in the worst-case scenario represents a 17.86% increase in baseline mortality, which suggests a PVA is required prior to coming to conclusions on AEol. In addition, the Applicant has not quantitatively included several other projects which may act in-combination with Morecambe on Skomer, Skokholm and the Seas off Pembrokeshire/Sgomer, Sgogwm a Moroedd Penfro SPA. We advise that estimates of mortality due to these projects are included quantitatively within the in-combination assessment. We note that the Mona Offshore Wind Project has calculated estimates of mortality from multiple projects which do not have readily available mortality estimates, and from wind projects which have recently submitted applications, such as Llŷr Offshore Wind Project, all of which could be used within this in-combination assessment. We note that the</p>	<p>Seas off Pembrokeshire SPA has been undertaken. The Applicant has presented this in an update to the RIAA_Rev 03 Clean (Document Reference 4.9) at Deadline 4.</p>

ExQ1	Question to	Question	JNCC response	Applicant response
			<p>Applicant has provided additional EIA cumulative information using this gap-filled information. The Applicant has also applied this gap-filled information to lesser black-backed gull qualifying features of Morecambe Bay and Duddon Estuary SPA and Ribble and Alt Estuary SPA. However, this should also be applied to Skomer, Skokholm and the Seas off Pembrokeshire/Sgomer, Sgogwm a Moroedd Penfro SPA. A PVA should then be based upon revised in-combination estimates.</p>	
			<p><u>Black-legged kittiwake</u></p> <p>The alone assessment estimated 0.07 mortalities annually due to collisions, which represents a 0.02% increase in baseline mortality. We advise that a displacement assessment is also carried out for black-legged kittiwake. There is variability around the behavioural response of black-legged kittiwake, with evidence of both attraction and displacement, hence the need for both a collision and displacement assessment. Peschko <i>et al.</i> (2020) showed that, in the breeding season, there was a significant 45% displacement rate within the offshore wind project plus 3km buffer, and a significant 29% displacement rate within the offshore wind project plus 20km buffer. Vanermen <i>et al.</i> (2016) showed that there was a significant 86% displacement rate within the offshore wind project plus 0.5km buffer. Therefore, the evidence that does exist quantifying a displacement rate for black-legged</p>	<p>The Applicant does not consider that displacement assessment is required for kittiwake. The Applicant has followed the assessment approach advocated by Natural England and NRW, which was agreed with Natural England during pre-submission Expert Topic Group (ETG) meetings, that collision assessment only is required. The Applicant considers that this approach is suitable and sufficient when considering likely effects on this species.</p>

ExQ1	Question to	Question	JNCC response	Applicant response
			kittiwake aligns with recommended displacement rates of 30% to 70%.	
			<u>Atlantic puffin</u> The alone assessment estimated between zero and two mortalities annually (based on 30% displacement and 1% mortality, and 70% displacement and 10% mortality, respectively), which in the worst-case scenario represents a 0.04% increase in baseline mortality.	The Applicant welcomes confirmation from JNCC on this matter.
			<u>Lesser black-backed gull</u> The alone assessment estimated 0.13 mortalities annually, which represents a 0.11% increase in baseline mortality. The in-combination assessment estimated 12.21 mortalities annually, which represents a 0.64% increase in baseline mortality. We note that the Llŷr Offshore Wind Project has not been included in the in-combination assessment, but based on location this wind project should be included quantitatively in the assessment.	The Applicant welcomes confirmation from JNCC on this matter.
			<u>Manx shearwater</u> The conclusion on AEol alone and in-combination is given based on the Applicant's preferred displacement and mortality rates of 50% and 1%, respectively. For both the alone and in-combination assessments this results in less than 1% increase in baseline mortality, therefore a PVA has not been carried out. However, we would advise that the full	The Applicant notes that the predicted in-combination mortality for Manx shearwater has been updated in the Offshore Ornithology Technical Note 2 (HRA) Rev 02 (REP3-058), including 'gap-filling' of historic projects. This indicates a maximum predicted mortality at 70% displacement and 10% mortality of displaced birds (noting the Applicant's view that such a high level of mortality is

ExQ1	Question to	Question	JNCC response	Applicant response
			<p>range of displacement and mortality ranges are used in determining the need for a PVA, and hence conclusions on AEol.</p> <p>In this case, for the alone assessment at the worst-case scenario of 70% displacement and 10% mortality, the predicted 384 annual mortality represents a 0.32% increase in baseline mortality, therefore a PVA would not be required. However, for the in-combination assessment at the worst-case scenario of 70% displacement and 10% mortality, the predicted 1,201 annual mortality represents a 1.01% increase in baseline mortality, which suggests a PVA is required prior to coming to conclusions on AEol. In addition, the Applicant has not quantitatively included several other projects which may act in-combination with Morecambe on Skomer, Skokholm and the Seas off Pembrokeshire/Sgomer, Sgogwm a Moroedd Penfro SPA. We advise that estimates of mortality due to these projects are included quantitatively within the in-combination assessment. We note that the Mona Offshore Wind Project has calculated estimates of mortality from multiple projects which do not have readily available mortality estimates, and from wind projects which have recently submitted applications, such as Llŷr Offshore Wind Project, all of which could be used within this in-combination assessment. We note that the Applicant has provided additional EIA cumulative information using this gap-filled information. The</p>	<p>unrealistic) would result in an increase in background mortality of 0.94%. This is below the threshold (1%) where the requirement for PVA would be triggered. The Applicant therefore considers that no further assessment in respect of this feature is required, and that sufficient information has been presented to enable no AEol for this feature to be concluded.</p>

ExQ1	Question to	Question	JNCC response	Applicant response
			Applicant has also applied this gap-filled information to lesser black-backed gull qualifying features of Morecambe Bay and Duddon Estuary SPA and Ribble and Alt Estuary SPA. However, this should also be applied to Skomer, Skokholm and the Seas off Pembrokeshire/Sgomer, Sgogwm a Moroedd Penfro SPA. A PVA should then be based upon revised in-combination estimates.	
			<u>European storm-petrel</u> European storm-petrel were not observed in baseline surveys.	The Applicant welcomes confirmation from JNCC on this matter.
			<u>Seabird assemblage conclusion</u> In conclusion, the Applicant has not provided all information required for JNCC to be able to come to a conclusion on AEol alone or in-combination with other Plans or Projects for the seabird assemblage.	Noted, see responses above.
			Liverpool Bay/Bae Lerpwl SPA JNCC are content for Natural England to provide advice regarding Liverpool Bay/Bae Lerpwl SPA on behalf of JNCC for this project examination. We fully support Natural England in the advice they have been providing, and continue to provide, to the examination.	The Applicant notes this response.
			Irish Sea Front SPA The relevant seabird features of Irish Sea Front SPA are: <ul style="list-style-type: none"> Manx shearwater 	The Applicant notes this response.

ExQ1	Question to	Question	JNCC response	Applicant response
			<p>We detail below our conclusions regarding LSE and AEoI to each feature below.</p> <p><u><i>Manx shearwater</i></u></p> <p>We agree with Appendix 2 Screening outcome for UK SPA and Ramsar Sites with ornithology qualifying features of the Habitats Regulations Assessment Screening Report (APP-028) that there would be no LSE to the Manx shearwater qualifying feature of the Irish Sea Front SPA.</p>	
				The Applicant welcomes confirmation from JNCC on this matter.

2.6 Maritime and Coastguard Agency (REP3-084)

Table 2.7 The Applicant's comments on the Maritime and Coastguard Agency's Responses to ExQ1 (REP3-084)

ExQ1 Ref.	Question to	Question	MCA Response	Applicant response (if required)
1DCO8	The Applicant MMO HE MCA Trinity House Affected local authorities	Micrositing a) Within condition 9(1)(a)(ii) should there be a maximum limit for micrositing within the two lines of orientation? If so, what should this be? b) Should this be allowed to be varied by consent, and if so, who should grant this consent, and should there be any limits on variation?	a) MCA requests there is a maximum limit of 55m stated for micro-siting within the condition. This is consistent with the relevant conditions in the Mona and Morgan DCOs. We proposed the condition is amended to: <ul style="list-style-type: none"> “...and offshore substation platform subject to up to 55m micro-siting in any direction unless otherwise agreed in writing with the MMO in consultation with the MCA and Trinity House.” b) As per the above, any variation must be discussed with MCA and Trinity House before agreement by the MMO.	The Applicant has amended the wording in the dDCO _Rev 04 (Document Reference 3.1) (Schedule 6, Part 2, Condition 9(1)(a)) to account for micro-siting. This includes micro-siting for benthic features (9(1)(a)(v)) as well as micro-siting within 55m as suggested by Trinity House and the Maritime and Coastguard Agency (MCA) (9(1)(a)(ii)).

2.7 Marine Management Organisation (MMO) (REP3-085)

Table 2.8 The Applicant's response to MMO's Responses to Examiner's Questions (ExQ1) (REP3-085)

ExQ1 Ref.	Question to	Question	Deadline 2 Submission comment	Applicant response
4. Responses to Examiner's Questions (ExQ1)				
General and Cross-topic Questions (GEN)				
1GEN1	All Parties	National Planning Policy Framework A replacement National Planning Policy Framework was published on 12 December 2024. All parties are invited to make any comments they wish as to how any changes within this document affect the consideration of the Proposed Development.	The MMO notes that the replacement National Planning Policy Framework was published on 12 December 2024 and will respond with comments at Deadline 4.	The Applicant defers to its response to 1GEN1 in The Applicant's Response to ExA's Written Questions 1 (REP3-068).
Design, parameters and other details of the Proposed development				
1GEN10	Ørsted IPs Barrow Offshore Wind Ltd MMO	Decommissioning dates Table 5.1 of the Applicant's response to Actions from PM and ISH1 [REP1-086] sets out the distances and expected decommissioning dates for various windfarms in the vicinity. This indicates that the Barrow OWF is due to be decommissioned "by 2030". In	The MMO has reviewed its internal systems as well as the Public Register and wishes to make the following comments regarding 1GEN10. The MMO is aware of the following Marine Licence applications related to Barrow Offshore Wind Farm:	The Applicant defers to its response to 1GEN10 in The Applicant's Response to ExA's Written Questions 1 (REP3-068).

ExQ1 Ref.	Question to	Question	Deadline 2 Submission comment	Applicant response
		<p>their WR the Ørsted IPs [REP1-112] indicate that they are not aware of any requirement for additional consents or licences to continue operating this development beyond 2030.</p> <p><u>To Barrow Offshore Wind Limited</u></p> <p>Could Barrow Offshore Wind Limited please set out its understanding of the timing of its decommissioning processes, providing evidence to support this. The draft SoCG between the Applicant and the Ørsted IPs [REP1-073] indicates that the Applicant believes that a new Marine Licence would be required post 2030.</p> <p><u>To the MMO</u></p> <p>c) Could the MMO please confirm its understanding of the Marine Licensing situation concerning this site, with particular reference to</p>	<p>A. Barrow Offshore Wind Farm (OWF) Array Operation & Maintenance (L/2016/00297/4 or MLA/2016/00149/3). Licence end date: 01 July 2026.</p> <p>B. Barrow Offshore Wind Farm Rock Placement (L/2018/00287/1 or MLA/2018/00208). Licence end date: 31 December 2019</p> <p>C. Barrow Offshore Wind Farm (OWF) Operational Marine Licence for Export Cable Repair and Remediation (L/2015/00281/1 or MLA/2015/00077). Licence end date: 01 April 2030.</p> <p>D. Barrow Offshore Wind Farm Operational Marine Licence - Array Cable Repair (L/2014/00214/4 or MLA/2014/00155/3). Licence end date: 01 May 2026.</p> <p>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 (L/2016/00297/4 and</p>	

ExQ1 Ref.	Question to	Question	Deadline 2 Submission comment	Applicant response
		any end date or decommissioning requirements?	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.	
Environmental Statement (General)				
1GEN20	NE	European Protected Species Licensing The Applicant's response to Actions from PM and ISH1 [REP1-086] paragraph 24 notes that the regulations surrounding EPS licensing are due to be updated at the end of 2024. Can NE advise on the scope of these changes and highlight potential matters that could have implications for the consenting process.	The MMO notes this question is directed to NE. However, these comments are likely in relation to the UXO and the EPS licence that will be required is provided by the MMO in consultation with NE. The MMO would highlight that there a DEFRA policy paper has been published in relation to underwater noise and UXO. Once this is published either NE or the MMO will provide these into the examination.	The Applicant is aware of the Defra policy paper and updated Joint Nature Conservation Committee (JNCC) guidance, while the guidance was anticipated some updates have been made to the draft Marine Mammal Mitigation Protocol_Rev 03 (MMMP) (Document Reference 6.5) and Underwater Sound Management Strategy_Rev 02 Clean (UWSMS) (Document Reference 9.32) at Deadline 4 in respect of this. The Project will use available guidance at the time of the Marine Licence application with regard to unexploded ordnance (UXO) clearance and European Protected Species (EPS) licensing post Development Consent Order (DCO) consent.

ExQ1 Ref.	Question to	Question	Deadline 2 Submission comment	Applicant response
Need and assessment				
1GEN21	All Parties.	<p>Application of s104 of the PA2008</p> <p>In paragraph 171 of the revised Planning, Development Consent and Need Statement [REP1-010] the Applicant states “NPS EN-5</p> <p>sets out Policies concerning electricity transmission distribution systems. It is, therefore, not relevant to the Project”. However, NPS EN-5 is referenced in both ES Chapters 15 (paragraph 15.20, [REP1-034]) and 19 (paragraph 19.28, [REP1-040]).</p> <p>a) Having regard to the elements of offshore wind infrastructure identified within paragraph 2.8.4 of NPS EN-3, all parties are invited to give their views as to whether, for the purposes of sections 104(2)(a) or 104(3) of the PA2008, NPS EN-5 should be</p>	The MMO is reviewing this question and will provide a response in due course.	The Applicant defers to its response to 1GEN21 in The Applicant’s Response to ExA’s Written Questions 1 (REP3-068).

ExQ1 Ref.	Question to	Question	Deadline 2 Submission comment	Applicant response
		<p>considered as 'relevant national policy' or whether it should be considered to be an 'other matter' for the purposes of section 104(2)(d) of the PA2008.</p> <p>b) Should any party hold the view that it should be regarded for the purposes of sections 104(2)(a) or 104(3) of the PA2008, they are asked to explain why they hold that view and identify any matters that should be particularly taken into account, providing references as necessary.</p>		
2. Biodiversity, Ecology and Marine Processes (BEM)				
Marine Sediment and Water Quality				
1BEM20	MMO	<p>Disposal of sandwave material</p> <p>In the MMO's RR [RR-047] at paragraph 4.3.10 it says that the Applicant "... most likely would have to apply to the MMO to designate the area as a disposal site ...". In its response at RR047-53 [PD1-011], the Applicant argues that this is unnecessary as "... the removal of and disposal of</p>	<p>The MMO is reviewing this point with our scientific advisors and will provide an update at Deadline 4.</p> <p>If disposal sites are not approved within the Examination process the MMO will work with the Applicant to ensure there is a mechanism within the DML to confirm disposal sites post consent should this be required. However, that this only happens occasionally and believes disposal</p>	<p>The Applicant will respond to further comments provided by the Marine Management Organisation (MMO) at Deadline 5, but considers the MMO have sufficient information to approve the disposal site.</p>

ExQ1 Ref.	Question to	Question	Deadline 2 Submission comment	Applicant response
		<p>inert material is included as associated development ...” and is therefore authorised within the Order limits.</p> <p>The MMO’s D2 response [REP2-035] says that it is currently in the process of designating disposal sites and states that “sites should be secured within the DML. Once this has been completed the MMO will inform the Applicant and request that this is updated in the DML as part of the Examination process.”. At what point in the Examination does the MMO envisage being in a position to inform the Applicant?</p>	<p>sites will be designated so updates can be made to the DML.</p>	
Fish and Shellfish ecology				
1BEM24	The Applicant.	<p>Mitigation: timing of works</p> <p>The MMO [REP2-035] has indicated that whilst an Underwater Sound Management Strategy [REP2-026] has been provided, a condition limiting piling during the cod spawning period is still necessary and will supply</p>	<p>The MMO is reviewing this point with our scientific advisors and will provide an update at Deadline 4.</p> <p>In relation to the specific condition the MMO has not agreed on this wording however the main aim is to ensure the seasonal restrictions are on the face of the DML. The MMO understands that if these were stand-alone conditions then a variation</p>	<p>The Applicant notes that an updated UWSMS_Rev 02 Clean (Document Reference 9.32) have been submitted at Deadline 4, and the UWSMS includes the mechanisms to secure seasonal restrictions for the peak cod spawning season or for noise reduction methods to be used. The deemed Marine Licence (DML) requires that the UWSMS is submitted for MMO</p>

ExQ1 Ref.	Question to	Question	Deadline 2 Submission comment	Applicant response
		<p>updated wording 'in due course'.</p> <p>Can the MMO confirm when the revised wording will be available.</p>	<p>would be required therefore is looking at the flexibility of linking these conditions to the UWSMS. A sample condition is below however this is not the final</p> <p>Underwater Sound Management Strategy</p> <p>1. — No piling associated with the authorised development may be undertaken between XX to XX inclusive, unless otherwise agreed in writing by the MMO.</p> <p>2. If activities are deemed necessary in this period and to confirm any additional mitigation requirements an underwater sound management strategy for those activities, which accords with the outline underwater sound management strategy, must be submitted to and approved in writing by the MMO in consultation with the relevant statutory nature conservation body.</p> <p>3. The underwater sound management strategy must be submitted to the MMO no later than six months prior to the commencement of the relevant activities unless otherwise agreed in writing by the MMO.</p>	<p>approval at least six months prior to the start of construction. It is not therefore considered necessary to repeat this requirement in a specific condition of the DML.</p>

ExQ1 Ref.	Question to	Question	Deadline 2 Submission comment	Applicant response
			4. The piling activities must be carried out in accordance with the approved underwater sound management strategy, unless otherwise agreed in writing by the MMO.	
Marine Mammals				
1BEM40	The Applicant MMO	Piling activity in the Irish Sea Annex 1, Table 2 of the MMO D2 representation highlights that the proposed Morecambe OWF piling duration is assumed to be 37 days (assuming 1 foundation per day). The assumption is 35 days each for the larger Morgan and Mona schemes. Explain why Morecambe has a longer piling duration than the two larger schemes	The MMO will review the Applicants response and provide comments at Deadline 4.	The Applicant defers to its response to 1BEM40 in the Applicant's Response to ExA's Written Question 1 (REP3-068) and will respond to further comments provided by the MMO at Deadline 5.
1BEM42	The Applicant MMO	Draft Marine Mammals Mitigation Protocol (dMMMP): soft-start procedures: breaks in piling Section 3.1.4 of the dMMMP [APP-149] deals with breaks in piling and permits a reduced soft-start procedure provided that there are no marine	The MMO and the Applicant are discussing this and will provide an update at Deadline 4.	The Applicant defers to its response to 1BEM40 in The Applicant's Response to ExA's Written Questions 1 (REP3-068) and will respond to further comments provided by the MMO at Deadline 5. It is also noted however that breaks in piling should be aligned with the mitigation and final design on the project and should be agreed post-

ExQ1 Ref.	Question to	Question	Deadline 2 Submission comment	Applicant response
		<p>mammals within the monitoring area.</p> <p>At paragraph 3.1.2 of it RR [RR-047], the MMO says that “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-piling search and soft-start procedure should be undertaken ...” in accordance with the guidance, requesting that the guidance be adhered to.</p> <p>The Applicant’s response at RR-047-27 [PD1-011] 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 ... finalisation of wording ... would be undertaken post-consent ...”.</p>		<p>consent as a result given the breaks in piling guidance is from 2010 and does not reflect the level of mitigations expected to be applied to piling activities as outlined in the January 2025 Defra policy paper (UK Government and Defra, 2025).</p>

ExQ1 Ref.	Question to	Question	Deadline 2 Submission comment	Applicant response
		Could the Applicant and the MMO jointly consider whether the wording of the dMMMP, particularly paragraph 143, needs updating, and if so, could it please be so updated?		
Offshore Ornithology				
1BEM51	The Applicant NE MMO	<p>Use of alternative ways of working and technology to reduce effects</p> <p>Paragraph 2.8.214 of NPS EN-3 encourages alternative ways of working and use of technology to be employed to avoid environmental impacts. For example, construction vessels may be rerouted to avoid disturbing seabirds. Paragraph 37 of the outline Vessel Traffic Management Plan (oVTMP) [REP2-022] references minimising impacts on seabirds once ports are known but provides limited information in section 7 regarding how routes to the site would be determined to minimise seabird disturbance.</p> <p>a) Could the Applicant please explain how seabird disturbance would be</p>	The MMO wishes to defer to Natural England on the location and details of the routes. Generally, if the routes are agreed pre-consent then this would be added within the outline plan and this is enforceable post consent. If the routes are not known then an agreed process should be included in the outline plan and the MMO would approve this document post consent. It should be clear that the MMO would not want to be in a position where this could not be agreed post consent and would welcome further discussions with both NE and the Applicant.	The Applicant defers to its response to 1BEM51 in The Applicant's Response to ExA's Written Questions 1 (REP3-068), noting that best practice measures have been included and that the Vessel Traffic Management Plan (VTMP) and Project Environmental Management Plan (PEMP) would be finalised and agreed post consent once the port location has been confirmed.

ExQ1 Ref.	Question to	Question	Deadline 2 Submission comment	Applicant response
		<p>considered within the route selection process, amending any documents as necessary to ensure it would be secured.</p> <p>Can NE and MMO comment on any necessary measures that should be secured relating to vessel movements to ensure that impacts are minimised.</p>		
5. Commercial Fisheries (CF)				
1CF3	<p>The Applicant</p> <p>MMO</p> <p>NFFO</p> <p>IoM TSC</p>	<p>In Principle Monitoring Plan - Landings Data and Monitoring</p> <p>Paragraph 13.302 of ES Chapter 13 [APP-050] states that the IPMP includes for the monitoring of commercial fisheries data pre, during and post construction. Paragraph 39 of the IPMP states that this is likely to be managed outwith of the IPMP. Table 2.5 of the IPMP [APP-148] states that monitoring would be carried out for a minimum period of 5 years and does not include monitoring during or following decommissioning. Assuming</p>	<p>The MMO is reviewing this point with our scientific advisors and will provide an update at Deadline 4.</p>	<p>The Applicant defers to its response to 1CF3 in The Applicant's Response to ExA's Written Questions 1 (REP3-068) and will respond to further comments provided by the MMO at Deadline 5, noting that the IPMP_Rev 03 Clean has been updated at Deadline 4 (Document reference 6.4) to ensure 5 years of monitoring post-construction.</p>

ExQ1 Ref.	Question to	Question	Deadline 2 Submission comment	Applicant response
		<p>an approximate construction period of 2.5 years, it is assumed that pre and post construction monitoring would therefore equate to approximately 1.25 years each. Please also see ExQ1GEN11Error! Reference source not found.</p> <p><u>To the Applicant:</u></p> <p>a) Can the Applicant explain why a commitment to monitoring landings data is proposed to sit outwith the IPMP and, if so, how would this be secured?</p> <p>b) Rather than sit outwith of the IPMP, could the IPMP and/ or the oFLCP be amended to secure this and if not, why not?</p> <p>Can the Applicant explain why monitoring of landings data is not proposed during or post decommissioning given the potential impact of activities during decommissioning have been assessed as being the same as those during construction? To address this can the IPMP be amended to</p>		

ExQ1 Ref.	Question to	Question	Deadline 2 Submission comment	Applicant response
		<p>make clear monitoring would be carried out during and post decommissioning and for how long?</p> <p><u>Other IPs:</u></p> <p>d) Do any other IPs have any comments or views on how the commitment to monitoring should be secured? e) Is monitoring on landing data sufficient?</p> <p>f) Could NE confirm whether 1.25 years of data would be sufficient to evaluate the effect of the construction and operation of the proposed development on the fisheries resources at or near the site, or whether a longer post construction monitoring period is necessary.</p> <p>Should monitoring be extended to include during and post decommissioning activities and if so, can other IPs explain with reasons how long it is considered such monitoring would be required</p>		

ExQ1 Ref.	Question to	Question	Deadline 2 Submission comment	Applicant response
		following completion of the works?		
7. Draft Development Consent Order [REP2-002] (DCO)				
1DCO1	MMO	<p>Transfer of benefit of Order</p> <p>The MMO is reviewing this point and will provide an</p> <p>Without concluding on the matter, in order to ensure that the MMO update at Deadline 4.</p> <p>is satisfied as to the drafting of Article 7, could it provide a revised draft of Article 7, and also set out any other associated changes to the dDCO it would consider appropriate, were the SoS to conclude that they did not wish to include transfer of the benefit of the DML within the Order.</p>	The MMO is reviewing this point and will provide an update at Deadline 4.	The Applicant refers to its response to 1DCO1 in The Applicant's Response to ExA's Written Questions 1 (REP3-068) and to its response to the MMO's Deadline 3 response (Document Reference 9.51) and will respond to any further comments and/or alternative article wording provided by the MMO at Deadline 5.
Schedule 6- Deemed Marine Licence				
1DCO7	The Applicant NE	<p>Pre-construction plans and documentation (Schedule 6, Part 2, condition 9(1)(c))</p> <p>Could the Applicant and NE provide an update on any</p>	The MMO notes this condition is directed to NE and the Applicant, the MMO is also in discussions with the Applicant and NE and although the position remains that 6 months is a more appropriate discharge period, is	The Applicant refers to its response to 1DCO7 in The Applicant's Response to ExA's Written Questions 1 (REP3-068). The MMO has provided an initial response to the Applicant's proposed conditions where a 6 month period has

ExQ1 Ref.	Question to	Question	Deadline 2 Submission comment	Applicant response
		progress made regarding the timescales included in the dML conditions for approval of pre-construction documentation and agreement of documents, where 4 months can remain and those where 6 months can be accepted.	hopeful of agreement during examination.	been suggested by the Applicant (although further feedback is awaited from the MMO and feedback is also still awaited from NE). The Applicant has updated the draft DCO_Rev 4 Clean (Document Reference 3.1) submitted at Deadline 4 to reflect the agreed position at that date, noting that there remain some timescales still in discussion.
1DCO8	The Applicant MMO HE MCA Trinity House Affected local authorities	Micrositing a) Within condition 9(1)(a)(ii) should there be a maximum limit for micrositing within the two lines of orientation? If so, what should this be? Should this be allowed to be varied by consent, and if so, who should grant this consent, and should there be any limits on variation?	a) The MMO understand MCA highlighted in REP2-034 that they would be content with micro-siting distances of 50m for micro-siting and 5m for tolerance. b) The MMO notes anything can be varied within a DML, it is up to the MMO to consult any relevant parties on a variation. The MMO will provide further comments once reviewing the Applicant and other interested parties comments.	The Applicant refers to its response to 1DCO8 in the the Applicant's Response to ExA's Written Questions 1 (REP3-068). The Applicant has amended the wording in the dDCO_Rev 04 Clean (Document Reference 3.1) (Schedule 6, Part 2, Condition 9(1)(a)) to account for micro-siting. This includes micro-siting for benthic features (9(1)(a)(v)) as well as micro-siting within 55m as suggested by the MMO and the MCA (9(1)(a)(ii)).
1DCO9	The Applicant NFFO The Traditional and Sustainable Commercial	Schedule 6, Condition 9(k) - Fisheries Liaison and Coexistence Plan (FLCP) <u>To the Applicant:</u>	The MMO maintains a watching brief on this response.	The Applicant refers to its response to 1DCO9 in the Applicant's Response to ExA's Written Questions 1 (REP3-068), noting that comments on the Outline Fisheries Liaison and Co-existence Plan (FLCP) have been received from the National Federation of Fishermen's Organisations (NFFO) and reflected in

ExQ1 Ref.	Question to	Question	Deadline 2 Submission comment	Applicant response
	Fishing Association IoM TSC	<p>a) The Applicant's response to the NFFO Relevant Representation ([PD1-011], RR-059-02) states that the FLCP is secured in Schedule 6 Condition 9(1)(k), which would be approved by the MMO with consultation with the fishing industry. However, the pretext within Condition 9(1) only references approval by the MMO in consultation with the relevant statutory nature conservation body, Trinity House and the MCA. Can the Applicant amend the drafting so as to include reference to representatives of the fishing industry? If not, at what stage and how would the fishing industry be consulted on the final FLCP as indicated? How would this be secured? Other IPs:</p> <p>Do the parties have any comments on the drafting of Condition 9(1)(k) or the scope and content of the oFLCP at this stage?</p>		the Outline FLCP_Rev 03 update submitted at Deadline 4 (Document Reference 6.3).

