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(Email only)

MMO Reference: DCO/2022/00001  
Planning Inspectorate Reference: EN010121  
Identification Number: 20049449

12 March 2025

Dear Robert Jackson,

## **Planning Act 2008, Floatation Energy, Proposed Morecambe Offshore Windfarm Generation Assets**

### **Deadline 5 Submission**

On 27 June 2024, the Marine Management Organisation (the “MMO”) received notice under section 56 of the Planning Act 2008 (the “PA 2008”) that the Planning Inspectorate (“PINS”) had accepted an application made by Morecambe Offshore Windfarm Ltd (the “Applicant”) for determination of a development consent order for the construction, maintenance and operation of the proposed Morecambe Offshore Windfarm (the “DCO Application”) (MMO ref: DCO/2022/00001; PINS ref: EN010121).

The DCO Applicant seeks authorisation for the construction, operation and maintenance of Morecambe Offshore Generation Assets. The proposal is located 30 kilometres (km) from the Lancashire coast, England. The windfarm Agreement for Lease area awarded by The Crown Estate spans 125 km squared (km<sup>2</sup>). The proposed windfarm site development area has been reduced to approximately 87km<sup>2</sup>. All project infrastructure will be located within the 87km<sup>2</sup> windfarm site. The project consists of up to 35 Wind Turbine Generators (WTG), UP TO TWO Offshore substations (OST), their associated foundations and platform link cables. Inter-array cables. Scour protection around foundations and subsea cable protection where required.

One Deemed Marine Licence (DML) is included in the draft DCO. The DML relates to offshore (WTG) and Associated Infrastructure and Associated Development.

As a marine licence has been deemed within the draft DCO, the MMO is the delivery body responsible for post-consent monitoring, variation, enforcement, and revocation of provisions relating to the marine environment. As such the MMO has an interest in ensuring that provisions drafted in a deemed marine licence enable the MMO to fulfil these obligations.

This document comprises the MMO’s Deadline 5 submission



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This written representation is submitted without prejudice to any future representation the MMO may make about the DCO Application throughout the Examination process. This representation is also submitted without prejudice to any decision the MMO may make on any associated application for consent, permission, approval or any other type of authorisation submitted to the MMO either for the works in the marine area or for any other authorisation relevant to the proposed development.

Yours sincerely

A solid black rectangular box used to redact the signature of Victoria Hindmarsh.

Victoria Hindmarsh  
Marine Licensing Case Officer

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## Contents

1. MMO Response to Examiners Questions 2 (ExQ2) .....	4
1.1 The MMO reviewed the Examiner's Questions 2 and provided responses in Table 1. ...	4
2. Responses to Examiner's Questions 1 (ExQ1) .....	12
3. Comments on PD1-011 Applicant's response to Relevant Representations from Marine Management Organisation .....	26
4. Comments on The Applicants Response to Section 3 – 5 of REP3-085 (Table 2.2.) ....	72
5. Comments on the Applicant's Deadline 3 Submissions .....	77
5.1 General Comments .....	77
5.2 Comments on 6.4.1 In Principle Monitoring Plan – Revision 02 (Volume 6) (Tracked) (REP3-046) .....	77
5.3 Comments on 6.3.1 Outline Fisheries Liaison and Co-Existence Plan - Revision 02 (Volume 6) (Tracked) (REP3-044) .....	77
5.4 Comments on 9.42 The Applicant's Comments on Deadline 2 Submissions by Interested Parties - Revision 01 (Volume 9) (REP3-069) .....	77
6. Comments on the Applicant's Deadline 4 Submissions .....	79
6.1 General Comments .....	79



# 1. MMO Response to Examiners Questions 2 (ExQ2)

1.1 The MMO reviewed the Examiner's Questions 2 and provided responses in Table 1.

**Table 1 Response to Ex2**

ExQ2	Question to:	Question:	MMO Response
2. Biodiversity, Ecology and Marine Processes (BEM)			
2BEM 1.	The applicant NE MMO	<p><b>Outline Underwater Sound Management Strategy</b></p> <p>The Outline Underwater Sound Management Strategy [REP4-049] in paragraph 34 states that the applicant is committed to deploying a Noise Abatement System (NAS) for its worst-case scenario (i.e. maximum strike rate with maximum hammer energy).</p> <p><u>To the applicant</u></p> <p>a) can the applicant explain why there is a commitment only for the worst-case scenario and thus any other scenarios which may require NAS are not so committed?</p> <p>b) in order to future proof the document, could the applicant consider including reference to potential future piling noise limits which may be imposed?</p> <p><u>To MMO and NE</u></p> <p>c) are there any other scenarios in which the applicant should be committed to applying NAS through the Outline Underwater Sound Management Strategy? If so, please identify which ones setting out the rationale.</p> <p>Alternatively, could the NE and MMO set out and explain any other criteria upon which the applicant should be committed to applying NAS.</p> <p>To the applicant, MMO and NE</p> <p>d) should there be different scenarios based on different sensitivities, species and times of year? For example, would it be appropriate for different criteria during the cod spawning season as opposed to at other times of year? (See also ExQ2BEM3.).</p>	<p>c) The MMO defers to NE in relation to the scenarios.</p> <p>The MMO would highlight that the Defra Reducing Marine Noise Policy issued on 21 January 2025 is to reduce noise as a whole and does not specific the level of impact. Therefore, this should be reflected that it is not just the worst case scenario within the UWSMS, however the MMO does note that if gravity base structures are used in the final design that piling is unlikely to be undertaken therefore NAS will not be required. If this is what the Applicant is referring to this should be clearly stated within the document.</p> <p>The MMO advises that reference to 'best endeavours' relates to wildlife licensing for disturbance and injury to protected species. This is a different legal test than just following policy and the MMO would strongly advise that Noise Abatement Systems (NAS) will likely be required for all piling in the coming years.</p> <p>The MMO is currently having ongoing discussions on whether to include a NAS condition within DMLs. At this stage the MMO has no condition to provide and no position to provide to the ExA but understands that Natural England is requesting this commitment on the face of the DML and would welcome further discussions should a condition be provided.</p> <p>d) As above the aim is to reduce noise as a whole and not just reduce the impacts on species and/or sensitives, therefore different criteria would not be suitable. In relation to sensitivity the UWSMS already sets out the procedure and that once the final design is identified that evidence including modelling would have to be provided as part of the UWSMS to show reduction of impacts</p>

			generally and with NAS, especially if the Applicant required to work within the cod spawning season.
Fish and Shellfish ecology			
2BEM 2	NE MMI	<b>Site specific fish/ shellfish surveys</b> In light of NFFO comments on the need for site specific fish and shellfish surveys (as set out in the SoCG between the NFFO and the applicant [REP4-034]), can NE and the MMO explain why they are satisfied with the level of detail as indicated in their D3 and D4 submissions and why further detailed surveys are not necessary.	<p>The MMO notes the comments in section NFFO-FSE-3 of REP4-034 wherein the NFFO considers that insufficient site specific shellfish data or any data to characterise population dynamics has been collected to characterise the shellfish ecology baseline environment for the purposes of informing the EIA (section 10.5 of Volume 5 – Chapter 10 – Fish and Shellfish Ecology (APP-047)).</p> <p>The MMO is currently reviewing this point with its scientific advisors and will provide an update by Deadline 6.</p>

2BEM 3	The applicant MMO	<p><b>Cod spawning ‘season’</b></p> <p>In its D4 submission [REP4-064] the MMO maintains that a temporal restriction on piling activities should take place during the cod spawning season. The applicant makes the point in the Outline Underwater Sound Management Strategy [REP4-049] paragraph 53 that there is some uncertainty as to the extent of the season. The MMO seeks the January to April period to be excluded. The evidence of Maxwell et al (2012) cited refers to surveys undertaken in the end of January to April 2008 period, but the ExA has not been provided with the data and thus to what, if any, extent there is any variation in egg production during this period. The applicant notes that peak spawning occurred in the mid-February to mid-March period, although there was some variation of up to one week, but this occurred within this period.</p> <p>The applicant’s view is that the finalised Underwater Sound Management Strategy would provide sufficient protection for cod larvae so that a specific temporal restriction on the face of the DCO or DML is not necessary.</p> <p>To the MMO</p> <p>a) If the MMO is not satisfied that a finalised Underwater Sound Management Strategy would be sufficient, it is also asked to respond to the proposition that any restriction should be limited to the mid-February to mid March period (15 February to 15 March) providing evidence, if it does not accept this proposition, as to why this would not be appropriate.</p> <p>b) The MMO is requested to provide an update/ final confirmation of the condition setting out specific dates. If alternative dates are to be proposed, then these too should be justified as being the minimum necessary.</p> <p>To the applicant and MMO</p> <p>c) The ExA notes that the MMO has provided a draft condition in its D4 submission [REP4-064] (pdf page 19). The ExA also notes that in its response to R17.1.18 (pdf page 95) it has made comments in relation to the use of ‘codicil’ phrases in conditions. The MMO is directed to the latest version of the dDCO [REP4-002] (and also the tracked change version [REP4-003] which more clearly shows the alterations made by the applicant) for alternative wording to “unless otherwise agreed in writing by the MMO” which shows other approaches to maintain the substance of a condition while providing for flexibility.</p> <p>The applicant, on a ‘without prejudice’ basis, and MMO are asked to provide agreed wording on a potential condition.</p>	<p>a) The MMO has reviewed the Applicant’s updated UWSMS which is to be submitted at Deadline 5. The MMO note that the term ‘temporal phasing’ has been amended to ‘temporal (seasonal) restriction’. This new term is more appropriate, and the MMO have no objection to the information contained within this section (9.3 of the document) being included in the UWSMS, the MMO maintain that a temporal piling restriction during the cod spawning season should be included as a licence condition on the DML. This is on the basis that an UWSMS does not provide evidence that a seasonal piling restriction is not required – the UWN modelling has not been provided yet.</p> <p>Concerning the dates for the peak of the cod spawning season, the MMO are content that the supporting evidence used by Morgan OWF is acceptable evidence to support the refinement of the piling restriction to 15 February to 31 March (inclusive) for Morecambe OWF.</p> <p>The MMO is content with dates for condition 20(3) to be updated to 15 February to 31 March inclusive:</p> <p>20.—(1) No piling activities shall commence until an underwater sound management strategy for those activities, which accords with the outline underwater sound management strategy, has been submitted to and approved in writing by the MMO in consultation with the relevant statutory nature conservation body.</p> <p>(2) The underwater sound management strategy must be submitted to the MMO no later than six months prior to the commencement of the relevant activities (or such other timescale as agreed with the MMO in writing).</p> <p>(3) No piling activities associated with the authorised development may be undertaken between 15 February and 31 March inclusive, unless:</p> <p>(a) such activities are deemed necessary by the undertaker during this period; and</p> <p>(b) any additional mitigation requirements for such activities are included in the underwater sound management strategy approved by the MMO under paragraph (1).</p>
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			<p>(4) The piling activities must thereafter be carried out in accordance with the approved underwater sound management strategy for the duration of such activities.</p> <p>Additionally, the MMO notes that under point 51 of UWSMS, the Applicant has committed to undertaking further site-specific underwater noise modelling <i>to demonstrate the noise reductions that can be achieved in relation to an un-mitigated piling scenario. This will be interpreted in relation to fish receptors (including Irish Sea cod spawning grounds) to assess the efficacy of the proposed mitigation and whether any additional measures would be required to reduce impacts on relevant receptors.</i> The MMO is in support of this.</p>
Schedule 6 - Deemed Marine Licence			

2DCO 4	The applicant MMO NE	<p><b>Determination under DML - timings</b></p> <p>The ExA has read and understood NE's comments in its 'Comments on Rule 17 letter to Natural England and the Marine Management Organisation' [REP4-065] at point R17.1.16 "The necessity for the increased consultation time to 6 months is to avoid delays to the start of construction and is mainly due to; a) the quantity of pre-construction condition discharge consultations we are now receiving per project (compared with OWF NSIPs consented 10 years ago), and b) the potential requirement for multiple consultations in relation to each marine licence condition. It is Natural England's view that the additional rounds of consultations have become common place due to the complexity of the issues included within the licence discharge process and in many cases the necessity to address unresolved issues from consent, before the discharge of the condition can progress". However, this presupposes that the MMO is not willing to refuse matters where an inappropriate proposal is put forward. The ExA has also noted the MMO's response to the same question at [REP4-064].</p> <p>The ExA is considering recommending a 56 day determination period for all consents within the DML. The applicant, MMO and NE are asked for comments.</p>	<p>The MMO notes NE's response in section R17.1.16 of REP4-065 regarding a 4-month timeframe for condition discharge no longer being sufficient and that NE is recommending a 6 month timeframe.</p> <p>The MMO does and has rejected documents and requested updates from the Applicant's at the post consent stage both pre and post consultation. However, even if new documents are submitted this would still require consultation. The MMO also makes a decision on documents with both Applicant and consultees comments. It is not a continuous loop of consultation but notes that some of the matters are very complex and technical and the marine environment is ever changing.</p> <p>The MMO notes that the timescales are largely agreed with the Applicant and NE, noting after a meeting with the Applicant on 4 March that the two documents the MMO had concern with in Section 1DCO7 of REP4-064 will be updated to 6 months.</p> <p>Therefore, the MMO does not consider a 56 day determination period for all consents within the DML appropriate due to the process that is undertaken to reach discharge post consent documents. This is also less than the original 4 months the Applicant has proposed.</p> <p>A 56 day determination period may result in delays to works commencing due to issues that arise through the discharge process including consultation.</p> <p>The MMO strongly considers that it is inappropriate to put timeframes on complex technical decisions. The time it takes the MMO to make such determinations depends on the quality of the application made, the complexity of the issues, and the amount of consultation the MMO is required to undertake with other organisations to seek resolutions.</p> <p>The MMO's position remains that it is inappropriate to apply a strict timeframe to the approvals the MMO is required to give</p>
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			<p>under the conditions of the DML given this would create disparity between licences issued under the DCO process and those issued directly by the MMO, as marine licences issued by the MMO are not subject to set determination periods. The MMO notes that this has been updated to 6 months and although we do not agree with this condition we are content with the 6 month update.</p> <p>The MMO acknowledges that delays can be problematic for developers and that they can have financial implications, the MMO stresses that it does not delay determining whether to grant or refuse such approvals unnecessarily. The MMO makes these determinations in a timely manner as it is able to do so.</p> <p>The MMO's view is that it is for the developer to ensure that it applies for any such approval in sufficient time as to allow the MMO to properly determine whether to grant or refuse the approval application.</p>
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20012	The applicant Ørsted IPs MMO NE	<p><b>Effect on nearby OWFs</b></p> <p>The Ørsted IPs ([REP4-077], paragraph 1.22) consider that any need to obtain or vary an existing marine licence is considered business-as-usual and would not impact on decision making regarding extending the lifetime of the assets. Having regard to the recent C G Fry &amp; Son Limited vs Secretary of State for Housing, Communities and Local Government [2024] EWCA Civ 730 judgment, could the Ørsted IPs, MMO, NE and the applicant respond to the proposition that any new marine licence would be likely to require a HRA to be carried out. As a result, parties are invited to comment on how certain the ExA/ SoS can be that any such consent/ approval would be forthcoming?</p>	<p>The MMO understands the recent C G FRY &amp; Son Limited vs Secretary of State for Housing, Communities and Local Government [2024] EWCA Civ 730 judgment relates to the requirement of an 'appropriate assessment' as under Regulation 63 of the Conservation of Habitats and Species Regulations 2017 to be undertaken for subsequent approvals after the grant of outline planning permission at a further consent stage. The MMO understands that no appropriate assessment under the Habitats Regulations had been undertaken when outline planning permission was granted. NE advised after the reserved matters approval that an appropriate assessment should be undertaken.</p> <p>A new marine licence that has potential to impact a National conservation site would require a HRA. A HRA must be undertaken to identify and assess the implications of a plan or project for the protected features of National conservation sites.</p> <p>The MMO notes that a request to vary an existing licence may require an update to the original HRA. This is dependent on what the variation request entails and the significance of the change and any new in combination impacts. If the variation is within the remit of what was previously assessed under the original licence application an updated HRA may not be required. The MMO will always review the original HRA and ensure that this is in line with what was assessed and no changes to the environment or sites etc. have taken place where further updates could be required. A review of all works taken place will be reviewed as well – noting the original works will be part of the baseline/in-combination assessment for the new projects therefore duplication of review in the variation HRA may not be required.</p> <p>With regard to how forthcoming approval would be, the MMO notes that through the marine licence/variation application process a determination would be made. Each case is on a case-by-case basis and therefore we cannot pre-determine the likelihood of a licence being extended or granted.</p>
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2SN1	The applicant MMO	<p><b>Contaminants and navigation</b></p> <p>It its response to RR-047-18 the MMO indicates that “The MMO would like to understand what the process will be on deciding the source of the rock to ensure there is no navigational concerns or contaminants risk and where this detail will be provided post consent” in relation to rock material used in the construction of the proposed development.</p> <p>To the MMO</p> <p>a) Could the MMO please explain how the source of a rock could affect navigation, as opposed to its volume, which is another matter?</p> <p>To the applicant</p> <p>b) Can the applicant to identify anywhere in a document, or to be secured in a control document, where this choice is limited in terms of parameters assessed</p>	<p>The MMO has identified two impacts:</p> <ol style="list-style-type: none"> <li>1) Navigational concerns in relation to the volume and location of the rock – the MMO notes that this concerns is captured in Condition 9(1)(d)(i)(bb) as any depth lower than 5% would have to be approved to ensure the safety of navigation. In addition to this the Applicant also has to issue notice to mariners (condition 4(9)) in relation to activities and inform the UKHO in Condition 4(10) on the final details of the construction. Condition 7(7) also allows the MMO to manage any lost or misplaced rock.</li> <li>2) Contaminants – the MMO has discussed this with the Applicant on 4 March 2025 and is content that this will be captured within the Outline Construction Method statement and the MMO is content with this.</li> </ol> <p>The MMO has no outstanding issues on the source of rock.</p>
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## 2. Responses to Examiner's Questions 1 (ExQ1)

The MMO reviewed the Examiner's Questions 1 and provided responses at Deadline 4. The MMO has provided updated responses at Deadline 5 in Table 2. The MMO has also reviewed interested parties responses and provided updates within the table. **Table 2. MMO response ExQ1**

**Table 2 Response to ExQ1**

ExQ1	Question	MMO response
<b>General and Cross-topic Questions (GEN)</b>		
<b>Need and assessment</b>		
<b>1GEN24</b>	<p><b>Decommissioning</b> ES Chapter 7, Table 7.2 (page 49) [REP2- 008] refers to a decommissioning plan. Could the Applicant please explain what would be in the plan and how the content of the plan would be secured?</p>	<p>The MMO is continuing to discuss DML issues with the Applicant. An additional submission was not submitted to the ExA to ensure resource was spent on providing a detailed response for Deadline 5. Please see Section XX of this document in relation to decommissioning.</p> <p>The MMO will continue to engage with the Applicant with the aim to have a position by Deadline 6, this could be agreed or agree to disagree but Deadline 6 will provide a clear response.</p>
<b>2. Biodiversity, Ecology and Marine Processes (BEM)</b>		
<b>1BEM16</b>	<p><b>Foundations</b> ES Chapter 7, Table 7.3, item 3 box 2 [REP2-008] says that "pile driving would be used in preference to drilling, where it is practicable to do so (i.e. where ground conditions allow).".</p> <p>Please could the Applicant explain: a) why pile driving would be used in preference to drilling; b) how this is consistent with 50% drive and 50% drill (see ES Chapter 7, footnote 8); and c) in what circumstances and why pile driving is practicable as opposed to drilling.</p>	<p>The MMO notes that the Applicants worst-case scenario of 50% driven and 50% drilled has been considered to assess impacts of increases in suspended sediments from foundation installation.</p> <p>In addition, in <b>1BEM17</b> the Applicant's detail in the response to <b>1BEM5</b> and <b>1BEM10</b>, that fine sediment could remain in suspension for longer than it would if it was relatively coarser. However, the time that fine sediment is in suspension is determined by the twice daily tidal cycle. Over each cycle, Suspended Sediment Concentration (SSCs) and distance travelled will vary as the tidal currents increase and decrease between high and low tide. However, the distance travel/dispersed within one tidal cycle will always be limited by the length of 1 tidal excursion (in this case, up to 10km). As noted in "Paragraph 8.123 of Chapter 8, sediment samples</p>

		from site-specific sampling within the Project windfarm site do not indicate elevated levels of contaminants and therefore, there is no potential for contaminants to be transported over greater distances. Therefore, there is no possibility to permanently increase turbidity and/or sediment blanketing effects as a result of the Project.” The MMO believes the assumptions regarding the release of contaminants seem reasonable.
<b>Marine Sediment and Water Quality</b>		
<b>1BEM19</b>	<p><b>Offshore Construction Method Statement (OCMS)</b></p> <p>In the Applicant’s response [PD1-011] to the MMO’s RR [RR-047] at point RR-047-48, it is stated “The selection of scour protection methods ... will be further considered post-consent in the Offshore Construction Method Statement ... developed through consultation with MMO ... secured in Condition 9(1)(d) of Schedule 6 of the Draft DCO ...” and Condition 9(1)(d)(ii) refers to an outline scour protection and cable protection plan [REP1-056]. The Applicant’s response [PD1-011] to the MMO’s RR [RR-047] at point RR-047-51, refers to an “... Offshore Construction Method Statement ... developed through consultation with the MMO ... secured in Condition 9(1)(d) of Schedule 6 of the Draft DCO ...” and Condition 9(1)(d) [REP2-002] refers to an offshore construction method statement.</p>	<p>In responses to PD1-011 and the offshore Construction Method Statement (CMS) comments from the MMO were for consideration of different scour protection measures to release grout/cement to the wider environment and the inclusion of the in the Offshore CMS. It was noted that the outline Project Environmental Management Plan (PEMP) included commitment (section 6.7) to <i>‘where grout is required, careful use would be ensured at all times to avoid excess grout being discharged to the environment’</i>. This would then be detailed in the final PEMP and Offshore CMS post-consent’</p> <p>The Applicant requires retention of flexibility of choice of scour protection for engineering suitability and environmental consideration and that approval of the Offshore CMS from the MMO will be required post consent and will be dependent on the final design of the project. However, this should not preclude the Applicant from considering how to avoid reduce or minimise the use of chemicals in the marine environment. The Applicant should be mindful that the use of chemicals in the construction operation maintenance and decommissioning of the OWF not used on vessels or within closed systems and not requiring top up, will need to be notified to the regulator for approval prior to use. These may warrant additional site-specific justification or even substitution depending on ecotoxicological properties. Please see comments on Chemicals in Section 7.6 of this response.</p>

1BEM20	<p><b>Disposal of sandwave material</b></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 RR-047-53 [PD1-011], the Applicant argues that this is unnecessary as "... the removal of and disposal of 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>The MMO would like to note that this disposal site has been designated and the reference number should be updated within the DML, the reference number is IS156 and the name of the site is the Morgan and Morecambe OWFs.</p> <p>The reason this is a joint designation is the transmission assets disposal site that has also been requested as part of the Morgan and Morecambe Offshore Windfarm Transmission Assets disposal site overlaps with the Morecambe generation asset site. Therefore, these have been included together along with the transmission asset areas because disposal sites cannot overlap. As all the disposal material has been assessed including cumulative impacts there is no concern with multiple projects utilising the same disposal site as long as their disposal quantities are within the maximum parameters assessed.</p>
<b>Fish and Shellfish ecology</b>		
1BEM24	<p><b>Mitigation: timing of works</b></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 updated wording 'in due course'.</p> <p>Can the MMO confirm when the revised wording will be available.</p>	<p>The MMO had a meeting with the Applicant on 14 February to discuss outstanding issues with our scientific advisors.</p> <p>The Applicant explained that further commitment and modelling will be provided at Deadline 4 in relation to the use of NAS. The MMO explained that full spatial modelling would be required to remove a seasonal restriction requirement on the DML. The Applicant explained that this would not be provided. The Applicant understood the MMO's position that without this modelling there is not enough evidence to remove the requirement for the seasonal restriction to be included on the face of the DML. The MMO believes that no new information can be provided by the Applicant during the remainder of Examination that will remove the requirement for a piling restriction on the face of the DML.</p> <p>However, there is still further discussion on the refinement of the seasonal restriction dates of the piling restriction and the MMO understands further evidence was provided in relation to this at Deadline 4.</p>

		<p>To clarify, the MMO and the Applicant are still working on the specific cod spawning period and the MMO believes this will be <b>agreed by the end of Examination</b>.</p> <p><b>The outstanding point that will be not agreed – material impact on the Applicant’s Statement of Common Ground (SoCG) will be the need for the seasonal restriction on the face of the DML.</b></p> <p>The Applicant believes there is no need as this is within the Underwater sound management strategy (UWSMS) and the plan is the correct mechanism to manage this.</p> <p>The MMO’s position is that not enough evidence has been provided to provide the confidence that a seasonal restriction can be removed at this point in the Examination and is unlikely to be provided until the post consent stage when the project has been refined. Without evidence the MMO’s position is a seasonal restriction should be on the DML, this is the appropriate place for a restriction to be in the absence of evidence.</p> <p>However, the MMO agrees that the UWSMS can be used as a mechanism to refine or remove the restriction post consent. This would be by providing further evidence and detailed mitigation can be put in place.</p> <p>The MMO believes that the agreed seasonal restriction is on the face of the DML with the UWSMS being able to be submitted to remove/change this requirement post consent. This allows the MMO to be confident that a restriction will be in place in the first instance and shows that the Applicant has to provide evidence and further mitigation once details are known post consent through the UWSMS.</p> <p>To update at Deadline 5 the MMO has reviewed the Applicant’s updated UWSMS which is to be submitted at Deadline 5. The MMO note that the term ‘temporal phasing’ has been amended to ‘temporal (seasonal) restriction’. This new term is more appropriate, and the MMO have no</p>
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		<p>objection to the information contained within this section (9.3 of the document) being included in the UWSMS, the MMO maintain that a temporal piling restriction during the cod spawning season should be included as a licence condition on the DML. This is on the basis that an UWSMS does not provide evidence that a seasonal piling restriction is not required – the UWN modelling has not been provided yet.</p> <p>Concerning the dates for the peak of the cod spawning season, the MMO are content that the supporting evidence used by Morgan OWF is acceptable evidence to support the refinement of the piling restriction to 15 February to 31 March (inclusive) for Morecambe OWF.</p> <p>The MMO is content with dates for condition 20(3) to be updated to 15 February to 31 March inclusive:</p> <p><i>20.—(1) No piling activities shall commence until an underwater sound management strategy for those activities, which accords with the outline underwater sound management strategy, has been submitted to and approved in writing by the MMO in consultation with the relevant statutory nature conservation body.</i></p> <p><i>(2) The underwater sound management strategy must be submitted to the MMO no later than six months prior to the commencement of the relevant activities or such other timescale as agreed with the MMO in writing.</i></p> <p><i>(3) No piling activities associated with the authorised development may be undertaken between 15 February and 31 March inclusive, unless:</i></p> <p><i>(a) such activities are deemed necessary by the undertaker during this period; and</i></p> <p><i>(b) any additional mitigation requirements for such activities are included in the underwater sound management strategy approved by the MMO under paragraph (1).</i></p> <p><i>(4) The piling activities must thereafter be carried out in accordance with the approved underwater sound management strategy for the duration of such activities.</i></p>
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Marine Mammals		
1BEM42	<p><b>Draft Marine Mammals Mitigation Protocol (dMMMP): soft-start procedures: breaks in piling</b></p> <p>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 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>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?</p>	<p>The MMO has engaged in discussions with Natural England and requests a commitment to current guidance, noting that we are open to refining the break procedure in the pre-construction period through the MMMP.</p>
Offshore Ornithology		
1BEM51	<p><b>Use of alternative ways of working and technology to reduce effects</b></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>The MMO wishes to defer to NE 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.</p> <p>The MMO has no further updates on this point.</p>
5. Commercial Fisheries (CF)		
1CF3	<b>In Principle Monitoring Plan - Landings Data and Monitoring</b>	<p>To update at Deadline 5, the MMO has now reviewed this point with its scientific advisors and has the following points to</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 out with 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 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>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 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>	<p>raise in regard to the inclusion of Landings Data and Monitoring as part of the In Principle Monitoring Plan:</p> <p>Ideally, monitoring using landings data and Vessel Monitoring Systems (VMS) VMS data should be conducted throughout the construction phase of the project, as well as for a period of no less than one year after operation has commenced, so that spatial changes in fishing effort and displacement of fishers in and around the wind farm array and export cable corridor can be monitored and understood.</p> <p>However, a longer period of post-construction monitoring using VMS data would provide data on any long term changes to fishing locations and habits as a result of the construction and operation of the wind farm, whilst reviewing landings data over a longer period of post-construction could be used to demonstrate whether the catch weights and compositions have changed as a result of the construction and operation of the wind farm. Therefore, the MMO believes 5 years is appropriate.</p>
<b>7. Draft Development Consent Order [REP2-002] (DCO)</b>		
1DCO1	<p><b>Transfer of benefit of Order</b></p> <p>Without concluding on the matter, in order to ensure that the MMO 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>	<p>The Current position between the MMO and the Applicant is not agreed – material impact.</p> <p>The MMO refers to Section 3.2 of REP3-085 and additional comments in Section 7 of this document.</p>

## Schedule 6- Deemed Marine Licence

1DC07	<p><b>Pre-construction plans and documentation</b> (Schedule 6, Part 2, condition 9(1)(c))</p> <p>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>	<p>The MMO's position is that it remains that all documents should be submitted at 6 months and that there should not be a requirement for the MMO to respond within a time period.</p> <p>However, without prejudice, has provided comments on the Applicant's proposal for timescales of submission below.</p> <p>For this project, the MMO is content with the following timescales subject to the relevant interested parties also being content (i.e. Statutory Nature Conservation Body (SNCB), Historic England (HE), Maritime and Coastguard Agency (MCA), Trinity House (TH)):</p> <ul style="list-style-type: none"> <li>• <b>Design Plan:</b> 6 months prior to start of construction</li> <li>• <b>Construction Programme:</b> 4 months prior to start of construction</li> <li>• <b>Monitoring Plans in line with IPMP:</b> 6 months prior to start of surveys / construction / operation as relevant</li> <li>• <b>Project Environmental Management Plan (PEMP):</b> 4 months prior to start of relevant works</li> <li>• <b>Offshore Written Scheme of Investigation (WSI):</b> 4 months prior to start of construction</li> <li>• <b>Aids to Navigation Plan:</b> 4 months prior to start of construction</li> <li>• <b>MMMP:</b> 6 months prior to start of foundation installation</li> <li>• <b>Vessel Traffic Management Plan (VTMP):</b> 4 months prior to start of construction</li> <li>• <b>Fisheries Liaison and Co-Existence Plan (FLCP):</b> 6 months prior to start of construction</li> <li>• <b>UWSMS:</b> 6 months prior to start of foundation installation</li> <li>• <b>Decommissioning Plan:</b> 6 months prior to start of construction</li> <li>• <b>Outline Offshore Operations and Maintenance Plan (OOMP):</b> 4 months prior to start of operation</li> </ul>
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<b>1DCO8</b>	<p><b>Micrositing</b></p> <p>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?</p>	<p>a) The MMO understands MCA highlighted in REP2-034 that they would be content with micro-siting distances of 50m for micro-siting and 5m for tolerance.</p>

	<p>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?</p>	<p>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.</p> <p>The MMO has reviewed MCAs response (REP3-084) to this question. The MMO notes that MCA have proposed the condition is amended as follows:</p> <p><i>“...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.”</i></p> <p>The MMO notes that the Applicant has said they will add micrositing of up to 55m in any direction to the version of the draft DCO submitted at Deadline 4 (REP3-068). The MMO notes that the 55m limit aligns with the response from MCA and Trinity House (REP3-099).</p> <p>The MMO has reviewed the updated draft DCO (REP4-003) and notes the updates align with what has been discussed and has no further comments.</p>
<b>1DCO9</b>	<p><b>Schedule 6, Condition 9(k) - Fisheries Liaison and Co-existence Plan (FLCP)</b></p> <p>To the Applicant:</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> <p>Other IPs:</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>	<p>The MMO is content that the condition does not require to be updated to reference all relevant parties. Generally, the FLCP is agreed with all parties prior to the submission to the MMO for approval and this is set out within the document.</p> <p>The MMO would highlight that if there should be no major outstanding issues at the close of Examination. The MMO believes that major issues should be dealt with during the decision and only the final details – influenced by the final design should be managed post consent. The MMO notes there are still a number of issues in relation to fishing outstanding and will review updates submitted at Deadline 4. The MMO's concern is to manage conflicting opinions and positions at the post consent stage which should have been agreed at the time of the decision, which would delay the discharge process.</p>
Schedule 8 – Documents to be Certified		
<b>1DCO11</b>	<b>Documents to be Certified</b>	

	<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 has reviewed Schedule 8 of the draft DCO and considers the documents listed are correctly referenced. The MMO would prefer separate parts but notes the Applicant's response in REP4-060.</p>
<b>8. Habitats Regulations Assessment (HRA)</b>		
<b>1HRA28</b>	<p><b>Cumulative effects relating to Invasive Non-Native Species (INNS)</b></p> <p>The Applicant's assessment for INNS cumulatively with the M&amp;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&amp;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.</p>	<p>The MMO notes NE is content that INNS has been acknowledged within Outline Project Environmental Management Plan and has no further comments at this time.</p> <p>MMO notes any additional comments will be minor at this stage and likely to be agreed by the end of Examination</p> <p>The MMO welcomes that the potential effect of colonisation of Project Infrastructure by INNS will be assessed visually during post-construction hard substrate inspections as set out in the In Principle Monitoring Plan (REP3-046). Furthermore, the potential requirement for further surveillance would be agreed with the MMO following review of the post-construction survey results and relevant data will be provided to the appropriate organisations that collate and store INNS information.</p>
<b>1HRA29</b>	<p><b>Co-ordination/communication between projects during construction to minimise effects</b></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. <u>To Mona Offshore Wind Ltd and Morgan Offshore Wind Limited</u></p>	<p>The MMO has reviewed the Applicant's and NE's (REP3-092) response.</p> <p>The MMO notes that the Applicant does not consider that any coordination needs to be legally secured between the projects.</p> <p>NE notes that a 'coordination forum' has been set up and facilitated by the MMO for projects in the North Sea to coordinate their underwater noise generating activities. Commitments to the Coordination Forum has been secured through the inclusion of 'Coordination conditions' on relevant projects' marine licences. NE considers a similar approach could also be adopted for the Irish Sea.</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.  <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?  <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>The MMO would highlight that the Coordination Forum was set up to assist multiple industries in managing the Southern North Sea (SNS) Special Area of Conservation (SAC). This was secured through requirements in the SNS SIP and on UXO marine licences with a condition.</p> <p>At Deadline 5 the MMO notes that the Applicant (REP4-061) notes that Mona Offshore Wind Ltd and Morgan Offshore Wind Limited have responses to this ExQ1 and are in alignment with the Applicant.</p> <p>The MMO does not have further comments at this time.</p>
<b>1HRA34</b>	<p><b>In Principle Monitoring Plan</b>  Paragraph 24 of the IPMP [APP-148] references a 'Cable specification, installation and monitoring plan'. Could the Applicant signpost to where this plan may be found in the Application documents or provide an outline plan.</p>	<p>It is noted that at the current stage of the project neither cable contracting nor design are completed and therefore no cable specification installation or monitoring plan is provided. Maximum design parameters and installation techniques are considered in the Environmental statement (ES) and defer this to be secured in the dDML to be provided post consent. The MMO notes that sometimes an outline plan is provided within examination, but this is usually when there are major concerns with benthic habitats. The MMO does not believe this is the case as none have been identified and the Applicant has updated Condition 9(1)(a)(b) to account for this. The MMO does not believe an outline plan is required by the Applicant.</p>
<b>1HRA38</b>	<p><b>Ecosystem effects due to ocean stratification</b></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]. 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>	<p>The MMO confirms that it is satisfied with the Applicant's approach to consideration of water column stratification.</p> <p>The MMO considers this point resolved.</p>

## 10. Seascape, Landscape and Visual (SLV)

1SLV6	<p><b>Detailed array layout</b></p> <p>Under condition 9(1) of Part 2 of Schedule 6 of the dDCO [REP2-002], 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>b) 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?</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> <p>The MMO considers this issue resolved.</p>
<b>Other Offshore Infrastructure (OOI)</b>		
100I7	<p><b>Future Carbon Capture Storage</b></p> <p>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 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>To both Parties:</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>To Spirit Energy:</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 ExQ0.) To the Applicant c) 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</p>	<p>With respect to the use of the area for Carbon Capture and Storage following the plug and abandonment of oil and gas facilities the Applicant responded to say that they require <i>"to understand further Spirit Energy's position and its technical requirements in order to develop a refined position on whether Protective Provisions are an appropriate measure to enable the Project and any potential future carbon capture storage to co-exist"</i>. The Applicant notes that Spirit Energy stated within its comments at Deadline 1 (REP2-042) that it intends to comment on the Applicant's Deadline 2 submissions at Deadline 3. The Applicant will subsequently respond to further comments received in relation to Morecambe Net Zero (MNZ) in due course. However, the Applicant also notes that the MNZ Carbon Capture Usage and Storage (CCUS) project is at an early stage of development and that there is still considerable uncertainty if or when the MNZ CCUS project will proceed to the next phase of the North Sea Transit Authority.</p> <p>The MMO has no comments on this matter.</p>



	identified wells and set appropriate stand-offs in order to safeguard and ensure future access is maintained?	
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### 3. Comments on PD1-011 Applicant's response to Relevant Representations from Marine Management Organisation

#### 3.1 General Comments

3.1..1 The MMO provided comments on the Applicant's comments at Deadline 1 (REP1-096) and 2 (REP2-035). After discussions with the Applicant the MMO notes it wasn't quite clear what was closed and what remained open at Deadline 2. The MMO has provided updates to the table in response to REP3-069 and REP4-058. To assist the ExA at Deadline 5 only open/new issues will be included in the response.

**Table 3: MMO Response to Applicants Pre-Examination Procedural Deadline Submission**

Applicant's Reference	Relevant Representation Comment	Applicant's Response	MMO's Deadline 4 Response	Applicant's Response at Deadline 4	MMO Comments at Deadline 5
<b>Draft DCO</b>					
RR-047-10	MMO has reviewed the draft DCO and provided comments below. MMO are currently undertaking a detailed review and will produce further comments on the DCO at Deadline 1 and during the course of the examination.	The Applicant notes this response and looks forward to receiving further comments on the draft DCO and Deemed Marine Licence (DML) at Deadline 1.	<p>The MMO provided additional comments in in Section 3.2 of REP3-085 and will review the Applicant's response submitted at Deadline 4.</p> <p>The MMO notes that the Applicant has responded to the MMO's comments regarding the draft DCO submitted at Deadline 2 in the Applicant's submission at Deadline 3 (REP3-069).</p> <p>The MMO has discussed all outstanding DCO issues within a meeting on 14 February and has resolved some issues within he SoCG. Only some of the issues will be agreed by the end of Examination and these have been summarised in Section 5 of this response.</p>	See Table 2.2 for a response.	The MMO has provided further comments on the Draft DCO in Section 7 of this letter.
RR-047-12	Section 2(d) states: 'the removal of sediment samples for the purposes of informing environmental monitoring under this licence during pre-	The Applicant notes that the removal of sediment samples was included in section 2 in error and, as such, this has been deleted in the revised	The MMO previously noted that 'if these surveys were assessed within the ES then this could be part of the DML, it would just have to be clear within the DML when commencement begins in relation to the surveys and when method statements would be agreed and how the	The Applicant has provided an updated Draft Development Consent Order_Rev 4 (DCO) alongside this document at Deadline	The MMO does not have further comments and does not consider action required.