ExQ1 Ref.	Question to	Question	Deadline 2 Submission comment	Applicant response
Schedule 8 – Documents to be Certified				
1DCO11	The Applicant	<p>Documents to be Certified</p> <p>It has been noted that while the Applicant has renumbered the tracked versions of the documents submitted at D1 with an extra .1, for example the D1 tracked version of the HRA without prejudice derogation case [REP1-014] is now 4.11.1, this does not tally with the list of documents to be certified at Schedule 8 of the dDCO where document 4.11.1 is currently shown as the outline Compensation Implementation and Monitoring Plan.</p> <p>Could the Applicant please ensure that all documents in Schedule 8 are correctly referenced. This should be updated with each submission of a dDCO.</p>	<p>The MMO welcomes this request. The MMO would request that this Schedule is split into 3 parts:</p> <p>Part 1 — Documents Forming The Environmental Statement to be Certified</p> <p>Part 2 — Examination Documents Forming Part of the Environmental Statement to be Certified</p> <p>Part 3 — Other Documents to be Certified</p> <p>This is to ensure it is clear which documents were added during examination.</p>	<p>The Applicant notes the MMO's response; however, Schedule 8 is already structured in a way that draws attention to the various classes of documents, with different table headings for the Environmental Statement, Outline Plans, and Examination Documents, amongst others. Schedule 8 also includes revision numbers and dates which provided clarity as to whether documents were added or updated during Examination.</p> <p>The Applicant does not consider it appropriate to separate the Schedule into further parts, as it is considered that this would be unwieldy for stakeholders and parties in future and that it might cause confusion.</p>
8. Habitats Regulations Assessment (HRA)				
1HRA28	NE MMO	<p>Cumulative effects relating to Invasive Non-Native Species (INNS)</p> <p>The Applicant's assessment for INNS cumulatively with the</p>	<p>The MMO defers to Natural England regarding Cumulative effects relating to Invasive Non-Native Species (INNS) mentioned in 1HRA28 however, will review if there are any</p>	<p>In light of the risk of invasive non-native species (INNS), the Applicant has identified and committed to the use of best practice measures to reduce the risks of INNS, as secured in the PEMP.</p>

ExQ1 Ref.	Question to	Question	Deadline 2 Submission comment	Applicant response
		M&MTA project focuses on the impact of vessels (such as ballast water) but does not consider the potential stepping stone effect of introduced hard standing from the M&MTA project. This could enable propagation of species from the shore to the site. Can NE and the MMO provide commentary on the risk of such propagation, the likelihood of a significant effect relating to INNS and any measures required to avoid or minimise such effects.	other general comments from our scientific advisors.	These measures would reduce the risk of the introduction of INNS from the Project and the potential stepping stone effect. The Applicant has also committed to monitoring, which is secured by dML Schedule 6, Conditions 14 (preconstruction monitoring and surveys), 15 (construction monitoring) and 16 (post-construction monitoring) and presented in the In Principle Monitoring Plan (REP3-045). Benthic monitoring proposed includes INNS monitoring in line with asset inspection surveys (also committed to in the Commitments Register REP1-094; ID C021).
1HRA29	Mona Offshore Wind Ltd Morgan Offshore Wind Limited The Applicant NE MMO	Co-ordination/communication between projects during construction to minimise effects The Applicant's 'Report on Interrelationships with Other Infrastructure Projects - Revision 01 (Volume 9)' [REP1-078] explains why the Applicant considers that a legal obligation to coordinate with other developments in the Irish Sea could impede	The MMO is reviewing this point and will provide an update at Deadline 4.	The Applicant notes that the Report on Interrelationships with Other Infrastructure Projects_Rev 02 Clean (Document Reference 9.20) has been updated for Deadline 4, but reiterates no further formal co-ordination between projects is required. The Applicant will respond to further comments provided by the MMO at Deadline 5.

ExQ1 Ref.	Question to	Question	Deadline 2 Submission comment	Applicant response
		<p>delivery of the Morecambe OWF. Paragraph 86 of the report concludes that opportunities for coordination would be explored where relevant and in respect of project timescales as these develop further. In the absence of a legal obligation, explain what formal mechanisms exist to ensure that there would be meaningful engagement around coordination and that it would happen in a timely fashion. The ExA is particularly concerned about mechanisms to minimise the impact of noise on marine receptors at a cross project level.</p> <p><u>To Mona Offshore Wind Ltd and Morgan Offshore Wind Limited</u></p> <p>a) These IPs are invited to make comments in relation to the above</p> <p>and to point to any provisions set out within their respective applications which would provide such co-ordination.</p>		

ExQ1 Ref.	Question to	Question	Deadline 2 Submission comment	Applicant response
		<p><u>To the Applicant, Mona Offshore Wind Ltd and Morgan Offshore Wind Limited</u></p> <p>b) While noting the issues identified in paragraph 43, should one (or more) of the other projects not proceed, could this be resolved by ensuring that any secured co-ordination was only relevant for those projects under implementation?</p> <p><u>To NE and MMO</u></p> <p>c) Would a mechanism to ensure co-ordination of OWF construction activities assist in reducing the cumulative effect of the Proposed Development with other projects and, if yes, do NE and MMO have examples of how such a mechanism would function and be secured?</p>		
1HRA38	The Applicant, RSPB MMO	<p>Ecosystem effects due to ocean stratification</p> <p>The RR from the RSPB [RR-073] references the ecosystem impact of water</p>	The MMO confirms that it is satisfied with the Applicant's approach to consideration of water column stratification.	The Applicant welcomes this response.

ExQ1 Ref.	Question to	Question	Deadline 2 Submission comment	Applicant response
		<p>column stratification on prey availability. The Applicant's comments on WR at D2 item WR-112-11 [REP2-027] suggests that this issue may have been resolved in SoCG discussions with MMO.</p> <p>a) Is the RSPB able to provide specific evidence to demonstrate that such an effect is likely for example, the provision of the Isaksson et al (2023) reference, where relevant?</p> <p>b) The Applicant's response to RR item RR-073-16 [PD1-011] responds to the RSPB comments, cross referencing ES Chapter 12 [REP1-032]. Neither of the cross-referenced sections of text explicitly address stratification.</p> <p>Can the MMO confirm that it is satisfied with the Applicant's approach to consideration of water column stratification?</p> <p>d) Could the Applicant please address this point (it is noted that ES Chapter 7 [REP2-008]</p>		

ExQ1 Ref.	Question to	Question	Deadline 2 Submission comment	Applicant response
		does include reference to stratification).		
10. Seascape, Landscape and Visual (SLV)				
1SLV6	The Applicant MMO IPs generally	<p>Detailed array layout</p> <p>Under condition 9(1) of Part 2 of Schedule 6 of the dDCO [REP2002], the Applicant needs the consent of the MMO, following consultation with the relevant statutory nature conservation body, Trinity House and the MCA, for the detailed array layout.</p> <p>a) Could the MMO please explain how its internal procedures would ensure that its consideration of the layout would take account of seascape, landscape and visual effects from coastal regions (including inland locations with a view of the Application site) as considered within the ES, particularly as it is noted in the SoCG with the MMO [REP1-060] that the MMO defers to other parties in respect of seascape, landscape and visual impact assessment.</p>	<p>The MMO wishes to note that if consent is granted for this application, appropriate post consent returns would be set up on our case management system to ensure consultation with the relevant statutory nature conservation body, Trinity House and the MCA for the detailed array layout.</p> <p>In relation to SLV the MMO would be open to other parties being consulted such as the relevant planning authorities.</p>	The Applicant defers to its response to 1SLV6 in The Applicant's Response to ExA's Written Questions 1 (REP3-068).

ExQ1 Ref.	Question to	Question	Deadline 2 Submission comment	Applicant response
		Does the Applicant, or any other IP, consider that there is a case for widening those bodies the MMO needs to consult to include relevant planning authorities falling within the Zone of Theoretical Visibility to ensure that any harm is minimised in line with paragraph 2.8.351 of NPS EN-3?		

2.8 Natural England (REP3-092)

Table 2.9 The Applicant's response to NE's Response to ExQ1 (REP3-092)

ExQ1 Ref.	Question to	Question	NE Response	Applicant response (if required)
Cross-Topic and General				
1GEN1	All parties	National Planning Policy Framework A replacement National Planning Policy Framework was published on 12 December 2024. All parties are invited to make any comments they wish as to how any changes within this document affect the consideration of the Proposed Development.	Natural England is aware of changes to this policy, and we can confirm that our advice remains aligned with it.	The Applicant has no further comments.
Environmental Statement (General)				
1GEN20	NE	European Protected Species Licensing The Applicant's response to Actions from PM and ISH1 [REP1-086] paragraph 24 notes that the regulations surrounding EPS licensing are due to be updated at the end of 2024. Can NE advise on the scope of these changes and highlight potential matters that could have implications for the consenting process.	Marine EPS licenses are determined by the MMO. As such, NE advises that this question should be directed toward the MMO.	The Applicant has no further comments, but notes the draft Marine Mammal Mitigation Protocol (MMMP) and Outline Underwater Sound Management Strategy (UWSMS) reflect mitigation requirements that would be expected for European Protected Species (EPS) licenses.
Need and Assessment				
1GEN21	All parties	Application of s104 of the PA2008 In paragraph 171 of the revised Planning, Development Consent and Need Statement [REP1-010] the Applicant states "NPS EN-5	a) NE's view is that this is relevant to the project.	Noted. The Applicant refers to its response to 1GEN21 in The Applicant's Response to ExA's Written Questions 1 (REP3-068).

ExQ1 Ref.	Question to	Question	NE Response	Applicant response (if required)
		<p>sets out Policies concerning electricity transmission distribution systems. It is, therefore, not relevant to the Project". However, NPS EN-5 is referenced in both ES Chapters 15 (paragraph 15.20, [REP1-034]) and 19 (paragraph 19.28, [REP1-040]). a) Having regard to the elements of offshore wind infrastructure identified within paragraph 2.8.4 of NPS EN-3, all parties are invited to give their views as to whether, for the purposes of sections 104(2)(a) or 104(3) of the PA2008, NPS EN-5 should be considered as 'relevant national policy' or whether it should be considered to be an 'other matter' for the purposes of section 104(2)(d) of the PA2008.</p> <p>b) Should any party hold the view that it should be regarded for the purposes of sections 104(2)(a) or 104(3) of the PA2008, they are asked to explain why they hold that view and identify any matters that should be particularly taken into account, providing references as necessary.</p>	<p>b) Please refer to Annex 1 of Natural England's Relevant Representation [RR-061]</p>	
1GEN22	NE	<p>Compliance with NPS EN-3</p> <p>a) Could NE please reconcile its request in Annex 1 to its RR/ WR [RR-061] for a "condition preventing the offshore works associated with the generation asset commencing until the necessary grid connection consents had been obtained was included within the generation DCO/dML" with paragraph 2.8.338 of EN-3</p>	<p>a) NE's request is reflective of the fact that whilst EN-3 does allow for the separate consenting of array and transmission assets, it also requires that projects "ensure they provide sufficient information on the indirect, secondary and cumulative effects". Until the consenting</p>	<p>The Applicant notes the response given in (PD1-011 item RR-061-32), nothing that the Applicant considers sufficient information has been provided on cumulative effects between the Project and the Transmission Assets.</p>

ExQ1 Ref.	Question to	Question	NE Response	Applicant response (if required)
		<p>which indicates that “some proposals for transmission could be consented separately to those for wind farm (array) application”?</p> <p>b) Could NE also respond to the proposition that one interpretation of paragraph 2.8.338 of EN-3 is that there is no policy requirement for one to be contingent upon the other.</p>	<p>process for the transmission assets has been completed and the envelope of that project confirmed, it would not be possible for the examining authority to be certain that these effects have been fully taken into account.</p> <p>b) As per the answer above, there is no explicit policy requirement on the face of EN-3 para 2.2.338, but the requirement to provide sufficient information on the indirect, secondary and cumulative effects means that this is necessary for a full assessment of the effects of the entire project as a whole across the separate consents.</p>	
Marine Geology, Oceanography and Physical Processes				
1BEM13	The Applicant NE	<p>Operation and maintenance impact 6: cable and WTG/ OSP maintenance activities</p> <p>ES Chapter 7, paragraph 7.339 [REP2-008] indicates that receptors have been assessed as of high value but low sensitivity to cable maintenance activities, and paragraph 7.342 assesses the significance of the effect as negligible adverse. Given the potential presence of Sea pen, is this assessment of low sensitivity valid and</p>	<p>Natural England will consider the Applicants response to this Examiners Question regarding the interpretation of this assessment and will respond if required at a later deadline.</p>	<p>The Applicant will provide a response to any further information from Natural England at Deadline 5, but notes that the assessment is considered to be robust, as outlined in the Applicants response to 1BEM13 (REP3-068).</p>

ExQ1 Ref.	Question to	Question	NE Response	Applicant response (if required)
		consequently is there potential for the significance of effects from cable maintenance activities to have been underestimated, especially in light of comments in ES Chapter 9, paragraph 9.166 [REP2-012] that identify sea pen as “highly sensitive to removal and/or penetration of the substratum”? The Applicant may wish to combine its response with its response to ExQ1BEM21Error! Reference source not found.		
Marine Mammals				
1BEM38	NE	Risk of Permanent Threshold Shift (PTS) In its joint RR and written representation (WR) [RR-061] NE indicates (Ref D36) that it does not agree that PTS should be screened out of the cumulative effects assessment (CEA) on the basis that mitigation has not been secured on other projects. How does NE reconcile this with its statement in NE Refs P6 and D1 that from January 2025 there will be an expectation of best endeavours to deliver noise reductions, and that "we expect that the majority of piling from 2025 onwards will not be able to go ahead without noise abatement in place".	Natural England draws the ExAs attention to the publication of DEFRA's new measures to curb underwater noise and accelerate renewable energy (21 January 2025), alongside this a Marine Noise Policy paper and UXO guidance were also published. This is likely to have implications for all offshore windfarms going through examination. Therefore, 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. Furthermore, several of the projects considered within the	The Applicant is aware 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> ”. In response to this, and therefore in line with the latest joint position statement (JNCC, Natural England and Cefas, 2025) and the marine noise policy paper (UK Government and Defra, 2025), the Applicant is committed to primary

ExQ1 Ref.	Question to	Question	NE Response	Applicant response (if required)
			CEA are still in examination and mitigation for projects that are still in examination cannot be considered as being secured.	(reduction in noise emission through design changes) or secondary noise reduction measures (e.g. Noise Abatement Systems (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 taking into account primary and/or secondary measures as needed.. This is secured in the updated Draft MMMP_Rev 03 Clean (Document Reference 6.5) and Outline UWSMS_Rev 02_Clean (Document Reference 9.32) submitted alongside this document at Deadline 4.
1BEM39	The Applicant NE	PTS and Temporary Threshold Shift (TTS) risk from operational turbines ES Chapter 11, paragraph 11.583 and 11.584 [REP1-030] indicate that PTS and TTS could occur for marine mammals within <100m of WTGs. Is it correct to say that each turbine would therefore create a 200m diameter exclusion zone for marine mammals and if so: a) to what extent would this be true for other species?	The referenced analysis presented by the Applicant indicates that if marine mammals remain within 100m of a WTG for 24h, then there would be a risk of PTS or TTS. The question of whether this level of noise would be sufficient to create an immediate strong fleeing response in these animals to the extent that an exclusion zone is created around each turbine is	Since the turbines are fixed to the seabed, marine mammals approaching or swimming past them would notice the noise in advance and are therefore unlikely to exhibit fleeing behaviour. Fleeing responses are typically triggered by sudden and unexpected sounds. Observations of seals and the most hearing-sensitive marine mammals, such as the harbour

ExQ1 Ref.	Question to	Question	NE Response	Applicant response (if required)
		b) what is the cumulative area of such exclusion zones with other projects?	not answered in this analysis. Therefore, Natural England advises that the Applicant provide the ExA with any evidence they have produced in relation to this question.	porpoise, foraging and swimming near turbines (as noted in the Applicant's response to 1BEM39 in the Applicant's Response to ExA's Written Questions 1 (REP3-068) suggest that an exclusion zone is unlikely to occur, having in mind that Permanent Threshold Shift (PTS) and Temporary Threshold Shift (TTS) could be experienced by a marine mammal within <100m of the turbine. While marine mammals react to noise on an individual basis, one cannot presume that 100m around a turbine is an exclusion zone.
1BEM41	The Applicant NE	Marine Mammal Data Gaps Appendix 11.5, Table 2.1 [APP-069] makes reference to additional datasets from Hilbre Island Observatory and the Offshore Energy SEA. The Applicant was unable to access either data set. a) Can the Applicant explain whether it has been able to obtain this information subsequently? b) Can NE and the Applicant comment on whether the absence of this information is material to the assessment of effects?	b) Natural England advises that the Applicant is already using the appropriate NW MU for this assessment, but these extra datasets are unlikely to improve the assessment.	The Applicant agrees with Natural England and has no further comment.

ExQ1 Ref.	Question to	Question	NE Response	Applicant response (if required)
Offshore Ornithology				
1BEM44	The Applicant JNCC NE NRW DAERA	<p>Northern Ireland windfarms – screening and CEA</p> <p>To the Applicant:</p> <p>a) Could the Applicant explain why it has been able to consider Sceirde, Codling, Dublin Array and North Irish Sea windfarms in its CEA for marine mammals (ES Appendix 11.4, Table 4.1 [REP1-048]) based on overlapping construction activities but has ruled out an assessment for these sites in relation to birds in ES Chapter 12, Table 12.54 [REP1-032] due to lack of data and does not reference Sceirde in its list of sites for the Ornithological Assessment?</p> <p>Oriel and Arklow windfarms, which are listed in ES Table 12.54 are not referenced in Table 4.1 of the HRA Screening Report [APP-034] or in the RIAA [REP1-012] and appear to have been ruled out of further assessment based on the Applicant's Appendix 6.1 CEA longlist [APP-061].</p> <p>b) Could the Applicant please provide more detailed HRA screening information for Sceirde, Northern Irish Sea Array (NISA), Arklow and Oriel offshore windfarms? It is noted that applications have been lodged for NISA, Arklow and Oriel windfarms,</p>	<p>e) Natural England advises that consideration of the listed projects and SPAs would allow the SoS to perform a comprehensive appropriate assessment. Natural England advised at relevant reps [RR_061] that a critical appraisal of the likelihood of colonies contributing to the population observed within the project study area should be carried out and that colonies considered unlikely to display connectivity, despite technically being within potential foraging range, should be disregarded during apportioning. The purpose of this advice was to ensure that impacts to closer SPAs were not being underestimated by apportioning observed birds to more distant colonies with which connectivity is less likely. If the listed SPAs were screened out on this basis, the Applicant should indicate this as requested at c). Correspondingly, the Applicant may wish to consider whether birds apportioned to SPAs in England from Sceirde, Codling, Dublin</p>	<p>Noted. The Applicant refers to its response to 1BEM44 in The Applicant's Response to ExA's Written Questions 1 (REP3-068). The Applicant notes that for the Irish projects where published assessment information is available (North Irish Sea Array (NISA), Arklow Bank 2 and Oriel), all have concluded that there would be no measurable effects for Special Protection Areas (SPAs) likely to contribute to in-combination effects with the Project. Therefore, none of these projects would affect the conclusions of the Project Habitat Regulations Assessment (HRA) assessment presented in the Report to Inform the Appropriate Assessment (RIAA) (REP1-012) and Offshore Ornithology Technical Note 2 (HRA) Rev 02 (REP3-058).</p>

ExQ1 Ref.	Question to	Question	NE Response	Applicant response (if required)
		<p>meaning that detailed information is now available for assessment.</p> <p>c) In addition, the Applicant should update the HRA screening report with information relating to Rockabill Special Protection Area (SPA) and the North-west Irish Sea (NWIS) SPA.</p> <p>d) In relation to all the above points, the Applicant's HRA screening and RIAA should be updated where relevant, to inform the SoS's Appropriate Assessment.</p> <p><u>To NE, NRW, DAERA and JNCC</u></p> <p>e) NE, NRW, DAERA and JNCC are invited to comment on the points above.</p>	<p>Array and North Irish Sea windfarms are realistically connected with such SPAs and provide information whether these should be screened in for in-combination as requested at b).</p> <p>The CEA considers impacts relative to the appropriate Biologically Defined Minimum Population Scale (BDMPS) populations for each species as defined in Furness (2015). The BDMPS regions extend to the edge of the UK EEZ only and not into the territorial waters of the Republic of Ireland. For EIA, we therefore consider it reasonable only to include UK wind farms in the assessment. For HRA, the advised method for apportioning non-breeding season impacts to UK SPAs requires the use of estimated numbers of birds from each relevant colony that are present within the BDMPS region in a given season. To attribute impacts occurring at Irish wind farms to UK SPAs would require an equivalent estimate of numbers of UK breeding birds that enter Irish waters; we are not</p>	

ExQ1 Ref.	Question to	Question	NE Response	Applicant response (if required)
			<p>aware of the existence of such an estimate. It is acknowledged that this is a limitation of the BDMPS method and the UK SNCBs are looking to address it in an update to the BDMPS report. However, this will not be available in time for a consenting decision on this project to be made.</p> <p>As breeding season impacts are generally apportioned based on distance from the relevant colony to the project where the impact occurs, it is possible to apportion these impacts to UK colonies. However, we consider that it is unlikely that significant breeding season connectivity exists between the English SPAs under consideration in the current assessment and the Irish wind farm projects listed, and impacts are therefore considered negligible. Additionally, we have not had the opportunity to review the Irish wind farm ornithological assessments and are therefore unclear on whether the methodology used would be compatible with that advised for UK assessments.</p>	

ExQ1 Ref.	Question to	Question	NE Response	Applicant response (if required)
1BEM46	The Applicant JNCC NE NRW NatureScot DAERA RSPB North West Wildlife Trusts	<p>Assessments</p> <p>In paragraph 62 of the Offshore Ornithology Technical Note 1 (EIA) [REP1-080] it is noted that the NE advice in relation to the CEA was not to include historic projects with limited (or no) overlap with the construction and operational timeframe of the Proposed Development.</p> <p>a) However, would the existing background mortality rates include those associated with these windfarms? If so, does there need to be an associated assessment from the removal of their effects as they are decommissioned? It is appreciated that the assessment is precautionary, but without removing any such effects, is there a risk that the assessment becomes over-precautionary, leading to mitigation that is not required?</p> <p>It is also appreciated that there is a separate discussion in relation to when the Barrow windfarm is to be decommissioned (see ExQ1GEN10) which may also need to be considered. This argument, taken to its logical conclusion, should also factor in any effects associated with the decommissioning of other windfarms (see Table 5.1 of Applicant's response to Actions from PM and ISH1 [REP1-085]) for longer-term effects).</p>	<p>Natural England notes that the background mortality rates used for assessment are taken from Horswill and Robinson (2015), a review paper which was based on a range of data sources. Many of these sources pre-date the construction of most or all offshore wind farms. For example, adult survival rates for black-legged kittiwake are based on studies published in 2002, 2004 and 2010 (see Table 18 in Horswill & Robinson, 2015) and therefore baseline mortality calculations will not take into account the impact from the majority of UK offshore wind projects. Similarly, while some colony populations have been monitored reasonably regularly, the BDMPS population data (Furness 2015) used to apportion impacts to colonies are also based on data sources from the 1990s to 2015. The UK SNCBs are progressing an update of demographic rates, but it should still be noted that it will be difficult to tease out the contribution that offshore wind projects make to this baseline. Therefore, while</p>	<p>Noted, the Applicant agrees that it is not possible to incorporate changes in the contributing consented windfarms during the life of the Project within population viability analysis (PVA) modelling. The Applicant also refers to its response to 1BEM46 in The Applicant's Response to ExA's Written Questions 1 (REP3-068).</p>

ExQ1 Ref.	Question to	Question	NE Response	Applicant response (if required)
		b) Could the Applicant, JNCC, NE, NRW, NatureScot, DAERA, the RSPB and the North West Wildlife Trusts please give their views as to how the effects of the decommissioning of existing windfarms should be considered to avoid over-precautionary mitigation/ compensation.	<p>recognising the potential to over-estimate impacts, it will likely be necessary to continue to base assessments on the total baseline mortality due to the uncertainty of how to account for any contribution of offshore wind projects.</p> <p>In principle, we agree that removing the impact of offshore wind projects from the assessments as they are decommissioned would give more accurate cumulative and in-combination assessments. However, there is not currently an agreed method for taking into account the decommissioning of existing wind farms, beyond screening out their impacts if there is no overlap. The Population Viability Analysis (PVA) tool, for example, which is used to assess impacts over the lifetime of a project in assessments, does not currently have the capacity to "switch off" certain project impacts at a certain point in the run. This is acknowledged to be a limitation of the assessment methodology,</p>	

ExQ1 Ref.	Question to	Question	NE Response	Applicant response (if required)
			<p>which we are hoping can be addressed in the future. We also note the lack of clarity over the end 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.</p> <p>However, we highlight that continuation of energy production, repowering or repurposing will be subject to a further statutory consultation where the licence has an expiry date or similar provision. This would need to be supported by cumulative and in-combination assessments where needed. However, we understand that some licences for an OWF in the Irish Sea does not have such a stipulation, thereby complicating the picture.</p> <p>As Natural England is not responsible for the licences in question, we are not able to clarify the matter further for the ExA, nor advise on the</p>	

ExQ1 Ref.	Question to	Question	NE Response	Applicant response (if required)
			implications for the current cumulative/in-combination assessments on a project-by-project basis.	
1BEM47	The Applicant JNCC NE NRW NatureScot DAERA RSPB North West Wildlife Trusts	<p>Base cases</p> <p>The ExA understands that, following NE advice, consented turbine parameters have been used as opposed to as built parameters on the basis that it is, theoretically, possible that the remainder of the consented scheme could be built out.</p> <p>a) However, either where a scheme is coming to end of its life (see Table 5.1 of Applicant's response to Actions from PM and ISH1 [REP1-085]) or where the scheme as built would prevent additional development, should not 'as built' data be utilised? Would this alter any of the effects assessed?</p> <p>b) Could the Applicant, JNCC, NE, NRW, NatureScot, DAERA, the RSPB and the North West Wildlife Trusts please give their views on this proposition.</p>	<p>Natural England advises that it is generally the case that cumulative assessments are carried out using impact estimates taken from the Environmental Statements of previous projects, which are based on a worst-case scenario.</p> <p>In the gap-filled cumulative assessment for ornithological impacts, the Applicant has presented figures for both consented and as-built parameters where available, although we note that for several older projects, only as-built parameters were available. While we consider it acceptable for the Applicant to present both, it is generally considered appropriate to base the assessment on the consented parameters as these represent the worst-case scenario and are legally secured within the DCO (although we note in the updated CEA that collision impacts attributed to Burbo Bank OWF are</p>	Noted. The Applicant refers to its corresponding response to 1BEM47 in The Applicant's Response to ExA's Written Questions 1 (REP3-068).

ExQ1 Ref.	Question to	Question	NE Response	Applicant response (if required)
			<p>higher under the as-built scenario due to the turbines having a smaller air gap than in the consented scenario).</p> <p>Based on comparison of the cumulative and as-built impact estimates presented in the Mona Offshore Wind Project Offshore Ornithology Cumulative Effects Assessment and In-combination Gap-filling Historical Projects Results report, in this case, we do not consider that basing the assessment on the as-built parameters would change our conclusions.</p> <p>This is a nationally recognised issue and collaborative industry-led work in which NE has been involved is ongoing to address it. However, due to the legal complexities of the situation, there is not an agreed way forward and this issue will not be resolved within the timelines of the current consenting round.</p>	
1BEM48	The Applicant NE NRW RSPB	Assessments The Offshore Ornithology Technical Note 3 (Red-Throated Diver at Liverpool Bay SPA Update Assessment) [REP1-082] notes the effects of existing disturbance by helicopters	Natural England has advised that there will be an AEOL on the Liverpool Bay SPA from the project alone, therefore the reduction of disturbance from other sources would not change	The Applicant reiterates its position that it considers that there would be no adverse effect on integrity (AEOL) for the red-throated diver feature of Liverpool Bay SPA. Refer also to

ExQ1 Ref.	Question to	Question	NE Response	Applicant response (if required)
	North West Wildlife Trusts	and seacraft. It is stated that, apart from ferries, a significant proportion is associated with the oil and gas industry. As it well known, the decarbonisation agenda will mean that these operations will be phased out over time (repurposing for Carbon Capture Assessment would need a revised assessment as it is not currently consented). Should, therefore, the effects of the removal of this traffic form part of the overall assessment? Could the Applicant, NE, NRW, the RSPB and the North West Wildlife Trusts please give their views on this proposition.	this outcome. Furthermore, whilst decommissioning or repurposing of offshore oil and gas infrastructure may be under consideration, there is significant uncertainty around these projects: Many are yet to secure the relevant permissions/consents and it is not clear how much of a reduction (if any) in disturbance this will lead to. Therefore, there is no meaningful way to represent this in the assessment. Unconsented activities normally should not be considered as part of an HRA in-combination assessment.	corresponding response to 1BEM48 in The Applicant's Response to ExA's Written Questions 1 (REP3-068).
1BEM49	NE	Liverpool Bay SPA extension Could NE please briefly set out the rationale for the extension of the Liverpool Bay SPA in 2017, and in particular set out any changes to the features leading to the designation, especially where those features could be affected by the Proposed Development?	Natural England advises that the Liverpool Bay / Bae Lerpwl Special Protection Area (SPA) was originally classified in 2010 for common scoter (<i>Melanitta nigra</i>), red-throated diver (<i>Gavia stellata</i>) and waterbird assemblage. In 2017, the SPA was reclassified by the UK and Welsh Assembly Governments. At this time, three more bird features were added. These are non-breeding little gull (<i>Hydrocoloeus minutus</i>), breeding little tern (<i>Sternula albifrons</i>) and	The Applicant notes this response from Natural England (NE). The Applicant has submitted additional information in relation to the designation of the Liverpool Bay SPA at Deadline 4 (see Additional information to support assessment of Red-throated Diver feature at Liverpool Bay SPA (Document Reference 9.47)).