	<p>construction, construction and operation'</p> <p>The MMO notes that geophysical surveys may require a separate licence. If so the wording in 2(d) must be clear that such activities are excluded from this licence</p>	<p>draft DML submitted at Procedural Deadline A.</p>	<p>conditions are worded for any submissions post consent.'</p> <p>The MMO has reviewed the Applicant's (REP3-069) and notes the Applicant does not consider further action required.</p> <p>Currently, the MMO does not consider further action necessary.</p>	<p>4 (Document Reference 3.1).</p>	
RR-047-13	<p>Section 8 states: "With respect to any condition which requires the licensed activities be carried out in accordance with the details, plans or schemes approved under this licence, the approved details, plans or schemes are taken to include any amendments that may subsequently be approved in writing by the MMO"</p> <p>MMO recommends that the following be included in addition: "subsequent to the first approval of those plans, protocols or statements provided it has been demonstrated to the satisfaction of the MMO that the subject matter of the relevant amendments do not give rise to any materially new or materially</p>	<p>The Applicant considers that this additional text is not required as it is secured by paragraph 9(1) of Part 1 (Licensed marine activities of Schedule 6 (Deemed Marine Licence under the 2009 Act: Morecambe Offshore Windfarm Generation Assets) to the draft DCO (APP-012).</p>	<p>The MMO will provide an update on this week commencing 03 March as part of an additional submission. The MMO notes the ExA may not accept an additional submission and if so the information will be provided at Deadline 5. However, the MMO will work with the Applicant to try and agree a position for Deadline 5. The MMO believes this will likely be agreed.</p>	<p>The Applicant will provide a response to any further information provided by the Marine Management Organisation (MMO) at Deadline 5</p>	<p>The MMO is content that this matter can now be closed.</p>

	different environmental effects to those assessed in the environmental information.”				
RR-047-14	<p>Details of the marine license activities 9(1) states:</p> <p>“Any amendments to or variations from the approved details, plans or schemes must be in accordance with the principles and assessments set out in the environmental statement. Such agreement may only be given where it has been demonstrated to the satisfaction of the MMO that it is unlikely to give rise to any materially new or materially different environmental effects from those assessed in the environmental statement.”</p> <p>Due to a lack of regulatory certainty and risk of applying lower standards than those approved in the environmental statements the above wording should be amended to the following:</p> <p>“Any amendments to or variations from the</p>	<p>The Applicant does not consider that the wording proposed in paragraph 9(1) of Part 1 (Licensed marine activities of Schedule 6 (DML under the 2009 Act: Morecambe Offshore Windfarm Generation Assets) to the draft DCO (APP-012) lacks regulatory certainty or risks applying a lower standard than those approved in the Environmental Statement (ES). The proposed condition reflects the wording used in the environmental impact assessment process (of ‘likely’ significant effects).</p> <p>Additionally, the wording of paragraph 9(1) proposed by the Applicant reflects the wording used in other offshore wind precedents, including the Sheringham Shoal and Dudgeon Extensions Offshore Wind Farm Order 2024, the East Anglia ONE North Offshore Wind Farm</p>	<p>The MMO will provide an update on this week commencing 03 March as part of an additional submission. The MMO notes the ExA may not accept an additional submission and if so the information will be provided at Deadline 5. However, the MMO will work with the Applicant to try and agree a position for Deadline 5. The MMO believes this will likely be agreed.</p>		<p>The MMO is content that this matter can now be closed.</p>

	approved details, plans or schemes must be in accordance with the principles and assessments set out in the environmental statements. Such agreement may only be given where it has been demonstrated to the satisfaction of the MMO that it will not give rise to any materially new or materially different environmental effects from those assessed in the environmental statement.”	Order 2022, the East Anglia TWO Offshore Wind Farm Order 2022, the Norfolk Vanguard Offshore Wind Farm Order 2022 and the Norfolk Boreas Offshore Wind Farm Order 2021.			
RR-047-15	The MMO requests that the conditions include a sediment sampling plan.	As noted in the Sediment Disposal Site Characterisation Report (APP-024), the Applicant plans to designate the entirety of the windfarm site as a disposal area. The Sediment Disposal Site Characterisation Report (APP-024) includes details on sampling that was carried out during the pre-application process. No further sampling is considered to be required. As such, the Applicant does not consider that a DML condition is required.	The MMO is content a new condition is not required. The MMO considers that this can be closed as disposal sites has been discussed in Section RR-047-53.	The Applicant reiterates the response provided at Procedural Deadline A (PD1-011) that no further sampling is required and that sufficient information has been provided in the DCO Application via the ES and Sediment Disposal Site Characterisation Report (REP1- 008) for the windfarm site to be designated as a disposal ground. It is also noted this sample data was also presented in the Preliminary Environmental Information Report	The MMO confirms a disposal site has now been designated.  The MMO considers this issue closed.

				(PEIR)) and presented and discuss during the Evidence Plan Process pre application (please refer to the Evidence Plan Report: Appendix A of the Consultation Report Appendices (APP-016), including Evidence Plan Process meeting minutes (Annex 1 of APP-016) and consultation logs and agreement logs (Annex 2 of APP016)). The Applicant met with the MMO on the 14 February and understands that, with confirmation from the Applicant that the order limits set the area of the disposal ground, the MMO has sufficient information to designate the disposal site.	
RR-047-16	The MMO requests that a reporting condition in relation to 'Reporting of Impact Pile Driving/Detonation of Explosives' for reporting to the Marine Noise Registry is included.	Noted. The Applicant has added a new condition 19 (Marine Noise Registry) in the DML submitted with the updated draft DCO at Procedural Deadline A. As UXO clearance and detonation of explosives	The MMO is waiting on the Applicant's position on the changes proposed in Section 3.2 of REP3-085.	See Table 2.2 for a response.	<p>The MMO notes that updates have been made to condition 19.</p> <p>The MMO has provided further comments in Section 7 of this letter.</p>

		are not licensable activities for the purposes of the application, the proposed reporting condition is in only in relation to pile driving.			
RR-047-17	<p>Condition 2(3) states: "No maintenance works authorised by this licence may be carried out until an offshore operation and maintenance plan substantially in accordance with the outline offshore operation and maintenance plan has been submitted to and approved by the MMO in writing"</p> <p>The MMO notes that whilst it is helpful that the maintenance plan must be approved by the MMO, it does not indicate that the maintenance works should be undertaken in accordance with this. The MMO request that the additional wording is included for confirmation: "All maintenance works must be carried out in accordance with the approved operations and maintenance plan unless</p>	<p>Noted. This has been added (with a minor change to refer to the 'offshore operation and maintenance plan' to reflect the document title) as a new sub-paragraph (4) to Condition 2 of the DML submitted with the updated draft DCO at Procedural Deadline A.</p>	<p>The MMO provided further amendments to this condition in Section 3.2.13 of its Deadline 3 response.</p> <p>The MMO will review the Applicant's response and provide comments where necessary.</p>	See Table 2.2 for a response.	The MMO is content with the updates made to the condition and considers this matter closed.

	otherwise agreed in writing by the MMO.”				
RR-047-18	<p>Condition 7(6) states: “The undertaker must ensure that any rock material used in the construction of the authorised project is from a recognised source, free from contaminants and containing minimal fines.”</p> <p>The MMO requests the following is included in addition: “Details of the source of the rock materials to be used must be submitted to the MMO at least six weeks prior to the commencement of the licenced activity. The licenced activity [or specific activity] must not commence until written approval is provided by the MMO”</p>	<p>The Applicant does not consider that condition 7(6) requires to be updated.</p> <p>The wording of condition 7(6) reflects the wording used in other offshore wind precedents, including the Sheringham Shoal and Dudgeon Extensions Offshore Wind Farm Order 2024, the East Anglia ONE North Offshore Wind Farm Order 2022, the East Anglia TWO Offshore Wind Farm Order 2022, the Norfolk Vanguard Offshore Wind Farm Order 2022 and the Norfolk Boreas Offshore Wind Farm Order 2021.</p>	<p>The MMO does not agree that precedent is enough justification in relation not changing a condition. The MMO would like to understand what the process will be on deciding the source of the rock to ensure there is no navigational concerns or contaminants risk and where this detail will be provided post consent.</p>	<p>The Applicant will provide a response to any further information provided by the MMO at Deadline 5.</p>	<p>After discussions with the Applicant on 4 March 2025 the MMO understands information will be included in the outline CMS and will be provided as part of the post consent Condition 9(1)(d) and is content that no updates are required to Condition 7(6).</p>
RR-047-19	<p>Condition 7(10) states: “All dropped objects which may reasonably be expected to cause a hazard in the marine environment must be reported to the MMO using the Dropped Object Procedure Form as soon as reasonably practicable and in any</p>	<p>The Applicant does not consider that condition 7(10) requires to be updated.</p> <p>Noting that the MMO’s preferred wording has been included in several offshore wind DMLs, the Applicant considers that the wording proposed by the MMO is too wide. It</p>	<p>The MMO has agreement from MCA on the following wording, noting the telephone number stated in (a) is to be confirmed:</p> <p><i>(7) (10) (a) Debris or dropped objects which are considered a danger or hazard to navigation must be reported as soon as reasonably practicable but no later than six hours from the undertaker becoming aware of an incident, to the relevant HM Coastguard Maritime Rescue Co-ordination Centre by telephone (add number), and the UK</i></p>	<p>The Applicant will provide a response to any further information provided by the MMO at Deadline 5</p>	<p>The MMO has provided further comments regarding Condition 7(10) in Section 7 of this document. The MMO highlights there is an ongoing discussion on this condition and will aim to provide a clear position</p>



<p>event within 24 hours of the undertaker becoming aware of an incident. On receipt of the Dropped Object Procedure Form the MMO may require relevant surveys to be carried out by the undertaker (such as side scan sonar) if reasonable to do so and the MMO may require obstructions to be removed from the seabed at the undertaker's expense if reasonable to do so." The MMO requests condition 7(10) is amended to the following: "(1) The undertaker must report all dropped objects to the MMO using the dropped object procedure form as soon as reasonably practicable and in any event within 24 hours of becoming aware of an incident. (2) On receipt of the dropped Object Procedure Form, the MMO may require, acting reasonably, the undertaker to carry out relevant surveys. The undertaker must carry out surveys in accordance with the</p>	<p>places an unnecessary burden on the Applicant to report even minor, immaterial instances of dropped objects. The Applicant considers a pragmatic and proportionate approach must be taken and only considers dropped objects which may reasonably be expected to cause a hazard in the marine environment to be those to which the MMO's dropped objects procedure should apply.</p>	<p>Hydrographic Office email: <a href="mailto:navwarnings@btconnect.com">navwarnings@btconnect.com</a>.</p> <p><i>(b) All dropped objects including those in (a), must be reported to the MMO using the Dropped Object Procedure Form (including any updated form as provided by the MMO) as soon as reasonably practicable and in any event within 24 hours of the undertaker becoming aware of an incident, unless otherwise agreed in writing with the MMO.</i></p> <p><i>(c) On receipt of notification or the Dropped Object Procedure Form the MMO may require relevant surveys to be carried out by the undertaker (such as side scan sonar) if reasonable to do so and the MMO may require obstructions to be removed from the marine environment at the undertaker's expense if reasonable to do so.</i></p> <p>The MMO is currently reviewing the Dropped Object Procedure and there is a potential of a change of wording to align with Marine Directorate - <a href="https://www.gov.scot/publications/offshore-renewables-accidental-deposit-of-an-object-at-sea-form-and-guidance/">https://www.gov.scot/publications/offshore-renewables-accidental-deposit-of-an-object-at-sea-form-and-guidance/</a> (The MMO can PDF this webpage if requested by the ExA). This change shouldn't alter the requirement by the Applicant or any changes to the DML as (b) identifies what should be submitted it would just be a change in wording.</p> <p>The aim of this update is to ensure that reports must be made no later than 6 hours after the incident has been discovered for more major 'deposits' i.e. those that may be hazardous to shipping and within 24 hours of the incident being discovered in all other cases. A defined list of major deposits cannot be provided due to the nature of the activity. If the Project is in doubt whether an object is a danger/hazard to navigation then we would encourage them to</p>		<p>(agreed/not agreed) at Deadline 6.</p>
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	MMO's reasonable requirements and must report the results of such surveys to the MMO. Receipt of such survey results, the MMO may, acting reasonably, require the undertaker to remove specific obstructions from the seabed. The undertaker must carry out removals of specific obstructions from the seabed in accordance with the MMO's reasonable requirements and at its own expense."		assume it is and report it within 6 hours as per the condition.		
RR-047-20	The MMO does not consider that condition 8 Force majeure is necessary as it duplicates section 86 of the 2009 Act. The defence under Section 86 of MCAA has two limbs, and in the event that the undertaker fails to notify the appropriate licensing authority, in this case the MMO, within a reasonable time of their actions (Section 86(2) "matters") the defence cannot be relied upon in the event of any enforcement action. Therefore, the MMO recommends that this condition should be removed.	Condition 8 (force majeure) serves a slightly different purpose to section 86 of the Marine and Coastal Access Act 2009. Condition 8 imposes a duty on the undertaker to notify the MMO of the circumstances of such a deposit. This ensures that the MMO is provided with that information. Section 86 of the 2009 Act does not contain any such duty. It simply acts as a defence in the event a person is charged with an offence. The Applicant has added a new sub-paragraph (2) to include the wording proposed by the MMO in the version	The MMO provided further comments in Section 3.2.18 of the Deadline 3 Response.  The MMO will review and respond to the Applicant's response submitted at Deadline 4 to this point and provide a response at Deadline 5. The MMO notes that this a position is unlikely to be agreed on this matter.	See Table 2.2 for a response.	In relation to Sheringham and Dudgeon Extension Order the MMO cannot see any comments within the ExA's Recommendation Report and Secretary of State (SoS) decision on force majeure. However, the MMO does not believe that consistency and precedent is enough to maintain a condition if further information has been provided in how this would work in practice.

	<p>In the event that you maintain that the proposed provision does not duplicate Section 86 MCAA and instead introduces a reporting requirement which did not previously exist, the MMO require that it should be made clear that this provision is in addition to Section 86 and its requirements. If this is included the follow paragraph must also be included:</p> <p>“The unauthorised deposits must be removed at the expense of the undertaker unless written approval is obtained from the MMO.”</p>	<p>of the DML submitted with the updated draft DCO at Procedural Deadline A.</p>			<p>The MMO notes this was not raised in Rampion 2 Examination however just because it wasn't raised in Rampion does not mean that the comment is not valid now.</p> <p>The MMO maintains its position regarding the removal of the condition due to the liability and enforcement issue post consent and ambiguity of any other cause within the condition.</p>
RR-047-21	<p>The MMO requests that the inclusion of archaeological reports in within condition 9. The correct statutory historical body should be included as well as details of what the report should include.</p>	<p>Condition 9(1)(f) (pre-construction plans and documentation) requires the submission and approval of an offshore archaeological Written Scheme of Investigation (WSI) (in accordance with the outline offshore WSI (APP-154)). This includes archaeological reports (sub-paragraph (vii)) and also makes provision for Historic England to be notified (sub-paragraph (vi)). The Applicant does not</p>	<p>The MMO is discussing this with Historic England to ensure they are content. The MMO will provide an update in at Deadline 5.</p>	<p>The Applicant notes this response and notes any further discussions between the MMO and Historic England (HE).</p>	<p>The MMO has consulted HE regarding this condition. The MMO is content with the current wording of this condition.</p> <p>The MMO now considers this matter closed.</p>

		consider that any further text is needed.			
RR-047-23	The provisions under article 7 Benefit of the Order are of concern to the MMO. The MMO requests that any reference to the MMO and DML should be removed from this article for transfer of the benefit of the DCO.	<p>Article 7 of the draft DCO (APP-012) contains provisions for the transfer or lease of the provisions under the DCO. As set out in the Explanatory Memorandum (APP-013), these provisions are based on the Model Provisions, and the drafting has developed through the inclusion of a similar article in many offshore wind farm development consent orders.</p> <p>Following the precedent drafting from other offshore wind farm orders, Article 7(2) provides the transfer or grant of DCO powers to take place with the written consent of the Secretary of State (SoS) and for this transfer or grant to take place without the need for consent in the circumstances specified in paragraph 7(5). Both of the circumstances set out in Article 7(2) allow for the transfer or grant of powers under the DML. Article 7(3) requires the Secretary of State to consult with the MMO</p>	<p>Further comments have been provided in Section 3.2 of REP3-085.</p> <p>The MMO notes that the Applicant has responded to this point in (ID REO2035-25, Table 2, REP3-069) which has further comments in relation to Section 120(3) and 120(4). The MMO is reviewing this response and will provide an update at Deadline 5. The MMO believes this will remain a matter of disagreement at the end of Examination.</p>	See Table 2.2 for a response.	The MMO maintains its position. The MMO strongly disagrees with the inclusion of Article 7. Further information is provided in Section 7 of this response.

		<p>before giving consent to the transfer or grant to another person of the benefit of the DML. This ensures that the MMO has the opportunity to participate in any decision to transfer or lease made under Article 7.</p> <p>Article 7(11) disapplies sections 72(7) and (8) of the Marine and Coastal Access Act 2009 in relation to a transfer or grant of the benefit of the DML. The drafting in the draft DCO reflects a long-established precedent regarding the transfer of DCO powers and deemed marine licences that has been endorsed by the SoS many times, including most recently in the Sheringham Shoal and Dudgeon Extensions Offshore Wind Farm Order 2024. Where a transfer of the DML is sought under Article 7(2), the Secretary of State would consider the appropriateness of the party to whom the transfer or grant is proposed and would also take into account any representations made by the MMO before</p>			
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		<p>determining whether to grant consent.</p> <p>From a procedural perspective it is important that the DCO and the DML can be transferred together using the process set out in Article 7. It is considered important that the timing of any transfer or grant of powers/authorisations under the DCO and DML be aligned, as there is considerable overlap between the authorisations and the requirements/ conditions. In practice, the most common transfer scenario is when the offshore transmission infrastructure is transferred to the separate Offshore Electricity Transmission (OFTO) licence-holder following a public tender exercise via Ofgem, and it is important that an OFTO licence-holder have certainty that all consents, licences and permits will transfer concurrently via the same approval process.</p>			
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RR-047-27	<p>Further, Section 3.1.4 paragraph 143 regarding breaks in piling states “for any breaks in piling of less than 10 minutes, piling may continue as required (i.e. as if there was no break). For any breaks in piling of more than 10 minutes, but less than two hours, then the piling can recommence with a reduced soft- start procedure (e.g. five to six blows of the hammer at the starting hammer energy) before continuing as required, provided there are no marine mammals within the Management Area”. The Joint Nature Conservation Committee (JNCC) (2010) guidance recommends that if there is a pause in piling operations for a period of greater than 10 minutes, then the pre-piling search and soft-start procedure should be repeated before piling recommences. If a watch has been kept during the piling operation, the Marine Mammal Observer or Passive Acoustic Monitoring Operative should be able to confirm the presence or absence of marine</p>	<p>The Applicant acknowledges the request, however notes that the wording proposed by the Applicant has previously been agreed for other offshore windfarm projects, including Dogger Bank A and Dogger Bank B. The Applicant notes finalisation of wording in the Marine Mammal Mitigation Protocol (MMMP) would be undertaken post-consent alongside developed Project design information, in the event that piled foundations are selected as part of detailed design for the Project.</p>	<p>The MMO has reviewed the updated MMMP submitted at Deadline 2.</p> <p>The MMO has provided further comments regarding the MMMP, see section 3.9 of this letter.</p>	<p>It is noted that no further comments have been received at Deadline 3 from the MMO and that in light of the marine noise policy paper (United Kingdom (UK) Government and Defra, 2025) released on the 21 January 2025, the Applicant has further updated the draft Marine Mammal Mitigation Protocol (MMMP) at Deadline 4 to reflect this guidance (Draft Marine Mammal Mitigation Protocol_Rev 03 Clean). The Applicant has also clarified the worst case scenario assessed and has committed to noise management measures for this worse case scenario.</p> <p>The Applicant further considers that breaks in piling should be agreed against the final design of the Project and any noise measures, noting the Joint Nature Conservation Committee (JNCC) guidance on piling</p>	<p>The MMO has reviewed 6.5 Draft Marine Mammal Mitigation Protocol (Clean) – Revision 03 (Volume 6) (REP4-027).</p> <p>The MMO notes the update to section 3.1.4 wherein the Applicant notes the final protocol for breaks in piling will be agreed during the finalisation of the MMMP. The Applicant notes that the current JNCC guidance (2010) requires soft start procedures to be re-established after a break longer than 10 minutes, however this does not consider noise reduction methods. The MMO would also highlight that the document should be updated in line with the most recent JNCC guidance published in January 2025.</p> <p>The MMO also notes the update to section 3.2 where in the Applicant states that</p>
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	<p>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. The guidance recommends that the soft-start duration should be a period of not less than 20 minutes. Any requested variation from a 20-minute soft-start should be agreed with the relevant agency and regulator. The MMO and Cefas request that the guidance is adhered to, and the full soft start is implemented (not 5 to 6 blows at the starting hammer energy as is proposed in the MMMP).</p>			<p>breaks dates back to 2010. The Applicant expects that the MMO will be able to close matters upon their review of documents submitted at Deadline 2, and then those updated further for Deadline 4.</p>	<p>the project is committed to application of noise reduction such as NAS for its ES worst-case scenario.</p> <p>Please see comments above in response to <b>1BEM24</b>.</p> <p>The MMO understands updated documents will be submitted at Deadline 5 and is also working with the Applicant and NE to ensure the final outline documents submitted at Deadline 6 are agreed by all parties.</p>
RR-047-28	<p>Table 3.1 in the MMMP presents cumulative sound exposure Level (SELcum) modelled impact ranges for piling of both monopile and pin-pile at the worst-case (south west) location. The MMMP refers the reader to Appendix 11.1 of the ES (Document Reference 5.2.11.1) for more details, which describes</p>	<p>Table 3.1 in the draft MMMP (APP-149) lists the worst-case impact ranges for the Project based on the maximum strike rate scenario listed in Appendix B of Appendix 11.1 Underwater Noise Assessment (APP-065) and would be the worst-case impact range to be mitigated. There is no discrepancy, but it is</p>	<p>The MMO has reviewed the updated MMMP submitted at Deadline 2.</p> <p>The MMO considers that the MMMP has been appropriately updated to clarify this point.</p>		<p>The MMO has no further comments. The MMO considers this matter closed.</p>



	the underwater modelling undertaken. Please note that the impact ranges presented in Table 3.1 are vastly different to those presented in Appendix 11.1 (see Table 4-22 in Appendix 11.1 for example which presents the impact ranges for monopiles and Annex 7.1 and 7.2 of this document). These discrepancies must be checked and clarified.	noted that Appendix 11.1 Underwater Noise Assessment (APP-065) also presents the lower strike rate scenario.			
RR-047-29	With regard to Appendix 11.3 Marine Mammal Unexploded Ordnance Assessment, the MMO and Cefas note a minor discrepancy. In Table 4.8 and 4.9, the PTS (permanent threshold shift) and TTS (temporary threshold shift) criteria for UXO (unexploded ordnance) are based on the SPLpeak (peak sound pressure level) metric, and the SELss (single strike sound exposure level) metric, not the SELcum.	Noted, the error in the heading has been updated in The Applicant's Errata Sheet (Document Reference 8.4), submitted alongside this document at Procedural Deadline A.	<p>The MMO notes the Applicant's response, that the Appendix submitted at Deadline 1 (REP1-046 and REP1-047) was incorrectly amended and an updated version is anticipated to be submitted at Deadline 4.</p> <p>The MMO thanks the Applicant for their clarification/response and welcome that an updated version will be submitted.</p>		The MMO notes this has been updated and has no further comments at this time.
RR-047-30	Further, Table 5-1 confirms that 616 individual harbour porpoise are at risk of PTS during high-order	Noted, 0.986% will be rounded up to 1% and the magnitude will be amended from medium to high. This will be	The MMO acknowledges that the Applicant will incorporate the updated assessment in an updated Chapter 11 Marine Mammals anticipated for submission at Deadline 4 and will likely	The Applicant awaits confirmation that this matter is closed from the MMO, noting that accommodating the	The MMO can confirm this matter is closed.

	detonation (353.6 kg Net Explosive Quantity (NEQ) plus donor charge) but this has been assessed as having a 'Medium' magnitude. For Low-Order clearance, 7 individual harbour porpoise are at risk of PTS, and this has also been assessed as having 'Medium' magnitude. The MMO and Cefas question whether 'Medium' magnitude is appropriate for the high order assessment. The MMO and Cefas understand that this scoring is based on the fact that 1% of the reference population is anticipated to be exposed (which is 0.986 % of the Celtic and Irish Sea (CIS) Management Unit (MU) according to Table 5-1).	updated accordingly in a separate technical note to be submitted at Deadline 1. It is noted that the precautionary change in magnitude from medium to high would not change the overall significance and conclusions of the assessment.	consider this matter closed upon review of the document.  This point was raised to highlight awareness. While the EIA categorises the 3.3% population impact on harbour porpoises as "Low" magnitude, the absolute number of 2,037 individuals at risk of TTS is significant. TTS can impair their ability to communicate, navigate, and detect predators or prey, which are critical for their survival. Given other existing threats to harbour porpoises, the additional burden of noise-induced hearing loss should not be underestimated.  The MMO welcomes that low order clearance would be undertaken where possible in acknowledgment of the residual effects. Additionally, the recent policy papers on reducing marine noise published by DEFRA include an updated position statement on UXO clearance.	precautionary change in magnitude requested by the MMO has not altered any assessment conclusions.	
RR-047-31	Following on from the previous point, the MMO and Cefas also question the Magnitude scoring in Table 5.2. Table 5-2 confirms that 2,037 individual harbour porpoise are at risk of TTS during high order detonation, but this has been assessed as only having a 'Low'	As outlined in Appendix 11.3 Marine Mammal UXO Assessment (APP-067) Table 4.3 the definition of impact magnitude for a marine mammal receptor, a 3.3% population level impact falls within the 'Low' magnitude category for an intermittent and temporary effect.	The MMO has nothing further to note, apart from maintaining our original comments and recommendations.  The MMO has provided further comments in section 3.9.	The Applicant awaits further comments from the MMO, noting that these points of detail relate to the Unexploded Ordnance (UXO) assessment which is not part of this DCO Application, and provided for information at this	The MMO notes that this is in relation to UXO clearance and is content that this will be managed through a separate marine licence and no further action is required on this point.

	magnitude (with 3.3 % of the CIS MU anticipated to be at risk of TTS).			stage. A further targeted assessment will be undertaken	
RR-047-32	With regard to Section 5.2, 'Disturbance from underwater noise associated with UXO clearance', Cefas and the MMO do not support the use of TTS as a proxy for disturbance. Therefore, the MMO and Cefas disagree with paragraph 84 that "the use of the TTS threshold was appropriate for UXO disturbance because the noise from the UXO explosion would be only fleetingly in the environment". TTS constitutes a temporary reduction in the sensitivity of the auditory system. The characteristics of TTS are distinct from behavioural disturbance, in which an animal changes its behaviour in response to a stimulus. There is no cognitive impairment implicit in behavioural responses. TTS typically occurs at much higher sound exposures than the onset of behavioural disturbance, and so if behavioural disturbance is assumed to occur only	There are no agreed thresholds for the onset of a behavioural response from underwater noise generated by explosions during UXO clearance activities. Empirically-derived relationships between noise levels and the probability of a response to pile driving noise (i.e. the 26km Effective Deterrence Radius (EDR)) are not appropriate to apply here due to the very different nature of the sound. Other assessments of UXO clearance activities have used the Temporary Threshold Shift (TTS)-onset threshold to indicate the level at which a 'fleeing' response may be expected to occur in marine mammals. This is a result of discussion in Southall et al. (2007) which states that in the absence of empirical data on responses, the use of the TTS-onset threshold may be appropriate for single pulses (like UXO detonation): "Even strong	The MMO has nothing further to note, apart from maintaining our original comments and recommendations.	post-consent as part of a separate marine licence. It is also noted that the new UXO guidance (UK Government et al., 2025) further requires (as committed to by the Project) use of low order UXO clearance, with high order clearance as a last resort.	

	<p>at sound exposures where TTS would occur, this is likely to significantly underestimate the risk of disturbance.</p>	<p>behavioural responses to single pulses, other than those that may secondarily result in injury or death (e.g., stampeding), are expected to dissipate rapidly enough as to have limited long-term consequence. Consequently, upon exposure to a single pulse, the onset of significant behavioural disturbance is proposed to occur at the lowest level of noise exposure that has a measurable transient effect on hearing (i.e., TTS-onset). We recognize that this is not a behavioural effect per se, but we use this auditory effect as a de facto behavioural threshold until better measures are identified. Lesser exposures to a single pulse are not expected to cause significant disturbance, whereas any compromise, even temporarily, to hearing functions has the potential to affect vital rates through altered behaviour" (Southall et al., 2007). Therefore, an estimation of the extent of behavioural</p>			
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		<p>disturbance is based on the sound levels at which the onset of TTS is predicted to occur from impulsive sounds. TTS thresholds are taken as those proposed for different functional hearing groups by Southall et al. (2019). It is noted that UXO clearance is not part of the DCO Application and assessment was provided for information, noting a marine licence application for UXO clearance, if required, would be made separate from the DCO Application.</p>			
RR-047-33	<p>To quantify the risk of behavioural responses where there are no better alternatives, the effective deterrence ranges (EDRs) in place for noise management in harbour porpoise Special Areas of Conservation (SACs) could be used instead. Since harbour porpoise are relatively skittish and sensitive to underwater noise, the EDRs are likely to be conservative for other marine mammal species and are therefore a suitably precautionary option in the absence of</p>	<p>The Applicant acknowledges this response, noting, as stated in the draft MMMP (APP-149), the final MMMP for UXO clearance would be submitted for approval under a future marine licence application, separate from the DCO Application. As outlined in Southall et al. (2021) thresholds that attempt to relate single noise exposure parameters (e.g., received noise level) and behavioural response across broad taxonomic</p>	<p>The MMO does not have further comments. The MMO maintains our original comments and recommendations.</p>		<p>The MMO maintains that applying an EDR for harbour porpoise to other species would be a suitable precautionary option. However the MMO notes this is in relation to UXO clearance and is content that this will be managed through a separate marine licence and no further action is required on this point.</p>

	<p>other data (unlike using TTS as a proxy for disturbance). Thus, the MMO and Cefas welcome that the 26km EDR, as per the Statutory Nature Conservation Bodies (SNCB) guidance (JNCC et al., 2020) has also been considered in the assessment for harbour porpoise and disturbance. A 5km potential disturbance range for low-order clearance, for all marine mammal species, has also been considered (JNCC, 2023) and includes vessels associated with the activity.</p>	<p>grouping and sound types could lead to severe errors in predicting effects. Differences between species, individuals, exposure, situational context, the temporal and spatial scales over which they occur, and the potential interacting effects of multiple stressors could lead to inherent variability in the probability and severity of behavioural responses. The 26km EDR is based on harbour porpoise disturbance for piling activities and is also used for high order clearance “despite there being no empirical evidence of harbour porpoise avoidance” (JNCC et al., 2020). Consequently, this EDR may not accurately represent UXO clearances. Applying this EDR to other species is deemed overly conservative and could lead to an overestimate of potential effect for other species. TTS has been used as a proxy for disturbance for assessing disturbance from high order UXO clearance for species where there is no recommended EDRs</p>			
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		such as for dolphins, for other offshore windfarm projects such as Seagreen Offshore Wind Farm, Sheringham and Dudgeon Extension Projects, and Dogger Bank South Offshore Wind Farm Projects.			
RR-047-34	<p>Additionally, Section 5.2, paragraph 90 states “In addition, the MMMP for UXO clearance will include ADD (acoustic deterrent device) activation prior to all UXO clearances, to ensure marine mammals are beyond the maximum potential impact range for PTS”. There is no certainty or guarantee that animals will be deterred beyond the maximum impact ranges. In fact, the assessment later highlights in para 98 that “as per ADD review in the JNCC report No. 615 (McGarry et al., 2022), the ranges of deterrence distances can vary significantly from only a few meters to several kilometres (approximately 6km for VHF cetacean); these differed between devices and dependent on the acoustic properties of</p>	<p>The Applicant acknowledges this response, noting, as stated in the draft MMMP (APP-149), the final MMMP for UXO clearance would be submitted for approval under a future marine licence application, separate from the DCO Application. The Applicant will apply this advice when reviewing mitigation measures during the submission of the UXO clearance marine licence once further details of the proposed UXO works are known.</p>	<p>The MMO is still reviewing the information with our scientific advisors and will provide any additional comments or confirm this point is closed at Deadline 5.</p>		<p>The MMO notes this is in relation to UXO clearance and is content that this will be managed through a separate marine licence and no further action is required on this point.</p>

	the environment (Rosemeyer et al., 2021)". Although an indicative assessment has been provided, the MMO and Cefas request that the ADD activation times (and mitigation in general) are revisited once further details of the proposed UXO works are known.				
Outline PEMP (APP-146) and IPMP (APP-148)					
RR-047-35	The MMO and Cefas do not have any major comments on the Outline Project Environmental Management Plan (PEMP).	The Applicant notes this response.	<p>Please see comments in relation to Chemicals in Section 3.2 of REP3-085, however notes that this document is suitable.</p> <p>The MMO will provide an update to the Applicant on the chemicals condition and requirements W/C 24 February with the aim to provide a position at Deadline 5. The MMO believes this is likely to be a not agreed – material impact position.</p>	The Applicant notes the wording provided which was discussed at Issue Specific Hearing 2 on 4 February 2025. The Applicant notes that the Examining Authority (ExA) has asked further questions to the MMO on the wording (Rule 17 letter to Natural England (NE) and MMO; PD-013). The Applicant is comfortable with the premise of the condition but awaits further responses from the MMO on matters discussed at the hearings such as the 10 week approval time. The Applicant also wishes to ensure that the wording	The MMO has provided further comments regarding the chemical condition is Section 7 of this letter. The MMO is continuing discussions with the Applicant to provide a position (agreed/not agreed) for Deadline 6.



				aligns with that used for other Irish Sea projects in examination.	
RR-047-36	The MMO and Cefas welcome further assessment be conducted prior to construction, based on the foundation type and installation method, to determine if there is the risk of significant disturbance to marine mammals. This would then be used to determine if further mitigation measures which reduce sound propagation and disturbance are required. If they are required, then a review would be conducted to determine what is the most appropriate and effective method based on the latest and available methods prior to construction. This would include a review of all suitable noise abatement measures at that time.	Noted, confirmation of requirements for mitigation would be agreed post-consent during the finalisation of the MMMP which is secured in Condition 9(1)(i) of Schedule 6 of the Draft DCO (APP-012). The Applicant is planning appropriately for the potential requirement for noise abatement systems (NAS), and this will be one of the options considered when developing the MMMP.	The MMO understands the Applicant is updating multiple documents for Deadline 4 in relation to Noise abatement and the Defra policy.  The MMO has provided comments regarding the MMMP and UWSMS in section 3.9 and 3.10 of this letter noting further comments will be provided at Deadline 5.	It is noted that no further comments have been received at Deadline 3 from the MMO and that in light of the new underwater guidance released in January 2024 the Applicant has further updated the MMMP at Deadline 4 which will not have considered any further comments that the MMO may have on the version submitted at Deadline 2. See Table 2.2 for a response.	Please see comments to WQ2BEM above.
RR-047-37	The MMO and Cefas does not have any major comments in regard to the In Principle Monitoring Plan (IPMP).	The Applicant notes this response.	Other than the comments raised within Section 6 on the IPMP of the Deadline 3 Response the MMO is largely content with the IPMP but will continue to review NE advice and support any requests from NE.	The Applicant notes that the In Principle Monitoring Plan (IPMP) has been updated and provided at Deadline 3 in response to Natural	The MMO has provided further comments on the IPMP in Section 1CF3 of table 2, Section 5.2 and 5.3 of this letter.

				England's Deadline 2 comments (REP3-045).	
General comments					
Chapter 7 Marine Geology, Oceanography and Physical Processes (APP-044)					
Chapter 8 Marine Sediment and Water Quality (APP-045)					
RR-047-46	The MMO and Cefas request that section 8.61 be clarified to include the types of chemical analyses performed on samples (e.g. metals, PAHs, PCBs etc.) and which if any together with the location of those samples that exceeded AL (action level) 2, as stating there were no significant exceedance of AL2 does not provide adequate explanation of the contamination present. The MMO and Cefas are not suggesting these analyses are undertaken but require reasons as to why they were not selected.	Section 8.61 of Chapter 8 Marine Sediment and Water Quality (APP-045) relates to sediment data collected for other projects: Walney Extension IV Offshore Wind Farm (Dong Energy, 2013) (approximately 18.8km from the Project) and West of Duddon Sands offshore windfarms (Dong Walney (UK) Limited, 2006) (approximately 12.9km from the Project). Given the age of the Environmental Impact Assessment (EIA)s, distance to the Morecambe array area and age of the data, the MMO are guided to the site-specific data presented in sections 8.69 to 8.72 which was collected within the Morecambe array area and much more recently, in 2022. This data did not show any exceedances of Cefas Action Level	The MMO advised that it will provide confirmation on the status of this comment at Deadline 4. The MMO is still reviewing this point and hopes to have a position early March. The MMO will provide an update to the Applicant prior to Deadline 5 and to the ExA at Deadline 5.	The Applicant notes further confirmation is to be provided by the MMO, highlighting that this relates to data considered as part of the wider baseline and not at the windfarm site.	Clarification regarding the levels of contaminants for the most recent analysis taken within the array area in 2022 indicated levels of contaminants did not exceed their relevant action level 1 for any parameters and was considered best and most relevant evidence regarding levels of contaminants present (aligning with MMO comment ID RR-047-45), which the MMO noted and the Applicant had no further comment on.  The MMO considers this matter closed.

		(AL) 1 for any of the parameters for which analysis was undertaken and is considered the best and most relevant evidence regarding levels of contamination present that could potentially be disturbed. This aligns with MMO comment ID RR-047-45.			
RR-047-47	The MMO and Cefas note that comparison of levels of arsenic, cadmium, chromium, copper, lead, mercury, nickel and zinc to Canadian quality standards should not be undertaken as the methods used to produce the results are not directly comparable in that the Canadian sediment quality guidelines use normalised metals analysis and likely a different digestion to that of the methods used for production of results of dredge material for determination of suitability for disposal for comparison to the UK Action Levels (e.g. aqua regia/nitric digest, no sieving, no normalisation).	Noted. The appropriate comparison against United Kingdom (UK) action levels has been undertaken (MMO, 2015) (see Paragraph 8.25 of Chapter 8 Marine Sediment and Water Quality (APP-045).	<p>The MMO advised that it will provide further updates.</p> <p>The MMO is still reviewing this point and hopes to have a position early March. The MMO will provide an update to the Applicant prior to Deadline 5 and to the ExA at Deadline 5, this will also include the disposal sites.</p>	As per RR-047-47, the Applicant notes further comments will be provided by the MMO but highlights the analysis of site specific samples and the presentation of results has been discussed through pre-application with the MMO, with results presented in the PEIR and discussed in Expert Topic Group (ETG) meetings (please refer to the Evidence Plan Report: Appendix A of the Consultation Report Appendices (APP-016), including Evidence Plan Process meeting minutes (Annex 1 of APP-016) and consultation logs and agreement logs (Annex 2 of APP-016)).	<p>The MMO and Cefas noted the ES made comparison of heavy metals analysis to Canadian Quality standards which due to methods and local geology were not wholly appropriate and that UK action levels should be used. The Applicant signposted that Paragraph 8.25 of Chapter 8 Marine Sediment and Water Quality (APP-045) made comparison to UK action levels and the MMO had no further comment this comment.</p> <p>The MMO considers this matter closed.</p>

Chapter 5 Project Description (APP-042)

RR-047-48	<p>You have suggested that for scour protection 'bagged solutions filled with grout or other materials. Protective aprons, mattresses with or without frond devices, and rock, concrete and gravel placement' (Chapter 5 section 5.53). Bags or mattresses may contain plastics. Concrete mattresses may be linked polypropylene rope lattice, and artificial fronds mattresses made of continuous lines of overlapping buoyant fronds consisting of polypropylene or similar have been used in the marine environment over the years. Placing plastic infrastructure into the marine environment could pose a risk should they degrade. The MMO and Cefas request that the final design of these frond mattresses should be detailed in the offshore construction method statement that will be submitted to and approved by the MMO prior to commencement of development. This</p>	<p>The Applicant acknowledges the MMO consideration of the risks associated with the introduction of plastic infrastructure. The selection of scour protection methods, where required, will be evaluated and further considered post-consent in the Offshore Construction Method Statement, focusing on both engineering and suitability and environmental recoverability. The Offshore Construction Method Statement will be developed through consultation with the MMO and is secured in Condition 9(1)(d) of Schedule 6 of the Draft DCO (APP-012).</p>	<p>The MMO notes there is not an outline Offshore Construction Method Statement and requests that a commitment is captured in the commitments register (REP1-094) (and that this is a certified document) that the use of plastic will be fully taken into account in the offshore Construction Method Statement. If this is added the MMO is content this comment is closed.</p>	<p>The Applicant notes an outline CMS is provided at Deadline 4 (Document Reference 9.49), listing the considerations that would be developed and reported within the CMS post-consent, including considerations of scour protection materials.</p>	<p>The MMO notes that the commitments register (REP4-049) has been updated to include the consideration of non-plastic alternatives with regard to the selection of scour protection methods (section CO52).</p> <p>The MMO notes that the Applicant states that the introduction of plastic infrastructure will be considered post-consent in the Offshore Construction Method Statement, focusing on engineering, suitability, and environmental recoverability. It does not appear to include consideration of the risk of the impact of the plastic infrastructure on the environment, only the recoverability of it. The MMO requires this to be expanded on.</p> <p>On review of the Outline CMS the</p>
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	can then be secured within the Draft DCO submitted with the application for consent.				MMO welcomes the inclusion of <i>“The selection of scour protection methods, where required, will be evaluated and further considered post-consent in the Offshore Construction Method Statement, focusing on both engineering and suitability and environmental recoverability. Non-plastic alternatives, if available at the time, will be considered once the requirements are better understood (C052-Table 5.2).”</i>
RR-047-49	In line with OSPAR guidance on the construction operation maintenance and decommissioning of offshore windfarms notification should be given to the regulator where there is potential for chemicals used and or discharged where there is a pathway to the marine environment, including those used within closed systems	The Applicant acknowledges the MMO comments. An Offshore Project Environmental Management Plan (PEMP) will be finalised post-consent, to include details of a chemical risk assessment, that shall include information regarding how and when chemicals are to be used, stored and transported in	Please see comments in Section 3.2 of the MMO's Deadline 3 response on updates to the chemical condition.  The MMO will review and comment on any response from the Applicant, if required.	The Applicant notes the wording provided was discussed at Issue Specific Hearing 2 on 4 February 2025. The Applicant notes that the ExA has asked further questions to the MMO on the wording (Rule 17 letter to NE and MMO; PD013). The Applicant is comfortable with the	The MMO has provided further comments on the chemical condition in Section 7 of this letter.