ExQ1 Ref.	Question to	Question	NE Response	Applicant response (if required)
			<p>breeding common tern (<i>Sterna hirundo</i>). As part of the reclassification in 2017, the boundary of the SPA was extended to the north and west to support the addition of little gull. The addition of little gull and extension of the site was made due to improved evidence indicating the importance of the site for non-breeding little gull, rather than any changes to the abundance or distribution of little gull. Similarly, the tern species were added in order to protect their foraging ranges when at breeding colonies in coastal SPAs which do not provide this protection, rather than any changes to the abundance or distribution of these species. See departmental brief on LBSPA extension for further info (https://assets.publishing.service.gov.uk/media/5a756006e5274a4358bd0021/liverpool-bay-bae-lerpwl-spa-departmental-brief.pdf).</p> <p>Natural England confirms that no impacts on the tern features of the SPA due to the Project are predicted.</p>	

ExQ1 Ref.	Question to	Question	NE Response	Applicant response (if required)
			Please see Appendix B8 for our assessment of little gull impacts.	
1BEM51	The Applicant NE MO	<p>Use of alternative ways of working and technology to reduce effects</p> <p>Paragraph 2.8.214 of NPS EN-3 encourages alternative ways of working and use of technology to be employed to avoid environmental impacts. For example, construction vessels may be rerouted to avoid disturbing seabirds. Paragraph 37 of the outline Vessel Traffic Management Plan (oVTMP) [REP2-022] references minimising impacts on seabirds once ports are known but provides limited information in section 7 regarding how routes to the site would be determined to minimise seabird disturbance.</p> <p>a) Could the Applicant please explain how seabird disturbance would be considered within the route selection process, amending any documents as necessary to ensure it would be secured.</p> <p>b) Can NE and MMO comment on any necessary measures that should be secured relating to vessel movements to ensure that impacts are minimised.</p>	<p>Please see Appendix D1 and Appendix B8 for our view on the Vessel Traffic Management plan submitted by the Applicant at Deadline 2.</p> <p>Natural England recommends that when selecting construction/operational ports, consideration must be given to the availability of routes to the array which avoid denser aggregations of birds within SPAs where such sites cannot be avoided completely.</p>	Noted. The Applicant refers to its corresponding response to 1BEM51 in The Applicant's Response to ExA's Written Questions 1 (REP3-068).
Schedule 6 – Deemed Marine Licence				
1DCO7	NE The Applicant	Pre-construction plans and documentation (Schedule 6, Part 2, condition 9(1)(c))	The Applicant has provided NE with anticipated timescales for review of pre-construction documentation, with both 4 month	The Applicant remains in consultation with NE and the Marine Management Organisation (MMO) regarding

ExQ1 Ref.	Question to	Question	NE Response	Applicant response (if required)
		Could the Applicant and NE provide an update on any progress made regarding the timescales included in the dML conditions for approval of pre-construction documentation and agreement of documents, where 4 months can remain and those where 6 months can be accepted.	<p>and 6 month review periods proposed. For clarity purposes, Natural England recommends that the Applicant submits a timetable into examination. We advise that consideration is given to moving toward a 6 month timescale for as many of these as possible.</p> <p>If, post consent, the Applicant seeks further advice on outstanding concerns from NE through our discretionary advice service prior to discharge submission to the MMO, then we believe that the timescales are likely to be achievable. Conversely, we highlight that based on post consent experiences, submission of documents which still require significant work/agreement is likely to involve multiple rounds of consultation, and revisions are necessitated, reducing the likelihood of agreement within the intended timescale.</p>	the length of discharge period for each plan and will update the Examining Authority (ExA) when the proposals made by the Applicant have been commented on by the MMO and NE. Some timescales have been changed (i.e. where the Applicant has agreed to a 6 month period) in the draft DCO_Rev 4 Clean (Document Reference 3.1) submitted at Deadline 4.
8. Habitats Regulations Assessment (HRA)				
1HRA2	The Crown Estate	Habitats Regulations Assessment from Round 4 Leasing <u>To The Crown Estate</u>	Natural England's advice in relation to Morecambe Generation is project specific i.e.,	Noted. The Applicant refers to its corresponding response to 1HRA2 in The Applicant's

ExQ1 Ref.	Question to	Question	NE Response	Applicant response (if required)
	The Applicant NE NRW	<p>a) Could The Crown Estate please provide a copy of The Crown Estate Round 4 plan-level HRA.</p> <p><u>To the Applicant</u></p> <p>b) With reference to paragraph 2.8.71 of NPS EN-3, could the Applicant set out the relevant mitigation measures identified in the Round 4 plan-level HRA and signpost to where these have been addressed in the Applicant's submission.</p> <p>c) Does the Applicant consider that any representations are seeking to revisit matters dealt with in the Round 4 HRA where a conclusion has been reached without further evidence to indicate that the earlier conclusion was incorrect or that matters have subsequently changed? To NE and NRW</p> <p>d) Should either NE or NRW consider they are seeking to revisit matters, could NE and NRW please set out why they hold that any conclusion in the HRA for the Round 4 Irish Sea Projects is incorrect or matters have subsequently changed? If this is the case, could NE and NRW please explain their reasoning</p>	<p>based on the merits of the application as submitted. Because the plan level HRA, is by necessity more generalised due to the available evidence at the time of undertaking, it was agreed with the Crown Estate when it was written, that project specific HRAs need not fully align with the Plan Level HRA. But projects must still adhere the requirements of their seabed lease.</p>	<p>Response to ExA's Written Questions 1 (REP3-068).</p> <p>The Applicant has submitted additional information in relation to the designation of the Liverpool Bay SPA at Deadline 4 (see Additional information to support assessment of Red-throated Diver feature at Liverpool Bay SPA (Document Reference 9.47)).</p>
1HRA3	NE	<p>HRA Screening: Bats</p> <p>Can NE confirm if it is content with the Applicant's approach to screening out terrestrial ecology including bats from the</p>	<p>The Applicant has stated that they do not believe there is an impact pathway due to the lack of protected sites in the UK for</p>	<p>The Applicant acknowledges NEs concerns and provides a Technical Note on the Assessment of Offshore Impacts</p>

ExQ1 Ref.	Question to	Question	NE Response	Applicant response (if required)
		HRA on the basis described in [APP-028]. If not, please outline any concerns and give reasons.	<p>migratory bat species and the assumed sedentary nature of UK species. However, Natural England advises that there is a potential impact pathway, with some bat species, in particular noctule and Leislars being known to move between Ireland and England/Wales. It is therefore not possible to screen out impacts to bats altogether as the extent of these movements is not well understood. The Applicant should review the available evidence on bat species where crossing of the Irish Sea is known to have occurred and present findings as to the expected magnitude of effect from this pathway. Evidence sources that could inform this work include:</p> <p>The Bat Conservation Trust (https://www.bats.org.uk/about-bats/threats-to-bats/wind-farms-and-wind-turbines)</p> <p>Natural England's favourable conservation status statements for the relevant species (search on https://publications.naturalengland.org.uk/category/5415044475256832)</p>	on Bats over the Irish Sea at Deadline 4, taking into account the evidence sources cited by NE where appropriate (Document Reference 9.48).

ExQ1 Ref.	Question to	Question	NE Response	Applicant response (if required)
			<p>The Handbook of the mammals of Europe, bat chapters (https://www.springer.com/series/15198)</p> <p>Offshore Energy SEA 4: Appendix 1 Environmental Baseline Bats chapter (https://assets.publishing.service.gov.uk/media/62308e42d3bf7f5a8a6955b8/Appendix_1a.7_-_Bats.pdf)</p>	
1HRA5	NE	<p>HRA Screening and RIAA</p> <p>NE is requested to confirm its advice regarding the Applicant's screening assessment [APP-028] and RIAA [REP1-012] conclusions. To date, NE have not provided full commentary on their agreement or disagreement in relation to all sites and features screened into the assessment and therefore conclusions on LSE and the conclusions on Adverse Effect on Integrity.</p>	<p>Natural England will not be providing a full account of agreement and disagreement to each conclusion in the HRA screening and RIAA. Instead we have focussed on assessments where we believe there are issues with the conclusions drawn and/or there is a meaningful risk to a National Site. Please refer to Table 2 below for a summary of NE's views on HRA conclusions where we have identified issues and their current status.</p> <p>For avoidance of doubt and for audit trail purposes, for assessments where NE has not commented, it should be assumed that we have no</p>	<p>The Applicant welcomes confirmation that NE has no outstanding concerns for features on which it has not commented.</p>

ExQ1 Ref.	Question to	Question	NE Response	Applicant response (if required)
			significant nature conservation concerns with the conclusions.	
1HRA12	NE	<p>Effects on Red Throated Diver, Liverpool Bay SPA</p> <p>In paragraph 3 of the updated assessment for Red Throated Diver [REP1-082] it is noted that the Applicant states that the lack of reference of disagreement by NE to other conservation objectives such as population for the Liverpool Bay SPA has led to the view that NE is content with the conclusions in relation to these. Can NE confirm this position by commenting on each of the objectives set out in Table 1.2 of the document.</p>	<p>We confirm that we consider there will be AEOI for the following objectives:</p> <p><i>Non-breeding population: distribution.</i> The project will impact the distribution of RTD in the site</p> <p><i>Supporting habitat: extent, distribution and quality of supporting habitat for the non-breeding season.</i> The project is likely to reduce the availability of supporting habitat to red-throated diver.</p> <p>In terms of the other objectives:</p> <p><i>Non-breeding population: abundance.</i> Mortality due to displacement impacts is not currently a primary concern for this feature, as surveys have suggested that with current levels of in-combination impacts, the overall abundance of the feature has not declined. Mortality levels are therefore unlikely to be at the upper end of the range considered. However, it is possible that this will change if the distribution of the feature and the</p>	<p>Noted. The Applicant agrees that if it was accepted that there was an effect on red-throated diver (which the Applicant considers is not the case), it would be the distribution conservation objective that would be relevant. The Applicant does not agree that the supporting habitat conservation objective would be affected; given the distance of the Project from the original SPA boundary (i.e. c. 6.5km) there is no mechanism by which habitats within this area could be significantly impacted by the Project. In other words, no changes to features important to red-throated diver, such as benthic sediments, water quality or prey abundance and distribution would be predicted. The sole effect would occur due to the presence of wind turbines and the effect on the behaviour of red-throated divers. However, the Applicant does not consider that this would affect the overall position of NE or the Applicant.</p>

ExQ1 Ref.	Question to	Question	NE Response	Applicant response (if required)
			<p>availability of supporting habitat continues to be reduced by displacement and disturbance impacts.</p> <p><i>Disturbance caused by human activity.</i> There are already significant levels of disturbance due to vessel movements within Liverpool Bay SPA. We believe that adequate mitigation can be secured for this attribute.</p> <p><i>Supporting habitat: food availability and quality of prey.</i> We do not consider that the Project will have an impact on this attribute, as we expect the Project's impacts on prey species to be minimal.</p>	
1HRA13	NE	<p>Effect on little gull</p> <p>In the Applicant's Comments on Written Representations Appendix A: Applicant's Comments on Natural England Risk and Issue Log [REP2-028] under reference WR-097-038 it is stated that on 28 November 2024 NE confirmed that it was now satisfied with the little gull Collision Risk Modelling. Could NE please confirm whether this is the case, and if not, explain what it considers to be not agreed.</p>	<p>Natural England has confirmed the results of the CRM for little gull and noted this issue as resolved in our Deadline 2 Risk and Issues log. Our advice on the overall impact to little gull is submitted in Appendix B8.</p>	<p>The Applicant welcomes confirmation from NE on this matter.</p>
1HRA17	NE	<p>HRA without prejudice derogation case</p>	<p>It is considered that this higher abundance is not a short-term</p>	<p>The Applicant notes this response.</p>

ExQ1 Ref.	Question to	Question	NE Response	Applicant response (if required)
		Could NE explain why the Ribble and Alt Estuaries supplementary advice on conservation objectives applies a more stringent 'maintain' objective of 8,097 breeding pairs of Lesser Black Backed Gulls, compared with the citation figure of 4,100 breeding pairs.	fluctuation, but a long-term change which better reflects favourable condition. The revised baseline is based on an average (mean) of the median of the 2016 counts, the 2015 and 2014 counts. This is therefore a more accurate account of the sites ability to support this species.	
1HRA22	NE The Applicant	<p>Compensation measures: Vegetation survey at Steep Holm Island</p> <p>The Applicant's 'Update on Without Prejudice Compensatory Measures' [REP1-093] indicates that vegetation surveys would be carried out during January to March. Can the Applicant confirm, and NE comment on, whether this period would be optimal for such surveys and whether additional surveys would need to be carried out later in the year to characterise the existing vegetation?</p>	Natural England notes that the proposed survey is an effort to map the current location and extent of the scrub cover prior to the compensation measure (scrub clearance), rather than a detailed botanical survey. It is necessary in order to quantify the efficacy of the measure, i.e. has the area cleared of scrub now started being used as gull nesting habitat? We are satisfied that all the plant species present in the areas of scrub to be cleared (bramble, privet, elder, alexanders) will be identifiable to species through a combination of drone surveys and ground-truthing at the proposed time and therefore vegetation mapping surveys January to March would be acceptable. That said, the	Noted, the Applicant welcomes confirmation from NE on this matter.

ExQ1 Ref.	Question to	Question	NE Response	Applicant response (if required)
			vegetation survey could be undertaken at any time prior to scrub clearance works commencing. If there is the potential for drone surveys to be undertaken without a ground-truthing component we suggest that the Applicant confirms with the potential contractor that they will still be able to differentiate areas of scrub from clear areas and areas of Alexanders.	
1HRA23	NE	Compensation measures: Habitat management Annex 2B, section 5 of 4.11 'Habitats Regulations Assessment Without Prejudice Derogation Case' [REP1-014] states that habitat management would be undertaken outside the breeding season to avoid disturbance to the Lesser Black-Backed Gull compensation colony and of other designated features if present. In contrast Annex 2B, section 7 states that "Where possible the compensation measure will be implemented outside of the lesser black-backed gull breeding season (September to February) to minimise disturbance to breeding birds, although potentially some vegetation management (depending on the type of vegetation to be controlled) may need to be conducted early or late in the	Natural England advises that the lesser black-backed gull breeding season is typically considered to be April to July. However, because the compensation measure involves clearance of scrub such as bramble, privet and elder, in which other species of bird may be nesting (e.g. blackbird, dunnock etc.), it would be best to additionally avoid March and August, encompassing the typical breeding season range of small birds, noting that all wild birds are protected under the W&C Act 1981 (as amended) against killing, injuring or taking, and their nests, eggs and dependent young	Noted, the Applicant welcomes confirmation from NE on this matter.

ExQ1 Ref.	Question to	Question	NE Response	Applicant response (if required)
		breeding season." Could NE confirm whether the Applicant should fully avoid the breeding season or whether some management early or late in the breeding season might be acceptable.	are protected against taking, damage and destruction (subject to some exemptions to permit legal activities). Some clearance work could however be carried out from August to March in areas dominated by the umbellifer Alexanders, which does not provide nesting opportunities for small birds and therefore where the risk of nest destruction is negligible.	
1HRA28	NE MMO	Cumulative effects relating to Invasive Non-Native Species (INNS) The Applicant's assessment for INNS cumulatively with the M&MTA project focuses on the impact of vessels (such as ballast water) but does not consider the potential stepping stone effect of introduced hard standing from the M&MTA project. This could enable propagation of species from the shore to the site. Can NE and the MMO provide commentary on the risk of such propagation, the likelihood of a significant effect relating to INNS and any measures required to avoid or minimise such effects.	Natural England advises that this is a credible propagation pathway and the addition of any hard infrastructure to a sediment dominated system such as the Irish sea increases the risk of INNS spreading to protected sites where they may have an impact. This risk should be mitigated through the adoption of an appropriate management plan. Natural England notes that the Applicant has provided this in section 6.2.1 of the Outline Project Environmental Management Plan [REP1_054] and are satisfied that no further action at this time is required.	The Applicant welcomes this response from NE.

ExQ1 Ref.	Question to	Question	NE Response	Applicant response (if required)
1HRA29	Mona Offshore Wind Ltd Morgan Offshore Wind Limited The Applicant NE MO	<p>Co-ordination/communication between projects during construction to minimise effects</p> <p>The Applicant's 'Report on Interrelationships with Other Infrastructure Projects - Revision 01 (Volume 9)' [REP1-078] explains why the Applicant considers that a legal obligation to co-ordinate with other developments in the Irish Sea could impede delivery of the Morecambe OWF. Paragraph 86 of the report concludes that opportunities for coordination would be explored where relevant and in respect of project timescales as these develop further. In the absence of a legal obligation, explain what formal mechanisms exist to ensure that there would be meaningful engagement around coordination and that it would happen in a timely fashion. The ExA is particularly concerned about mechanisms to minimise the impact of noise on marine receptors at a cross project level.</p> <p><u>To Mona Offshore Wind Ltd and Morgan Offshore Wind Limited</u></p> <p>a) These IPs are invited to make comments in relation to the above and to point to any provisions set out within their respective applications which would provide such co-ordination.</p>	<p>c) Natural England would encourage the respective Applicants to investigate the potential for co-ordination of construction activities to reduce cumulative effects. Where this is possible, it should be implemented. We note that where co-ordination is possible and can demonstrably reduce cumulative effects, it cannot be considered as mitigation unless secured through conditions and included in a named plan.</p> <p>For example, Natural England notes that a 'Coordination Forum' has been set up and is facilitated by the MMO for projects in the North Sea to coordinate their underwater noise generating activities. The role of the forum is to ensure the noise management thresholds for the SNS SAC are not exceeded and to date this has been achieved. Commitments to the Coordination Forum have been secured through the inclusion of 'Coordination conditions' on the relevant projects' marine licences. Natural England consider a similar</p>	<p>Noted. The Applicant refers to its corresponding response to 1HRA29 in The Applicant's Response to ExA's Written Questions 1 (REP3-068).</p> <p>It is noted that Mona Offshore Wind Ltd and Morgan Offshore Wind Limited have responded to this ExQ1 (REP3-107) and are in alignment with the Applicant.</p>

ExQ1 Ref.	Question to	Question	NE Response	Applicant response (if required)
		<p><u>To the Applicant, Mona Offshore Wind Ltd and Morgan Offshore Wind Limited</u></p> <p>b) While noting the issues identified in paragraph 43, should one (or more) of the other projects not proceed, could this be resolved by ensuring that any secured co-ordination was only relevant for those projects under implementation? To NE and MMO</p> <p>c) Would a mechanism to ensure co-ordination of OWF construction activities assist in reducing the cumulative effect of the Proposed Development with other projects and, if yes, do NE and MMO have examples of how such a mechanism would function and be secured?</p>	<p>approach could also be adopted for the Irish Sea projects.</p>	
1HRA32	The Applicant NE	<p>Overarching avoidance rate assumption – Morecambe Bay and Duddon Estuary SPA and Ramsar sites</p> <p>The RIAA [REP1-012] paragraph 532 assumes a 0.980 collision risk avoidance rate to all species. Could the Applicant confirm whether this was agreed with NE and why it is appropriate to assume one figure rather than applying species specific avoidance rates.</p>	<p>Natural England advises that calculating appropriate, evidence-based species-specific avoidance rates requires a large amount of high-quality species-specific observational data. Migratory collision risk modelling considers a wide range of species. But it must be recognised that there is limited collision data, (if any), for the majority of these species. Therefore, it is not feasible to provide species-specific rates. The generally accepted approach to dealing with this is to present a range of possible scenarios. This</p>	<p>Noted, the Applicant welcomes NEs response on this matter. Refer also to the Applicant's corresponding response in 1HRA32 in The Applicant's Response to ExA's Written Questions 1 (REP3-068).</p>

ExQ1 Ref.	Question to	Question	NE Response	Applicant response (if required)
			<p>is sometimes done by presenting a range of impact values calculated using different avoidance rates, generally from 95% to 99.5%. Instead, the Applicant has presented a single avoidance rate of 98% for non-seabird species (alongside a no-avoidance scenario) and considered three different scenarios for the proportion of birds flying at collision risk height. This is another highly uncertain, evidence-poor parameter which significantly affects the number of collisions predicted. Given that 98% is already a more precautionary avoidance rate figure than those advised for any of the species group-specific seabird rates, we consider the Applicant's approach to be a suitably precautionary alternative method for representing the uncertainty in the assessment.</p>	
1HRA33	The Applicant NE	<p>Abundance of harbour porpoise within the site</p> <p>The RIAA [REP1-012] paragraph 3356 states that “The two-year monthly aerial surveys reported an increased number of harbour porpoise at the site. However, it is</p>	<p>Natural England advises that there is currently insufficient evidence to establish the cause of the observed higher numbers of harbour porpoise observed in the site.</p>	<p>The Applicant welcomes this response.</p>

ExQ1 Ref.	Question to	Question	NE Response	Applicant response (if required)
		important to note that these animals exhibit a broad range of prey preferences and extensive foraging ranges. Consequently, the higher observed numbers at the Project site should not be interpreted as inferring an exclusive or restrictive feeding ground, as harbour porpoise have been known to maintain flexibility in utilizing various foraging areas beyond the Project site.” If there is not an exclusive or restrictive feeding ground, could the Applicant and NE explain why harbour porpoise are so abundant within the site boundary and can the Applicant explain whether there is a specific reason why harbour porpoise may be favouring this area (for example, prey abundance, lower vessel movements) and whether this has any implications for the assigned magnitude of impacts or sensitivity of receptors? For example, the ExA notes that changes in distribution of harbour porpoise may be linked to sandeel abundance (ES Chapter 11, paragraph 11.170)		
1HRA37	The Applicant NE	Birds of Conservation Concern – Breeding Seabirds On 2 September 2024 the latest status assessment of breeding seabird species in the UK was published. This addendum completes the 2021 Birds of Conservation Concern 5 review and updates the second International Union for Conservation of	The update to BoCC5 does not alter Natural England’s assessment conclusions. The only significant change in the update is the movement of great black-backed gull from the Amber to the Red list for GB, due to the severe impacts of Highly	The Applicant welcomes this response.

ExQ1 Ref.	Question to	Question	NE Response	Applicant response (if required)
		Nature Red List review of extinction risk for breeding seabird species in Great Britain. Confirm whether this assessment has any implications for the conclusions of the HRA/ ornithological assessments.	Pathogenic Avian Influenza on the UK population, and under the GB IUCN2a species assessment, great-black backed gull is now Critically Endangered (Stanbury and others, 2024). The Applicant has already concluded that there is a moderate adverse effect on this species due to cumulative collision impacts, which is significant at EIA scale. We are in agreement with this conclusion, as set out in Appendix B8.	
Landscape Effects				
1SLV8	Affected Local Authorities NE	SLVIA Methodology In section 4.1 of Appendix 18.1 to ES Chapter 18 [APP-083], the Applicant has explained why it has not followed GLVIA3 methodologies in all respects. Do any IPs have any views as to the appropriateness or otherwise of this approach? If so, please explain why the parties hold this view, and any implications that may arise.	As noted in our relevant representation, Natural England will not be making any further technical comment on SLVIA	The Applicant welcomes this response.
1SLV9	The Applicant NE Local Authorities	S245 Levelling Up and Regeneration Act 2023 Table 18.4 of ES Chapter 18 [APP-055] refers to s245 of the LURA in respect of the revised duties on National Landscapes (Areas of Outstanding Natural Beauty). However, there is no reference to this	As noted in our relevant representation, Natural England will not be making any further technical comment on SLVIA	

ExQ1 Ref.	Question to	Question	NE Response	Applicant response (if required)
		legislation in respect of National Parks. Could the Applicant, and other IPs as they consider appropriate, comment on any implications of s245 of the LURA in relation to the effects on National Parks. Could IPs set out any implications for the consideration of the Application in light of the coming into force of section 245 of the LURA?		
1SLV10	All parties	Guidance on LURA Protected Landscapes duty On 16 December 2024 Defra published 'Guidance for relevant authorities on seeking to further the purposes of Protected Landscapes'. All parties are asked to consider this guidance and how it may affect the consideration of the Proposed Development providing comments as appropriate.	As noted in our relevant representation, Natural England will not be making any further technical comment on SLVIA	

2.9 Natural Resources Wales (REP3-095)

Table 2.10 The Applicant's response to NRW's ExAQ1 Response

ExQ1 Ref.	Question to	Question	NRW response	Applicant response (if required)
1BEM44	The Applicant JNCC NE NRW DAERA	<p>Northern Ireland windfarms – screening and CEA To the Applicant</p> <p>a) Could the Applicant explain why it has been able to consider Sceirde, Codling, Dublin Array and North Irish Sea windfarms in its CEA for marine mammals (ES Appendix 11.4, Table 4.1 [REP1-048]) based on overlapping construction activities but has ruled out an assessment for these sites in relation to birds in ES Chapter 12, Table 12.54 [REP1-032] due to lack of data and does not reference Sceirde in its list of sites for the Ornithological Assessment?</p>	<p>NRW notes that the projects highlighted by the Examining Authority (ExA) are located in Irish Republic Territorial Waters. NRW Advisory (A) have not reviewed in detail the applications submitted for the projects highlighted by the ExA, and we are hence currently not clear on whether assessment methodologies for these projects are compatible with the methodologies advised in the UK. NRW (A) note that some, or all of these projects may be located within foraging range of some species from Welsh SPAs (particularly those with larger foraging ranges such as gannet and Manx shearwater) and hence there may be potential for breeding season connectivity with these projects and some Welsh SPAs. Therefore, it may be appropriate for the Applicant to consider reviewing the information available for these projects and whether it is possible to incorporate data for relevant sites and features.</p> <p>However, NRW (A) note that the BDMPS (Biologically Defined Minimum Population Scale) populations against which impact is assessed at both EIA and HRA scales (for non-breeding season impacts on breeding SPAs) are calculated for UK waters only (Furness 2015). We are not aware of any corresponding estimate of the proportion of UK birds entering</p>	<p>Noted. The Applicant refers to its response to 1BEM44 in The Applicant's Response to ExA's Written Questions 1 (REP3-068). The Applicant notes that for the Irish projects where published assessment information is available (North Irish Sea Array (NISA), Arklow Bank 2 and Oriel), all have concluded that there would be no measurable effects for SPAs likely to contribute to in-combination effects with the Project. Therefore, none of these projects would affect the conclusions of the Project Habitat Regulations Assessment (HRA) assessment presented in the Report to Inform the Appropriate Assessment (RIAA) (REP1-012) and Offshore Ornithology Technical Note 2 (HRA) Rev 02 (REP3-058).</p>

ExQ1 Ref.	Question to	Question	NRW response	Applicant response (if required)
		<p>Oriel and Arklow windfarms, which are listed in ES Table 12.54 are not referenced in Table 4.1 of the HRA Screening Report [APP-034] or in the RIAA [REP1-012] and appear to have been ruled out of further assessment based on the Applicant's Appendix 6.1 CEA longlist [APP-061].</p> <p>b) Could the Applicant please provide more detailed HRA screening information for Sceirde, Northern Irish Sea Array (NISA), Arklow and Oriel offshore windfarms? It is noted that applications have been lodged for NISA, Arklow and Oriel windfarms, meaning that detailed information is now</p>	<p>Irish Republic waters, which would be required for apportioning the displacement and collision mortality estimates for the projects highlighted by ExA for inclusion in the cumulative and in-combination assessments for the Morecambe project. This is acknowledged by NRW to be a limitation to the current advised approaches and the UK SNCBs are looking to address it in an update to the BDMPS report. However, this will not be available in time for a consenting decision on this project to be made.</p> <p>With regard to the two SPAs highlighted by ExA in part c) of the question, both of these sites fall under the jurisdiction of The Irish Republic's National Parks and Wildlife Service (NPWS), and therefore NRW are unable to provide advice on potential impacts.</p>	

ExQ1 Ref.	Question to	Question	NRW response	Applicant response (if required)
		<p>available for assessment.</p> <p>c) In addition, the Applicant should update the HRA screening report with information relating to Rockabill Special Protection Area (SPA) and the Northwest Irish Sea (NWIS) SPA. d) In relation to all the above points, the Applicant's HRA screening and RIAA should be updated where relevant, to inform the SoS's Appropriate Assessment.</p> <p><u>To NE, NRW, DAERA and JNCC</u></p> <p>e) NE, NRW, DAERA and JNCC are invited to comment on the points above.</p>		
1BEM46	The Applicant JNCC	<p>Assessments</p> <p>In paragraph 62 of the Offshore Ornithology Technical Note 1</p>	Mortality due to existing wind farms, which may be decommissioned before Morecambe begins operation, is somewhat captured within frequently updated colony counts. However, we	The Applicant notes this response. The Applicant agrees that it is not possible to incorporate changes in the contributing consented windfarms

ExQ1 Ref.	Question to	Question	NRW response	Applicant response (if required)
	NE NRW NatureScot DAERA RSPB North West Wildlife Trusts	<p>(EIA) [REP1-080] it is noted that the NE advice in relation to the CEA was not to include historic projects with limited (or no) overlap with the construction and operational timeframe of the Proposed Development.</p> <p>a) However, would the existing background mortality rates include those associated with these windfarms? If so, does there need to be an associated assessment from the removal of their effects as they are decommissioned?</p> <p>It is appreciated that the assessment is precautionary, but without removing any such effects, is there a risk that the assessment becomes over-precautionary, leading to mitigation that is not required? It</p>	<p>note that the survival and hence mortality rates that are used in calculating baseline mortality rates will not necessarily include existing wind farm impacts, as some (quite a few) are based on relatively old survival data that potentially pre date the offshore wind projects. Hence, the background mortality calculated for the colonies and used in the assessments would not necessarily include mortality rates associated with the wind farms.</p> <p>In terms of being able to factor in effects of decommissioning of existing wind farms into cumulative/in-combination assessments, we note that there is currently no way of incorporating when decommissioning of projects within assessments is expected to occur as there is no way of being able to effectively switch project contributions on and off within the current assessment process/methods, including within PVAs. Additionally, we note there are issues/lack of clarity regarding consented lifespans of early offshore wind projects and also regarding built vs as built parameters within assessments (see response to questions 1BEM47). Therefore, we currently consider that it is not possible to be less precautionary in assessments at present. The issue of considering/including decommissioning of existing projects is recognised and work is currently going on at a national level to look at this. The timescale for this not determined but is</p>	<p>during the life of the Project within Population Viability Analysis (PVA) modelling. The Applicant also refers to its response to 1BEM46 in The Applicant's Response to ExA's Written Questions 1 (REP3-068).</p>

ExQ1 Ref.	Question to	Question	NRW response	Applicant response (if required)
		<p>is also appreciated that there is a separate discussion in relation to when the Barrow windfarm is to be decommissioned (see ExQ1GEN10) which may also need to be considered.</p> <p>This argument, taken to its logical conclusion, should also factor in any effects associated with the decommissioning of other windfarms (see Table 5.1 of Applicant's response to Actions from PM and ISH1 [REP1-085]) for longer-term effects).</p> <p>b) Could the Applicant, JNCC, NE, NRW, NatureScot, DAERA, the RSPB and the North West Wildlife Trusts please give their views as to how the effects of the decommissioning of</p>	not expected to be completed within the examination period.	