	that require frequent top up should provide full details of the risk and justification for use of chemicals. This guidance includes the use of paints and coatings. In addition, some piles may require pre-drilling (with a maximum drill penetration of 56m) therefore the use of drilling fluids cements or cement additives etc., should be notified to the MMO for approval prior to use (section 5.103).	accordance with recognised best practice guidance. The PEMP is secured in Condition 9(1)(e) of Schedule 6 of the Draft Development Consent Order (APP-012).		premise of the condition but awaits further responses from the MMO on matters discussed at the hearings such as the 10-week approval time. See Table 2.2 for a response.	
RR-047-50	For gravity base options where necessary ballast used maybe water or heavy material such as rock or both. It does not say whether there will be any antifouling or biocide used within the gravity base either on installation or potentially required in the future. The MMO request that this be clarified within the ES (section 5.100).	Should water be used as ballast, this would be locally sourced rather than imported, therefore the use of biocide is not considered necessary. The use of antifouling on solid ballast is again considered unnecessary. Implementation of biosecurity measures in line with international and national regulations and guidance will be listed within the PEMP, an Outline of which was submitted as part of the DCO Application (APP-146).	The MMO welcomes the commitment that locally sourced ballast would be used rather than imported.  The MMO considers this matter closed but would highlight that there are still outstanding comments in relation to Chemicals. Please see comments in Section 3.2 of REP3-085.		As Chemicals is covered elsewhere in the response the MMO has no further comments on this specific point.
RR-047-51	the use of suction buckets requires pumping grout into the	The Applicant acknowledges the MMO comments. An Offshore	The MMO did not provide comments on this point at Deadline 4.	The Applicant notes this response and will respond to any further	The MMO requested that the use of grout/cement should

	<p>bucket, care should be taken to minimise the use of concrete in the marine environment and prevent the release of grout/cement. Therefore, the construction method statements must include comment on what measures are to be taken to prevent the release of excess grout/cement to the wider environment.</p>	<p>PEMP will be finalised post-consent, to include details of what measures are to be taken to prevent the release of excess grout/cement to the wider environment as required. The PEMP is secured in Condition 9(1)(e) of Schedule 6 of the Draft Development Consent Order (APP-012). The Offshore Construction Method Statement will be developed through consultation with the MMO and is secured in Condition 9(1)(d) of Schedule 6 of the Draft DCO (APP-012).</p>		<p>comments provided by the MMO, if required.</p>	<p>be minimised and the release of these to the marine environment prevented. The Applicant said this would be addressed as part of the conditioned PEMP and Outline CMS to prevent excess grout/cement to the wider marine environment. The MMO welcomes the updates to the documents and will defer specific comments post consent.</p>
RR-047-52	<p>The MMO and Cefas find it encouraging that outline procedures for the management of mud produced during drilling activities or any material from the seabed preparation are to be disposed of in accordance with the limits of the Deemed Marine Licence for licensed marine activities including disposal location quantities measures for waste concrete etc. Reporting procedures for these were included as part of the Project</p>	<p>The Applicant acknowledges the MMO comments. The PEMP will include reporting requirements and is secured in Condition 9(1)(e) of Schedule 6 of the Draft DCO (APP-012).</p>	<p>Please see comments in Section 3.2 of REP3-085 in relation to Chemicals. Although information will be captured in the PEMP the MMO requires further information.</p> <p>The MMO will review and provide comments on any response received by the Applicant.</p>	<p>See response to RR-047-49, and Table 2.2.</p>	<p>The MMO has provided further comments regarding the chemical condition in Section 7 of this letter.</p>

	Environmental Management Plan. The MMO and Cefas note that drilling fluids together with all chemicals with a pathway to the marine environment should be included in plans for reporting.				
RR-047-53	The MMO and Cefas note that if the sandwave clearance material is anticipated to be placed back within the array area you most likely would have to apply to the MMO to designate the area as a disposal site for the MMO to be able to fulfil its statutory obligations under OPSAR to be able to make accurate returns for dredge and disposal.	While surveys to date do not identify prevalence of sandwaves within the windfarm site, Chapter 7 Marine Geology, Oceanography and Physical Processes (APP-044), Chapter 8 Marine Sediment and Water Quality (APP-045) and Chapter 9 Benthic Ecology (APP-046) of the Environmental Statement (ES) assess the worst-case requirement for sandwave clearance/clearance of seabed sand features and disposal within the order limits. A Sediment Disposal Site Characterisation Report (APP-024) has been provided as part of the application in order for the area within the order limits to be designated as a disposal site through the DCO. The Applicant notes that the removal of and	The MMO has received the most up to date shape file to enable the MMO to designate a disposal site. This reference number should be stated on the DML and the MMO is aiming to have a response early March and will share this with the Applicant so this can be taken into account for Deadline 5.	See RR-047-15	The MMO confirms that a disposal site has now been designated.



		disposal of inert material is included as associated development for the purposes of the definition of the authorised project (Schedule 1, Part 1, Paragraph 1(c)) and for the purposes of the definition of the licensed marine activities (Schedule 6, Part 1, Paragraph 3(c)). These definitions state that such activities are authorised 'within the Order limits'. Accordingly, no separate application for designation is considered required.			
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Chapter 9 Benthic Ecology (APP-046)

Chapter 10 Fish and Shellfish Ecology (APP-047)

RR-047-57	Figure 10.6 of Volume 5 Chapter 10 Fish and Shellfish Ecology Figures presents a 'heatmap' of herring larvae abundance data over the most recent 10 years of the NHLS (Northern Irish Herring Larvae Survey) (2012-2021) which has been overlaid with the mapped noise contours for the three modelled pile locations (east, north-west and south-west) based on the maximum hammer energy of 6,600 kJ, based on the 135 dB	The MMO are correct in their summary of the methods used to create heatmaps of herring larvae abundance from Northern Irish Herring Larvae Survey (NIHLS) data. The qualitative heatmap is intended to display how larval density distribution corresponds with existing spawning ground maps. An update to the figure legend has been made to display larval abundance quantitatively, giving further context to the heatmap colour scheme,	The MMO considers this matter closed.	The Applicant expects confirmation on this matter by the MMO at Deadline 4, noting that no overlap of noise contours and herring spawning grounds have been identified.	The MMO welcomes that the figure legend in the Fish and Shellfish Ecology Figures chapter has been updated to display Manx herring larval abundance quantitatively, to provide context to the heatmap colour scheme.  The MMO agrees that no overlap of noise contours with the Manx herring spawning ground have been identified.
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	<p>SELss threshold. Cefas fisheries advisors have had previous discussions with the Applicant's consultants regarding your approach to presenting data on the abundance and distribution of herring larvae at the Th spawning ground. The MMO and Cefas understand that their approach has taken the NIHLS point data at each station and weighted these points according to the relative abundance of larvae across the grid, then smoothed the points to generated areas of higher and lower density/heat. Whilst it was agreed that this approach was suitable, it should be recognised that the 'high' / 'low' colour scheme shown in the legend in Figure 10.6 does not provide any value to contextualise what 'high' abundance or 'low' abundance means in terms of the number of herring larvae (e.g. no. per m2), so the heatmaps have limited value to the reader (unless they have been made aware of how the</p>	<p>and is being submitted at Procedural Deadline A (5.3.10 Chapter 10 Fish and Shellfish Ecology Figures_Rev 02) alongside this document.</p>			<p>The MMO considers this matter closed.</p>
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	data have been treated). The MMO alongside Cefas recommend that the legend is updated for transparency/clarity to all readers of the ES.				
RR-047-58	<p>Cefas and the MMO do not support the conclusions made in the CIA (Cumulative Impact Assessment). The UWN modelling presented in Figures 10.8a and 10.8b present the piling noise impact range noise contours which overlap the spawning grounds of Atlantic cod. The modelling uses the hearing thresholds in Group 3 fish for piling of 207, 203 and 186 dB SELcum for mortality and potential mortal injury, recoverable injury and temporary threshold shift (TTS), respectively. Results of the underwater noise modelling presented in Table 10.25 (Chapter 10 Fish and Shellfish Ecology) quantify the area of impact to eggs and larvae during mono- and pin-piling, which is limited to an area of 0.32km<sup>2</sup> for monopiling and 0.19km<sup>2</sup> for pinpiling, though the impact range for this</p>	<p>The Applicant acknowledges the overlap of Group 3 noise effect thresholds from the Project and Atlantic cod spawning grounds displayed in Figures 10.8a and 10.8b. The Cumulative Effects Assessment (CEA) conclusions made in Section 10.7.3 of Chapter 10 Fish and Shellfish Ecology (APP-047) are drawn from the wide extent of cod spawning grounds across the Irish Sea and the temporary nature of piling effects in comparison to a four month spawning period. Effects on eggs and larvae are considered in Paragraphs 10.211 to 10.220 of Chapter 10 Fish and Shellfish Ecology (APP-047). In relation to the data sources mentioned by the MMO, the Applicant has considered these sources and is of the position that they are not sufficient to materially alter the understanding of</p>	<p>The MMO had a meeting with the Applicant on 14 February to discuss outstanding issues with our scientific advisors.</p> <p>The Applicant explained that further commitment and modelling will be provided at Deadline 4 in relation to the use of NAS and in relation to the dates of the seasonal restrictions. The MMO explained that full spatial modelling would be required to remove a seasonal restriction requirement on the DML. The Applicant explained that this would not be provided. The Applicant understood the MMO's position that without this modelling there is not enough evidence to remove the requirement for the seasonal restriction to be included on the face of the DML. The MMO believes that no new information can be provided by the Applicant during the remainder of Examination that will remove the requirement for a piling restriction on the face of the DML.</p> <p>However, there is still further discussion on the refinement of the seasonal restriction dates of the piling restriction and the MMO understands further evidence will be provided in relation to this at Deadline 4.</p> <p>The MMO and its scientific advisors are still reviewing all information provided at Deadline 3 and understands that some information will be superseded by Deadline 4 submissions. The MMO is aiming to have an update by early March and will share this with the Applicant as soon as possible to enable any further changes to documents to be included at Deadline 5.</p>	<p>The Applicant is mindful of the MMO's position and understands that either a piling restriction in the peak cod spawning season or noise management measures could be employed. It is also noted that in light of the new underwater guidance released in January 2025, the Applicant has further updated the Underwater Sound Management Strategy (UWSMS) at Deadline 4 (Outline Underwater Sound Management Strategy_Rev 02). The Applicant considers that the updated UWSMS aligns with the MMO position and is sufficient to control noise mitigation and that a condition on the face of the DCO would duplicate this mechanism and is not therefore necessary.</p>	<p>The Applicant's response at Deadline 4 reflects discussions held in a meeting between them, the MMO and Cefas fisheries advisors on 14 February 2025. During the meeting, the potential refinement of the duration of the piling restriction to reflect the 'peak' of the Irish Sea cod spawning season was discussed (as has been agreed for Morgan OWF (DCO/2022/00003)). The main ongoing area of disagreement is that the Applicant believes that having an UWSMS negates the requirement for a temporal piling restriction during the cod spawning season on the face of the DML. Whilst the MMO supports the proposed implementation of a UWSMS, it does not</p>

<p>impact is not shown in Figures 10.8a and 10.8b. Figures 10.8a and 10.8b show that piling noise overlaps the spawning grounds of cod for all impairments, i.e. mortality and potential mortal injury, recoverable injury and especially for TTS. Whilst suitable UWN modelling has been undertaken in respect of cod, it is disappointing to see that the assessment of impacts from UWN has assessed cod under the generic Group 3 fish in Section 10.245. The assessment seems to be missing the link between the cod as a Group 3 fish and the spawning activity they engage in at their spawning grounds. Meanwhile, the assessment of impacts from noise on spawning grounds in Sections 10.211 – 10.220, only considers impacts to the eggs and larvae, rather than the spawning fish. In our advice for PEIR we highlighted that piling works could have potential to significantly impact cod at a population level if piling was to occur during their</p>	<p>cod spawning in relation to the Project, and subsequently would not materially affect the assessment of significance (or the MMO's position that they do not support the conclusions of the CEA in relation to cod spawning). The Applicant intends to follow the developments in the approach to piling of other nearby projects (in terms of timings, techniques, and mitigations), and will further develop the piling strategy, including any mitigations, in agreement with the MMO post-consent. The Applicant will seek to discuss further with the MMO (and NE) given their comment regarding this in their RR) the structure of an Underwater Sound Management Strategy as a mechanism of agreeing mitigation post-consent, which will also consider measures the Project may need to take in light of potential cumulative effects and in line with other projects on similar timescales.</p>	<p>To clarify, the MMO and the Applicant are still working on the specific cod spawning period and the MMO believes this will be <b>agreed by the end of Examination</b>.</p> <p><b>The outstanding point that will be not agree – material impact on the Applicant's Statement of Common Ground will be the need for the seasonal restriction on the face of the DML.</b></p> <p>The Applicant believes there is no need as this is within the UWSMS and the plan is the correct mechanism to manage this.</p> <p>The MMO's position is that not enough evidence has been provided to provide the confidence that a seasonal restriction can be removed at this point in the Examination and is unlikely to be provided until the post consent stage when the project has been refined. Without evidence the MMO's position is a seasonal restriction should be on the DML, this is the appropriate place for a restriction to be in the absence of evidence. However, the MMO agrees that the UWSMS can be used as a mechanism to change or remove the restriction post consent. This would be by providing further evidence and detailed mitigation can be put in place.</p> <p>The MMO believes that the agreed seasonal restriction is on the face of the DML with the UWSMS being able to be submitted to remove/change this requirement post consent. This allows the MMO to be confident that a restriction will be in place in the first instance and shows that the Applicant has to provide evidence and further mitigation once details are known post consent through the UWSMS.</p>	<p>See Table 2.2 for a response.</p>	<p>provide evidence that a piling restriction will not be required at the present time.</p> <p>The MMO recognise that the UWSMS provides a mechanism to provide suitable evidence at a later date, once the project design has been refined and revised underwater noise modelling has been presented. However, the UWSMS does not provide the necessary evidence and confidence in the removal of a condition at the consenting stage. The MMO is working with the Applicant on a drafting of a without prejudice condition in relation to the UWSMS and the MMO maintains that any restriction should be on the face of the DML.</p> <p>Please see Section 2BEM3 of this document.</p>
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	<p>spawning season (January – April inclusive). This is of particular importance, given ICES' latest advice on cod for the Irish Sea which states that 'when the maximum sustainable yield (MSY) approach and precautionary considerations are applied, there should be zero catch in 2023' and that 'Fishing pressure on the stock is below FMSY, and spawning-stock size is below MSY Btrigger, Bpa, and Blim' (ICES 2022). We also pointed to Fox et al. (2000) which reports high site fidelity in cod spawning grounds in the Irish Sea. For these reasons, the MMO and Cefas would have expected you to consider this information, and potentially other sources of data to inform their assessment such as data from the Northern Irish ground fish trawl survey which has been ongoing since 2009 and has several survey stations within the eastern Irish sea (data are available from ICES: <a href="http://datras.ices.dk/">http://datras.ices.dk/</a>). In</p>	<p>The Applicant will provide an Outline Underwater Sound Management Strategy at Deadline 2 in order to take into account potential further comments from the MMO expected at Deadline 1. The Applicant has added a new condition 30 (Underwater Sound Management Strategy) in the DML submitted with the updated draft DCO at Procedural Deadline A to secure this. Additionally, the Outline Underwater Sound Management Strategy has been added as document to be certified in the draft DCO.</p>	<p>The condition below is the most up to date condition, XX has been included as the dates of the condition are still in discussion and will be refined by the end of Examination.</p> <p><b>Underwater Sound Management Strategy</b></p> <ol style="list-style-type: none"> <li>1. — <i>No piling associated with the authorised development may be undertaken between XX to XX inclusive, unless otherwise agreed in writing by the MMO.</i></li> <li>2. <i>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.</i></li> <li>3. <i>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.</i></li> <li>4. <i>The piling activities must be carried out in accordance with the approved underwater sound management strategy, unless otherwise agreed in writing by the MMO.</i></li> </ol>		
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	<p>the absence of any data to suggest that this part of the cod spawning ground is of lower importance than other areas, and in consideration of ICES advice on the cod population in the Irish sea, the MMO and Cefas recommend that piling is not permitted during the cod spawning season and recommend that the following restriction is conditioned on the deemed marine licence:</p> <p>No piling of any kind shall take place during the cod spawning period from 1st January to 30th April (inclusive) of any year. Reason: To prevent disturbance to adult spawning cod during their spawning season.</p>				
RR-047-59	<p>As per our advice on the PEIR, you may wish to consider the use of noise abatement measures such as big as big bubble curtains (BBC) or double BBC during piling, to reduce the noise levels emitted during piling (see Würsig et al. (1999)). UWN modelling incorporating the use of noise abatement measures</p>	<p>The Applicant is planning appropriately for the potential requirement for NAS but maintains the position that the effects may be suitably mitigated through further design refinement and other embedded mitigation. The Applicant will seek to discuss further with the MMO (and NE given their comment regarding this in their RR) the structure</p>	<p>Please see response to RR-047-58 above.</p>		<p>Please see RR-047-58. The MMO note that they would expect to see revised underwater modelling with the use of NAS which will demonstrate the reduction in noise propagation from piling when NAS systems such as hammer cushions and/or double big</p>

	has been shown to reduce the range of effect for disturbance with sensitive habitats such as spawning grounds.	of an Underwater Sound Management Strategy as a mechanism of agreeing mitigation post-consent, which will also consider measures the Project may need to take in light of potential cumulative effects and in line with other projects on similar timescales. The Applicant will provide an Outline Underwater Sound Management Strategy at Deadline 2 in order to take into account potential further comments from the MMO expected at Deadline 1. The Applicant has added a new condition 30 (Underwater Sound Management Strategy) in the DML submitted with the updated draft DCO at Procedural Deadline A to secure this. Additionally, the Outline Underwater Sound Management Strategy has been added as document to be certified as one referred to in the DCO.			bubble curtains are used. Until such time that this evidence is presented the MMO maintains that a piling restriction is required.
RR-047-60	Cefas and the MMO do not support the conclusions made in the CIA that that the cumulative effects of piling noise are deemed to be no greater than project-alone effects	The Applicant acknowledges the overlap of Group 3 noise effect thresholds from the Project and Atlantic cod spawning grounds displayed in Figures 10.8a and 10.8b in	Please see response to RR-047-58 above.		Please see RR-047-58. The MMO supports the proposed implementation of the UWSMS, it does not provide evidence that

	<p>'minor adverse'. We would also add that recent advice for Morgan OWF (DCO/2022/00003) which is located entirely in the Irish sea cod spawning ground we highlighted the likelihood that a seasonal piling restriction to protect spawning adult cod and their eggs and larvae will be necessary during the spawning season (January – April inclusive). Whilst we have raised a number of points requiring further clarification on their UWN modelling, the modelling that was presented suggests that an extensive overlap of noise disturbance will occur at the spawning ground.</p>	<p>Chapter 10 Fish and Shellfish Ecology Figures (APP-094). The CEA conclusions made in Section 10.7.3 in Chapter 10 Fish and Shellfish Ecology (APP-047) are drawn from the wide extent of cod spawning grounds across the Irish Sea and the temporary nature of piling effects in comparison to a four-month spawning period. The Applicant intends to follow the developments in the approach to piling of other nearby projects (in terms of timings, techniques, and mitigations), and will further develop the piling strategy, including any mitigations, in agreement with the MMO post-consent. The Applicant will seek to discuss further with the MMO (and NE given their comment regarding this in their RR) the structure of an Underwater Sound Management Strategy as a mechanism of agreeing mitigation post-consent, which will also consider measures the Project may need to take in light of potential cumulative effects and in line with</p>			<p>a piling restriction is not required. The MMO provided detailed advice regarding the UWSMS in its Deadline 4 Response and in Section XX of this response.</p>
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		<p>other projects on similar timescales.</p> <p>The Applicant will provide an Outline Underwater Sound Management Strategy at Deadline 2 in order to take into account potential further comments from the MMO expected at Deadline 1.</p> <p>The Applicant has added a new condition 30 (Underwater Sound Management Strategy) in the DML submitted with the updated draft DCO (3.1 Draft Development Consent Order_Rev 02) at Procedural Deadline A to secure this.</p> <p>Additionally, the outline Underwater Sound Management Strategy has been added as document to be certified as one referred to in the DCO.</p>			
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#### Chapter 13 Commercial Fisheries (APP-050)

RR-047-63	<p>The MMO defers to the National Federation of Fishermen's Organisations (NFFO) along with standalone representatives on matters of commercial fisheries. The MMO will continue to be part of the discussions relating to securing any mitigation, monitoring or other</p>	<p>The Applicant notes this response.</p>	<p>The MMO will continue a watching brief on these matters in relation to the DMLs but these may be in separate sections of the document rather than in a table.</p> <p>The MMO notes that the Applicant has responded to the commercial fisheries related comments from the MMO (Table 2.2 D D2-REP2035-07 and D2-REP2035-08, REP3-069). The Applicant has said they remain engaged with commercial fisheries stakeholders, with the draft SoCG submitted at Deadline 1 for the NFFO and Welsh</p>	<p>The Applicant draws the MMO's attention to an updated Statement of Common Ground (SoCG) with the National Federation of Fishermen's Organisation (NFFO) provided at Deadline 4 (Draft Statement of Common Ground with</p>	<p>The MMO has reviewed the Applicant's SoCG with NFFO (REP4-034).</p> <p>The MMO notes that most issues relating to commercial fisheries are marked as 'Agreed' or 'Not Agreed' – No material</p>
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	conditions required within the DML.		Fisheries Association (WFA) and that an updated SoCG will be submitted at Deadline 4.	National Federation of Fishermen's Organisations_Rev 02)	impact'. Matters still in discussion relate to monitoring and the outline FLCP, the FLCP is pending update.  The MMO maintains its original comments but does not require action at this time.
<b>Chapter 11 Marine Mammals (APP-048)</b>					
RR-047-65	With regard to Section 4.2.3 – SW location – installation of single monopile, the MMO and Cefas note that the received SELss versus range (transect curve in Figure 3-5), which are now explicitly included and thus are proving (together with the levels 750 m in Section 4-1) an additional point of reference for the sense checking process, are showing relatively high noise levels, which are well within the values we would expect for sandy seabed environments (i.e., with good propagation conditions). In this scenario, however, the MMO and Cefas would expect overall larger injury effect ranges for marine mammals (e.g., the	Following the impact piling modelling presented in the main report Appendix 11.1 Underwater Noise Assessment (APP-065), further investigation into scenarios using higher strike rates were identified for the monopile and pin pile scenarios. A piling hammer is capable of more rapid strikes at lower blow energies. To show the differences between the maximum strike rate scenario and the results presented in Section 4 of Appendix 11.1 Underwater Noise Assessment (APP-065), additional modelling was completed for the SW location. Table 3.1 in the draft MMMP (APP-049) lists the worst-case impact	The MMO has no further comments to make at this time.	The Applicant notes that clarification of the high strike rate, and worst-case scenario has been provided in Chapter 11 Marine Mammals (Chapter 11 Marine Mammals_Rev 03 Clean), Appendix 11.1 (Appendix 11.1 Underwater Noise Assessment_Rev 02 Clean) and Appendix 11.2 (Appendix 11.2 Marine Mammal Information and Survey Data_Rev 04 Clean) submitted alongside this document at Deadline 4.	The MMO has no further comments.

	<p>maximum PTS (permanent threshold shift) ranges for the LF (low frequency) and VHF (very-high frequency) receptors could be 2-3 times larger). We note that these larger impact ranges seem to align well with the predictions presented in the draft MMMP document (Table 3.1 from the draft MMMP), where, for example, the maximum PTS ranges are 13 km for minke whale and 8.1 km for harbour porpoise, while corresponding ranges from the current Appendix 11.1 are 5.0 km and 3.3 km, respectively. The predicted impact ranges presented in the draft MMMP differ to those ranges presented in Appendix 11.1.</p>	<p>ranges for the project based on the Maximum strike rate scenario listed in Appendix B of Appendix 11.1 Underwater Noise Assessment (APP065) and would be the worst-case impact range to be mitigated and therefore currently used in the assessments.</p>			
RR-047-66	<p>The MMO and Cefas note a minor discrepancy in the project description. Table 5.5 in Chapter 5 Project description states that the maximum pile diameter (m) for multi-legged pin piled jacket WTF/OSP foundations is 3 m, whereas the underwater noise modelling in</p>	<p>The Applicant considers the worst-case scenario presented in the underwater noise modelling assessment is appropriate. It is noted that the worst-case for underwater noise modelling considers the largest hammer energy, and the highest strike rate, and includes either three sequential</p>	<p>The MMO is content with the Applicant's response and understands a higher diameter has been modelled and has no further comments.</p>		

	Appendix 11.1 considers a worst-case scenario of installing 5m diameter pin piles.	monopiles or four sequential pin piles in a 24hr period. The underwater noise assessment report (Appendix 11.1 Underwater Noise Assessment (APP-065)) presented modelling for larger pile sizes (14m for monopile and 5m for pin piles) as the modelling was undertaken prior to a Project refinement whereby pile diameters were reduced to 12m for monopile and 3m for pin-piles. The modelling is therefore precautionary and encompasses the worst-case scenario. The Applicant commits to updated underwater noise modelling post-consent to inform the final MMMP once the selection of foundations have been made. This will inform the appropriate mitigation post consent alongside final design details.			
<b>Chapter 14 Shipping and Navigation (APP-051)</b>					
RR-047-67	MMO defers to the Maritime and Coastguard Agency and Trinity House on matters of shipping and navigation and supports any comments raised.	The Applicant notes this response.	The MMO will continue a watching brief on these matters in relation to the DMLs, but these may be in separate sections of the document rather than in a table.	The Applicant notes this response, and highlights the updated SoCG's submitted at Deadline 4 with Trinity House and the Maritime and	The MMO has reviewed the Applicant's draft SoCG with Trinity House (TH) (REP4-036) and notes that

	<p>The MMO will continue to be part of the discussions relating to the securing any mitigation, monitoring or other conditions required within the DML.</p>			<p>Coastguard Agency (MCA) (Draft Statement of Common Ground with Trinity House Rev 02 and Draft Statement of Common Ground with Maritime and Coastguard Agency Rev 03).</p>	<p>all points except TH 28.</p> <p>TH 28 is in regard to updates to the draft DCO and TH consider that the wording of the draft DCO submitted at Deadline 4 is appropriate but reserve the right to comment on further changes.</p> <p>The MMO has reviewed the Maritime and Coastguard Agency's (MCA) SoCG (REP4-039) with the Applicant. The MMO notes that all points are agreed except MCA 25 which refers to MCA reserving the right to comment on further changes to the draft DCO.</p> <p>The MMO will maintain a watching brief on these points and has provided further comments on the dropped object condition in Section 7.7 of this response.</p>
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RR-047-68	The MMO defers to Historic England (HE) on matters of marine archaeology and supports any comments raised. The MMO will continue to be part of the discussions relating to securing any mitigation, monitoring or other conditions required within the DMLs.	The Applicant notes this response.	The MMO will continue a watching brief on these matters in relation to the DMLs, but these may be in separate sections of the document rather than in a table.	The Applicant notes this response and highlights the updated SoCG's submitted at Deadline 4 with Historic England (Draft Statement of Common Ground with Historic England Rev 02).	<p>The MMO has reviewed the Applicant's draft SoCG with HE (REP4-051).</p> <p>The MMO notes that all points are marked as agreed.</p> <p>The MMO does not have further comments.</p>
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#### Chapter 18 Seascape, Landscape and Visual Impact Assessment (APP-055)

RR-047-69	The MMO defers to NE as the SNCB (Statutory Nature Conservation Body), along with HE and the Local Planning Authorities on matters of Seascape, Landscape and Visual Impacts and supports any comments raised. The MMO will continue to be part of the discussions relating to securing any mitigation and monitoring or other conditions required within the DML.	The Applicant notes this response.	The MMO will continue a watching brief on these matters in relation to the DMLs, but these may be in separate sections of the document rather than in a table.	The Applicant notes this response.	The MMO has no further comments.
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#### Chapter 12 Offshore Ornithology (APP-049)

RR-047-70	The MMO defers to NE as SNCB, and supports any comments raised in relation to the Ornithology. The MMO will continue to be part of the discussions relating to securing any mitigation and	The Applicant notes this response.	The MMO will continue a watching brief on these matters in relation to the DMLs, but these may be in separate sections of the document rather than in a table.	The Applicant notes this response.	The MMO has no further comments at this time.
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	monitoring or other conditions required within the DML.				
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## 4. Comments on The Applicants Response to Section 3 – 5 of REP3-085 (Table 2.2.)

**4.1** The Applicant provided further comments in response to comments raised by the MMO in table 2.2 of REP4-058. The MMO has responded to the Applicant's comments in Table 4. Anything that has been covered in Table 1-3 above or within the rest of the document has not been responded to in Table 4.

**Table 4 Response to Table 2.2 of REP4-058**

ID	MMO Comment	Applicant response (if required)	MMO response (if required)
3. The Applicants Deadline 2 Submissions 3.1 General Comments			
REP3-085-01	At this time the MMO has no comments to raise regarding REP2-001, REP2-007, REP2-030, REP2-031, REP2-032 and REP-033.	The Applicant welcomes this response.	The MMO would like to note that updated versions of REP2-016, REP2-017, REP2-018, REP2-019, REP2-026, REP2-002, and REP2-003 have been submitted since Deadline 2. The MMO has provided comments on the versions of these documents that were submitted at Deadline 4 (REP4-022, REP4-028, and REP4-050) within this letter.
REP3-085-02	Regarding, REP2-008, REP2-009, REP2-010, REP2-011, REP2-012, REP2-013, REP2-014, REP2-015, REP2-016, REP2-017, REP2-018, REP2-019, REP2-024, REP2-025, REP2-026, and REP2-028, the MMO is reviewing these revised documents alongside our scientific advisors and will look to provide a response in due course. The MMO will share this with the Applicant as soon as this is received and provide an update to the ExA at Deadline 4.	Please see applicant response in REP3-085-01 above	Please see MMO response in REP3-085-01 above
REP3-085-03	In relation to REP2-027 the technical topics are currently being reviewed by our scientific advisors. In relation to other Stakeholders the MMO notes there is ongoing discussions and will maintain a watching brief on these for any updates required to the DML. For other comments the MMO notes that there will be further comments provided in relation to our Deadline 2 response and as most of these	Please see applicant response in REP3-085-01 above	Please see MMO response in REP3-085-01 above



	are covered in Table 2 above will not be responding directly.		
REP3-085-04	REP1-060 Draft Statement of Common Ground with the Marine Management Organisation – the MMO will continue to discuss the SoCG with the Applicant and make comments on the draft at future deadlines due to resources the MMO was not able to provide an update to the Applicant for this deadline and therefore believes the Applicant will submit an updated version of the SoCG at Deadline 4.	Please see applicant response in REP3-085-01 above	Please see MMO response in REP3-085-01 above
REP3-085-05	Regarding, REP2-002, REP2-003 and subsequently REP2-0006, the MMO welcomes the Applicant for the amendments of these documents. The MMO has reviewed these documents and has had a discussion with the Applicant. The MMO will continue to review these documents throughout examination and provide comments where relevant.	Please see applicant response in REP3-085-01 above	Please see MMO response in REP3-085-01 above
REP3-085-06	The MMO welcomes the update to Condition 18 and the inclusion of Condition 21.	Please see applicant response in REP3-085-01 above	Please see MMO response in REP3-085-01 above
REP3-085-07	In relation to REP1-086 the MMO is in discussion with the Applicant on action points 12 and 14 and will provide an update in due course.	Please see applicant response in REP3-085-01 above	Please see MMO response in REP3-085-01 above
<b>3.2 DCO/DML Comments</b>			
REP3-085-22	<b>Dropped Objects Condition 7(10)</b> The MMO is discussing this condition with MCA and will provide an update in due course.	Noted, the Applicant welcomes an update in due course ahead of the final version of the draft DCO being submitted at Deadline 6.	The MMO has provided comments on the dropped objects condition in section 7 of this letter.
REP3-085-23	<b>Reporting of engaged agents, contractors and vessels Condition 13</b> The MMO requests that the Applicant adds 'unless otherwise agreed in writing by the MMO' to DML condition 13.	The Applicant would draw attention to the ExA's question (reference R17.1.18) in its Rule 17 Letter to Natural	The MMO still believes 'unless otherwise agreed in writing by the MMO' can be included within the condition but is content with the updates proposed by the Applicant.

		<p>England and MMO (PD-013) which asks for this phrase to be justified in light of the High Court decision in Midcounties Co-operative Ltd v Wyre Forest DC [2009] EWHC 964. The Applicant understands, from discussions with the MMO on the draft Statement of Common Ground (SoCG), that this wording is recommended to allow for flexibility on the requirement for at least 24 hours notice (and not the wider requirement of the condition to provide notice). As such, the Applicant considers that this can be added to the condition, although it has formulated this differently ("or such other timescale as agreed with the MMO in writing") to make it clear that this phrase refers to the timescales within the condition and the not the substantive element of the condition itself. The Applicant, noting the ExA's comments on the suitability of the phrase "unless otherwise agreed", has amended the draft DML submitted at DCO to remove such references (save where they relate to timescales)</p>	
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		following the High Court decision.	
REP3-085-24	This will allow post consent grouping or arrangements of submission to streamline the process for the Applicant and the MMO case team.	Please see applicant response in REP3-085-23 above	Please see MMO response in REP3-085-23 above
<b>4.1 Maritime and Coastguard Agency (MCA) (REP2-036)</b>			
REP3-085-38	The MMO has reviewed the submission and notes there are a few outstanding points between the Applicant and MCA	The Applicant draws the MMO attention to the updated SoCG provided at Deadline 4 with the Maritime and Coastguard Agency (MCA) (Draft Statement of Common Ground with Maritime and Coastguard Agency_Rev 02).	<p>The MMO has reviewed the Draft Statement of Common Ground with Maritime and Coastguard Agency (REP4-039). The MMO notes that all points except point MCA 25 are marked as agreed. Point MCA 25 is marked as in discussion</p> <p>MCA 25 relates to the wording of conditions relevant to navigational safety within Schedule 6 Part 2 of the draft DCO. The MMO notes that while all parties agree that the wording in the draft DCO submitted at Deadline 4 is appropriate and adequate, MCA reserves the right to comment on further changes made to the draft at future deadlines. The MMO will maintain a watching brief on this point but has no comments to raise at this time.</p>
<b>4.2 Natural England (REP2-037 and REP2-038)</b>			
REP3-085-40	The MMO has reviewed Natural England's (NE) submission for Deadline 2 (document reference REP2-037). The MMO notes that NE has raised concerns with regards to the IPMP. The MMO agrees with NE in the importance of the IPMP. The MMO wishes to refer the Applicant to Annex A of Natural England's response.	The Applicant notes that the IPMP was updated at Deadline 3 (REP3-045) in response to NE comments, again noting that the monitoring plan would be finalised and approved post consent.	Please see comments in on the IPMP below.
REP3-085-41	The MMO notes NE comments regarding the Applicant not proposing monitoring for marine mammals within the Mitigation and Monitoring Schedule document and the Offshore IPMP. The MMO is currently reviewing this with our scientific advisors and will look to provide a response in due course.	The Applicant draws attention to the updates around marine mammal monitoring in the IPMP (REP3-045) submitted at Deadline 3.	Please see comments in on the IPMP below.
REP3-085-42	The MMO notes NE comments under Section 2.6 of their response in relation to ornithology. The MMO defers to	The Applicant notes this response.	The MMO has no further comments.

	NE on matters of ornithology. The MMO hopes to see the issues raised by NE resolved.		
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## 5. Comments on the Applicant's Deadline 3 Submissions

### 5.1 General Comments

5.1..1 The MMO notes the Applicant submitted a number of updated documents at Deadline 3. Following review, the MMO has the following comments to make. The MMO also notes that some of these documents were further updated at Deadline 4 and has provided comments in Section 6.

### 5.2 Comments on 6.4.1 In Principle Monitoring Plan – Revision 02 (Volume 6) (Tracked) (REP3-046)

5.3 The MMO does not have concerns to raise regarding the In Principle Monitoring Plan in regard to benthic ecology receptors. The potential effect of colonisation of Project infrastructure (e.g. Wind Turbine Generator foundations), by Invasive Non-Native Species (INNS) will be assessed visually during post-construction hard substrate inspections. Furthermore, the requirement for further surveillance will be agreed with the MMO following review of the post-construction survey results and relevant data will be provided to the appropriate organisations that collate and store INNS information.

5.3..1 The MMO notes that they are available to provide comments, if required on the assessment of seabed imagery.

5.3..2 The MMO welcomes the analysis of pre-construction geophysical surveys to identify any changes to the seabed features identified in the Environmental Impact Assessment baseline characterisation which will provide additional evidence on the nature of the seabed within the Project area.

5.3..3 Further comments on the updates made at Deadline 4 can be found in Section 6.4.

### 5.4 Comments on 6.3.1 Outline Fisheries Liaison and Co-Existence Plan - Revision 02 (Volume 6) (Tracked) (REP3-044)

5.4..1 The MMO notes that commercial fisheries monitoring will now be included and the MMO supports this. The exact details of the way the monitoring will be conducted, and for how long, are rather brief, but essentially it will make use of landings data and Vessel Monitoring Data to monitor changes in commercial fishing activity. Further details of the monitoring programme will be provided in the Fisheries Liaison and Coexistence Plan. The MMO does not have further comments at this time.

### 5.5 Comments on 9.42 The Applicant's Comments on Deadline 2 Submissions by Interested Parties - Revision 01 (Volume 9) (REP3-069)

5.5..1 With regards to cod spawning (D2-43P2035-12 of REP3-069), the MMO maintains its request that a temporal restriction on piling activities during the cod spawning season (1 January – 30 April inclusive) is conditioned on the DML. The MMO previously provided a more detailed response and further discussion on the Applicant's UWSMS in section 3.8 and 3.10 of REP4-066. Highlighting, subject to the Applicant presenting suitable data on the 'peak' of the cod spawning season for the Irish Sea, there is potential for the duration of the piling restriction to be refined. This matter was discussed in a meeting held with the Applicant and the, MMO on 14 February 2025. Please see comments in Section 2BEM3 in relation to the current position on the cod spawning period.



- For D2-REP2-2035-109 and D2-REP2035-111 of REP3-069 the MMO defers to previous comments made in section 3.10 of REP3-069 and has provided further comments on the back of Deadline 4 submissions in response to 1BEM24 above.
- With regards to D2-REP2035-109 the MMO notes the Applicant's interest in understanding whether similar piling restrictions were secured for Awel y Môr OWF which was identified as one of the projects considered in the cumulative impact assessment. The MMO defers to Natural Resources Wales for further comment on their licence conditions for this development.
- D2-REP2035-110 is in relation to NAS and this is covered in 1BEM24 of this document.