ExQ1 Ref.	Question to	Question	NRW response	Applicant response (if required)
		existing windfarms should be considered to avoid overprecautionary mitigation/compensation.		
1BEM47	The Applicant JNCC NE NRW NatureScot DAERA RSPB North West Wildlife Trusts	<p>Base cases</p> <p>The ExA understands that, following NE advice, consented turbine parameters have been used as opposed to as built parameters on the basis that it is, theoretically, possible that the remainder of the consented scheme could be built out.</p> <p>a) However, either where a scheme is coming to end of its life (see Table 5.1 of Applicant's response to Actions from PM and ISH1 [REP1-085]) or where the scheme as built would prevent additional development, should not 'as built' data be</p>	NRW notes that the standard approach to cumulative and in-combination assessments is to use the consented parameters of each project and to refer to the worst case scenario (WCS) assessed within the relevant Environmental Statement, taking account of any updated assessments provided throughout the examination process. As offshore wind farms (OWFs) are consented based on the Rochdale Envelope approach, the worst case scenarios predicted within the Environmental Statements (ESs) are often different to the predicted impacts from the project 'as built' i.e. once the design is finalised/constructed. Consequently, the use of collision risk estimates calculated based on worst case scenarios may lead to a potential over-estimate of the total cumulative or in-combination assessments in terms of both EIA and HRA. However, it is also possible that the predicted impacts from 'as built' designs are greater than those predicted for consented designs, e.g. the collision mortalities at calculated for Burbo Bank were higher for when using 'as-built' parameters compared to consented ones, as identified by the SNCBs during the Mona examination. This is due to the	The Applicant notes this response. The Applicant refers to its corresponding response to 1BEM47 in The Applicant's Response to ExA's Written Questions 1 (REP3-068).

ExQ1 Ref.	Question to	Question	NRW response	Applicant response (if required)
		<p>utilised? Would this alter any of the effects assessed?</p> <p>b) Could the Applicant, JNCC, NE, NRW, NatureScot, DAERA, the RSPB and the North West Wildlife Trusts please give their views on this proposition.</p>	<p>air gap for Burbo Bank reduced from 29m to 26m between consented and as-built, respectively (see Deadline 3 document: https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN010137/EN010137-001267-S_D3_12_Mona%20Offshore%20Ornithology%20CEA%20and%20Gap-filling%20Historical%20Projects.pdf). Therefore, we consider it to be acceptable for projects to present assessments based on both consented and 'as-built' parameters. However, our current understanding is that with regard to projects in Welsh and English waters, unless the 'as-built' scenario is legally secured (which is a planning issue), the assessments should be based on the parameters within the DCO.</p> <p>We note that there is national recognition of this highly complex issue, and there are multi-stakeholder collaborations underway which will aim to address them, but these are still in the early stages of development.</p>	
1BEM48	The Applicant NE NRW RSPB North West Wildlife Trusts	<p>Assessments</p> <p>The Offshore Ornithology Technical Note 3 (Red-Throated Diver at Liverpool Bay SPA Update Assessment) [REP1-082] notes the effects</p>	<p>As noted in our Written Representations [RR-099] and in our response to REP1082, given that the Morecambe Generation Assets project is located wholly in English waters, NRW defer comment/advice regarding predicted impacts and integrity judgements of the project alone and in-combination for all qualifying features of</p>	The Applicant notes this response.

ExQ1 Ref.	Question to	Question	NRW response	Applicant response (if required)
		of existing disturbance by helicopters and seacraft. It is stated that, apart from ferries, a significant proportion is associated with the oil and gas industry. As it well known, the decarbonisation agenda will mean that these operations will be phased out over time (re-purposing for Carbon Capture Assessment would need a revised assessment as it is not currently consented). Should, therefore, the effects of the removal of this traffic form part of the overall assessment?	the Liverpool Bay SPA to NE, this includes the red-throated diver feature.	
1HRA2	The Crown Estate The Applicant NE NRW	Habitats Regulations Assessment from Round 4 Leasing To The Crown Estate a) Could The Crown Estate please provide a copy of The Crown	NRW (and the other SNCBs) previously advised the Crown Estate during its Round 4 plan-level Habitats Regulations Assessment (HRA) consultation to undertake quantitative 'gap-filling' for historic projects. Unfortunately this advice was not adopted and has resulted in the issue perpetuating through to the individual Round 4 project level. This has meant that with	Noted. The Applicant refers to its response to the Natural Resource Wales (NRW) Deadline 3 submissions (Document Reference 9.51), where it states that the Applicant has provided an update to the in-combination assessment for razorbill from at Skomer, Skokholm

ExQ1 Ref.	Question to	Question	NRW response	Applicant response (if required)
		<p>Estate Round 4 plan-level HRA.</p> <p><u>To the Applicant</u></p> <p>b) With reference to paragraph 2.8.71 of NPS EN-3, could the Applicant set out the relevant mitigation measures identified in the Round 4 plan-level HRA and signpost to where these have been addressed in the Applicant's submission.</p> <p>c) Does the Applicant consider that any representations are seeking to revisit matters dealt with in the Round 4 HRA where a conclusion has been reached without further evidence to indicate that the earlier conclusion was incorrect or that matters have subsequently changed?</p>	<p>regard to the accumulating scale of impact to some species, NRW has remaining concerns regarding this omission and thus in our confidence in the conclusions of the Round 4 HRA.</p> <p>The Morecambe Examining Authority (ExA) requested the Applicant to undertake gap-filling of historical projects, which the Applicant has done and which NRW welcome. At present, however, the Applicant has not applied this updated information and apportioned to the Welsh SPAs taken through to in-combination assessments in their Report to Inform Appropriate Assessment (RIAA) in REP1-013. Therefore, until the Applicant addresses this aspect, we remain unable to reach conclusions on in-combination impacts to these Welsh sites.</p> <p>However, we do note that at the Mona examination we have recently been able to conclude that an Adverse Effect on Site Integrity (AEoSI) can be ruled out for all in-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</p>	<p>and seas off Pembrokeshire SPA within the RIAA_Rev 03 (Document Reference 4.9) alongside this document at Deadline 4. The Applicant does not consider that additional information in respect of kittiwake, gannet or puffin is required to enable the Secretary of State to conclude that there would be no risk of an adverse effect on integrity (AEoI) in respect of these species.</p>

ExQ1 Ref.	Question to	Question	NRW response	Applicant response (if required)
			<p>conclusions regarding in-combination assessments for the Morecambe project.</p> <p>It would have been useful to have this advice adopted at the Plan-level to ensure consistency of approach and conclusions through to individual project assessments.</p>	

2.10 BAE Systems (Marine) Ltd and BAE Systems (Operations) Ltd (REP3-096)

Table 2.11 Applicant's comments on BAE Systems (Marine) Ltd and BAE Systems (Operations) Ltd Responses to ExQ1 (REP3-096)

ExQ1 Ref.	Question to	Question	BAE Systems (Marine) Ltd and BAE Systems (Operations) Ltd Response	Applicant response (if required)
1CAR8	The Applicant BAE Systems (Operations) Ltd BAE Systems Marine Ltd Blackpool Airport DIO NATS	<p>Mitigation</p> <p>Paragraph 16.161 of ES Chapter 16 [REP1- 036] sets out that CAP764 Policy and Guidelines on Wind Turbines (published by CAA) Outlines other mitigation options that could be used either singly or in combination. To the Applicant: a) Could the Applicant please set out what mitigation options it considers would be most suitable to ensure that the adverse effects of the Proposed Development caused by permanent interference with civil and military PSRs are fully mitigated?</p> <p><u>Other parties:</u></p> <p>Do relevant IPs have any views on whether the identified adverse effects can be fully mitigated?</p>	<p>BAE Systems (Operations) Limited, Warton</p> <p>In relation to the Primary Surveillance Radar (PSR) the interests of BAE Systems at Warton Aerodrome are being channelled through the DIO.</p> <p>Currently there is not an identified mitigation that has been proven to effectively fully mitigate all adverse effects nor has one been proposed by the Applicant for consideration.</p> <p>Any proposed mitigation will need to ensure that it does not adversely affect BAE System's current or future operations.</p> <p>BAE Systems understands that the Civil Aviation Authority document CAP764 is out of date and pending a review by the CAA. Issues not covered by this document are provided to aerodromes as matters arise and appropriate mitigation is required against any potential matters found.</p>	<p>The Applicant has now provided a proposed radar mitigation solution to the Defence Infrastructure Organisation (DIO) and BAE Systems (Operations) Ltd on the 31 January 2025. Technical and operational assessments of the mitigation solution are now underway. A meeting is proposed for the 5 March 2025 to discuss the proposed radar mitigation with the DIO and BAE Systems (Operations) Ltd further.</p> <p>Primary Surveillance Radar (PSR) mitigation is secured in Schedule 2 of the draft Development Consent Order (DCO); however, alternative wording has been provided by the DIO/MOD which is still being finalised with the MOD and BAE Systems (Operations) Ltd. The Applicant is mindful that the next deadline for the draft DCO (Deadline 6) will not</p>

ExQ1 Ref.	Question to	Question	BAE Systems (Marine) Ltd and BAE Systems (Operations) Ltd Response	Applicant response (if required)
				give IPs or the ExA a meaningful opportunity to review the alternative wording. Accordingly, the Applicant proposes to submit revised wording by Deadline 5.
1CAR10	The Applicant BAE Systems (Operations) Ltd DIO	Warton Aerodrome – Radar mitigation In the Ørsted IPs WR [REP1-112] they have advised mitigation for the Warton PSR is currently being implemented and that they require assurances that the Project will not impact on the effectiveness or cost of this already agreed radar solution. For this Project we note that discussions between the Applicant and DIO/ BAE Systems have commenced to identify potential mitigation solutions to Warton's PSR and at D2 a new Requirement relating to this has been added to the dDCO [REP2-002].	BAE Systems (Operations) Limited, Warton a) BAE Systems is unable to comment on the progress of other windfarm developments. Some temporary mitigation measures in relation to earlier windfarm projects were agreed, including radar blanking, transponder mandatory zones and a shutdown protocol. These were only agreeable due to the geographical location of these developments. However, these temporary solutions are not suitable for the Proposed Development and will not be implemented as the Proposed Development is situated within a critical operational area for Typhoon test flights. This is still subject to further internal review and operational assessment. b) No significant discussion has yet taken place on any potential mitigation solutions nor has a mitigation been proposed by the Applicant. c) As above, these discussions have not yet taken place between BAE Systems and the Applicant. Any mitigation solution for the Proposed Development will need to be distinct and separate. d) Discussion on the wording of the DCO Requirement which relates to the Primary Surveillance Radar at Warton is being led by the DIO. In relation to more general potential impacts	a) The Applicant notes this response. b) and c) The Applicant has now provided a proposed radar mitigation solution to the DIO and BAE Systems (Operations) Ltd on the 31 January 2025. Technical and operational assessments of the mitigation solution are now underway. A meeting is proposed for the 5 March 2025 to discuss the proposed radar mitigation with the DIO and BAE Systems (Operations) Ltd further. d) The Applicant is in discussions with BAE Systems (and the DIO/MOD) in respect of alternative wording for the DCO requirements at Warton. The expectation is that there will be two separate conditions

ExQ1 Ref.	Question to	Question	BAE Systems (Marine) Ltd and BAE Systems (Operations) Ltd Response	Applicant response (if required)
		<p><u>To BAE Systems/ DIO:</u></p> <p>a) Can BAE Systems/ DIO confirm what radar mitigation solution has been agreed/ secured in relation to the Burbo Bank Extension and Walney Extension OWFs and whether this is now active or when it is due to become active? If the mitigation has not been implemented, how have impacts on the radar system been managed in the intervening period?</p> <p>b) What potential mitigation solution(s) are being discussed with the Applicant for the Proposed Development and are BAE Systems/ DIO content that any such mitigation is realistically achievable?</p> <p>c) Having regard to the answers to (c) above, is the mitigation being discussed in relation to this Project distinct and separate from that already agreed/ secured</p>	<p>and implications on air traffic services at Warton Aerodrome we have suggested without prejudice wording for a further DCO Requirement at Appendix 2.</p>	<p>(one relating to PSR and one to all other air traffic services). This wording is still being discussed between the parties. The Applicant is mindful that the next deadline for the draft DCO (Deadline 6) will not give IPs or the ExA a meaningful opportunity to review the alternative wording. Accordingly, the Applicant proposes to submit revised wording by Deadline 5.</p>

ExQ1 Ref.	Question to	Question	BAE Systems (Marine) Ltd and BAE Systems (Operations) Ltd Response	Applicant response (if required)
		<p>and as such are the solutions and costs associated with each of these independent of one another?</p> <p>d) Having regard to Schedule 2, Req 8 of the latest version of the dDCO [REP2-002], are BAE Systems/ DIO in agreement with the drafting? If amendments are sought, please provide alternative drafting.</p> <p><u>To all parties:</u> Can all parties provide an update as to any progress made towards agreement on the proposed mitigation identified and likely timeframe for this mitigation solution to be secured/ implemented?</p>		
1CAR12	The Applicant BAE Systems Marine Ltd NATS	<p>Walney Aerodrome – Minimum Sector Altitude (MSA)</p> <p>Paragraph 2.10.3.2 of Appendix 16.2 [APP078] indicates that the published MSA for</p>	<p>BAE Systems Marine Limited, Walney</p> <p>The Cyrrus report which was conducted for the Applicant incorrectly stated 300m as the required separation.</p> <p>The minimum figure required by CAA Regulation is 1000ft (305m).</p>	The Applicant notes this response. The Applicant has since commissioned a NATS Instrument Flight Procedures (IFP) assessment undertaken on behalf of BAE Systems Marine Limited and Walney

ExQ1 Ref.	Question to	Question	BAE Systems (Marine) Ltd and BAE Systems (Operations) Ltd Response	Applicant response (if required)
		<p>Walney Aerodrome would need to be increased to maintain the necessary 300m obstacle clearance protection. In its RR BAE Systems Marine Ltd [RR-007] has indicated that the gap must be 305m and that BAE needs the height of the wind turbines to be verified by NATS. The Applicant's response ([PD1-011], RR-007-005) states that NATS has been commissioned to carry out an Instrument Flight Procedure (IFP) assessment on behalf of BAE and Walney Aerodrome and the results of this are expected in late 2024.</p> <p><u>To BAE Systems Marine Ltd:</u> a) Please clarify and confirm what the published MSA for Walney Aerodrome is and provide evidence to support this – i.e. is this 300m or 305m?</p>	<p>AIP shows the sector safe height is currently 1800ft (aviation height is measured in feet not metres). https://nats-uk.ead-it.com/cmsnats/opencms/en/Publications/AIP/Current-AIRAC/graphics/368877.pdf</p> <p>For the required 1,100ft tip height a sector safe altitude of 2,100ft would be required with associated change to approaches and MSA.</p>	<p>Aerodrome. This has now been received and the mitigation solutions proposed in the report are accepted for implementation prior to construction of any above sea level infrastructure.</p>

ExQ1 Ref.	Question to	Question	BAE Systems (Marine) Ltd and BAE Systems (Operations) Ltd Response	Applicant response (if required)
		<u>To the Applicant and NATS:</u> Please provide a copy of the NATS IFP assessment and its findings or, if this is not yet available, an update and likely timeframe for when this will be completed?		
1CAR13	The Applicant Blackpool Airport BAE Systems (Operations) Ltd BAE Systems Marine Ltd DIO NATS	<p>Instrument Flight Procedures (IFPs)</p> <p>IFPs for Warton, Walney, Lowther and Blackpool Airport would require revision. In the Applicant's response to Blackpool Airport's Relevant Representation ([PD1- 011], RR-013-02) it is stated IFP mitigation is predicated on revisions to Blackpool Airports IFPs following the CAA five-year audit review. This review is stated to be ongoing and due for completion by November 2024. If necessary, the IFP assessment may need to be reassessed.</p> <p><u>To the Applicant:</u></p>	<p>BAE Systems (Operations) Limited, Warton</p> <p>This is subject to ongoing review. In relation to more general potential impacts and implications on air traffic services at Warton Aerodrome (including impacts on IFPs) we have suggested without prejudice wording for a DCO Requirement at Appendix 2.</p> <p>BAE Systems Marine Limited, Walney</p> <p>The possible issue with regard to the sector safe altitude and changes to the approach for Walney are dependent on the results of the Morgan Wind Project IFP assessment, and the other IFP assessments for the other windfarms proposed and anticipated. As of 14 January 2025, BAE Systems Marine Limited understands that NATS, the approved APDO for Walney Aerodrome, had I not been contracted by the Morgan Project Team. The possible change in height required for that development has a direct impact on the Morecambe IFP requirements for the Walney approach. As the developments in the Irish Sea are being treated independently for the same section of airspace, it is difficult to confirm what is required by one would be the same for the others. This is</p>	<p>BAE Systems (Operations) Limited, Warton</p> <p>In relation to wording of requirement for air traffic services for Warton, revised requirement wording has been proposed by the Applicant which is being discussed between the parties.</p> <p>BAE Systems Marine Limited, Walney</p> <p>The Applicant notes this response.</p> <p>In relation to wording of requirement for air traffic services for Warton, revised requirement wording has been proposed by the Applicant which is being discussed between the parties.</p>

ExQ1 Ref.	Question to	Question	BAE Systems (Marine) Ltd and BAE Systems (Operations) Ltd Response	Applicant response (if required)
		<p>a) Can the Applicant clarify and explain whether the CAA five year audit applies to all airports/ aerodromes or just Blackpool Airport?</p> <p>b) Can the Applicant please advise if this audit has been completed, summarise its findings (if known) and advise whether an update to the IFP assessment submitted as part of the application is required? If an update is required, please can the Applicant set out a likely timeframe for submission of such an assessment?</p> <p>c) Can the Applicant explain who would be responsible for making the changes to IFPs and the likely timeframe for completion? Would the timeframes differ for each airport or would these be the same?</p> <p><u>All Parties:</u></p> <p>d) Is there any reason or identifiable impediment</p>	<p>causing the aerodrome a lot of extra work and expense to resolve.</p> <p>The NATS IFP assessment commissioned by the Applicant and undertaken on behalf of BAE Systems Marine Limited and Walney Aerodrome has now been received and discussion on proposed mitigation solutions are now underway with the Morecambe Project Team. Proposed, without prejudice, wording for a DCO Requirement that relates to potential impacts and implications for air traffic services at Walney Aerodrome is included at Appendix 1.</p>	<p>The Applicant is mindful that the next deadline for the draft DCO (Deadline 6) will not give IPs or the ExA a meaningful opportunity to review the alternative wording. Accordingly, the Applicant proposes to submit the revised wording by Deadline 5, as this should provide ample time for parties to reach agreement on the wording.</p>

ExQ1 Ref.	Question to	Question	BAE Systems (Marine) Ltd and BAE Systems (Operations) Ltd Response	Applicant response (if required)
		<p>why the required changes to the IFPs would not be agreed/ achieved?</p> <p>Having regard to Schedule 2, Requirements 5, 6 and 7 of the latest version of the dDCO [REP2-002], do parties agree with the drafting or are any amendments sought? If amendments are sought, please can all parties explain and provide any alternative drafting by Deadline 3?</p>		
1CAR18	<p>The Applicant BAE Systems (Operations) Limited BAE Systems Marine Ltd Blackpool Airport Ronaldsway Airport</p>	<p>Very High Frequency (VHF) and Direction Finding (DF) Communications</p> <p>In the draft SoCG submitted at Deadline 1 (BA 14, [REP1-070]) it is noted that Blackpool Airport has identified impacts to VHF radio and DF communications and stated that an assessment is required and needs to take into account other adjacent offshore wind farm</p>	<p>BAE Systems (Operations) Limited, Warton</p> <p>a) The Civil Aviation Authority (CAA) and the Safety and Regulation Group (SARG) identified issues with VHF radio communications that had been experienced by another airfield due to wind turbines. This issue had not been previously considered in their guidance. BAE Systems at Warton has been instructed by its SARG inspector to consider these implications when approving any new developments. This is not limited to offshore developments and BAE Systems will be incorporating this into the assessment of all applications received.</p> <p>b) BAE Systems does not share this data or concerns with other aerodromes. Each aerodrome is responsible for its own operation and the mitigation of any adverse effects.</p>	<p>The Applicant has commissioned a qualified aviation consultancy to conduct the required Very High Frequency (VHF), Ultra High Frequencies (UHF) (for Warton only) and direction finding (DF) communications assessments for Blackpool Airport, and Walney and Warton Aerodromes.</p> <p>In the event that mitigation for VHF, UHF (Warton only) and/or DF communication is required, this will be secured</p>

ExQ1 Ref.	Question to	Question	BAE Systems (Marine) Ltd and BAE Systems (Operations) Ltd Response	Applicant response (if required)
		<p>projects. No such assessment is currently contained within the application documents, having previously been agreed to be scoped out.</p> <p><u>To Blackpool Airport/ BAE Systems:</u></p> <p>a) Please can Blackpool Airport/ BAE Systems explain why the concerns about potential impacts to VHF and DF communications were not identified earlier or whether something has changed since the Application was submitted which gives rise to these concerns?</p> <p><u>To BAE Systems (Operations) Limited, BAE Systems Marine Ltd and Ronaldsway Airport</u></p> <p>b) Do any of the operators of other aerodromes/ airports have any comments or concerns in relation to impacts on VHF and DF communications? If so</p>	<p>BAE Systems Marine Limited, Walney</p> <p>The CAA highlighted the issue to Walney and Blackpool Aerodromes on the back of evidence from Prestwick airport, that additional wind generation assets installed are blocking communications between aircraft and ground stations and vice-versa. This was only notified as an issue to Walney Aerodrome by the CAA at the Air Navigation Service Providers Audit in November 2024. Ronaldsway airport has undertaken a survey with NATS to look at the possible interference to communications arising from the Mooir Vannin wind project, and BAE Systems Marine Limited understands that the report showed a significant issue for traffic at low level. Guidance documents from the CAA have not yet been updated, but aerodromes that could be impacted by developments of this nature are being told that this is a serious flight safety issue.</p> <p>In summary, VHF assessments are due to be carried out for Walney, Warton and Blackpool aerodromes. An assessment of Mooir Vannin has already been undertaken by NATS, and BAE Systems Marine Limited understands that and has shown that there will be a problem with low level radio communications to/from aircraft.</p>	<p>within the draft DCO requirements which are currently being discussed.</p>

ExQ1 Ref.	Question to	Question	BAE Systems (Marine) Ltd and BAE Systems (Operations) Ltd Response	Applicant response (if required)
		<p>please can summarise these concerns.</p> <p><u>To the Applicant:</u></p> <p>c) Discussions have commenced with Blackpool Airport about its concerns on VHF and DF communications and that an update will be given at a future deadline. Please can the Applicant provide an update by no later than Deadline 3 which includes:</p> <p>i) confirmation of whether an assessment is to be carried out and whether this is only required for Blackpool Airport or will include other aerodromes / airports in the study area (and if so which ones);</p> <p>ii) if an assessment is to be undertaken, the timeframe for carrying out such an assessment and when it will be submitted into the Examination (albeit this must be</p>		

ExQ1 Ref.	Question to	Question	BAE Systems (Marine) Ltd and BAE Systems (Operations) Ltd Response	Applicant response (if required)
		received no later than D4 in order that parties have an opportunity to comment upon it). If it is considered an assessment is not required, an explanation and justification to support the position and how the concerns raised by IPs will be addressed.		
1SN12	The Applicant MoD/ DIO BAE Systems Marine Ltd	Submarine Nautical Paths BAE Systems Marine Ltd [RR-007] has commented that there appears to have been no consideration regarding potential impacts on submarine nautical paths. Submarines are part of national defence and national security and so BAE requires further and more in-depth consultation with the Royal Navy/ MoD on the matter of submarine nautical paths. In its response [PD1-011] the Applicant indicates that previously	BAE Systems Marine Limited, Walney BAE Systems Marine Limited have held internal discussions and can confirm no impact to boat exit through the Walney Channel.	The Applicant notes this response.

ExQ1 Ref.	Question to	Question	BAE Systems (Marine) Ltd and BAE Systems (Operations) Ltd Response	Applicant response (if required)
		no concerns had been raised, by the MoD and ABP. Could all parties please set out their latest understanding of the situation.		
Appendix 1 Without prejudice proposed DCO wording for Walney Aerodrome [REFER TO REP3-096] Appendix 2 Without prejudice proposed DCO wording for Warton Aerodrome [REFER TO REP3-096]				

2.11 Blackpool Airport (REP3-097)

Table 2.12 Applicant's comments on Blackpool Airport Responses to ExQ1

ExQ1 Ref.	Question to	Question	Blackpool Airport Response	Applicant response (if required)
1CAR8	The Applicant BAE Systems (Operations) Ltd BAE Systems Marine Ltd Blackpool Airport DIO NATS	<p>Mitigation</p> <p>Paragraph 16.161 of ES Chapter 16 [REP1-036] sets out that CAP764 Policy and Guidelines on Wind Turbines (published by CAA) Outlines other mitigation options that could be used either singly or in combination.</p> <p>To the Applicant:</p> <p>a) Could the Applicant please set out what mitigation options it considers would be most suitable to ensure that the adverse effects of the Proposed Development caused by permanent interference with civil and military PSRs are fully mitigated? Other parties:</p> <p>b) Do relevant IPs have any views on whether the identified adverse effects can be fully mitigated?</p>	<p>b) Subject to the outcome of ongoing assessments, the mitigation measures in CAP764 appear to be appropriate and effective in allowing the Applicant and IPs an opportunity to secure appropriate mitigations (at the Applicant's expense). However the Airport notes that the CAA published a consultation on a revised CAP764 in 2024 and an update is currently awaited. Blackpool Airport anticipates that mitigations for the identified adverse effects could be agreed and accomplished with sufficient time and resource, again subject to review of the outcome of ongoing assessments / reviews (including the Five-Year Review and an independent safeguarding assessment to be undertaken by NATS), which could reveal as yet unidentified impacts. In addition to the identified potential impacts on IFPs and VHF communication systems, the Airport notes at this stage that the scheme has been confirmed to have impacts on its MSAs (minimum sector altitudes) and may additionally have impacts on DF (direction finding) communication systems, for which mitigation would also be required.</p>	<p>b) The development is currently being assessed as part of Blackpool Airport's ongoing 5-year review. Cyrrus plans to submit an update Instrument flight procedures (IFP) package to the Civil Aviation Authority (CAA). However, the details and timelines of the validation process at the CAA are currently unknown. The Applicant notes the IFP assessment carried out to support the Development Consent Order (DCO) Application may also need to be reassessed.</p> <p>The Applicant has commissioned a qualified aviation consultancy to conduct the required Very High Frequency (VHF) and direction finding (DF) communications assessments for Blackpool Airport.</p> <p>In the event that mitigation for VHF and DF communication is required, this has been secured</p>

ExQ1 Ref.	Question to	Question	Blackpool Airport Response	Applicant response (if required)
				<p>within the draft DCO requirement agreed with Blackpool Airport.</p> <p>The Applicant notes that, as set out in the Statement of Common Ground submitted with Blackpool Airport_Rev 03 (Document Reference 9.11), the parties agree that the required mitigation at Blackpool Airport (including IFP mitigation, VHF and DF mitigation, if required) is realistically achievable within the time limit for implementation of the DCO (anticipated to be a minimum of 5.5 years from conclusion of the examination) and therefore accords with paras. 5.5.50 and 5.5.57 of NPS EN-1 (ID BA 15).</p>
1CAR13	<p>The Applicant Blackpool Airport BAE Systems (Operations) Ltd BAE Systems Marine Ltd DIO NATS</p>	<p>Instrument Flight Procedures (IFPs)</p> <p>IFPs for Warton, Walney, Lowther and Blackpool Airport would require revision.</p> <p>In the Applicant's response to Blackpool Airport's Relevant Representation ([PD1-011], RR-013-02) it is stated IFP mitigation is predicated on revisions to Blackpool Airports IFPs following the CAA fiveyear audit review. This</p>	<p>d) Subject to the outcome of ongoing assessments, and to reaching acceptable commercial agreement(s) with the Applicant to cover costs associated with the mitigations, the Airport does not presently consider there to be any reason or identifiable impediment why the required changes to IFPs would not be agreed / achieved. The Airport would note that it understands that the Five-Year Review in respect of Runway 10 will not be submitted to the CAA until the end of February.</p> <p>e) The Airport's proposed amendments to Requirement 5 (Blackpool Airport IFPs) are</p>	<p>d) The Applicant notes this response.</p> <p>e) In relation to wording of the requirement, this has now been updated and approved by both parties. The amended requirement wording is included in the draft DCO_Rev 4 Clean (Document Reference 3.1) submitted at Deadline 4.</p>

ExQ1 Ref.	Question to	Question	Blackpool Airport Response	Applicant response (if required)
		<p>review is stated to be ongoing and due for completion by November 2024. If necessary, the IFP assessment may need to be reassessed.</p> <p><u>To the Applicant:</u></p> <p>a) Can the Applicant clarify and explain whether the CAA five year audit applies to all airports/ aerodromes or just Blackpool Airport?</p> <p>b) Can the Applicant please advise if this audit has been completed, summarise its findings (if known) and advise whether an update to the IFP assessment submitted as part of the application is required? If an update is required, please can the Applicant set out a likely timeframe for submission of such an assessment?</p> <p>c) Can the Applicant explain who would be responsible for making the changes to IFPs and the likely timeframe for completion? Would the timeframes differ for each airport or would these be the same?</p>	<p>attached to this submission on a without prejudice basis at Appendix 1 – however, the Airport’s position is that the potential impacts of the scheme are, or may not be, limited to IFP matters, and as such a broader requirement, which provides for appropriate mitigation to be secured in respect of identified impacts on the Airport’s operational and air traffic services, is more appropriate and is preferred. The Airport’s proposed wording for such a requirement is provided at Appendix 2.</p>	

ExQ1 Ref.	Question to	Question	Blackpool Airport Response	Applicant response (if required)
		<p><u>All Parties:</u></p> <p>d) Is there any reason or identifiable impediment why the required changes to the IFPs would not be agreed/achieved? e) Having regard to Schedule 2, Requirements 5, 6 and 7 of the latest version of the dDCO [REP2-002], do parties agree with the drafting or are any amendments sought? If amendments are sought, please can all parties explain and provide any alternative drafting by Deadline 3?</p>		
1CAR18	The Applicant BAE Systems (Operations) Limited BAE Systems Marine Ltd Blackpool Airport Ronaldsway Airport	<p>Very High Frequency (VHF) and Direction Finding (DF) Communications</p> <p>In the draft SoCG submitted at Deadline 1 (BA 14, [REP1-070]) it is noted that Blackpool Airport has identified impacts to VHF radio and DF communications and stated that an assessment is required and needs to take into account other adjacent offshore wind farm projects. No such assessment is currently contained within the application documents, having</p>	<p>a) Blackpool Airport was not (to the best of its recollection) involved in the Applicant's ES scoping discussions as part of pre-application consultation and was not therefore in a position to make the Applicant aware of potential VHF impacts prior to the DCO's submission for examination. However, Blackpool Airport first became aware of the potential for these effects following concerns and issues raised by another Air Navigation Service Provider (ANSP) unit during hearings for another offshore windfarm NSIP currently undergoing examination (Morgan Offshore Windfarm Generation Assets). As a result of this, the CAA alerted the Airport to the risk of such</p>	<p>The Applicant has commissioned from a qualified aviation consultancy to conduct the required VHF, UHF (for Warton only) and DF communications assessments for Blackpool Airport, Walney Aerodrome, and Warton Aerodromes.</p> <p>In the event that mitigation for VHF and DF communication is required, this is secured within the draft DCO requirement which has been agreed between the parties and is included in the draft</p>

ExQ1 Ref.	Question to	Question	Blackpool Airport Response	Applicant response (if required)
		<p>previously been agreed to be scoped out.</p> <p><u>To Blackpool Airport/ BAE Systems:</u></p> <p>a) Please can Blackpool Airport/ BAE Systems explain why the concerns about potential impacts to VHF and DF communications were not identified earlier or whether something has changed since the Application was submitted which gives rise to these concerns?</p> <p><u>To BAE Systems (Operations) Limited, BAE Systems Marine Ltd and Ronaldsway Airport</u></p> <p>b) Do any of the operators of other aerodromes/ airports have any comments or concerns in relation to impacts on VHF and DF communications? If so please can summarise these concerns.</p> <p>To the Applicant:</p> <p>c) Discussions have commenced with Blackpool</p>	<p>impacts on its own systems in the context of the present examination</p>	<p>DCO_Rev 4 Clean (Document Reference 3.1) submitted at Deadline 4.</p>

ExQ1 Ref.	Question to	Question	Blackpool Airport Response	Applicant response (if required)
		<p>Airport about its concerns on VHF and DF communications and that an update will be given at a future deadline. Please can the Applicant provide an update by no later than Deadline 3 which includes: i) confirmation of whether an assessment is to be carried out and whether this is only required for Blackpool Airport or will include other aerodromes/ airports in the study area (and if so which ones); ii) if an assessment is to be undertaken, the timeframe for carrying out such an assessment and when it will be submitted into the Examination (albeit this must be received no later than D4 in order that parties have an opportunity to comment upon it). iii) if it is considered an assessment is not required, an explanation and justification to support the position and how the concerns raised by IPs will be addressed.</p>		

2.12 Corporation of Trinity House of Deptford Strond (REP3-099)

Table 2.13 The Applicant's comments on Corporation of Trinity House of Deptford Strond Responses to ExQ1 (REP3-099)

ExQ1 Ref.	Question to	Question	Trinity House Response	Applicant response (if required)
1DCO8	The Applicant MMO HE MCA Trinity House Affected local authorities	Micrositing a) Within condition 9(1)(a)(ii) should there be a maximum limit for micro-siting within the two lines of orientation? If so, what should this be? b) Should this be allowed to be varied by consent, and if so, who should grant this consent, and should there be any limits on variation?	a) We consider that the maximum limit for micro-siting should be up to 55 metres. We understand that this would be consistent with other proposed offshore wind farm developments in the Irish Sea. b) Trinity House considers that any proposed variation to micro-siting distance that exceeds 55 metres should be subject to prior agreement with the Marine Management Organisation in consultation with the Maritime and Coastguard Agency and Trinity House.	The Applicant refers to its response to 1DCO8 in the Applicant's Response to ExA's Written 1 (REP3-068). The Applicant has amended the wording in the draft Development Consent Order_Rev 04 Clean (DCO) (Document Reference 3.1) (Schedule 6, Part 2, Condition 9(1)(a)) to account for micro-siting. This includes micro-siting for benthic features (9(1)(a)(v)) as well as micro-siting within 55m as suggested by the Marine Management Organisation (MMO) and the Maritime and Coastguard Agency (MCA) (9(1)(a)(ii)).

2.13 Eversheds Sutherland on behalf of Spirit Energy (REP3-103)

Table 2.14 The Applicant's comments on Eversheds Sutherland on behalf of Spirit Energy's responses to ExQ1 (REP3-103)

ExQ1 Ref.	Question to:	Question	Spirit Energy Response	Applicant Response (if required)
1CAR6	Harbour Energy Spirit Energy	<p>Additional Mitigation – Aviation Corridor</p> <p>At D2 the Applicant introduced new mitigation in the form of a 2nm wide take-off access corridor from Spirit Energy's CPP1 platform (the Aviation Corridor) and this is proposed to be secured within updated Protective Provisions contained within the updated dDCO [REP2- 002]. Does the Applicant's response at D2 and the inclusion of this additional mitigation now address Harbour Energy and Spirit Energy's concerns and objection?</p>	<p>Spirit does not accept that the 2nm wide corridor proposed by the Applicant in paragraph 5 of Part 3 of Schedule 3 of the draft DCO [REP2-002] meaningfully addresses its concerns with respect to aviation. The Applicant has proposed a new 2nm wide x 4nm long take-off access corridor orientated into the prevailing wind. The aviation corridor proposed by the Applicant fails to meet Spirit's requirement for a 3.9 nm buffer around the full 360 degrees of CPC and Calder: any less than will have unacceptable impacts on the safety of Spirit's operations. Spirit cannot accept the IMC corridor as it will only mitigate instances when the wind is coming from the corridor direction towards CPC. As per GM1 CAT.POL.H.310(c) & CAT.POL.H.325(c) (Take-off and landing) regulations, under normal operations the aircraft should approach and take off into the wind (head wind). The MetOcean criteria data analysis outlines that only 22% of wind comes from the direction of the corridor proposed. The Applicant has failed to demonstrate how this applies to landing at CPC and take-off in the remaining 78% of wind conditions. For safe IMC OEI take off a</p>	<p>The Applicant has 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> <ul style="list-style-type: none"> Appendix A: Report on Impact to Helicopter Flights (REP3-071) Appendix B: Effect of Proposed Morecambe Offshore Windfarm on Offshore Oil and Gas Operations (REP3-072). <p>Specifically, Section 2.4 of Appendix A: Report on Impact to Helicopter Flights (REP3-071) addresses Spirit Energy's response in relation to the aviation corridor. Further information on the CAA rule change and acceptable means of compliance is provided in Section 4 of Appendix A.</p>

ExQ1 Ref.	Question to:	Question	Spirit Energy Response	Applicant Response (if required)
			<p>3.9nm obstacle clearance is required by Spirit to allow take off in any direction, and the calculations are available within the Updated Aviation study by AviateQ (August 2024) submitted in Appendix A to Spirit's Written Representation [REP1-116]. Spirit further notes that the Applicant has not provided any calculations or graphics in its submission at Deadline 2, including its response to the AviateQ report [REP2-031] that explain how it has arrived at different distances for Engine Failure at Take-Off Decision Point (TDP) and Climb to 1,000ft in IMC. Further comment on this matter is provided by Spirit in its Response to the Applicant's Deadline 2 Submissions. Under the proposed changes to the UK CAA regulations noted in paragraph 2.21 of Spirit's Written Representation [REP1-116], the IMC corridor proposal will not be able to provide any mitigation for IMC take-off and landing to/from CPC and Calder platform in both day and night conditions or for VMC take off and landings to/from CPC and Calder Platform in night conditions without a CAA dispensation under the Alternative Means of Compliance (AltMoc) process. In the Applicant's Response to Spirit's Deadline 1 Submissions [REP2-030], the Applicant has assumed that in the case that the new regulations are introduced, the aviation provider will apply for AltMoc. Obtaining AltMoc requires demonstrating</p>	<p>The Applicant has provided an update on the position as it stands with Spirit and Harbour at Deadline 4 in paragraphs 5.2.1 and 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 9.54).</p>

ExQ1 Ref.	Question to:	Question	Spirit Energy Response	Applicant Response (if required)
			<p>that the operator can meet the same safety standard by its alternative means of compliance as the regulation it is seeking dispensation from. There are no viable means for safe flying at night, IMC, OEI, less than 3 nm from wind turbines – being precisely the conditions protected against by the proposed changes to the regulations - which meet an equivalent safety standard to a 3 nm buffer. Moreover, AltMoc are not intended to be used for day-day, standard practice – it is an exception to use only in certain limited circumstances. Obtaining an AltMoc dispensation is a very rigorous process which can take considerable time to develop and then demonstrate to the CAA. Even so, the regulator may still refuse to accept it. Contrary to the view on AltMoc set out by the Applicant in section 6.1, and particularly paragraph 56, of the Applicant's Response to Spirit Energy Deadline 1 Submissions [REP2-030], Spirit expect that the CAA would view any such AltMoC as proposed by the Applicant as a reduction in safety. Spirit is not aware of such AltMoc being granted elsewhere in the UK. In short, Spirit cannot be expected to plan operations on the basis of a discretionary dispensation. For the avoidance of doubt, the changes to introduce the 2nm corridor do not address any other part of Spirit's objection including</p>	

ExQ1 Ref.	Question to:	Question	Spirit Energy Response	Applicant Response (if required)
			with respect to shipping and navigation, decommissioning or MNZ safeguarding.	
1CAR17	Spirit Energy	Helicopter flights - sectoring methodology In its WR at D1 [REP1-116] Spirit Energy refers to the Applicant's analysis having split flights into multiple sectors, representing individual trips and stops on the flight route rather than as a whole trip. Spirit Energy argues this is wrong as "...it is not possible to cancel separate sections of multi leg flights, or one sector of a multi sector flight" and that "Any routing changes must be made prior to the aircraft's departure from Blackpool which will cause a further 1 hour delay for aircraft departure". Please can Spirit Energy expand and explain why it is not operationally possible to cancel separate sections/ sectors of a flight and why routing changes could not occur mid-flight given these flights take place within Class G (uncontrolled) airspace?	Spirit's operator for the Morecambe Hub, NHV, cannot replan a multi leg shuttle in-flight if a number of the legs cannot be completed due to a bad weather window. Cancelling a sector and moving to the following sector could result in incorrect payload applied on the aircraft, resulting in change of Centre of Gravity and damage to the aircraft due to being overweight as routings in multisector flights are planned down to the kilo of payload and fuel. The calculations are complex and therefore the flight needs to be replanned back at base so fuel and payload options are fully assessed. There is also a subsequent knock-on effect to later flights due to the time it takes to replan. For the reasons set out above, it is not operationally possible to undertake flight planning mid-flight, whether in Class G airspace or otherwise	The Applicant notes this response. The Applicant maintains that NHV, and any other helicopter operator providing commercial air transport (CAT), would plan and make allowance for changes should they be unable to complete a sector of a multi leg flight. Additionally, the operator would look to optimise their flights using the available flying time within any given day.
1DCO5	Those parties	Protective provisions	Spirit continue to liaise with the Applicant on the Protective Provisions. A full undertaking	The Applicant notes this response.

ExQ1 Ref.	Question to:	Question	Spirit Energy Response	Applicant Response (if required)
	who would benefit from protective provisions	Could all parties who would benefit from Protective Provisions, please indicate whether they are content with the wording set out in Schedule 3 of the draft DCO [REP2-002]? If not, could the party please explain why it is not content and provide alternative wording, setting out why each and all proposed changes are necessary. Could Harbour Energy and Spirit Energy please liaise with each other to ensure that no proposed changes to respective Protective Provisions are mutually exclusive given their interests in the area.	from the Applicant in relation to the forecast costs of preparing 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. 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. Spirit and Harbour Energy have prepared a joint statement regarding the Protective Provisions which Spirit has submitted at Deadline 3. We understand that Harbour Energy intends to submit the same.	
10017	The Applicant Spirit Energy	Future Carbon Capture Storage Spirit Energy in their WR [REP1-116] refer to their Carbon Storage Licence CS010 associated with the potential future repurposing of the Morecambe Hub gas fields. Concerns are raised about potential implications and challenges the Proposed Development could have on their ability to carry out activities under the terms of this licence	a) The MNZ Licence is a licence for the purpose of paragraph 2.8.197 of NPS EN-3: it has been issued by OGA ('by Government') for exploration, carbon storage and related installation activities. Further detail is enclosed herein. Spirit's Carbon Storage Licence CS010 (the MNZ Licence) was issued by the Oil and Gas Authority (OGA) to Spirit's subsidiary, Spirit Energy Production UK Limited (the Licensee), under section 18 of the Energy Act 2008 on 7 September 2023. The OGA is not the Secretary of State for Energy Security and Net Zero. Rather, the OGA is a	a) The Applicant has previously responded to 10017 (a) within The Applicant's Response to ExA's Written Questions 1 (REP3-068) and does not wish to comment on Spirit's response. b) Discussions are ongoing directly and via each parties' legal teams on the updating of Protective Provisions in favour of Spirit Energy. In-person meetings, and follow-up technical meetings have been held between the

ExQ1 Ref.	Question to:	Question	Spirit Energy Response	Applicant Response (if required)
		<p>as well as future access and well monitoring. Spirit comment that this is not provided for in the protective provisions (or elsewhere) in the draft DCO.</p> <p><u>To both Parties:</u></p> <p>a) Having regard to paragraph 2.8.197 of NPS EN-3, is the Carbon Dioxide Appraisal and Storage Licence CS010 a 'licence' for the purposes of this paragraph, or is it something else? If it is something else, please explain what it is.</p> <p><u>To Spirit Energy:</u></p> <p>b) If Spirit Energy is seeking a revision to the current Protective Provisions to address its concerns, please can it provide an alternative drafting which identifies the changes sought? (See also ExQ1DCO5.)</p> <p><u>To the Applicant</u></p> <p>Can the Applicant please respond to the concerns raised by Spirit and in particular comment on whether the Protective Provisions could be amended to include the identified wells and set appropriate stand-offs in order</p>	<p>government company whose sole shareholder is the Secretary of State for Energy Security and Net Zero. It has powers and duties established under the Petroleum Act 1998 and Energy Acts 2008, 2011 and 2016. The OGA now operates under the business name of the North Sea Transition authority (NSTA). The Secretary of State is responsible for the policy framework within which the NSTA operates, and the OGA must give effect to SoS policy and strategic decisions. The MNZ Licence grants to the Licensee exclusive licence to explore and subsequently store carbon dioxide in a fixed area defined by coordinates in the MNZ Licence (the Licensed Area). The north central and eastern areas of the Proposed Development overlap with the southern section of the Licenced Area. This can be seen at Figure 17.3 Volume 5 - Chapter 17 - Infrastructure and Other Users Figures [APP-105]. The MNZ Licence continues through three periods: the Appraisal Term for exploration of carbon storage sites, followed by the Operational Term and Post-closure Period during which carbon dioxide may be stored and installations established and maintained for these purposes subject to Spirit being granted a Storage Permit under the MNZ Licence. The Appraisal term requires Spirit to undertake the work to a level of definition such that it is mature enough for the</p>	<p>parties, with a view to agreeing a resolution. Meeting minutes are included within Response to Actions arising from Issue Specific Hearings 2, 3 and 4 (Document Reference 9.54). The Applicant is committed to continued discussion with Spirit Energy.</p>

ExQ1 Ref.	Question to:	Question	Spirit Energy Response	Applicant Response (if required)
		to safeguard and ensure future access is maintained?	<p>commencement of execution work. The Appraisal term began on 1 July 2023. The Appraisal Term is subject to a fixed programme of activity and milestones specified in Schedule 4 of the MNZ Licence which must be achieved by the Licensee during this period (the Work Programme). In accordance with the Work Programme, Spirit has already identified proposed storage sites and is determining strategies for CO2 transportation to those sites. Spirit is also required to develop and adhere to a monitoring and corrective plan. With respect to the Proposed Development that is the subject of this Examination, and according to the section 3 of the Applicant's Response to Actions arising from Preliminary Meeting and Issue Specific Hearing 1 [REP1-086], the timeline is not yet certain and commencement of development may take a further seven years from the date of consent if granted. Conversely the activities being undertaken by Spirit in relation to MNZ are underway with a targeted and scheduled programme of activity under the already granted MNZ Licence that has been agreed with the OGA. Without adequate protections, those activities would be disrupted, limited and set back by the Proposed Development as further detailed in section 4 of Spirit's Written Representation [REP1-116]. Accordingly, the Applicant is required to assess the</p>	

ExQ1 Ref.	Question to:	Question	Spirit Energy Response	Applicant Response (if required)
			<p>potential impacts of the Proposed Development on these activities. In Chapter 17 of the Applicant's Environmental Statement (as revised at Deadline 1) [REP1-038], the Applicant has acknowledged Spirit's MNZ Licence and the overlap of the Proposed Development with the Licenced Area (paragraphs 17.61 and 17.106). However, in stating that coordination would be needed 'if construction phases overlap' and it would thereafter be 'steered by advice from relevant authorities' (paragraph 17.106) the Applicant fails to recognise that the MNZ Licence provides for a scheduled programme of work which has already following which the Operational Term and Post-Closure Period commence under the same licence. Carbon dioxide storage activities are contingent on granting a Storage Permit under the MNZ Licence, however this is not merely a possible next step: rather it is the expected outcome from the Appraisal Term. Spirit is not aware of any material impediment to the grant of the Storage Permit. Spirit's view is that the Applicant has failed to recognise the critical importance of Morecambe Net Zero and the status of the MNZ Licence and therefore not appropriately assessed the potential effects of the Proposed Development on the activities under the MNZ Licence as required by NPS EN-3. For the foregoing</p>	

ExQ1 Ref.	Question to:	Question	Spirit Energy Response	Applicant Response (if required)
			<p>reasons, it is also entirely appropriate that all MNZ activities under the MNZ Licence are safeguarded. Completion of the Work Programme is a necessity to obtaining the storage permit and realising the MNZ project – a nationally significant project in its own right that forms a critical part of UK net zero objectives and which benefits from the strongest possible policy support. See in particular paragraph 3.5.8 of Overarching National Policy Statement for Energy (EN-1): “To support the urgent need for new CCS infrastructure, CCS technologies, pipelines and storage infrastructure are considered to be CNP infrastructure.”</p> <p>b) As noted in relation to 1DCO5, Spirit continue to liaise with the Applicant on the Protective Provisions. A full undertaking from the Applicant in relation to the forecast costs of preparing 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>	

2.14 Harbour Energy (REP3-105)

Table 2.15 The Applicant's comments on Harbour Energy's Responses to ExQ1 (REP3-105)

ExQ1 Ref.	Question to	Question	Harbour Energy Response	Applicant response (if required)
1DCO5	Those parties who would benefit from protective provisions	<p>Protective provisions</p> <p>Could all parties who would benefit from Protective Provisions, please indicate whether they are content with the wording set out in Schedule 3 of the draft DCO [REP2-002]? If not, could the party please explain why it is not content and provide alternative wording, setting out why each and all proposed changes are necessary.</p> <p>Could Harbour Energy and Spirit Energy please liaise with each other to ensure that no proposed changes to respective Protective Provisions are mutually exclusive given their interests in the area.</p>	<p>The parties agree that where any matter is not expressly stated within this joint statement, that should not be taken to imply agreement between the parties on that matter.</p> <p>The purpose of this joint statement is to set out:</p> <p>(a) the different roles and responsibilities of Harbour Energy and Spirit Energy in relation to the Calder platform, wells, pipelines, and power cable located in United Kingdom Continental Shelf Block 110/7a (the Calder field facilities); and</p> <p>(b) the requirement that the respective protective provisions for the benefit of each of Harbour Energy and Spirit Energy in Part 3 of Schedule 3 of the draft Development Consent Order (DCO) [REP2-002] in relation to the DCO application made by Morecambe Offshore Windfarm Ltd (the Applicant) for the proposed Morecambe Offshore Windfarm Generation Assets (the Proposed Development) adequately reflect such differentiation of roles and responsibilities noted in 3(a) above.</p>	<p>The Applicant notes that Harbour Energy confirm that they would be seeking to align the Protective Provision in their favour with those being agreed between the Applicant and Spirit Energy. The Applicant can confirm they are working with Harbour Energy on this basis.</p> <p>The Applicant has provided an update on the position as it stands with Spirit and Harbour at Deadline 4 in paragraphs 5.2.1 and 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 9.54).</p>

ExQ1 Ref.	Question to	Question	Harbour Energy Response	Applicant response (if required)
			<p>The Calder field facilities are owned by Harbour Energy. The hydrocarbon field known as the Calder field which underlies United Kingdom Continental Shelf Block 110/7a (the Calder field) is licenced by Harbour Energy under petroleum production licence P.99. The Calder field facilities are required to safely produce hydrocarbons from the Calder field.</p> <p>Spirit Energy currently operates the Calder field facilities on behalf of Harbour Energy and is thereby subject to regulatory operatorship requirements in respect of the Calder field facilities, together with contractual obligations under the operational agreement between Spirit Energy and Harbour Energy. Of the Affected Assets, the Calder field facilities are the only assets within the Morecambe Hub which Spirit Energy operates but does not own.</p> <p>Harbour Energy is the sole licensee and appointed licence operator under petroleum production licence P.99 which governs the Calder field and is thereby subject to regulatory requirements in respect of the Calder field facilities, together with contractual obligations under the operational agreement between Spirit Energy and Harbour Energy.</p>	

ExQ1 Ref.	Question to	Question	Harbour Energy Response	Applicant response (if required)
			<p>The Proposed Development is located adjacent to the Calder field facilities, as shown on the Applicant's Offshore Work Plan [APP-007]. The Relevant Representations and Written Representations submitted by each of Harbour Energy [RR-027, REP1-102] and Spirit Energy [RR-077, REP1-116] set out their respective concerns in relation to the impact of the Proposed Development.</p> <p>For the purpose of drafting and agreeing protective provisions in relation to the Calder field facilities, the parties have been liaising with each other to ensure that no proposed changes to respective Protective Provisions are mutually exclusive given their interests in the area. The parties will continue to work together in line with the Examining Authority's request under ExQ1 1DCO5.</p> <p>Notwithstanding, as Harbour Energy and Spirit Energy have separate interests and duties in respect of the Calder field facilities, and such duties will change over time as the Calder field moves from the operational producing phase to the decommissioning phase, it is their intention that some separate protective provisions will be required in the DCO to address their respective concerns.</p>	

ExQ1 Ref.	Question to	Question	Harbour Energy Response	Applicant response (if required)
			<p>Both Spirit Energy and Harbour Energy will engage directly with the Applicant to agree the terms of their respective protective provisions. It is envisaged that there will be common elements within each of the protective provisions in respect of the shared interest in the Calder field facilities and to this end, Harbour Energy and Spirit Energy will work together to ensure commonality between those where there is a shared potential impact and consensus on the related mitigation solution.</p> <p>The Applicant has indicated that the next update to the draft DCO is due to be submitted at Deadline 4 (18 February 2025) and that they would look to include amendments to the protective provisions at that update. The parties are engaging with the Applicant on this basis.</p>	
1CAR6	Harbour Energy Spirit Energy	<p>Additional Mitigation – Aviation Corridor</p> <p>At D2 the Applicant introduced new mitigation in the form of a 2nm wide take-oB access corridor from Spirit Energy’s CPP1 platform (the Aviation Corridor) and this is proposed to be secured within updated Protective Provisions</p>	<p>Harbour Energy has carefully considered the Applicant’s proposed mitigation involving the Applicant keeping a 2nm aviation corridor free from wind turbine generators and necessitating the aviation service provider supporting Calder Field operations obtaining approval from the CAA to operate helicopters under an alternative method of compliance (AltMoC). The proposed mitigation needs to be considered separately for the production</p>	<p>The Applicant has 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> <ul style="list-style-type: none"> Appendix A: Report on Impact to Helicopter Flights (REP3-071)

ExQ1 Ref.	Question to	Question	Harbour Energy Response	Applicant response (if required)
		contained within the updated dDCO [REP2- 002]. Does the Applicant's response at D2 and the inclusion of this additional mitigation now address Harbour Energy and Spirit Energy's concerns and objection?	<p>phase of Calder Field operations and for the decommissioning phase.</p> <p><u>Production Phase</u></p> <p>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. Harbour Energy has however calculated that, were it possible to implement the proposed additional mitigation, 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><u>Decommissioning Phase</u></p> <p>It would not be possible prior to approval of the DCO to determine whether an AltMoC could be applied for and obtained as:</p> <ul style="list-style-type: none"> Harbour Energy would need to consult with its helicopter operator, once selected, to determine whether operation under such an AltMoC would be acceptable; Until the CAA implements new rules in respect of flying in proximity to wind farms, such an AltMoc could not be applied for. 	<ul style="list-style-type: none"> Appendix B: Effect of Proposed Morecambe Offshore Windfarm on Offshore Oil and Gas Operations (REP3-072). <p>Specifically, Section 2.4 of Appendix A: Report on Impact to Helicopter Flights (REP3-071) addresses Spirit Energy's response in relation to the aviation corridor. Further information on the CAA rule change and acceptable means of compliance is provided in Section 4 of Appendix A.</p>

ExQ1 Ref.	Question to	Question	Harbour Energy Response	Applicant response (if required)
			<p>Harbour Energy has however calculated that, were it possible to implement the proposed mitigation, 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>Based on the above, considerations and those set out more fully in Harbour Energy Comments on Applicant's Deadline 2 Submissions (to be submitted at Deadline 3), Harbour Energy, whilst recognising that the Applicant's proposed additional mitigation has some theoretical merit, does not consider that the inclusion of this additional mitigation addresses Harbour Energy's concerns.</p>	
1DCO5	Those parties who would benefit from protective provisions	<p>Protective provisions</p> <p>Could all parties who would benefit from Protective Provisions, please indicate whether they are content with the wording set out in Schedule 3 of the draft DCO [REP2-002]? If not, could the party please explain why it is not content and provide alternative wording, setting out why each and all proposed changes are necessary. Could</p>	<p>Harbour Energy has significant concerns with the Protective Provisions in Rev 3 of the draft DCO (REP2-002) (PPs) submitted by the Applicant at Deadline 2. Consistent with the Joint Statement from Harbour Energy and Spirit Energy to be submitted at Deadline 3, Harbour Energy continues to work with the Applicant and, where appropriate, in consultation with Spirit Energy concerning drafting of protective provisions.</p>	<p>The Applicant notes this response and confirm it is engaging with Harbour Energy and Spirit Energy to update the protective provisions in their benefit.</p> <p>The Applicant notes that Harbour Energy confirm that they would be seeking to align the Protective Provision in their favour with those being agreed between the Applicant and Spirit Energy. The Applicant can confirm they are</p>

ExQ1 Ref.	Question to	Question	Harbour Energy Response	Applicant response (if required)
		Harbour Energy and Spirit Energy please liaise with each other to ensure that no proposed changes to respective Protective Provisions are mutually exclusive given their interests in the area.		working with Harbour Energy on this basis.