## 6. Comments on the Applicant's Deadline 4 Submissions

### 6.1 General Comments

6.1..1 The MMO notes the Applicant has submitted a number of documents at Deadline 4. This includes:

- REP4-003 3.1.1 Draft Development Consent Order (Tracked) - Revision 04 (Volume 3)
- REP4-005 3.2.1 Explanatory Memorandum (Tracked) - Revision 04 (Volume 3)
- REP4-006 3.4 Schedule of Changes to the Draft Development Consent Order (Rev 04) (Tracked) - Revision 03 (Volume 3)
- REP4-008 4.3.1 Design Statement (Tracked) - Revision 02 (Volume 4)
- REP4-010 4.9.1 Report to Inform Appropriate Assessment (Tracked) - Revision 03 (Volume 4)
- REP4-012 5.1.11.1 Environmental Statement Chapter 11: Marine Mammals (Tracked) - Revision 03 (Volume 5)
- REP4-014 5.2.11.1.1 Environmental Statement Appendix 11.1: Underwater Noise Assessment (Tracked) - Revision 02 (Volume 5)
- REP4-016 5.2.11.2.1 Environmental Statement Appendix 11.2: Marine Mammal Information and Survey Data (Tracked) - Revision 04 (Volume 5)
- REP4-018 5.2.11.3.1 Environmental Statement Appendix 11.3: Marine Mammal Unexploded Ordnance Assessment (Tracked) - Revision 03 (Volume 5)
- REP4-020 5.2.11.4 5.2.11.4.1 Environmental Statement Appendix 11.4: Marine Mammal CEA Project Screening (Tracked) - Revision 03 (Volume 5)
- REP4-022 5.2.11.4.1 5.5.1 Schedule of Mitigation (Tracked) - Revision 04 (Volume 5)
- REP4-024 6.3.1 Outline Fisheries Liaison and Co-Existence Plan (Tracked) - Revision 03 (Volume 6)
- REP4-026 6.4.1 In Principle Monitoring Plan (Tracked) - Revision 03 (Volume 6)
- REP4-028 6.5.1 Draft Marine Mammal Mitigation Protocol (Tracked) - Revision 03 (Volume 6)
- REP4-048 9.31.1 Commitments Register (Tracked) - Revision 02 (Volume 9)
- REP4-050 9.32.1 Outline Underwater Sound Management Strategy (Tracked) - Revision 02 (Volume 9)
- REP4-058 9.51 The Applicant's Comments on Deadline 3 Submissions by Interested Parties - Revision 01 (Volume 9)
- REP4-060 9.53 The Applicant's Comments to Interested Parties Responses to ExQ1 - Revision 01 (Volume 9)

6.1..2 The MMO has provided responses to 9.51 The Applicant's Comments on Deadline 3 Submissions by Interested Parties - Revision 01 (Volume 9) (REP4-058) within Table 3 and 4 of this letter.

6.1..3 The MMO has provided comments on the draft DCO/DML in Section 7 of this letter.

6.1..4 In relation to The Applicant's Comments to Interested Parties Responses to ExQ1 - Revision 01 (Volume 9) (REP4-060), the MMO has provided updated response where required in Table 2 of this letter.

**6.2** The MMO welcomes the updates to REP4-012, REP4-014, REP4-016, REP4-018, REP4-020 and notes these are in response to issues raised by MMO, NE and includes the updates to utilise the UWSMS. The MMO defers to NE on if these updates are suitable along with the comments in 1BEM24 of this document in relation to the worst case and NAS above.

**6.3** The MMO notes REP4-059 & REP4-069 have been covered in elsewhere within this document.

**6.4 REP4-022 - 5.5.1 Schedule of Mitigation (Tracked) – Revision 04 (Volume 5) (REP4-022)**

6.4..1 The MMO notes that this document has been updated to include a commitment to seek alternative scour and cable protection measures post consent, clarify the approach to microsting around sensitive benthic features and consider scour and cable protection that would be more readily removal at the time of decommissioning. The MMO agrees with the inclusion of these amendments.

**6.5 REP4-024 - 6.3.1 Outline Fisheries Liaison and Co-Existence Plan (Tracked) - Revision 03 (Volume 6)**

6.5..1 The MMO welcomes the updates in relation to monitoring.

**6.6 REP4-026 - 6.4 In Principle Monitoring Plan (Clean) - Revision 03 (Volume 6)**

6.6..1 The MMO welcomes the updates made to Section 1.3 of this document in relation to standardisation guidance and best practices.

6.6..2 The MMO has provided comments regarding the IPMP in section 1CF3 of table 2, section 5.2 and 5.3 of this letter and is content with this document.

- **REP4-028 - REP4-028 6.5.1 Draft Marine Mammal Mitigation Protocol (Tracked) - Revision 03 (Volume 6)**

**6.7** The MMO welcomes the updates made in relation to the new noise policies. The MMO would highlight comments in relation to 1BEM24 above.

6.7..1 The MMO understands that an updated document will be submitted by the Applicant at Deadline 5 on the back of ongoing discussions with both the MMO and NE. The MMO is largely in agreement with the updates, and we are working with the Applicant to ensure the final outline document submitted at Deadline 6 is an agreed version.

**6.8 Comments on 9.31.1 Commitments Register (Tracked) – Revision 02 (Volume 9) (REP4-048)**

6.8..1 The MMO is currently content with the Commitments Register.

6.8..2 The MMO notes that the Applicant has included a commitment to consider alternative scour protection solutions post-consent to minimise the effects that plastic based scour protection could have on the marine environment.

6.8..3 Additionally, the Applicant has amended points 9.1, 9.9 and 9.10 or included in Table 2.2 of the Schedule of Mitigation document to provide clarification regarding the approach to microsting around sensitive benthic habitats and consider the potential for more readily removed scour protection and cable protection measures. This has been included in the commitments register.



- **REP4-050 9.32.1 Outline Underwater Sound Management Strategy (Tracked) - Revision 02 (Volume 9)**

**6.9** The MMO welcomes the updates made in relation to the new noise policies. The MMO would highlight comments in relation to 1BEM24 above.

**6.10** The MMO understands that an updated document will be submitted by the Applicant at Deadline 5 on the back of ongoing discussions with both the MMO and NE. The MMO is largely in agreement with the updates, and we are working with the Applicant to ensure the final outline document submitted at Deadline 6 is an agreed version.

## 7. Comments on the Draft DCO and DML

### 7.1 General Comments

7.1..1 The MMO provided comments regarding the draft DCO and DML in Section 3.2 of its submission for Deadline 3 (REP3-085).

7.1..2 The MMO notes the Applicant has submitted a number of documents relating to the DCO at Deadline 4. This includes:

- REP4-003 3.1.1 Draft Development Consent Order (Tracked) - Revision 04 (Volume 3)
- REP4-005 3.2.1 Explanatory Memorandum (Tracked) - Revision 04 (Volume 3)
- REP4-006 3.4 Schedule of Changes to the Draft Development Consent Order (Rev 04) (Tracked) - Revision 03 (Volume 3)

7.1..3 The MMO has provided further comments in addition to Section 3.2 of REP3-85 below.

### 7.2 Decommissioning

7.2..1 The MMO notes that decommissioning activities have not been fully considered the MMO requests an outline decommissioning plan to be part of the consenting process. The recently published guidelines by Offshore Energies UK (OEUK, 2024) for 'Designing for Decommissioning of Offshore Wind' states that:

*"Assets should be designed to be decommissioned with a technology available at the time of commissioning"*

7.2..2 The MMO notes Examining Authority for Five Estuaries Offshore Wind Farm Limited (project EN010115) has requested from the Applicant that:

*"Decommissioning is required to be assessed in order that the Examining Authority (ExA) and Secretary of State can have regard to the likely significant effects of the whole project over its lifecycle in making a recommendation and determination."*

7.2..3 This can be achieved by following the OEUK 'Designing for Decommissioning of Offshore Wind' guidelines and assessing decommissioning based on available technologies now and not in the future.

7.2..4 The MMO understands that there is a requirement for a decommissioning programme to be submitted to the Secretary of State (SoS) in Schedule 2, Requirement 19 (now 21), however believes that this information should be provided at this stage.

7.2..5 However, in noting the stage in Examination the MMO would welcome a commitment within the commitment register to review the initial decommissioning programme and all updated programmes prior to the submission to the SoS. The MMO notes the SoS does consults on the initial programme but would welcome earlier engagement to ensure all comments can be actioned prior to the approval by the SoS.

### 7.3 Transfer of the benefit of the order

7.3..1 The MMO still disagrees and maintains our position that this provision should not be included.

7.3..2 The MMO has pushed back on the inclusion of this provision for many of the DCOs and has continued to do so during the recent DCOs undergoing examination.

7.3..3 With regards to Transfer of Benefit being included in other DCOs and setting a precedent, the MMO considers that this does not mean the provisions that are in other orders should be repeated here, especially if there is good reason why they should not be included. The MMO had model provisions, however we have moved away from them now as our stance has changed, and we have provided our reasoning why we are against this provision in previous submissions.

7.3..4 The MMO also notes that it is not clearly explained within the Sheringham and Dudgeon Extension Recommendation report or Decision document on the inclusion of the Transfer of Benefit.

7.3..5 The MMO acknowledges the ExA and SoS made amendments in Hornsea Four OWF recommendation report/decision and notes the only reasoning provided was to keep them consistent with other consents and the SoS removed the ability to transfer part of the DML. The MMO has provided further reasoning since that Examination including counsel comments from Rampion 2 Examination, that were incorporated into our relevant and written representations alongside further comments on the Planning Act.

7.3..6 The MMO acknowledges the ExA and SoS made amendments in Hornsea Four OWF recommendation report/decision and notes the only reasoning provided was to keep them consistent with other consents and the SoS removed the ability to transfer part of the DML. The MMO has provided further reasoning since that Examination including counsel comments from Rampion 2 Examination, that were incorporated into our relevant and written representations alongside further comments on the Planning Act.

7.3..7 The MMO does not agree that because there is a provision in other DCOs that this is reason enough to include it in this one, as the drafting process is iterative. a5The MMO highlights that with the inclusion of the provision that there will be delays for any variation to the DML, as this would still have to occur as the SoS has no powers post consent to vary the DML. So, should the Article remain as drafted and although the SoS has approved a transfer of benefit the DMLs will still set out who the undertaker is:

*“undertaker” means Morecambe Offshore Windfarm Ltd (company registration number: SC734062);”*

7.3..8 Any update to this has to be undertaken by a variation, which would only take place once notice of the transfer had taken place. As the undertaker would be incorrect, the MMO may impose a suspension while undertaking this variation as there would be compliance liability.

7.3..9 This means that the process is not achieving the required streamlined version the Applicant is requiring and actually increases the work and risk to the process.

7.3..10 The MMO does not believe precedent and consistency is reason alone to keep including the DML within Article 5.aThe MMO strongly disagrees with the inclusion of Article 7 and requests reference to the DML is removed.

## **7.4 Force Majeure**

7.4..1 The MMO's position is that this condition should be removed.

7.4..1 Currently the condition does not meet the five tests as set out in the National Planning Policy Framework, which the MMO explained the reasons in REP5-100. For Marine Licences, if a condition does not meet the five tests, then that condition cannot be included. Therefore, the MMO requests the condition be removed from the DMLs.

7.4..2 The Applicant's response still does not refute that the use of 'any other cause' is a very broad statement. Conditions must be precise, which currently using this term, it is not precise and could cover anything.

7.4..3 As previously stated, the MMO has consistently challenged provisions of this nature in draft DCOs as the existing statutory procedure is to be preferred to mitigate risk on all parties by using established mechanisms. For instance, the MMO has contested this in the recent Rampion 2 OWF DCO, Immingham Green Energy Terminal DCO and the Immingham Eastern Ro-Ro Terminal. The MMO is also contesting these provisions in draft DCOs that are currently undergoing examination such as Morgan Generation DCO and Outer Dowsing DCO. Therefore, precedence should not be a reason the Secretary of State allows the provision.

7.4..4 The MMO highlights that this issue is not agreed and will not be resolved during examination.=

## **7.5 Marine Noise Registry**

7.5..1 The MMO welcomes the update to the condition, however would request the following timing updates are incorporated into condition 19:

*(1) In the event that driven or part-driven pile foundations are proposed to be used as part of the foundation installation the undertaker must provide the following information to the Marine Noise Registry—*

*(a) no less than **six months** prior to the commencement of each stage of construction of the licensed activities, information on the expected location, start and end dates of impact pile driving to satisfy the Marine Noise Registry's Forward Look requirements,*

*(b) within two weeks after commencement of each stage of construction of the licensed activities, information on the location, start and end dates of impact pile driving to satisfy the Marine Noise Registry's Forward Look requirements;*

*(c) at six month intervals following the commencement of pile driving, information on the locations and dates of impact pile driving to satisfy the Marine Noise Registry's Close Out*

*requirements by 7 April for winter season October – March inclusive and 7 October for summer season April – September inclusive or within 12 weeks of completion of impact pile driving whichever is earlier.*

## **7.6 Determination Dates Condition 10(2)**

7.6..1 The MMO provided comments in section 1DCO7 of Table 1 in this letter.

7.6..2 The MMO welcomes the update to all documents being submitted at six or four months by the Applicant with regard to the Design Plan, Construction Programme, Monitoring Plans, PEMP, WSI, Aids to Navigation Plan, MMMP, VTMP, FLCP, UWSMS, OOMP.

## **7.7 Chemicals**

7.7..1 Since Deadline 4 the MMO has continued discussions and review of the condition. The MMO requests that condition 7(1) is removed and the following updates are made to condition 10(1)(e) to include the following:

(ii) a chemical risk assessment, including information regarding how and when chemicals are to be used, stored and transported in accordance with recognised best practice guidance and standards;

(X) a chemical risk assessment for all chemicals that have a pathway to the marine environment used for the marine licensed activities, outside the course of normal navigation, and are not present on the OSPAR List of Substances Used and Discharged Offshore which Are Considered to Pose Little or No Risk to the Environment (PLONOR) including; (i) the function of the chemical, (ii) the quantities being used and the frequency of use, (iii) the physical, chemical, and ecotoxicological properties

7.7..2 This would also include adding the following definitions to the 'interpretation' section of the DML:

*"pathway to the marine environment" open systems or closed systems that require top up.*

*"chemicals" comprise both substances and preparations.*

*"preparation" means a mixture or solution composed of two or more substances "substance" means a chemical element and its compounds in the natural state or obtained by any manufacturing process, including any additive necessary to preserve its stability and any impurity deriving from the process used, but excluding any solvent which may be separated without affecting the stability of the substance or changing its composition;*

7.7..3 Based on the best available evidence to date, the MMO aims to create a revised consistent and thorough approach to chemical consenting for OWF. This should proactively avoid last minute delays and provide robust evidence regarding environmental impacts.

7.7..4 The current approach for consented OWF projects requires chemical information to be submitted in an inconsistent manner across different projects. This results in many chargeable hours from both the MMO and Centre for Environment Fisheries and Aquaculture Science (Cefas) for reviewing, assessing and requesting information from applicants.

7.7..5 Past DML's have referenced the Offshore Chemical Notification Scheme (OCNS) definitive ranked list of registered products (or otherwise incorrectly termed "approved list of chemicals") for offshore petroleum activities, stating that chemicals for use should be chosen from this list or consent sought where unable. However, the use of this list for offshore petroleum activities does not remove the need for approval and reporting, as such, the use of this list for OWF should also not remove the need for approval and reporting. Noting that

the list contains chemicals considered to be a threat to the marine environment (Chemicals of Priority Action) (as reported by OSPAR), the list should not be relied upon for assumption of safe use. The MMO has reviewed this past way of working, alongside new available evidence and is proposing an improved process. The approach being sought through this new condition is explained below.

7.7..6 For all chemicals, written approval from the MMO must be obtained before their use, regardless of the risk of entering the marine environment. This is already standard practice and is conditioned by the requirement for a chemical risk assessment to be submitted to and approved by the MMO before the licensed activities or any phase of those activities may commence (usually held within the pre-construction plans and documentation of the DML conditions, e.g. the Project Environmental Management Plan). The condition generally reads as follows “chemical risk assessment including information regarding how and when all chemicals are to be used, stored and transported in accordance with recognised best practice guidance and standards”. For completeness, the MMO outline that this should include information on chemical use including function (meaning what the chemical will be used for, e.g., use within engines, paint, degreaser), methodology, quantity, and frequency of use.

7.7..7 The MMO is proposing a change for chemicals with a pathway to the marine environment, where more information beyond the standard chemical risk assessment (above) is required.

7.7..8 A more detailed chemical risk assessment (CRA) should be provided for any chemical with a “pathway to the marine environment”, this includes chemicals used in both open systems, and closed systems where “top-up” is required (i.e., repeated use or maintenance). The CRA should include information on the physical, chemical, and ecotoxicological (bioaccumulation, biodegradability and aquatic toxicity) properties, and function of the chemical, alongside the quantities and frequency of use. This should be submitted to the MMO no later than 10 weeks prior to use. The review of this information and/or in consultation with Cefas, will allow the MMO to make a determination on an approval for chemicals use by a project.

7.7..9 The MMO is aware that concerns may be raised around the 10-week submission timescale proposed within the condition and provide the following justification. Based on the information intended to be assessed by Cefas obtained through this condition, the MMO has accounted for an 8-week-period for their review. The MMO further anticipates a 2-week period within which to review the submission, regard Cefas advice, and make a determination. This is deemed to be acceptable considering the current timeframes for which projects currently receive post-consent chemical discharges.

7.7..10 The definitions to be included within the consents pertaining to the new condition wording, come from the definition for ‘chemicals’, ‘preparation’ and ‘substance’ given within OSPAR Decision 2002/2 on a Harmonised Mandatory Control System for the Use and Reduction of the Discharge of Offshore Chemicals.

7.7..11 The MMO further includes clarity on where other regulations/ agreements exempt chemicals from this process.

7.7..12 This approach should exempt fluids used within gears and machinery (closed systems) from requiring a more detailed CRA, and disregards chemicals used on vessels and accommodation type chemicals (bleaches/toilet cleaners/grey water etc.), which are covered by alternative regulations.

7.7..13 As the OSPAR Commission considers that the substances on the “OSPAR List of Substances Used and Discharged Offshore which Are Considered to Pose Little or No Risk

to the Environment (PLONOR)” pose little or no risk to the environment and that they do not normally need to be strongly regulated they have been exempted from the need for approval.

7.7..14 The MMO notes that the same CRA can be used for submission across both conditions, as long as they contain the necessary information and presented in a format allowing for clear distinction between the two requirements.

7.7..15 The MMO is committed to supporting all of the UK government's environmental goals, this includes both net zero targets and nature and biodiversity targets by promoting sustainable practices to protect and enhance the marine environment. This new condition enables both, by ensuring the proactive collection, assessment and management of evidence regarding chemical use post-consent.

## **7.8 Dropped Objects**

7.8..1 The MMO is currently discussing the wording provided in REP4-064 with the Applicant

## **7.9 Materiality and Maintain**

7.9..1 The MMO is content with the updates in relation to materiality and maintain.

7.9..2 The MMO still does not agree with Part 1 Paragraph 7 and the reference to Transfer of Benefit as per the comments in Section 1.6 of this document.

## **7.10 Part 1, Paragraph 2a and Paragraph 4 and Part 2, Condition 7 (5) – Disposal sites**

7.10..1 2a and c and Condition 10(5) should be updated to the below and an ongoing discussion in relation to paragraph 3(e) and paragraph 4 in a similar manner.

*2. Subject to the licence conditions at Part 2, this licence authorises the undertaker (and any agent or contractor acting on their its behalf) to carry out the following licensable marine activities under section 66(1) (licensable marine activities) of the 2009 Act—*

*(a) the deposit at sea of the substances and objects specified in paragraph 4 below;*

*(b) the construction of works in or over the sea and/or on or under the seabed;*

*(c) excavation for the purposes of seabed preparation for foundation works or cable works;*

*(d) site clearance and preparation works including debris, sandwave clearance, boulder clearance and the removal of out of service cables and static fishing equipment; and*

*(e) the disposal of up to 1,416,463 cubic metres of inert material of natural origin within the Order limits produced during construction, operation and maintenance within disposal site reference IS156 within the Order limits.*

*7(5) The undertaker must ensure that only inert material of natural origin, produced during the drilling installation or seabed preparation for foundations, vessels or cables, and drilling mud is disposed of within disposal site reference IS156 within the Order limits seaward of MHWS.*

## **7.11 Schedule 2 Requirement 1 – Time limits/Lifespan**

7.11..1 The MMO has noted that on some offshore windfarms that the ES has not assessed a number of years during the Operation and Maintenance (O&M) phase.

7.11..2 This is not the case for the Project. However, the MMO wanted to highlight to the ExA and SoS that there may be a benefit to including an end date of the O&M phase within the DCO and DML in relation to the lifespan of the project to ensure that it is clear that any repowering etc. would be subject to a new consent or variation. The MMO notes that Marine Licences have end dates for all construction and maintenance activities and there is a clear line when a new consent is required.

7.11..3 The MMO is still discussing a position internally and understands that it is too late to raise it with the Applicant but wanted to highlight to the ExA and SoS for consideration.

## **7.12 Adaptive management**

7.12..1 The MMO notes this was raised in REP4-064. The MMO does have a standard condition that is being requested within other examinations. However, notes that as this has not been discussed with the Applicant to date or within this examination and highlights there is not much time to respond to this request.

7.12..2 The MMO aims to implement a more proactive process to manage issues in the event that monitoring shows a greater impact than that assessed in the Environmental Statement.