2.15 Isle of Man Territorial Seas Committee (REP3-106)

Table 2.16 The Applicant's comments on the Isle of Man Territorial Seas Committee Responses to ExQ1 (REP3-106)

ExQ1 Ref.	Question to:	Question	IoM TSC Response	Applicant Response (if required)
3. Civil and Military Aviation and Radar (CAR)				
1CAR15.	The Applicant NATS CAA Isle of Man Ronaldsway Airport IoM TSC	<p>Isle of Man Airport - Ronaldsway Airport Primary Surveillance Radar (PSR)</p> <p>Paragraph 16.157 of ES Chapter 16 [REP1-036] indicates that Ronaldsway Airport has concerns about the number of offshore wind projects proposed in the Irish Sea and that there may be a technical impact with the processing capacity of the PSR. Paragraph 16.219 states that engagement is continuing to further understand any potential radar issues and mitigate these concerns.</p> <p>NATS have not commented on impacts to the Isle of Man Ronaldsway Airport in its RR [RR-060] and Ronaldsway Airport did not register a RR and so are not an IP. However, the RR from the IoM TSC [RR-031] does request continued engagement in relation to</p>	<p>a) Regulations relating to aviation safety and air traffic services are set by the Isle of Man Civil Aviation Administration (IOMCAA), which is a separate entity to Isle of Man (Ronaldsway) Airport. Isle of Man Airport is certified under the Civil Aviation (Aerodromes) Order 2022. Isle of Man Airport Air Traffic Control is approved under the Civil Aviation (Air Traffic Services) Order 2020 and holds ATS equipment approvals, also issued under that Order.</p> <p>IOMCAA policy on renewable energy installations, including wind farms, is set out in publication CP1: Renewable Energy. The following UK CAA policies have been adopted as outlined in CP1: CAP764, CAP1616, CAP1618, CAP670 together with all UK CAA policy statements.</p> <p>b) The Territorial Sea Committee has been coordinating responses from the various IoM Government departments and bodies to give a single point of contact and to ensure consistency of response. The Isle of Man Airport is fully</p>	The Applicant notes this response.

ExQ1 Ref.	Question to:	Question	IoM TSC Response	Applicant Response (if required)
		<p>potential impacts on air travel and any mitigation and this is referenced within the draft SoCG with the IoM TSC submitted at Deadline 1 (item TSC 22 in REP1-066)).</p> <p><u>To All Parties:</u></p> <p>a) Please explain if and how the Isle of Man (IoM) Ronaldsway Airport regulations on air traffic safety relate to relevant UK regulations and guidance?</p> <p><u>To IoM TSC:</u></p> <p>b) Noting paragraph 14 of the draft SoCG submitted at D1 [REP1-066]), can the IoM TSC confirm it is representing the views of the airport at this Examination and, if so, can the SoCG be amended to make this clear; and does it wish to make any further submissions in relation to the assessment or mitigation of potential interference with the airports PSR?</p> <p><u>To the Applicant</u></p> <p>c) Can the Applicant provide an update on discussions with the airport about potential concerns on radar processing capacity</p>	<p>involved in this and, where relevant, will provide input as part of the TSC engagement. However, on technical/commercial matters the Airport, will, at times, have direct contact with the applicant. The inclusion of the Airport in the TSC response can be clarified in the next update to the SoCG.</p>	

ExQ1 Ref.	Question to:	Question	IoM TSC Response	Applicant Response (if required)
		given the number of offshore projects and in particular whether any mitigation to address this has been agreed? If so, how is this to be secured?		
1CAR18.	The Applicant BAE Systems (Operations) Limited BAE Systems Marine Ltd Blackpool Airport Ronaldsway Airport	<p>Very High Frequency (VHF) and Direction Finding (DF) Communications</p> <p>In the draft SoCG submitted at Deadline 1 (BA 14, [REP1-070]) it is noted that Blackpool Airport has identified impacts to VHF radio and DF communications and stated that an assessment is required and needs to take into account other adjacent offshore wind farm projects. No such assessment is currently contained within the application documents, having previously been agreed to be scoped out.</p> <p><u>To Blackpool Airport/ BAE Systems:</u></p> <p>a) Please can Blackpool Airport/ BAE Systems explain why the concerns about potential impacts to VHF and DF communications were not identified earlier or whether something has changed since the Application was submitted</p>	IoM Airport is in the process of commissioning a report into potential VHF impact which is a concern. Recent reports into other proposed windfarms have highlighted a potential impact up to 8000ft.	<p>The Applicant notes this response. In the event that mitigation for Very High Frequency (VHF) communication is required, this is secured within the draft Development Consent Order (DCO) requirement for IoM Airport that has been added to the draft DCO_Rev 4 Clean (Document Reference 3.1) submitted at Deadline 4.</p> <p>The Applicant notes that, as set out in the Statement of Common Ground submitted with IoM TSC_Rev 03 Clean (Document Reference 9.7), the parties agree that the required mitigation at IoM Airport is realistically achievable within the time limit for implementation of the DCO (anticipated to be a minimum of 5.5 years from conclusion of the examination) and therefore accords with paras. 5.5.50 and 5.5.57 of NPS EN-1 (ID BA 15).</p>

ExQ1 Ref.	Question to:	Question	IoM TSC Response	Applicant Response (if required)
		<p>which gives rise to these concerns?</p> <p><u>To BAE Systems (Operations) Limited, BAE Systems Marine Ltd and Ronaldsway Airport</u></p> <p>b) Do any of the operators of other aerodromes/ airports have any comments or concerns in relation to impacts on VHF and DF communications? If so please can summarise these concerns.</p>		
5. Commercial Fisheries (CF)				
1CF3.	The Applicant MMO NFFO IoM TSC	<p>In Principle Monitoring Plan - Landings Data and Monitoring</p> <p>Paragraph 13.302 of ES Chapter 13 [APP-050] states that the IPMP includes for the monitoring of commercial fisheries data pre, during and post construction. Paragraph 39 of the IPMP states that this is likely to be managed outwith of the IPMP. Table 2.5 of the IPMP [APP-148] states that monitoring would be carried out for a minimum period of 5 years and does not include monitoring during or following decommissioning. Assuming an approximate construction period</p>	<p>d) Monitoring needs to be secured in either the IPMP or FLCF. This has been done for similar projects in the region, which also include for annual reviews of the monitoring with stakeholders.</p> <p>e) Monitoring should include evaluation of VMS / I-VMS data in addition to landings data</p> <p>f) 1.25 years post construction monitoring would be completely inadequate to evaluate the effects on fisheries. We would suggest post construction monitoring should be a minimum of at least 5 years which would be consistent with other projects in the region.</p> <p>g) Monitoring should cover during and post decommissioning and we would</p>	<p>The Applicant has aligned so that monitoring post-construction will span 5 years. The baseline before this point will be extended as required to allow comparison.</p> <p>Decommissioning monitoring would be agreed following review of monitoring undertaken in previous phases of the Project.</p>

ExQ1 Ref.	Question to:	Question	IoM TSC Response	Applicant Response (if required)
		<p>of 2.5 years, it is assumed that pre and post construction monitoring would therefore equate to approximately 1.25 years each.</p> <p>Please also see ExQ1GEN11Error! Reference source not found..</p> <p><u>To the Applicant:</u></p> <p>a) Can the Applicant explain why a commitment to monitoring landings data is proposed to sit outwith the IPMP and, if so, how would this be secured?</p> <p>b) Rather than sit outwith of the IPMP, could the IPMP and/ or the oFLCP be amended to secure this and if not, why not?</p> <p>c) Can the Applicant explain why monitoring of landings data is not proposed during or post decommissioning given the potential impact of activities during decommissioning have been assessed as being the same as those during construction? To address this can the IPMP be amended to make clear monitoring would be carried out during and post</p>	<p>suggest that it should mirror that carried out for construction. It is acknowledged that decommissioning plans are not contained within the application but it should be noted that survey/monitoring post decommissioning to determine seabed/biological impacts would also be important in evaluating effects on commercial fisheries.</p>	

ExQ1 Ref.	Question to:	Question	IoM TSC Response	Applicant Response (if required)
		<p>decommissioning and for how long?</p> <p><u>Other IPs:</u></p> <p>d) Do any other IPs have any comments or views on how the commitment to monitoring should be secured?</p> <p>e) Is monitoring on landing data sufficient?</p> <p>f) Could NE confirm whether 1.25 years of data would be sufficient to evaluate the effect of the construction and operation of the proposed development on the fisheries resources at or near the site, or whether a longer post construction monitoring period is necessary.</p> <p>g) Should monitoring be extended to include during and post decommissioning activities and if so, can other IPs explain with reasons how long it is considered such monitoring would be required following completion of the works?</p>		
1CF4.	IoM TSC	<p>Applicant's Response to Relevant Representation</p> <p>In its [RR-031] the IoM TSC has stated that "there remains some</p>	<ul style="list-style-type: none"> Comments have previously been provided to applicant in relation to the ES and Tech report, most of which have been addressed in the latest 	The Applicant does not consider these residual matters material to the assessment or its conclusions and has noted these matters

ExQ1 Ref.	Question to:	Question	IoM TSC Response	Applicant Response (if required)
		<p>lack of consistency between Chapter 13 Environmental Statement and the baseline technical report (Appendix 13.1). This should be considered and corrected both for ensuing accuracy of the record, and also to ensure that the conclusions of the EIA are accurate". The Applicant's response to RR-031-07 [PD1-011] states that it does not consider there is a lack of consistency.</p> <p>Please can the IoM TSC identify and explain the inconsistencies between ES Chapter 13 [APP-050] and the Appendix 13.1 [APP-072] that it is referring to?</p>	<p>version; Volume 5 Appendix 13.1 Commercial Fisheries Technical Report (Tracked) PINS Document Reference: 5.2.13.1.1, APFP Regulation: 5(2)(a) Rev 02 Acknowledging that amendments have been made, which have improved the document, there do remain some minor errors and inconsistencies within and between the documents, as previously outlined.</p> <ul style="list-style-type: none"> ▪ The difference in scope and number of comments between the Technical report and Chapter 13 suggested that the matters were not presented the same in both documents- which may imply inconsistency. Similarly, errors in the Technical Report may result in incorrect conclusions in the receptor chapter, but practically only the applicant can know this having first addressed the comments on the Technical Report. ▪ Examples, which have not apparently been corrected, include: Page 23: Lobster: 'Primary management is by the technical measure of an MLS of 87 mm (Council Regulation 850/98).' – this is not the case for the Isle of Man, where a higher MLS of 90 mm 	<p>within the Statement of Common Ground (SoCG) with the IoMTSC_Rev 03 Clean submitted at Deadline 4 (Document Reference 9.7).</p>

ExQ1 Ref.	Question to:	Question	IoM TSC Response	Applicant Response (if required)
			<p>applies. Page 23: Crab: 'Primary management is by the technical measure of a MLS of 140 mm carapace width inside 6 NM and 130 mm outside 6 NM (Council Regulation 850/98).' this is not the case for the Isle of Man, where a 140 mm MLS applies throughout the territorial sea (0-12 nm). Pg 60: MMEA section – there is no fishery for European flat oyster in Manx waters. Pg 66: MNRs Section – 'The MNRs are managed through a combination of input and output controls, including fishing curfews, closed areas, and individual and total TAC quotas'. Remove this section as the statement is applicable to Manx fisheries in general and not specifically to MNRs. It implies that MNRs have their own fisheries management, which typically is not the case; rather it is specific restrictions rather than a management regime.</p> <p>Additional correction:</p> <p>5.5.1 Isle of Man fisheries</p> <ul style="list-style-type: none"> ▪ Jurisdiction and International Cooperation: The Isle of Man's territorial sea jurisdiction, extended under the Territorial Sea Act, necessitates cross-jurisdictional 	

ExQ1 Ref.	Question to:	Question	IoM TSC Response	Applicant Response (if required)
			<p>cooperation and adherence to UK's international obligations through the Fisheries Management Agreement.</p> <p>FMA is now void, and has been replaced by the IoM:UK Fisheries MoU https://www.gov.im/about-the-government/departments/environment-food-and-agriculture/environmentdirectorate/fisheries/sea-fisheries/iom-uk-fisheries-management-memorandum-of-understanding-mou/</p> <ul style="list-style-type: none"> Co-management and Strategic Approach: DEFA aims to work in partnership with stakeholders, adopting a co-management approach to fisheries management and implementing a strategic Future Fisheries Strategy. <p>The Isle of Man has also produced a Fisheries Statement to complement the UK's Joint Fisheries statement. This is to large extent a replacement of the Fisheries Strategy. https://www.gov.im/about-the-government/departments/environment-food-and-agriculture/environmentdirectorate/fi</p>	

ExQ1 Ref.	Question to:	Question	IoM TSC Response	Applicant Response (if required)
			sheries/sea-fisheries/fisheries-statement/	
1CF5.	IoM TSC	<p>Applicant's Response to Relevant Representation</p> <p>In its RR [RR-031] the IoM TSC states that it retains some concerns about the scope (number of years and period) and type of fishing activity data used to characterise the baseline of regional fisheries. It is added that "Factors such as Covid, Brexit and cyclical patterns of particular species are acknowledged, but apparently not consistently or fully considered". Please can the IOM TSC explain what is meant by "apparently not consistently or fully considered"? Can the IOM TSC give examples or reasoning for this statement?</p>	<ul style="list-style-type: none"> ▪ The original 5-6 reference period to inform the baselines used in the report is generally considered to be too short to take account for longer life/environmental cycles in particular species (the document notes 7- 10 year cycles (3.1.1), so 6 years is isn't sufficient by the applicant's own acknowledgment). Acknowledging the time periods involved in the documents, but using a shorted one to establish related fishing activity is considered to be an example of inconsistent and/or partial consideration. ▪ Similarly, when using a 6 year reference period, particularly 2016-2022, within which are significantly atypical years due to Brexit and Covid effects on the fishing industry, then it is not reasonable to establish a meaningful baseline on that basis. ▪ Noting that the reference period has now been changed to a 5-12 year period, then the issue can be considered to be resolved. 	<p>The Applicant does not consider these residual matters material to the assessment or its conclusions and noted these matters within the Draft SoCG with IoMTSC_Rev 03 Clean (Document Reference 9.7).with the at Deadline 4.</p>

ExQ1 Ref.	Question to:	Question	IoM TSC Response	Applicant Response (if required)
7. Draft Development Consent Order [REP2-002] (DCO)				
Article 7 – Benefit of Order				
Schedule 6 – Deemed Marine Licence				
1DCO9.	The Applicant NFFO The Traditional and Sustainable Commercial Fishing Association IoM TSC	<p>Schedule 6, Condition 9(k) - Fisheries Liaison and Co-existence Plan (FLCP)</p> <p><u>To the Applicant:</u></p> <p>a) The Applicant's response to the NFFO Relevant Representation ([PD1-011], RR-059-02) states that the FLCP is secured in Schedule 6 Condition 9(1)(k), which would be approved by the MMO with consultation with the fishing industry. However, the pretext within Condition 9(1) only references approval by the MMO in consultation with the relevant statutory nature conservation body, Trinity House and the MCA. Can the Applicant amend the drafting so as to include reference to representatives of the fishing industry? If not, at what stage and how would the fishing industry be consulted on the final FLCP as indicated? How would this be secured?</p>	b) The TSC would consider that it is essential that the fishing industry are fully consulted on the FLCP prior to approval.	The Applicant notes this response and notes that this is included in the Fisheries Liaison Co-existence Plan (FLCP).

ExQ1 Ref.	Question to:	Question	IoM TSC Response	Applicant Response (if required)
		<u>Other IPs:</u> b) Do the parties have any comments on the drafting of Condition 9(1)(k) or the scope and content of the oFLCP at this stage?		
8. Habitats Regulations Assessment (HRA)				
1HRA31.	IoM TSC The Applicant	<p>Isle of Man proposed Ramsar sites</p> <p>The RIAA [REP1-012] summarises comments from the IoM Government (Table 8.2, p194) including reference to “potential further Ramsar sites” on the IoM. The text includes a broken hyperlink to the UK Overseas Territories Conservation website.</p> <p>Paragraph 5.4.5 of the NPS EN-1 requires that proposed Ramsar sites should be given the same protection as designated sites and assessed as part of a HRA, where relevant.</p> <p>a) Can the IoM TSC confirm whether the potential further Ramsar sites meet the NPS</p>	<p>The TSC are not aware of the UK definition of ‘proposed Ramsar’ sites, with respect to NPS EN-1, this being outside of our jurisdiction, and finding no definition within that document. We therefore here provide notes on the status of the sites referenced, so that a view can be taken, and an active link to the details.</p> <p>Potential Ramsar sites were identified in a project with a contractor working with Crown Dependency and Overseas Territory governments. One of these (Ballagh Curragh) has been designated as both ASSI and Ramsar, and parts of some others have been designated as ASSI but a larger Ramsar site has not been given formal assessment yet and many areas remain to be assessed as ASSI. The others therefore remain as Ramsar site proposals, but not yet formally put forward for designation. They therefore do show where there is</p>	<p>The Applicant welcomes this response which aligns with the approach taken by the Applicant across the Report to Inform the Appropriate Assessment (RIA) and Environmental Impact Assessment (EIA).</p>

ExQ1 Ref.	Question to:	Question	IoM TSC Response	Applicant Response (if required)
		<p>definition of being 'proposed Ramsar' sites and therefore require assessment?</p> <p>b) Where the IoM TSC confirms that the potential Ramsar site(s) meet(s) the criteria within the NPS, the Applicant should provide information on the likely effect of the Proposed Development on those sites and their qualifying features. The Applicant may wish to liaise with IoM Government to expedite the provision of information.</p> <p>In responding the Applicant should include specific reference to the following sites - Central Valley Curragh, Dalby Peatlands, Gob ny Rona, Maughold Heead and Port Cornaa, Southern Coasts and Calf of Man and The Eyres.</p>	<p>international level interest that meets the Ramsar criteria, but it has not been given full protection across those areas. Fuller assessment awaits resource.</p> <p>Here is the active link to the report, including annexes with the site details and criteria (Annex 2), and proposed boundaries (Annex 4) http://www.ukotcf.org/pubs/ramsarreview.htm.</p>	
12. Socio-Economics, Tourism and Recreation (SETR)				
1SETR1.	IoM TSC	<p>Applicant's Response to RR: Retail Storage Capacity</p> <p>The Applicant responded to comments in the RR of the IoM TSC [RR-031] regarding proposals to increase retail</p>	<p>The Planning Application referenced by the applicant in their response was for minor changes to a warehouse associated with Tesco's online delivery service. The changes were primarily to increase accessibility and improve their distribution system and not related to</p>	<p>The Applicant welcomes this response and notes all matters are now agreed within the Draft SoCG with IoMTSC_Rev 03 Clean (Document Reference 9.7) submitted at Deadline 4.</p>

ExQ1 Ref.	Question to:	Question	IoM TSC Response	Applicant Response (if required)
		storage capacity on the island (see RR-031-12 of [PD1-011]). Does this response address the concerns, or do the IOM TSC wish to make any further comments on this matter?	overall storage provision for stock. However, the TSC is content that this has not materially affected the assessment and conclusions of Chapter 20.	

2.16 Morgan Offshore Wind Ltd. and Mona Offshore Wind Ltd. (REP3-107)

Table 2.17 The Applicant's comments on Morgan Offshore Wind Ltd. and Mona Offshore Wind Ltd. Responses to ExQ1 (REP3-107)

ExQ1 Ref.	Question to	Question	Morgan Offshore Wind Ltd. and Mona Offshore Wind Ltd. Response	Applicant response (if required)
1GEN7	Mona Offshore Wind Ltd Morgan Offshore Wind Limited	Interrelationship report on other infrastructure projects A Report on Interrelationships with Other Infrastructure Projects was submitted by the Applicant at Deadline 1 [REP1- 078]. The applicants of the other named projects which are IPs in this Examination are asked to confirm the accuracy of the information and, if they feel it appropriate, provide comments on the content of the Report.	Morgan Offshore Wind Limited and Mona Offshore Wind Limited were provided an early draft by the Applicant to allow input and collaboration. As such Morgan Offshore Wind Limited and Mona Offshore Wind Limited are generally aligned on the overall content of the Report. It is noted that the Morecambe Offshore Windfarm Ltd Report follows a similar structure and has been informed by Morgan Offshore Wind Limited's Report.	The Applicant welcomes this response.
1HRA29	Mona Offshore Wind Ltd Morgan Offshore Wind Limited The Applicant NE MMO	Co-ordination/communication between projects during construction to minimise effects The Applicant's 'Report on Interrelationships with Other Infrastructure Projects - Revision 01 (Volume 9)' [REP1-078] explains why the Applicant considers that a legal obligation to co-ordinate	In response to point a) Morgan Offshore Wind Limited and Mona Offshore Wind Limited do not consider that any coordination needs to be legally secured between the projects, for the reasons set out in Morgan Offshore Wind Limited's Interrelationships Report section 1.4 (REP4-016). Whilst there are no specific provisions within the draft DCO that links the projects within the Irish Sea to one another, there are mitigation measures proposed by Morgan Offshore Wind Limited and Mona Offshore Wind	The Applicant defers to its response to 1HRA29 in the Applicant's Response to ExAs Written Questions 1 (REP3-068) which aligns with Morgan Offshore Wind Ltd. and Mona Offshore Wind Ltd. response.

ExQ1 Ref.	Question to	Question	Morgan Offshore Wind Ltd. and Mona Offshore Wind Ltd. Response	Applicant response (if required)
		<p>with other developments in the Irish Sea could impede delivery of the Morecambe OWF. Paragraph 86 of the report concludes that opportunities for coordination would be explored where relevant and in respect of project timescales as these develop further. In the absence of a legal obligation, explain what formal mechanisms exist to ensure that there would be meaningful engagement around coordination and that it would happen in a timely fashion. The ExA is particularly concerned about mechanisms to minimise the impact of noise on marine receptors at a cross project level.</p> <p><u>To Mona Offshore Wind Ltd and Morgan Offshore Wind Limited</u></p> <p>a) These IPs are invited to make comments in relation to the above and to point to any provisions set out within their respective</p>	<p>Limited that will ensure that it is implemented satisfactorily in relation to other projects.</p> <p>Mechanisms to ensure meaningful engagement include:</p> <ul style="list-style-type: none"> ▪ The agreement between Morgan Offshore Wind Limited and Morecambe Offshore Windfarm Ltd in developing the Morgan and Morecambe Offshore Wind Farms: Transmission Assets which seeks to ensure efficient and timely development of the transmission assets for both projects in order to ensure connection of the generation assets in line with programme requirements. ▪ In terms the impact of noise on marine receptors, Morgan Offshore Wind Limited and Mona Offshore Wind Limited have committed to a number of measures to ensure that all key activity that has the potential to generate significant sound levels (namely, UXO clearance and percussive piling of foundations) will not result in significant effects for the project alone nor materially contribute to any cumulative or incombination effects. These measures are principally a Marine Mammal Mitigation Protocol (MMMP) and an Underwater Sound Management Strategy (UWSMS) which will ensure the application of the most appropriate mitigation dependent on the specific final design detail. These documents have 	

ExQ1 Ref.	Question to	Question	Morgan Offshore Wind Ltd. and Mona Offshore Wind Ltd. Response	Applicant response (if required)
		<p>applications which would provide such coordination.</p> <p><u>To the Applicant, Mona Offshore Wind Ltd and Morgan Offshore Wind Limited</u></p> <p>b) While noting the issues identified in paragraph 43, should one (or more) of the other projects not proceed, could this be resolved by ensuring that any secured co-ordination was only relevant for those projects under implementation?</p> <p><u>To NE and MMO</u></p> <p>c) Would a mechanism to ensure co-ordination of OWF construction activities assist in reducing the cumulative effect of the Proposed Development with other projects and, if yes, do NE and MMO have examples of how such a mechanism would function and be secured?</p>	<p>been developed in outline form at this stage and will be finalised and approved by the MMO post-consent. No further controls around coordination of underwater sound with other projects are therefore required, nor are any being sought from either Interested Parties or the ExA, within the Morgan Generation Assets Examination.</p> <ul style="list-style-type: none"> ▪ Morgan Offshore Wind Limited and Mona Offshore Wind Limited have committed to continue with the Marine Navigation Engagement Forum (MNEF) for a minimum of 5 years post-consent (see Morgan Offshore Wind Limited Commitments register (Deadline 5 reference S_D5_14) and Mona Offshore Wind Limited Outline Vessel Traffic Management Plan F03 (REP6-028), which includes Morecambe Offshore Windfarm Ltd. <p>In response to point b), as noted above, Morgan Offshore Wind Limited and Mona Offshore Wind Limited maintains that no legal obligation for coordination needs to be secured between the projects, for the reasons set out in Morgan Offshore Wind Limited's Interrelationships Report section 1.4 (REP4-016). Mitigation measures will be secured and delivered for each separate project under their respective consents.</p>	

ExQ1 Ref.	Question to	Question	Morgan Offshore Wind Ltd. and Mona Offshore Wind Ltd. Response	Applicant response (if required)
10011	Ørsted IPs Mona Offshore Wind Limited Morgan Offshore Wind Limited Scottish Power Renewables (WODS) Ltd	<p>Potential Wake Effects</p> <p>Table 17.10 of ES Chapter 17 [REP1-038] identifies the approximate distances between the Proposed Development and other offshore wind projects including proposed and operational wind farms. At Deadline 1, in response to the Action Points for ISH1, the Applicant submitted further details including the orientation, hub height and blade tip height of other offshore wind projects in the Irish Sea (Table 5.1 of [REP-1-086]).</p> <p><u>To the Applicant:</u></p> <p>a) Having regard to the orientation, wind direction and distance between the Proposed Development and the Mona Offshore Wind Project (10.56km to the WSW) as shown in Table 5.1 and Figure 5.1 of [REP-1-086] does the Applicant have any concerns regarding the potential impact of wake loss</p>	In response to point b), Morgan Offshore Wind Limited and Mona Offshore Wind Limited agrees that Table 5.1 reflects the approximate distances, orientation and heights for the Morgan Generation Assets and Mona Generation Assets and would clarify that the 204 m refers to maximum hub height above LAT.	The Applicant welcomes this response.

ExQ1 Ref.	Question to	Question	Morgan Offshore Wind Ltd. and Mona Offshore Wind Ltd. Response	Applicant response (if required)
		<p>from that proposal on the Proposed Development? If not, please explain why this is the case?</p> <p><u>To the other IPs:</u></p> <p>b) Do the other referenced IPs agree that Table 5.1 accurately reflects the approximate distances, orientation and heights as provided by the Applicant? If not, please can the parties provide a similar table which shows the same information as it considers to be correct.</p> <p>c) Noting the distance between the proposed Moir Vannin and existing Walney Extension OWF (as shown Table 5.1 and Figure 5.1 of [REP-1-086]), do the Ørsted IPs have concerns about potential wake loss effects from the Moir Vannin proposal and, as the proposed operator of that project, can the parties confirm whether a wake loss assessment has been scoped in as part of the EIA for that application? If not, please can the parties explain why such an assessment is</p>		

ExQ1 Ref.	Question to	Question	Morgan Offshore Wind Ltd. and Mona Offshore Wind Ltd. Response	Applicant response (if required)
		not considered necessary in that case?		

2.17 Ørsted IPs (REP3-109)

Table 2.18 The Applicant's comments on Ørsted's responses to ExQ1 (REP3-109)

ExQ1 Ref.	Question	Ørsted IPs Response	Applicant Response (if required)
1GEN1	<p>Decommissioning dates</p> <p>Table 5.1 of the Applicant's response to Actions from PM and ISH1 [REP1-086] sets out the distances and expected decommissioning dates for various windfarms in the vicinity. This indicates that the Barrow OWF is due to be decommissioned "by 2030". In their WR the Ørsted IPs [REP1-112] indicate that they are not aware of any requirement for additional consents or licences to continue operating this development beyond 2030. To Barrow Offshore Wind Limited a) Could Barrow Offshore Wind Limited please set out its understanding of the timing of its decommissioning processes, providing evidence to support this. The draft SoCG between the Applicant and the Ørsted IPs [REP1-073] indicates that the Applicant believes that a new Marine Licence would be required post 2030. To the MMO</p>	<p>Barrow Offshore Windfarm primarily operates under a consent under Section 36 of the Electricity Act 1989. Operation of the windfarm is not subject to any specific time limits under the Section 36 consent it holds nor any marine licences it holds. Ørsted enquired with the Secretary of State regarding whether (relevantly) Barrow Offshore Windfarm and Burbo Bank Offshore Windfarm would require variation to continue the operational lifetime of those developments. The Secretary of State responded that "...the Secretary of State has not found anything which would lead him to conclude that the consents for which he is the competent authority require variation or the supply of additional consents, licences or permissions to secure the Secretary of State's approval to enable the continued operation of the wind farms." This letter is attached as Appendix 1. Barrow Offshore Windfarm does not require any marine licences in order to operate, although there is a maintenance licence in place for the repair and replacement of main components. On that basis, the Ørsted IPs do not consider further consents are required to authorise the operation of the</p>	<p>The Applicant notes that the 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 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 OWF to continue operating post 2030.</p>

ExQ1 Ref.	Question	Ørsted IPs Response	Applicant Response (if required)
	c) Could the MMO please confirm its understanding of the Marine Licensing situation concerning this site, with particular reference to any end date or decommissioning requirements	<p>Barrow Offshore Windfarm beyond 2030. The Applicant has incorrectly assumed that this development will be decommissioned in 2030. 2030 is the earliest expected decommissioning date for Barrow Offshore Windfarm and is not driven by any factors pertaining to the consents that the project holds. The actual decommissioning date is not confirmed and Ørsted will make a decision on this closer to the time, based on a number of factors including production, OPEX costs and revenue projection. It is within the interests of Barrow Offshore Windfarm to explore and pursue the possibility of continued operations past 2030, enabling continued contribution to the UK's net-zero carbon energy targets and enhancing project circularity through achieving greater value out of the same resources already in operation. Furthermore, we note that both the UK government and the Crown Estate have published reports (Clean Power 2030 Action Plan and 2023 annual report respectively) indicating strong support for lifetime extension. This is explained further in the Ørsted IPs' response to Deadline 2 submissions, provided alongside this submission.</p>	
100I1	Potential Wake Effects Table 17.10 of ES Chapter 17 [REP1-038] identifies the	In respect of question (b), the Ørsted IPs confirm the distances between the Project and their developments are approximately	The Applicant notes Ørsted IPs' response 100I1 (b). While the Ørsted IPs' note a number of projects do not require

ExQ1 Ref.	Question	Ørsted IPs Response	Applicant Response (if required)
	<p>approximate distances between the Proposed Development and other offshore wind projects including proposed and operational wind farms. At Deadline 1, in response to the Action Points for ISH1, the Applicant submitted further details including the orientation, hub height and blade tip height of other offshore wind projects in the Irish Sea (Table 5.1 of [REP-1-086]).</p> <p><u>To the Applicant:</u></p> <p>a) Having regard to the orientation, wind direction and distance between the Proposed Development and the Mona Offshore Wind Project (10.56km to the WSW) as shown in Table 5.1 and Figure 5.1 of [REP-1-086] does the Applicant have any concerns regarding the potential impact of wake loss from that proposal on the Proposed Development? If not, please explain why this is the case?</p> <p><u>To the other IPs:</u></p> <p>b) Do the other referenced IPs agree that Table 5.1 accurately reflects the approximate</p>	<p>correct. The Ørsted IPs consider there are some discrepancies in respect of the hub heights and other information provided in table 5.1 and will work with the Applicant to update these figures via their statement of common ground. The Ørsted IPs note table 5.1 also records expected decommissioning dates for their assets. These dates are not correct. The earliest expected decommissioning dates for these assets are shown in the table below. However, the Ørsted IPs emphasise these dates are highly conservative. Experience to date suggests there is a high potential for life extension of the assets. Decisions regarding lifetime extensions of these assets will be made closer to the time, based on a range of factors. In terms of assessing the environmental impacts of the Project it would be incorrect to assume that these assets will cease to operate at the earliest expected decommissioning dates, when there is no restriction requiring that. Such an approach would, in particular, risk cumulative effects of the Project being incorrectly assessed. A more appropriate way of approaching the worst case scenario would be to assume 10 year lifetime extension at all assets. Table 1: Expected earliest decommissioning date of the Ørsted IPs' developments, not including lifetime</p>	<p>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 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.</p>

ExQ1 Ref.	Question	Ørsted IPs Response	Applicant Response (if required)																									
	<p>distances, orientation and heights as provided by the Applicant? If not, please can the parties provide a similar table which shows the same information as it considers to be correct.</p> <p>Noting the distance between the proposed Mooir Vannin and existing Walney Extension OWF (as shown Table 5.1 and Figure 5.1 of [REP-1-086]), do the Ørsted IPs have concerns about potential wake loss effects from the Mooir Vannin proposal and, as the proposed operator of that project, can the parties confirm whether a wake loss assessment has been scoped in as part of the EIA for that application? If not, please can the parties explain why such an assessment is not considered necessary in that case?</p>	<p>extension which the Ørsted IPs do not expect to require additional consent.</p> <table><tr><th colspan="2">Ørsted IPs developments</th><th>Earliest decommissioning date</th></tr><tr><td colspan="2">Burbo Bank 1</td><td>Dec 2031</td></tr><tr><td colspan="2">Burbo Bank 2 (Extension)</td><td>May 2041</td></tr><tr><td colspan="2">Barrow</td><td>Sep 2030</td></tr><tr><td rowspan="2">Walney</td><td>Walney 1</td><td>Jul 2035</td></tr><tr><td>Walney 2</td><td>Jun 2036</td></tr><tr><td rowspan="2">Walney Extension</td><td>Walney 3 (extension)</td><td>May 2042</td></tr><tr><td>Walney 4 (extension)</td><td>May 2042</td></tr><tr><td colspan="2">West of Duddon Sands</td><td>Oct 2038</td></tr></table> <p>In respect of question (c), the Ørsted IPs will continue to evaluate their position in respect of the Mooir Vannin project and will raise the issue of wake loss with the developer of that project if necessary. Given Mooir Vanin is at a much earlier stage of development, with consent applications not expected to be lodged until Spring 2025, the precise design of the project is uncertain. Consequently, the Ørsted IPs are not currently focussing on it. Instead, the Ørsted IPs have focussed on the Project, as well as the Mona and Morgan projects because they are considerably progressed in the examination process and because the applicants or all three projects have consistently failed to engage meaningfully on this issue. As a result, the Ørsted IPs have had no choice but to raise this issue in the examinations, and in light of the applicants' failures to assess wake loss, the Ørsted IPs have been forced to commission an assessment</p>	Ørsted IPs developments		Earliest decommissioning date	Burbo Bank 1		Dec 2031	Burbo Bank 2 (Extension)		May 2041	Barrow		Sep 2030	Walney	Walney 1	Jul 2035	Walney 2	Jun 2036	Walney Extension	Walney 3 (extension)	May 2042	Walney 4 (extension)	May 2042	West of Duddon Sands		Oct 2038	
Ørsted IPs developments		Earliest decommissioning date																										
Burbo Bank 1		Dec 2031																										
Burbo Bank 2 (Extension)		May 2041																										
Barrow		Sep 2030																										
Walney	Walney 1	Jul 2035																										
	Walney 2	Jun 2036																										
Walney Extension	Walney 3 (extension)	May 2042																										
	Walney 4 (extension)	May 2042																										
West of Duddon Sands		Oct 2038																										

ExQ1 Ref.	Question	Ørsted IPs Response	Applicant Response (if required)
		of those projects effects themselves. The Ørsted IPs note that they are separate entities to Mooir Vannin and are not the proposed operator of that project, although it is acknowledged they are owned by the same parent company. However, it is the Ørsted IPs' understanding that Mooir Vannin Offshore Wind Farm Limited has undertaken a wake loss assessment and will be entering discussions with them.	
10012	<p>Potential Wake Effects: Wood Thilsted Partners Ltd Report – Installed capacities of Ørsted projects</p> <p>Section 1, Table 2-1 and Table 5-3 of the Wood Thilsted report [REP2-041] identify each of the Ørsted operational windfarms and provide information including the rated power of turbines used, number of turbines within each project and their installed capacity. Walney Extension is cited as having a capacity of 659MW within Section 1 and Table 5-3 and in Table 2-1 this project is broken down into two separate phases (i.e. Walney 3 and Walney 4) with installed capacities assigned to each phase which combined total 661MW.</p>	<p>In response to question (a), Walney 3 and Walney 4 are separate phases of the Walney Extension project. As Walney 3 and Walney 4 have different turbine technology and separate transmission systems they are modelled independently. This has been clarified in the latest version of the wake report, which is provided alongside this submission. In response to question (b), it is confirmed that the installed capacities of Walney Extension is 659MW and Burbo Bank Extension is 256MW. These figures have been corrected in the latest version of the Wake Report which is provided alongside this submission. The Ørsted IPs' note that this correction to the reporting is superficial in nature and has not impacted the results of the assessment.</p>	<p>The Applicant notes this response.</p>

ExQ1 Ref.	Question	Ørsted IPs Response	Applicant Response (if required)
	<p>Different capacities are also cited for Burbo Bank Extension within section 1 of the report (i.e. 256MW), Table 2-1 (i.e. 265.6MW) and Table 5-3 (i.e. 258MW). a) Why has the information for Walney Extension been provided as individual phases rather than as a single project? b) Please check and confirm that the total installed capacities for Walney Extension and Burbo Bank Extension are correct and that the correct baseline capacities have therefore been used in the assessment and that the results within Table 5-4 and Table 5-5 are accurate. Please provide updated tables (if necessary).</p>		
10013	<p>Potential Wake Effects: Wood Thilsted Partners Ltd Report – Tables 5.4 and 5-5</p> <p>Tables 5-4 and 5-5 provide a summary of the results of the wake loss assessment for each of the main scenarios on each of the Ørsted IPs windfarms. In addition to any corrections required as result of the Ørsted IPs response to ExQ10012 above, please can the Ørsted</p>	<p>(a) The Ørsted IPs have deliberately not disclosed the expected energy loss in MWh as this would reveal the internal view of the expected annual energy yield for each asset. This is commercially sensitive information. UK Government is currently considering creating market mechanisms for older projects, the disclosure of such information would also not be appropriate in that context. However, a conservative view could be achieved by using the installed</p>	<p>The Applicant notes this response.</p>

ExQ1 Ref.	Question	Ørsted IPs Response	Applicant Response (if required)
	<p>IPs update Tables 5-4 and 5-5 to include additional columns that: a) identify what the percentage losses cited equate to in terms of total energy loss (in MW) for each scenario and windfarm affected each year; b) taking into account the answer to (a), what the overall total energy loss (in MW) would be for each windfarm having regard to the consented/ remaining operational life of each of those projects. c) having regard to the electricity sale price agreed in relation to each of those projects, the remaining life of those projects and overall total energy loss identified (as identified in the response to (b)) what would the financial consequences of such wake losses equate to for each of these projects?</p>	<p>capacities of each wind farm alongside average capacity/load factor for offshore wind. Recently, the applicant in the Mona Offshore Windfarm examination utilised OFGEM figures giving the calculated capacity factors relating to historic energy production at the Ørsted IPs assets, in a technical note produced for the purposes of calculating the net GHG impact of that Project. While the Ørsted IPs do not consider this figure provides an accurate representation of future loss, these capacity factors can be utilised to provide a ballpark estimate of potential energy loss as shown in the tables below. Calculation formula for indicative quantified energy loss: Quantified Energy Loss per annum (kWh) = Project capacity (kW) * Capacity factor * Hours in a year (8766h) * Wake loss percentage. The following indicative annual energy losses for each Ørsted IP is presented below for both the Morecambe alone impacts and cumulatively with the proposed Mona and Morgan developments.</p>	

ExQ1 Ref.

Question

Ørsted IPs Response

Applicant Response (if required)

Cumulative				
	Installed capacity (MW)	Implied capacity factor (%)	Wake Loss Percentage (%)	Indicative annual quantified energy loss (MWh)
Barrow	90	34%	-3.09%	-8,289
Walney 1	183.6	39%	-3.78%	-23,726
Walney 2	183.6	44%	-3.69%	-26,131
Walney Extension 3	330	45%	-4.13%	-53,762
Walney Extension 4	329	45%	-5.21%	-67,616
West of Duddon Sands	388.8	43%	-3.86%	-56,570
Burbo Bank	90	32%	-1.63%	-4,115
Burbo Bank Extension	256	40%	-1.84%	-16,517
Total				-256,725

Morecambe only				
	Installed capacity (MW)	Implied capacity factor (%)	Wake Loss Percentage (%)	Indicative annual quantified energy loss (MWh)
Barrow	90	34%	-1.37%	-3,675
Walney 1	183.6	39%	-0.53%	-3,327
Walney 2	183.6	44%	-0.32%	-2,266
Walney Extension 3	330	45%	-0.40%	-5,207
Walney Extension 4	329	45%	-0.56%	-7,268
West of Duddon Sands	388.8	43%	-1.01%	-14,802
Burbo Bank	90	32%	-0.46%	-1,161
Burbo Bank Extension	256	40%	-0.45%	-4,039
Total				-41,745

b) The annual energy loss calculated above would then apply for each year of the projects remaining life post construction of the asset(s) causing the wake. As previously indicated the remaining lifetime of the projects is not a defined value and

ExQ1 Ref.	Question	Ørsted IPs Response	Applicant Response (if required)
		<p>Ørsted A/S have stated that the remaining lifetime of the affected assets may be impacted by the wake as a result of the Applicants development. In this case it would be the entire production of the wind farm that would be lost. The Ørsted IPs note that there are no additional consents required to extend the lifetime as suggested by the question.</p> <p>c) The Ørsted IPs revenues are a mix of fixed and variable sources such as Contract for Difference (“CfD”) or Renewable Obligation Certificates (“ROC”), and revenues coming from power trading. Calculating the financial consequences from wake loss is therefore complex and commercially sensitive. However, Ørsted will investigate how to submit a robust assessment of the financial impact using public sources for a later submission.</p>	
100I4	<p>Potential wake effects – NPS EN-3 paras 2.8.200 and 2.8.344</p> <p>Paragraph 2.8.200 of NPS EN-3 states “Applicants should engage with interested parties in the potentially affected offshore sectors early in the pre-application phase of the proposed offshore wind farm, with an aim to resolve as many issues as possible prior to the</p>	<p>The Ørsted IPs raised the potential for wake loss as an issue in their section 48 consultation responses in June 2023. It is recorded in the Applicant’s consultation report [APP-015] that the Ørsted IPs raised energy yield as a concern during the section 42 consultation process. It was noted in respect of this issue that the Ørsted IPs considered there was potential for Project turbines to interfere with wind speed or wind direction at their developments and thus cause a reduction in energy output at their</p>	<p>The Applicant notes the Ørsted IPs response to 100I4 a).</p>

ExQ1 Ref.	Question	Ørsted IPs Response	Applicant Response (if required)
	submission of an application". Paragraph 2.8.344 adds "...the Secretary of State should expect the applicant to work with the impacted sector to minimise negative impacts and reduce risks to as low as reasonably practicable". Noting the Ørsted IPs position and disagreement within the SoCG submitted at Deadline 1 [REP1-073]: a) can the Ørsted IPs confirm if/ when concerns about potential wake loss effects were first identified and raised with the Applicant during the pre-application stage? b) can the Applicant explain how it has worked with the Ørsted IPs (and any other operators of existing OWFs in the Irish Sea) to minimise negative impacts on energy yield since these concerns were first raised?	developments. The Ørsted IPs sought that the issue be properly assessed, appropriate mitigation applied with any remaining adverse effects appropriately compensated.	
100I5	Potential Wake Effects – NPS EN-3 para 2.8.342 Having regard to paragraph 2.8.342 of NPS EN-3 which advises the SoS to employ "... a pragmatic approach ..." where a proposed offshore wind farm potentially affects other offshore	(a) The Ørsted IPs' goal in raising this issue in the examination process, is that the Applicant will be encouraged to comply with its obligations under the NPS-EN3 to properly assess the impacts of the Project on energy yield at the Ørsted IPs' developments. Following such an assessment, the Ørsted IPs seek that the	The Applicant notes Ørsted IPs' on 100I5 a) and does not seek to repeat previous submissions detailing that NPS-EN3 obligations have been met.

ExQ1 Ref.	Question	Ørsted IPs Response	Applicant Response (if required)
	<p>infrastructure or activity. To the Ørsted IPs a) Can the Ørsted IPs please set out what outcome they seek from this Examination in relation to wake effects?</p> <p>To the Ørsted IPs and the Applicant b) Could there be any role for Protective Provisions or a commercial side agreement or in the event that no wake assessment is undertaken during the Examination?</p> <p>c) Would both the Applicant and the Ørsted IPs comment whether a requirement along the same lines of Requirement 25 of The Awel y Mor Offshore Wind Farm Order 2023 (requiring such an assessment postconsent) would be justified and would meet the relevant legal and policy tests</p>	<p>Applicant propose mitigation solutions to reduce the likely wake impacts at their developments and to provide compensation for any residual adverse effects. If that is not possible by the close of this examination, the Ørsted IPs consider it would be necessary to impose DCO requirements requiring those steps to take place.</p> <p>(b) The Ørsted IPs consider a commercial side agreement could be utilised in resolving their concerns in respect of the Project. The Ørsted IPs understand that this is an issue which is regularly dealt with by applicants and incumbent developers - often resolved through negotiation. Other applicants have engaged with impacted sea users on this effect, assessed the effect and either demonstrated the effect is immaterial or provided appropriate mitigation, such that examination of the issue in an examination or the imposition of a DCO requirement has not been necessary.</p> <p>(c) The NPS EN-3 requires that, where a potential offshore wind farm is proposed close to existing operational offshore infrastructure or has the potential to affect activities for which a licence has been issued by government, the applicant should undertake an assessment of the potential effects of the proposed development on such existing or permitted infrastructure or activities. Additionally, policy NW-CO-1 of</p>	<p>The Applicant has previously responded in detail on 10015 b) and c) in its response to ExA Written Questions 1 (REP3-068).</p>

ExQ1 Ref.	Question	Ørsted IPs Response	Applicant Response (if required)
		<p>the North West Marine Plan provides that proposals which “incorporate opportunities for co- existence and cooperation with existing activities will be supported.”</p> <p>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. The Applicant has, in the Ørsted IPs’ view, erroneously excluded wake loss effects on the Ørsted IPs’ developments from assessment. This is not appropriate, as wake loss has a direct effect on another sea user not simply an effect to be considered through the EIA process.</p> <p>Independent literature as well as modelling commissioned by the Ørsted IPs indicate that the Project will have an impact on energy yield at their developments. This is a matter which must be properly assessed and mitigated by the Applicant. The necessary data and modelling tools are available to allow the Applicant to undertake this assessment. Therefore, there are no practical reasons that would prevent the Applicant from fulfilling a condition that requires such an assessment. In order to comply with the relevant legislative and policy requirements outlined above, and in light of the results of the wake assessment undertaken by Wood Thilsted, the Applicant must cooperate with the Ørsted IPs to agree</p>	

ExQ1 Ref.	Question	Ørsted IPs Response	Applicant Response (if required)
		<p>the potential level of wake effect and examine practical mitigation to reduce such effects. In this instance that could include less impactful array layouts. The Applicant must demonstrate the extent of mitigation available. The Ørsted IPs consider this is a matter which should be resolved before a decision is made on the application. This is to ensure decision makers have the necessary information to fulfil the decision-making requirements of the NPS-EN3 and Planning Act 2008. However, if that does not occur, the Ørsted IPs consider a requirement setting out a means by which the wake effects can be taken into account during the final design process would meet the relevant legal and policy tests, as it would manage an effect of the Project and is therefore relevant to planning and the development, and would be necessary because without it, an important effect of the Project would remain unassessed and unaddressed. The Ørsted IPs also consider such a Requirement could be drafted to be enforceable. [Any requirement should be based on an understanding of the effect that it is seeking to mitigate or offset. In addition, any residual effects post-mitigation should be understood. Any requirement cannot make up for a lack of assessment nor a failure to properly account for relevant information in the decision-making process.</p>	

2.18 Royal Society for the Protection of Birds (REP3-113)

Table 2.19 The Applicant's comments on the Royal Society for the Protection of Birds' responses to ExQ1

ExQ1 Ref.	Question	RSPB Response	Applicant response (if required)
1BEM46	<p>Assessments</p> <p>In paragraph 62 of the Offshore Ornithology Technical Note 1 (EIA) [REP1-080] it is noted that the NE advice in relation to the CEA was not to include historic projects with limited (or no) overlap with the construction and operational timeframe of the Proposed Development.</p> <p>(a) However, would the existing background mortality rates include those associated with these windfarms? If so, does there need to be an associated assessment from the removal of their effects as they are decommissioned? It is appreciated that the assessment is precautionary, but without removing any such effects, is there a risk that the assessment becomes over-precautionary, leading to mitigation that is not required? It is also appreciated that there</p>	<p>The RSPB considers that until such time as there is legal certainty that an individual wind farm will be decommissioned by a specific date, then it is appropriate to (i) assume they will continue to operate regardless of any nominal decommissioning date and therefore (ii) continue to include them in cumulative effects assessments and in-combination assessments. Unless that legal certainty on decommissioning is available, then it is possible that an individual operator may seek to extend the lifetime of its asset for commercial reasons. We note from question GEN10 that there are differing views as to whether any such extension in operating period would require further consent. Therefore, it is the RSPB's view that the current approach to assessment applies an appropriate level of precaution.</p>	<p>The Applicant defers to its response to 1BEM46 in the Applicant's Response to ExA's Written Question 1 (REP3-068). It is considered the Cumulative Effect Assessment (CEA) and in-combination assessments are robust and the further inclusion of Barrow windfarm in the historic gap filling exercise would not alter the conclusions, which are precautionary given the number of projects included in the CEA and in-combination assessments, accounting for a number of projects where there would not be overlap with the full operational period of the Project.</p>

ExQ1 Ref.	Question	RSPB Response	Applicant response (if required)
	<p>is a separate discussion in relation to when the Barrow windfarm is to be decommissioned (see ExQ1GEN10) which may also need to be considered. This argument, taken to its logical conclusion, should also factor in any effects associated with the decommissioning of other windfarms (see Table 5.1 of Applicant's response to Actions from PM and ISH1 [REP1-085]) for longer-term effects).</p> <p>(b) Could the Applicant, JNCC, NE, NRW, NatureScot, DAERA, the RSPB and the North West Wildlife Trusts please give their views as to how the effects of the decommissioning of existing windfarms should be considered to avoid over-precautionary mitigation/compensation</p>		
1BEM47	<p>Base cases</p> <p>The ExA understands that, following NE advice, consented turbine parameters</p>	<p>In respect of a scheme coming to the nominal end of its life, we refer to our answer to 1BEM46 above. In respect of the question as to whether projects in the in-combination assessment that have been built out to a</p>	<p>The Applicant defers to its response to 1BEM47 in the Applicant's Response to ExA's Written Question 1 (REP3-068).</p>

ExQ1 Ref.	Question	RSPB Response	Applicant response (if required)
	have been used as opposed to as built parameters on the basis that it is, theoretically, possible that the remainder of the consented scheme could be built out. (a) However, either where a scheme is coming to end of its life (see Table 5.1 of Applicant's response to Actions from PM and ISH1 [REP1-085]) or where the scheme as built would prevent additional development, should not 'as built' data be utilised? Would this alter any of the effects assessed? (b) Could the Applicant, JNCC, NE, NRW, NatureScot, DAERA, the RSPB and the North West Wildlife Trusts please give their views on this proposition.	lower capacity than that consented should be assessed as "as built", we set out our view below. This may be acceptable for windfarms where the Development Consent Order (DCO) has been amended and therefore there is legal certainty regarding the reduction. However, where windfarms still have their original DCOs and therefore the ability to construct more wind turbines, it is not appropriate to do anything less than consider the full extent of those DCOs when considering incombination/cumulative effects. To do otherwise risks underestimating the potential effects on important seabird populations and other environmental factors. The RSPB has no information to hand to be able to comment on whether there are any schemes "as built" that would prevent additional development. That would require a scheme by scheme assessment.	
1BEM48	Assessments The Offshore Ornithology Technical Note 3 (RedThroated Diver at Liverpool Bay SPA Update Assessment) [REP1-082] notes the effects of existing disturbance by helicopters and seacraft. It is stated that, apart from ferries, a significant	The same principles apply to the decommissioning of oil/gas platforms as to offshore wind farms that we set out in our answer to 1BEM46. At this stage we cannot have legal certainty that the disturbance caused by helicopters and seacraft associated with the oil and gas industry will cease or reduce in intensity by any specific date. Until such legal certainty is provided, it	The Applicant defers to its response to 1BEM48 in the Applicant's Response to ExA's Written Question 1 (REP3-068).

ExQ1 Ref.	Question	RSPB Response	Applicant response (if required)
	proportion is associated with the oil and gas industry. As it well known, the decarbonisation agenda will mean that these operations will be phased out over time (repurposing for Carbon Capture Assessment would need a revised assessment as it is not currently consented). Should, therefore, the effects of the removal of this traffic form part of the overall assessment? Could the Applicant, NE, NRW, the RSPB and the North West Wildlife Trusts please give their views on this proposition?	is appropriate to include the impacts of this traffic in the overall assessment.	
1BEM50	Manx Shearwater – disorientation due to lighting The RSPB challenges the assessment of no adverse impacts on Manx shearwater through collision with rotating turbines, highlighting concern about disorientation of shearwaters from lighting. It cites publications relating to collisions with lighthouses and other illuminated structures. The Applicant's 'Response to Relevant Representations'	Please see Annex A to this submission for copies of the requested references. Archer, M., Jones, P. H., & Stansfield, S. D. (2015) Departure of Manx Shearwater Puffinus puffinus fledglings from Bardsey, Gwynedd, Wales, 1998 to 2013 Seabird, 48 43-47 Guilford, T., Padgett, O., Bond, S., & Syposz, M. M. (2019). Light pollution causes object collisions during local nocturnal manoeuvring flight by adult Manx Shearwaters Puffinus puffinus. Seabird, 31 Miles, W., Money, S., Luxmoore, R., & Furness, R. W. (2010). Effects of artificial lights and moonlight on petrels at St Kilda. Bird Study, 57(2), 244-251	The Applicant defers to its response to 1BEM50 in the Applicant's Response to ExA's Written Question 1 (REP3-068) and supporting ornithological papers provided at Deadline 3 (REP3-067).

ExQ1 Ref.	Question	RSPB Response	Applicant response (if required)
	<p>[PD1-011] references other papers, which present a counter view (eg at RR-073-13).</p> <p>Could the RSPB and the Applicant submit these papers into the Examination.</p>		
1HRA38	<p>Ecosystem effects due to ocean stratification</p> <p>The RR from the RSPB [RR-073] references the ecosystem impact of water column stratification on prey availability. The Applicant's comments on WR at D2 item WR-112-11 [REP2-027] suggests that this issue may have been resolved in SoCG discussions with MMO.</p> <p>(a) Is the RSPB able to provide specific evidence to demonstrate that such an effect is likely for example, the provision of the Isaksson et al (2023) reference, where relevant?</p> <p>(b) The Applicant's response to RR item RR-073-16 [PD1-011] responds to the RSPB comments, cross referencing ES Chapter 12 [REP1-032].</p>	<p>Please see Annex B to this submission for a copy of the following reference relevant to the ecosystem impact of water column stratification on prey availability. Isaksson, N., Scott, B.E., Hunt, G.L., Benninghaus, E., Declerck, M., Gormley, K., Harris, C., Sjöstrand, S., Trifonova, N.I., Waggitt, J.J. and Wihsgott, J.U., 2023. A paradigm for understanding whole ecosystem effects of offshore wind farms in shelf seas. ICES Journal of Marine Science, p.fsad194.</p>	<p>The Applicant defers to its response to 1HRA38 in the Applicant's Response to ExA's Written Question 1 (REP3-068).</p> <p>Please note that in response to 1HRA38, the Marine Management Organisation (MMO) confirmed that it is satisfied with the Applicant's approach to consideration of water column stratification (REP3-085).</p>

ExQ1 Ref.	Question	RSPB Response	Applicant response (if required)
	<p>Neither of the cross-referenced sections of text explicitly address stratification.</p> <p>(c) Can the MMO confirm that it is satisfied with the Applicant's approach to consideration of water column stratification?</p> <p>(d) Could the Applicant please address this point (it is noted that ES Chapter 7 [REP2-008] does include reference to stratification</p>		

2.19 Stena Line (REP3-116)

Table 2.20 The Applicant's comments on Stena Line' Responses to ExQ1 (REP3-116)

ExQ1 Ref.	Question to	Question	Stena Line Response	Applicant response (if required)
1GEN1	All Parties	National Planning Policy Framework A replacement National Planning Policy Framework was published on 12 December 2024. All parties are invited to make any comments they wish as to how any changes within this document affect the consideration of the Proposed Development.	Stena in content at this stage to leave any comments on the replacement NPPF to other Interested Parties bearing in mind the policy document's land side as opposed to marine emphasis. That said In the event that any other parties raise comments in respect of the changes to policy which have a bearing upon Stena's interests, then Stena reserves the right to provide a follow up response to this question at D3.	No response required.
1GEN21	All Parties	Application of s104 of the PA2008 In paragraph 171 of the revised Planning, Development Consent and Need Statement [REP1- 010] the Applicant states "NPS EN-5 sets out Policies concerning electricity transmission distribution systems. It is, therefore, not relevant to the Project". However, NPS EN-5 is referenced in both ES Chapters 15 (paragraph 15.20,	Stena is of the view that this is not an issue that directly impacts their marine interests and is content to leave the responses required by the ExA to the Applicant and other Interested Parties.	No response required.

ExQ1 Ref.	Question to	Question	Stena Line Response	Applicant response (if required)
		<p>[REP1-034]) and 19 (paragraph 19.28, [REP1-040]).</p> <p>a) Having regard to the elements of offshore wind infrastructure identified within paragraph 2.8.4 of NPS EN-3, all parties are invited to give their views as to whether, for the purposes of sections 104(2)(a) or 104(3) of the PA2008, NPS EN-5 should be considered as 'relevant national policy' or whether it should be considered to be an 'other matter' for the purposes of section 104(2)(d) of the PA2008.</p> <p>b) Should any party hold the view that it should be regarded for the purposes of sections 104(2)(a) or 104(3) of the PA2008, they are asked to explain why they hold that view and identify any matters that should be particularly taken into account, providing references as necessary.</p>		

ExQ1 Ref.	Question to	Question	Stena Line Response	Applicant response (if required)
1DCO5	Those parties who would benefit from protective provisions	<p>Protective provisions</p> <p>Could all parties who would benefit from Protective Provisions, please indicate whether they are content with the wording set out in Schedule 3 of the draft DCO [REP2-002]? If not, could the party please explain why it is not content and provide alternative wording, setting out why each and all proposed changes are necessary. Could Harbour Energy and Spirit Energy please liaise with each other to ensure that no proposed changes to respective Protective Provisions are mutually exclusive given their interests in the area.</p>	<p>The draft DCO does not currently include a Protective Provision for the benefit of Stena. In light of the potential impact of the Morecambe Project of Stena's business operations, however, Stena is very much of the view that a Protective Provision will be required – an approach that it has already made clear to the promoters of the Mona Project. On that basis, as a direct response to the ExA's question, Stena is of the view that a Protective Provision should in fact be provided for its benefit. As a consequence, Stena will be proposing to the Applicant a draft protective provision for inclusion in the draft DCO. On that basis, Stena would respond to the effect that it is not currently content with the contents/wording of Schedule 3 of the DCO. Whilst Stena is open to the option that an element of the mitigation that it will require may possibly be secured by way of an external bilateral agreement with the Applicant, outside of the DCO regime, at this time no such agreement exists and in any case, past experience of such negotiations on other projects does lead Stena to question whether a side agreement would actually obviate the need for a protective provision which offers the recipient the necessary statutory protection.</p>	<p>As discussed at ISH3, the Applicant's position is that there is no requirement for Protective Provisions, based on the concluded impacts on Stena and the policy framework. However, the Applicant acknowledges that there remain specific identified commercial concerns which are capable of being addressed by Protective Provisions and a Side Agreement.</p> <p>The Applicant has received draft Protective Provisions from Stena and is in discussions with a view towards agreeing these. While some detailed points remain in discussion, the Applicant has included agreed points from the Protective Provisions for Stena's benefit in the Schedule 3 Part 4 of. draft DCO_Rev 4 Clean (Document Reference 3.1) submitted at Deadline 4.</p> <p>It is expected that the Protective Provisions may be subject to further, minor amendments following discussions which would then be incorporated in the version of the draft DCO at Deadline 6.</p> <p>The Applicant is expecting a draft Side Agreement from Stena (or via its solicitors), although it is</p>

ExQ1 Ref.	Question to	Question	Stena Line Response	Applicant response (if required)
				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.
1SN6	The Applicant Stena Line	<p>Ferry routing</p> <p>a) Figure 44: Impact on Ferry Routing of Appendix 14.2 [APP-074] sets out alternative routes, and in particular the Stena Line route. It is noted that the 'Future case' route, for the north of the Isle of Man route, dog-legs around the Morecambe and Morgan proposed OWFs. Could the Applicant explain why this routing was chosen as opposed to, say, travelling to the east of the Proposed Development and then heading in a northwest direction between the two proposed OWFs and the existing arrays?</p> <p>Does Stena Line have any comments on this?</p>	<p>Stena's position regarding routing in the event of its passage being displaced by the four (including Mooir Vannin) proposed windfarm projects in the area is that the safest most economical alternative route passes west of Morecambe, north of Morgan and east of Mooir Vannin.</p> <p>A passage to the east of Morecambe would require passing to the east of the Calder gas field and it should be highlighted that here are large shallow patches of sea off Blackpool.</p> <p>This alternative route still cumulatively increases the passage between Belfast and Liverpool by 5.5 Nm. and would clearly incur additional time, fuel and environmental penalties for our operations.</p> <p>It should be noted that Stena operates strategic direct routes for commercial and lifeline ferries both to meet customer requirements and operational and business</p>	<p>With regard to the 'adverse effects' on Stena Line operations, the Applicant acknowledges that Stena Line ferry services have typical and 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>In the draft Statement of Common Ground (SoCG), Stena Line argue that their vessels could make a 'potential six transits' on this route 'each day'. In practice, even in normal weather conditions, 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 Linetransits between Liverpool and</p>

ExQ1 Ref.	Question to	Question	Stena Line Response	Applicant response (if required)
			<p>exigencies. It is self-evident that these will be disrupted by the construction and operation of the Morecambe Project.</p> <p>Stena notes that the Applicant's relies on the National Policy Statement for Renewable Energy Infrastructure (EN3) as the basis to justify the interference with Stena's operations, on the basis that 'strategic routes' can be disrupted provided 'the site selection has been made with a view to avoid or minimise' the disruption (as reported in the Statement of Common Ground between the parties [REP1- 062]). Stena questions, however, whether in doing so the Applicant has in fact selected the route taking into account the requirement for 'disruption or economic loss to the shipping and navigation industries' to be 'minimised' and if pursued, that any residual likely adverse effects to major commercial navigation routes be given 'substantial weight' in its decision making by the Secretary of State, as explained in National Policy Statement EN-3 at paragraphs 2.8.328 – 2.8.329 (copied below), which clarify the position –</p> <p>"2.8.328 The Secretary of State should be satisfied that the site selection has been made with a view to avoiding or minimising disruption or economic loss to the shipping</p>	<p>Belfast. A 1.6nm deviation on this 113.9nm transit is equivalent to a 1.4% increase on approximately 10.5% of the transits.</p> <p>During adverse weather, this route is used even less frequently, accounting for no transits during 2019 and two transits in 2022, reducing the impact even further.</p> <p>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 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</p>

ExQ1 Ref.	Question to	Question	Stena Line Response	Applicant response (if required)
			<p>and navigation industries, with particular regard to approaches to ports and to strategic routes essential to regional, national and international trade, lifeline ferries⁷⁴ and recreational users of the sea.</p> <p>2.8.329 Where after carrying out a site selection, a proposed development is likely adversely to affect major commercial navigation routes, for instance by causing appreciably longer transit times, the Secretary of State should give these adverse effects substantial weight in its decision making.” (Our emphasis)</p>	<p>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>
1SN7	The Applicant Shipping Companies	<p>Adverse weather</p> <p>a) Could the Applicant and the various shipping companies set out their understanding of what would constitute ‘adverse weather’?</p> <p>b) Could the same parties identify the frequency of such effects, number of days per year, with any particular markers for when this occurs. Should different effects, for example on different routes, be occasioned by specific different ‘adverse weather’ events, could these please be</p>	<p>a) Could the Applicant and the various shipping companies set out their understanding of what would constitute ‘adverse weather’?</p> <p>While the Stena line fleet is built to the highest standards they are still invariably impacted by the effects of the sea. While its vessels can make crossings in all but the most extreme sea states it must be noted that passengers, particularly those who are elderly and who make up a sizable demographic in Stena’s passenger numbers tend to have a significantly higher number of accidents and medical incidents during periods of adverse weather.</p>	<p>The Applicant notes that Stena Line’s response to question (a) is broadly in line with that made in the Applicant’s Response to ExA’s Written Questions 1 (REP3-068) and emphasises that the typical adverse weather routes taken by the vessel masters during these times were provided by the operators of the ferries during the NRA process.</p> <p>With regard to Stena Line’s response to question (b), the Applicant notes that there is currently insufficient timeseries available to determine the likelihood of more adverse weather events</p>

ExQ1 Ref.	Question to	Question	Stena Line Response	Applicant response (if required)
		identified, along with likely frequency of such events.	<p>Similarly, while Stena's vessels are designed for such weather, freight units such as curtain sided trailers, despite being secured to the vehicle decks are known to have their content to shift inside causing damage.</p> <p>In summary, while not an exact science, when beam seas of more than 3m significant seas are encountered without being countered then negative consequences may be anticipated. Events such as this currently are rare as Masters have the available sea room to use weather routing measures but this will inevitably reduce should the windfarms be consented and constructed.</p> <p>b) Could the same parties identify the frequency of such effects, number of days per year, with any particular markers for when this occurs.</p> <p>Stena Line accepts the meteorological data as supplied by the applicant in 5.3.1 Wind and Wave of their "Appendix 14.2 Cumulative Regional Navigation Risk assessment".</p> <p>It is noted, however, that there appears to be a trend toward more significant weather events being experienced. For example the 2023-2024 storm season started</p>	<p>being experienced. Furthermore, while storm event frequencies may increase, the weather capabilities of Stena Line vessels will also improve.</p> <p>The Applicant acknowledges Stena Line's response to question (c) and notes there is very infrequent use of the affected Liverpool to Belfast (East of IoM (East of Calder)) route in adverse weather with no vessels in 2019 and only two in 2022.</p>

ExQ1 Ref.	Question to	Question	Stena Line Response	Applicant response (if required)
			<p>exceptionally active, with seven named storms from September to December - the highest number since naming began in 2015.</p> <p>c) Should different effects, for example on different routes, be occasioned by specific different 'adverse weather' events, could these please be identified, along with likely frequency of such events.</p> <p>While meteorology is a science, a vessels master's approach to mitigation measures are more akin to an art developed through years of experience to ensure vessels are kept safe in adverse seas.</p> <p>The passage North of the Isle of Man is Stena's adverse route of choice as the predominant weather encountered in the area is from the Southwest. The vessels' course line between the two ports are unfortunately Northwest / Southeast which is 90 degrees offset to predominant weather.</p> <p>Vessels by their nature unfortunately tend to roll when significant seas are experienced on the "beam" (90 degrees either side). In worse case scenarios vessels can develop a synchronous roll where each subsequent wave increases the roll of the vessel. This is often exacerbated by the vessel slowing in</p>	

ExQ1 Ref.	Question to	Question	Stena Line Response	Applicant response (if required)
			<p>the seaway due to the weather being encountered.</p> <p>Effective weather routing in advance of sailing followed by taking decisive effective weather routing measures whilst on passage are generally accepted as being the best ways to mitigate excess motion in vessels.</p> <p>When vessels are constrained in taking weather routing measures due to the available sea room then delayed sailings or whole cancellation of crossings may be the only alternatives remaining for the reasonable master.</p> <p>Currently Stena Line would only cancel sailings on this route in single figures each year, with the number of delayed sailings due to weather being double that. The cumulative presence of four windfarms on both sides of the passage will not be fully known until they are actually constructed however it is reasonable to believe that this will appreciably increase for the reasons mentioned above.</p>	

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

5. 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 (WFA) 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 WFA at Deadline 4.
6. To aid the ExA, the Applicant has responded to these expected submissions at Deadline 4.

Table 2.21 The Applicant's comments on expected Deadline 4 NFFO and WFAs Responses to ExQ1

ExQ1 Ref.	Question to	Question	NFFO and WFA Response	Applicant response (if required)
1CF3	The Applicant MMO NFFO IoM TSC	In Principle Monitoring Plan - Landings Data and Monitoring Paragraph 13.302 of ES Chapter 13 [APP-050] states that the IPMP includes for the monitoring of commercial fisheries data pre, during and post construction. Paragraph 39 of the IPMP states that this is likely to be managed outwith of the IPMP. Table 2.5 of the IPMP [APP-148] states that monitoring would be carried out for a minimum period of 5 years and does not include monitoring during or following decommissioning. Assuming an approximate construction	The NFFO support the in-principal monitoring plan proposed by the applicant. It is in our interest to evidence the "return to fish" mitigation strategy, this is the key tool used in impact assessments to reduce the level of significance when assessing impacts to commercial fisheries. There is minimal evidence to support the return to fish assumption to date. Therefore, our position is that the data would be more valuable 5 years post construction, as opposed to breaking down between phases. It is our understanding that vessel monitoring will also be undertaken alongside the review of the landings data to accurately assess impacts or changes to behaviour if necessary. Regarding monitoring during decommissioning, it would depend on the level of return to fish in the site which can be	The Applicant notes the NFFO's response. The applicant has updated Paragraph 27 of the Outline Fisheries Liaison and Co-existence Plan (FLCP) (REP3-043) to reflect the commitment to " <i>a minimum of 5 years of monitoring post-construction.</i> "

ExQ1 Ref.	Question to	Question	NFFO and WFA Response	Applicant response (if required)
		<p>period of 2.5 years, it is assumed that pre and post construction monitoring would therefore equate to approximately 1.25 years each.</p> <p>Please also see ExQ1GEN11.</p> <p><u>Other IPs:</u></p> <p>d) Do any other IPs have any comments or views on how the commitment to monitoring should be secured?</p> <p>e) Is monitoring on landing data sufficient?</p> <p>f) Could NE confirm whether 1.25 years of data would be sufficient to evaluate the effect of the construction and operation of the proposed development on the fisheries resources at or near the site, or whether a longer post construction monitoring period is necessary.</p> <p>g) Should monitoring be extended to include during and post decommissioning activities and if so, can other IPs explain with reasons how long it is considered such monitoring would be required</p>	<p>proven or not during the post construction monitoring. Evidencing return to fish is the key role we see for the in-principal monitoring plan.</p>	

ExQ1 Ref.	Question to	Question	NFFO and WFA Response	Applicant response (if required)
		following completion of the works?		
1CF7	NFFO Traditional and Sustainable Commercial Fishing Association IoM TSC	<p>Displacement of fisheries during construction</p> <p>In the RR from the NFFO [RR-059] it is stated the Applicant's assumption that commercial fisheries, specifically mobile gear, will be able to return post construction to mitigate impacts is exaggerated and that there is little evidence from current operational wind farms that mobile gear has returned to activity levels similar to pre-construction. The Applicant's response ([PD1-011, RR-059-05) comments that the impact assessment found relatively low levels of activity by mobile fleets within the Proposed Development site, as evidenced by vessel monitoring system data and scallop grounds mapped by the ICES Scallop Working Group, as well as consultation via the FLO.</p> <p>Having regard to this response could the NFFO and The Traditional and Sustainable</p>	<p>It is the opinion of the NFFO that the applicant have described fisheries in the context of the Morecambe array area sufficiently and used appropriate data to do so. However, whilst levels of mobile gear activity are currently low in the Morecambe site, there are extensive spatial and legislative restrictions in the Eastern Irish Sea that are constantly affecting the behaviour and practices of commercial fisheries in the region. The PEIR/ES does not account for this in a sufficient manner. To our knowledge, and we review all English and Welsh offshore wind applications, there is only evidence of a single wind farm, in Scotland that has mobile gear operating within the array, these were tracks from a single vessel only and not reflective of fleet activity. The NFFO does not hold vessel tracking data but communicates extensively with our national portfolio of members to form advice. Every offshore wind farm is different in the array layout, distance between turbines and the orientation of the lanes to the tidal and prevailing environmental conditions. These are the governing factors as to whether a skipper determines the risk associated with fishing in the wind farm is at an acceptable level. There is no fixed formulae that says if a</p>	<p>The Applicant highlights that the levels of mobile gear within the Morecambe site is low as reflected in the baseline characterisation. The impact assessment acknowledges that the physical presence of the infrastructure during the operational phase will prevent access within the footprint of that infrastructure plus an additional 50m from that infrastructure (assumed safe operating distance).</p> <p>The Applicant understands that currently potting gear is deployed within numerous operational wind farms, including those in the Eastern Irish Sea.</p> <p>The Applicant highlights that the proposed monitoring is intended to inform the level of resumption of fishing within the wind farm site and is committed to updating the FLCP based on the results of that monitoring.</p> <p>The Applicant highlights that additional spatial restrictions in the form of existing and future wind farm developments and marine protected areas are assessed within the</p>

ExQ1 Ref.	Question to	Question	NFFO and WFA Response	Applicant response (if required)
		<p>Commercial Fishing Association:</p> <p>a) confirm whether it is content with the methodology and sources of information used by the Applicant to identify and assess the extent of mobile gear fishing activity within the footprint of the Proposed Development. If not, why and what other evidence or sources of information do the parties consider should have been used in the assessment?</p> <p>b) confirm whether it agrees that activity by mobile fishing fleets within the Proposed Development footprint is relatively low? If not, can it please provide evidence which supports or substantiates that position?</p> <p>c) provide evidence to demonstrate and support the position that fishing activity within other operational offshore windfarms has not returned to that prior to construction? For example, which offshore windfarms, what was the level of activity before and post construction</p>	<p>developer were to have a minimum distance between turbines then fishers could return to fish. For example, static gear deploy their gear in line with the tide whereas mobile gear this is not necessarily the same as they can work perpendicular to the tide if safe to do so. Without knowing the exact turbine array layout, cable routing and cable protection at this stage, we have to make the assumption that there will be more barriers to return to fish than enablers.</p>	<p>cumulative effects assessment, which concluded significant impacts (pre-mitigation) for mobile and static fisheries. The Applicant highlights the low contribution of the Morecambe windfarm site to this cumulative effect for mobile fleets, given the low activity within the site. Further detail can be found in the Commercial Fisheries chapter of the Environmental Statement (REP3-018).</p>

ExQ1 Ref.	Question to	Question	NFFO and WFA Response	Applicant response (if required)
		<p>and how do those development compare with the Proposed Development in terms of footprint size, distance between WTGs and types of fishing activity?</p> <p>Paragraph 13.170 of Chapter 13 of the ES [APP-050] makes clear it is up to skippers as to whether they would be willing to undertake fishing activities within the array once constructed. Having regard to the design parameters and mitigation measures proposed as part of this specific development (including the embedded and additional mitigation including those within the oFLCP).</p> <p>d) can the parties explain why it is considered access would not be possible post-construction? For example, are there nominal clearances that skippers would wish to see to ensure safety and, if so, can these be provided for each of the different fishing operations identified (and any others which the parties consider have been omitted)?</p>		

ExQ1 Ref.	Question to	Question	NFFO and WFA Response	Applicant response (if required)
1CF8	NFFO	<p>Significance of displacement effects and monitoring</p> <p>In its RR [RR-059] the NFFO “feel that the assumption of no displacement effects ... is vastly underestimated, assessed as negligible on all occasions”. The Applicant’s response ([PD1-011], RR-059-06) and Table 13.25 of ES Chapter 13 [APP-050] however indicate that the impact assessment found a moderate adverse (significant effect) for the UK potting fleet during construction and for all other fleets the effect was assessed as being minor adverse (not significant). The only receptor where the effect of displacement was found to be negligible was the pelagic trawl fleet.</p> <p>Having regard to the above, please explain why it is considered the displacement effects have been underestimated and where it is stated such effects have been assessed as negligible?</p>	<p>This question is about semantics of the terminology, not the understanding of the real-world impact. The term not-significant, in our opinion is the same as negligible – there will be no effect of the development of those receptors. We accept that a mistake was made in our response for the static gear sector, however our concern still remains valid for mobile gear.</p>	<p>The Applicant notes the interpretation of ‘not significant’ and ‘negligible’ by the NFFO, however, it remains that not all displacement effects were assessed as being not significant, as the impact assessment found a moderate adverse (pre-mitigation) (significant effect) for the United Kingdom (UK) and Isle of Man (IoM) potting fleet during construction and the Environmental Statement (ES) conclusions reflect the level of activity of gear types within the windfarm site. The ES found low levels of mobile gear activity within the windfarm site including dredge, demersal otter trawl and beam trawl, supported by vessel monitoring system data, surface swept area ratio data, mapping of scallop fishing grounds and consultation with the fishing industry. The ES therefore concluded limited possibility of displacement with an overall minor adverse significance for these mobile gear types. Further detail can be found in the Commercial Fisheries chapter of the Environmental Statement (REP3-018).</p>

ExQ1 Ref.	Question to	Question	NFFO and WFA Response	Applicant response (if required)
1CF14	NFFO Traditional and Sustainable Commercial Fishing Association	<p>Outline Fisheries Liaison Co-existence Plan – Timeframes for the distribution of Project information</p> <p>Table 3.2 of the oFLCP [APP-147] indicates that a notice period of not less than 2 weeks would be given to stakeholders prior to the commencement of activities that could impact on fishing operations/ activities.</p> <p>Can the NFFO and the Traditional and Sustainable Commercial Fishing Association confirm whether the timeframe cited is adequate and, if not, why?</p>	The NFFO aim for developers to commit to a minimum notification period of 14 days for any requirements other than urgent or emergency works. Therefore, the time period committed to in the oFLCP is adequate.	The Applicant notes this response.
1DCO9	The Applicant NFFO The Traditional and Sustainable Commercial Fishing Association IoM TSC	<p>Schedule 6, Condition 9(k) - Fisheries Liaison and Co-existence Plan (FLCP)</p> <p><u>Other IPs:</u></p> <p>b) Do the parties have any comments on the drafting of Condition 9(1)(k) or the scope and content of the oFLCP at this stage?</p>	We welcome the development of the oFLCP and have been in discussions with the applicant on the development of the document. The NFFO will be conducting a full review of the oFLCP prior to the next deadline and any concerns will be discussed in development of the SoCG.	<p>The Applicant notes this response. The NFFO and WFA have provided comments to the Applicant, which has also been submitted at Deadline 4.</p> <p>These Applicant has submitted a response to the NFFO and WFA comments within the document 'The Applicants Comments on Deadline 3 Submissions by Interested Parties' (Document Reference 9.51) and an updated Outline FLCP_Rev 03</p>

ExQ1 Ref.	Question to	Question	NFFO and WFA Response	Applicant response (if required)
				(Document Reference 6.3) has been submitted at Deadline 4.
1BEM25	NFFO	<p>Methodology for sampling fish and shellfish</p> <p>The NFFO's RR [RR-059] indicates that "Data presented from surveys to characterise sediment composition is presented as the correct methodology for sampling fish and shellfish, an incorrect assumption."</p> <p>Please could the NFFO explain, with reference to the Applicant's response at RR-059-04 [PD1-011], what methodological approach would be appropriate.</p>	<p>The applicant has presented benthic sediment sampling data, using as method that characterises the benthic habitat, as an appropriate method to characterise a baseline environment for fish and shellfish species. This method is only suitable for benthic habitat classification when aiming to quantify sandeel and herring spawning areas. We do not question this method for the specific purpose of sandeel/herring habitat classification. However, when we question the lack of site-specific surveys for other fish and shellfish receptors, it is used as an example of site-specific surveys conducted. To understand fish and shellfish population dynamics, for baseline characterisation, specific methodologies and gears should be used for different receptors. For example, benthic trawl surveys for demersal species and trap surveys for shellfish species. None of these surveys have been conducted to help characterise the baseline, therefore it is still the position of the NFFO that site specific surveys, specific to fish and shellfish receptors (excluding sandeel and herring spawning), have been conducted.</p>	<p>As set out in the Applicant's Response to Relevant Representations at RR-059-04 (PD1-011), the Applicant has presented site-specific sediment composition data as a method to characterise baseline habitat suitability for sandeel and herring, which is an appropriate method for this purpose, given the highly specific sediment requirements of these species. The Applicant acknowledges that in their Response to Relevant Representations at RR-059-04 (PD1-011), the NFFO and WFA do not disagree with the use of these data for this purpose.</p> <p>It is not the Applicant's position that these site-specific sediment data should be used to characterise the baseline environment for other fish species, and they are not used for this purpose in the ES Chapter 10 Fish and Shellfish Ecology, REP3-016.</p> <p>On this basis, the Applicant understands that there is agreement with the NFFO and WFA on the use</p>

ExQ1 Ref.	Question to	Question	NFFO and WFA Response	Applicant response (if required)
				<p>of these sediment data for herring and sandeel.</p> <p>For other species, a range of publicly available datasets have been used to characterise the baseline, as set out in ES Chapter 10 Fish and Shellfish Ecology, (REP3-016), and the Applicant's Response to Relevant Representations at RR-059-04 (PD1-011).</p> <p>The Applicant understands that the NFFO and WFA position is that targeted fishing surveys, such and benthic trawl surveys for demersal species and trap surveys for shellfish species could have been used to characterise the baseline. The Applicant maintains that the datasets set out in Table 10.5 of ES Chapter 10 Fish and Shellfish Ecology (REP3-016), and the Applicant's Response to Relevant Representations at RR-059-04 (PD1-011), are sufficient to characterise a robust baseline for these species.</p> <p>The Applicant agreed the baseline datasets to be used with SNCBs and regulators via the ETG process as an appropriate basis to</p>

ExQ1 Ref.	Question to	Question	NFFO and WFA Response	Applicant response (if required)
				characterise the fish and shellfish baseline.
1BEM26	NFFO The Traditional and Sustainable Commercial Fishing Association	<p>Baseline data</p> <p>Paragraph 2.8.157 of NPS EN-3 states that applicant assessments should include robust baseline data and detailed surveys of the effects on fish stocks of commercial interest. In the NFFO's RR [RR-059] concerns were raised about a lack of contemporary and site-specific data presented in the fish and shellfish ecology assessments. The Applicant's response (see RR-059-03 of [PD1-011]) notes the concerns and highlights the limitations in the data but considers the data used provides a sufficient basis for the EIA.</p> <p>a) Could the NFFO and The Traditional and Sustainable Commercial Fishing Association confirm whether the Applicant's response addresses their concerns? If</p>	<p>We acknowledge the applicant's position, however the NFFO still disagree with the response given by the applicant. The applicant refers to the same literature in their response that is cited in the original PEIR and ES, these data are not contemporary (1998 and 2012) but are used continuously as the key literature sources to describe fisheries baselines. Whilst landings data are presented, they do not reflect the distribution or population dynamics of key stocks that may be affected, specifically the whelk stocks. The information presented does not, in our opinion, address our concerns. The NFFO approach to the SoCG is that where we do not agree on a position but do not hold evidence to counter the applicant's position, we will adopt an "Disagree – no material impacts" position in the SoCG.</p>	<p>The Applicant notes this response. Given the lack of more contemporary data sources, this has been updated to 'Not Agreed – No material impact' on the Draft Statement of Common Ground with National Federation of Fishermen's Organisations_Rev 02 submitted at Deadline 4 (Document Reference 9.4).</p>

ExQ1 Ref.	Question to	Question	NFFO and WFA Response	Applicant response (if required)
		<p>not, please can they explain what (if any) alternative approach or sources of data are considered to provide a sufficient baseline?</p> <p>b) In the absence of site-specific sampling (or other such alternative identified in the responses above) do NFFO and The Traditional and Sustainable Commercial Fishing Association have any comments with regard to whether the requirements of NPS EN-3 have been met?</p>		

3 References

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