7.12..3 Example condition drafting is below:

*“(5). In the event that the reports provided to the MMO under sub-paragraph (3) identify a need for additional monitoring, the requirement for any additional monitoring will be agreed with the MMO in writing and implemented as agreed.*

*(6). In the event that monitoring reports provided to the MMO under sub-paragraph (3), identifies impacts which are beyond those predicted within the Environmental Statement/Habitat Regulations Assessment, adaptive management/mitigation may be required. An Adaptive Management/Mitigation Plan to reduce effects to within what was predicted within the Environmental Statement/Habitat Regulations Assessment, unless otherwise agreed in writing by the MMO, must be submitted alongside the monitoring reports submitted under sub-paragraph (3), including timelines and associated monitoring to test effectiveness. This plan must be agreed with the MMO in consultation with the relevant SNCB’s to reduce effects to a suitable level for this project.*

*(7) Any such agreed or approved adaptive management/mitigation should be implemented and monitored in full. In the event that this adaptive management/mitigation requires a separate consent, the Applicant shall apply for such consent.”*

**7.13** The conditions ensure that all parties are clear what is required if the monitoring shows higher impacts than predicted during the assessment stage. It also allows the applicant to themselves provide potential solutions when reviewing the results of monitoring, to be discussed with the MMO and SNCBs.

**7.14** The aim of the condition is to provide a clear process to the Applicant, the MMO and any consultees, if in preparing the monitoring reports the Applicant identifies greater impact than the Environmental Statement (ES) predicted rather than just a discussion upon review of the reports.

**7.15** The MMO notes that if impacts are higher than predicted we can utilise Section 72 of 2009 Act and vary the marine licence to request adaptive management, but believes this Condition gives a clear process to all and allows for proactive management rather than reactive management by the MMO.



## **8. Comments on Deadline 4 Submissions from Other Stakeholders**

### **8.1 Natural England Deadline 4 Submission (REP4-066)**

8.1..1 The MMO has reviewed Natural England Deadline 4 submission (REP4-066). The MMO notes that there are a number of areas of disagreement.

8.1..2 The MMO notes that Natural England has advised that monitoring conditions should be included regarding pre- or post-construction benthic, marine mammal or ornithological monitoring, the MMO would welcome discussions on the wording of these conditions.

8.1..3 Natural England has advised that the assessment of impacts to benthic habitats and physical processes is incomplete and that the potential impacts from seabed preparation works are not fully considered within the assessment. Submission of further information regarding boulder clearance is noted as a potential resolution. The MMO has no further comments to raise regarding benthic ecology however hopes to see this issue resolved. The MMO will maintain a watching brief on this point and may provide comments on further information provided.

8.1..4 The MMO notes that Natural England has advised that the Applicant has not made a commitment to the use of NAS during construction and that there is an expectation that as of January 2025 that all offshore piling activity in English waters demonstrates best endeavours to deliver noise reductions. Natural England anticipates that the majority of piling will not be able to proceed without noise abatement in place. Natural England requests that the Applicant fully commits to using noise abatement mitigation. The MMO notes that given the proven track record of NAS in reducing noise pollution it is important to consider its implementation proactively. The MMO is in support of NE's advice and hopes to see this matter resolved.

8.1..5 The MMO defers to Natural England with regard to matters on offshore ornithology.

### **8.2 Historic England Deadline 4 Submissions (REP4-064)**

8.2..1 The MMO notes that Historic England confirms its satisfaction with the In Principle Monitoring Plan – Revision 02 (Volume 6) (Tracked) (REP3-046) with the regard to the inclusion of text in section 2.9. The MMO does not have comments to provide. The MMO continues to defer to Historic England in regard to heritage and archaeology matters.

### **National Federation of Fishermen's Organisation (NFFO) Late Deadline 3 Submissions (REP4-072 and REP4-073)**

8.2..2 The MMO notes that the NFFO have provided responses to the ExAQ1 (REP4-072). The MMO has provided a response to 1CF3 in table 2 of this letter. The MMO does not have further comments.

8.2..3 The NFFO have provided comments regarding the FLCP (REP4-073). The NFFO have provided suggested updates to the FLCP. This includes altering text to reflect the latest guidelines, clarity on the role of the FLO and FIR with regard to who fisheries stakeholders should contact when needed. Additionally, the NFFO have advised that they expect to see commitment from the developer to remediate any cable exposure. The MMO will maintain a watching brief on these points and may provide further comments if required. The MMO defers to the NFFO regarding commercial fisheries matters.

## 9. Response to Rule 17 Letter

### 9.1 General Comments

9.1..1 The MMO has provided an updated response to the Rule 17 letter in Table 5. Sections shaded grey note areas that are resolved or where the MMO has no further comments.

**Table 5 Responses to Rule 17 Letter**

Referenc e	Question to	Question	MMO Response
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R17.1.1	Natural England (NE) Marine Management Organisation (MMO)	<p><b>Written Ministerial Statement of 29 January 2025 and associated guidance documents</b></p> <p>NE and the MMO are invited to make comments on the following:</p> <ul style="list-style-type: none"> <li>• the Written Ministerial Statement number UIN HCWS394</li> <li>• the DESNZ guidance on ‘Strategic compensation measures for offshore wind activities: Marine Recovery Fund interim guidance’</li> <li>• the Defra Policy Paper ‘Reducing Marine Noise’</li> <li>• the JNCC ‘Guidelines for minimising the risk of injury to marine mammals from unexploded ordnance (UXO) clearance in the marine environment’.</li> </ul> <p>insofar as they may affect the consideration of the Proposed Development.</p> <p>Could NE and MMO respond both generally and with particular reference to:</p> <ul style="list-style-type: none"> <li>• Unexploded Ordnance</li> <li>• Permanent Threshold Shift</li> <li>• Offshore wind piling noise limit.</li> </ul>	<p>In relation to Morecambe the MMO understands that there is a disagreement on the need for compensation and the Assessment conclusions. The MMO defers to NE on these matters. However, the MMO notes the Applicant has provided a without prejudice compensation position which is in line with the guidance. This does reference the MRF as an option should compensation be included but this would be agreed at the post consent stage as other project specific options are also retained, which is in line with expectations and current practice. The MMO would highlight that the MRF does not currently include a compensatory measure for Red Throated Diver and this should be reflected within the documents.</p> <p>The MMO notes that UXO is not included within the DCO and that a new Marine Licence will be applied for post consent. The MMO is content with this approach, as this is the best way for UXO’s to be licenced.</p> <p>The MMO notes the Applicant is reviewing the policies and papers in relation to UWN and updates will be provided at Deadline 4. The MMO will provide any comments to the ExA on these updates at Deadline 5 and will continue working with the Applicant to enable any updates to be included in documents submitted at Deadline 5.</p> <p>In relation to piling the expectation is that NAS will be committed to as the primary mitigation and further evidence should be provided at this stage on the use of NAS.</p> <p>In relation to UXO (Defra policy Paper - <a href="#">Marine environment: unexploded ordnance clearance Joint Position Statement</a>) the MMO notes the main update for UXO is that low order tools will be used as standard and high order will only be used in exceptional circumstances. There is also a two-step licensing approach, this means there is a requirement for the UXO investigations licence to be completed prior to submission of the UXO clearance licence. The Applicant will need to plan this within their programming. In addition to this</p>
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			<p>In relation to JNCC 'Guidelines for minimising the risk of injury to marine mammals from unexploded ordnance (UXO) clearance in the marine environment', the MMO would expect the Applicant to review this as part of the submission to the MMO for the separate UXO marine licence. The MMO has not further comments on Permanent Threshold Shift.</p> <p>In relation to the Offshore wind piling noise limit, the MMO notes DEFRA is leading this project and it is at the early stages as consultation is the next step. If any changes are implemented that impact the conditions set out within the DML then the MMO will discuss this with DEFRA and DESNZ to understand if a review of consents is required at the time of any new guidance. The MMO notes that if NAS is utilised there may not be a requirement to change any DML. Until further information on the limits is provided the MMO cannot provide further comments.</p>
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R17.1.2	MMO	<p><b>Outstanding information</b></p> <p>The MMO is asked to ensure that all responses which were stated as being provided either by Deadline 4 or “in due course” are provided at Deadline 4. Should information not be provided at Deadline 4, a full explanation as to why this is the case must be provided at Deadline 4 and a specific date given for provision. Please note the comments in the covering letter.</p>	<p>The MMO has provided updates to previous responses throughout this letter. Where an update has not been provided, the MMO has been specific about which deadline this will be submitted at. The MMO understands the ExA has requested no updates to documents by the Applicant after Deadline 5 so all parties can comment on these updates. The MMO understands the need to comment on the documents but notes that there is over a month between Deadline 5 and Deadline 6 and this is valuable time to continue to resolve issues with the Applicant. These may require additional updates to the documents at Deadline 6.</p> <p>The MMO would highlight that there are a number of NSIPs (offshore wind farm projects and other industries) in Examination at this time and even with the Rule 6 requests of staggering deadlines and working with other ExAs there are a number of overlapping deadlines. Capacity for all interested parties is limited and the MMO had to make the decision to stagger responses to enable case teams and our scientific advisors the time to effectively provide a detailed response. The MMO also made the decision that attendance at ISH was not required – as this is a written process the MMO would utilise the written process as the main priority. The MMO understands that any delay impacts the ExA’s understanding, but the position interested parties in at this time means this is the only option. Reducing Examination further causes additional impacts to the capacity.</p> <p>The MMO is working closely with the Applicant to agree as much as possible as soon as possible but would also highlight that a lot of the technical issues have been outstanding since prior to submission.</p>
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R17.1.3	MMO	<p><b>Disposal site(s)</b></p> <p>The MMO response to the Applicant's response RR-047-47 says that the MMO is "currently working to designate disposal sites and will provide further comments in due course". A full update should be provided at D4, including the extent of any proposed designated sites.</p>	<p>The MMO and the Applicant had a meeting on 14 February, the MMO received a shape file of the red line boundary (assessed disposal site area) after this meeting and is reviewing all information and working with our scientific advisors to designate the disposal site. The MMO is aiming to receive confirmation early March and will provide the reference number to the Applicant to be updated in the disposal conditions on the DML for Deadline 5.</p> <p><b>Deadline 5 update</b></p> <p>The Applicant submitted shapefiles for the designation of the disposal site to the MMO.</p> <p>The MMO would like to note that this disposal site has been designated, and the reference number should be updated within the DML as per Section 7, the reference number is IS156 and the name of the site is the Morgan and Morecambe OWFs (Annex 1, Figure 1).</p> <p>The reason this is a joint designation is the transmission assets disposal site that has also been requested as part of the Morgan and Morecambe Offshore Windfarm Transmission Assets disposal site overlaps with the Morecambe generation asset site. Therefore, these have been included together along with the transmission asset areas because disposal sites cannot overlap.</p> <p>As all the disposal material has been assessed including cumulative impacts there is no concern with multiple projects utilising the same disposal site as long as their disposal quantities are within the maximum parameters assessed.</p>
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R17.1.4	MMO	<p><b>In Principle Management Plan [REP3-045]</b></p> <p>Bearing in mind the MMO's current timetable for its standardisation project, what further information would the MMO like to see included within the In Principle Management Plan, other than a general commitment to ensuring that any standards or best practice adhered to during monitoring are outlined clearly within the relevant monitoring reports? Please be as specific as possible.</p>	<p>The MMO would like to see a clear commitment to ensuring that any standards or best practice will be adhered to during monitoring in the IPMP. Any standards will be accepted by industry through the project so all future submissions would be required to follow the same approach and the MMO is just asking that this is highlighted within the IPMP.</p> <p>The MMO understands the Applicant is going to update the IPMP and will review the updates and discuss any changes required prior to Deadline 5.</p> <p><b>Deadline 5 Update</b></p> <p>The MMO has provided further comments regarding the IPMP in section 1CF3 of table 2, section 5.2 and 5.3 of this letter, The MMO is content with the updates in relation to standardisation commitment.</p>
R17.1.5	MMIO	<p><b>MMO Response to ExQ1 BEM24</b></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 that MMO will supply updated wording 'in due course'. Please ensure that this is submitted at Deadline 4 or equivalent wording to inform the Underwater Sound Management Strategy.</p>	<p>The MMO has provided further comments including a condition regarding the Underwater Sound Management Strategy in Section 3.10 of this letter.</p> <p>The MMO has included XX as the dates as these are still in discussion with the Applicant in relation to the refinement of these. The MMO understands the Applicant is provided evidence set out in Section 3.11 above at Deadline 4.</p> <p>Once the agreement has been provided then the dates can be updated within the condition.</p> <p>As above there is a disagreement with the Applicant on the requirement for the restriction on the Face of the DML – this will likely be a 'Not agreed – material impact' at the end of examination.</p>

#### **Deadline 5 Update**

The MMO has had further discussions with the Applicant in relation to the cod spawning season. The Applicant has provided further information (in the form of links to Morgan evidence) which the MMO understands will be submitted at Deadline 5.

The MMO can confirm that with the inclusion of this information into examination the MMO is content that this is acceptable evidence to support the refinement of the piling restriction to **15 February to 31 March (inclusive)**.

The MMO maintains that the restriction should be on the face of the DML.

The MMO has continued discussions with the Applicant in relation to this condition. The MMO understands the Applicant is going to provide a without prejudice basis with the aim to agree condition wording on this basis.

After further discussions in relation to the marine mammal element the MMO proposes the below wording, noting this is still being discussed:

*20.—(1) No piling activities shall commence until an underwater sound management strategy for those activities, which accords with the outline underwater sound management strategy, has been submitted to and approved in writing by the MMO in consultation with the relevant statutory nature conservation body.*

*(2) The underwater sound management strategy must be submitted to the MMO no later than six months prior to the commencement of the relevant activities (or such other timescale as agreed with the MMO in writing).*

*(3) No piling activities associated with the authorised development may be undertaken between 15 February and 31 March inclusive, unless:*  
*(a) such activities are deemed necessary by the undertaker during this period; and*



			<p><i>(b) any additional mitigation requirements for such activities must be included in the underwater sound management strategy approved by the MMO under paragraph (1).</i></p> <p><i>(c) the activities must be undertaken with the additional mitigation requirements for such activities, as included within the underwater sound management strategy approved by the MMO under paragraph (1).</i></p> <p><i>(4) The piling activities must be carried out in accordance with the approved underwater sound management strategy for the duration of such activities.</i></p> <p>The MMO and Applicant are aiming to provide an agreed condition for Deadline 6.</p>
R17.1.6	NE	<p><b>Unexploded Ordnance Assessment</b></p> <p>In NE's Risk and Issues log [REP3-093] at reference RE_E11 the UXO assessment remains outstanding. The Applicant indicates that the UXO clearance will be dealt with outside the DCO process. Consequently, NE is requested to give its position as to whether at this stage sufficient information has been provided in light of the recent Guidance (see R17.1.1).</p>	<p>The MMO notes that this question is directed to NE and will not be providing a response.</p>

R17.1.7	NE and MMO	<p><b>Thresholds for the onset of behavioural responses</b></p> <p>NE's Risk and Issues log [REP3-093] in D40 notes that the dose-response curve approach has not been used to determine the number of common dolphin impacted at White Cross. This is contrary to what is stated in Paragraph 11.760. The approach used (TTS) is not sufficiently precautionary for a disturbance impact and is not consistent with how the other projects in the area have been assessed.</p> <p>NE and the MMO are requested to provide further information in light of the Applicant's view that the assessment is sufficiently precautionary.</p>	<p>The MMO does not consider it appropriate to use TTS onset thresholds as a proxy for disturbance and maintains the original comments and recommendations (see REP1-096, Section 2, Table 1, RR-047-32).</p> <p>The MMO notes that for quantifying the risk of behavioural responses, assessments may apply dose-response curves for proximity to the sound source and received sound level. Approaches based directly on the "distance of effect" reported for in situ behavioural studies (e.g., Merchant et al., 2018) can also be used as an empirical estimate of the risk of behavioural responses (Gomez et al., 2016), provided that the sound level of the noise source in the cited study is not substantially exceeded in the assessment scenario. Similarly, the SNCCB guidance (JNCC, 2020) lays out advice on the assessment of significant disturbance in UK SACs for harbour porpoise. The advice is to use fixed disturbance distances (in the form of EDRs) for different activities, based on empirical evidence. These EDRs could also be used in impact assessments in the absence of more bespoke scientific evidence for the species and noise source concerned. Since harbour porpoise are relatively skittish and sensitive to underwater noise, the EDRs are likely to be conservative for other marine mammal species and are therefore a suitably precautionary option in the absence of other data (unlike using TTS as a proxy for disturbance).</p> <p><b>Deadline 5 Update</b></p> <p>The MMO believes that this is in relation to two things.</p> <p>UXO clearance – The MMO notes as this will be dealt with as a separate marine licence this can be agreed – no material impact,</p> <p>Other projects - the MMO agrees with the Applicant's view that the assessment is sufficiently precautionary and considers it appropriate that the Applicant can only use the information publicly available for other plans and projects when undertaking their in-combination assessment at this stage.</p>
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R17.1.8	MMO	<p><b>Draft Marine Mammal Mitigation Protocol and outline Underwater Sound Management Strategy</b></p> <p>Please provide your comments on the draft Marine Mammal Mitigation Protocol [REP2-018] and outline Underwater Sound Management Strategy [REP2-026] and how these will interact with each other.</p>	<p>The MMO does not currently have further comments to make regarding the updated draft MMMP. The MMO have provided comments regarding the outline Underwater Sound Management Strategy (REP2-026) in Section 3.10 of its Deadline 4 response. .</p> <p>The MMO notes that the Applicant has provided an updated draft MMMP (REP4-027 and REP4-028) at Deadline 4 and UWSMS (REP4-049 and REP4-050). The MMO has provided further comments on the UWSMS see section 2BEM3 of this letter.</p>
R17.1.9	NE	<p><b>Effects on Red Throated Diver</b></p> <p>Please set out an explanation for the 10km buffer from the edge of the original Liverpool Bay SPA boundary for the effects on Red Throated Diver, and explain why any lesser distanced buffer would not be acceptable given that Red Throated Divers have been noted within 10km of existing windfarms.</p>	<p>The MMO notes that this question is directed to NE and will not be providing a response.</p>

R17.1.10	MMO	<p><b>Article 7: Benefit of Order</b></p> <p>The Marine and Coastal Areas Act 2009, and in particular Part 4 which deals with Marine Licences, is relevant. Section 113 of that Act is under the heading “the appropriate licensing authority” and determines who is the appropriate licensing authority for any given area. Subsections (2), (4) and (6) deal with Scotland, Wales and Northern Ireland waters respectively, and subsection (8) sets out “In relation to any area not mentioned in subsection (2), (4) or (6), the appropriate licensing authority is the Secretary of State. Please could the MMO indicate whether its powers in respect of licensable activities were transferred from the Secretary of State or whether it acts under delegated powers from the Secretary of State.</p>	<p>As per the Explanatory Memorandum <a href="https://www.legislation.gov.uk/ukxi/2015/1674/pdfs/ukxiem_20151674_en.pdf">https://www.legislation.gov.uk/ukxi/2015/1674/pdfs/ukxiem_20151674_en.pdf</a> (the MMO can add this as a PDF if required by the ExA), the MMO acts under delegated powers from the secretary of state in respect of licensable activities.</p>
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R17.1.12	MMO	<p><b>Deemed Marine Licence</b></p> <p>The MMO has indicated a desire for a condition 7(1) relating to all chemicals and substances used below MHWS.</p> <p>The MMO is asked to explain:</p> <ul style="list-style-type: none"> <li>• why such a provision is necessary, noting it has not been requested on recent examinations</li> <li>• why it requires ten weeks in which to make any approvals (this needs to be fully justified, setting the MMOs internal procedures involved)</li> <li>• whether it would be possible to set out a schedule of materials that, for want of a better expression, have deemed approval and if so could this please be provided.</li> </ul>	<p>The MMO will provide an update on this week commencing 03 March as part of an additional submission. The MMO notes the ExA may not accept an additional submission and if so the information will be provided at Deadline 5. However, the MMO will work with the Applicant to try and agree a position for Deadline 5. The MMO does note that for chemicals this may be unlikely but will set out full justification as requested for the ExA.</p> <p><b>Deadline 5 Update</b></p> <p>Please see Section XX for further comments.</p> <p>The MMO notes that a 10-week timescale is used as if chemicals are submitted for review the minimum turnaround is eight weeks, but this is provided that all relevant documentation is submitted. 10 weeks provides a worst-case scenario and to give sufficient time for the MMO to pass on the information to Cefas.</p> <p>Additionally, the MMO notes that there is no list of approved chemicals and this is not an option at this time due to the comments in Section XX.</p>
R17.1.13	MMO	<p><b>Deemed Marine Licence</b></p> <p>The MMO has indicated that it is looking for revised drafting for condition 7(10) in respect of dropped objects. Could this please be provided at D4.</p>	<p>The MMO has agreement from MCA on the following wording, noting the telephone number stated in (a) is to be confirmed:</p> <p><i>(7) (10) (a) Debris or dropped objects which are considered a danger or hazard to navigation must be reported as soon as reasonably practicable but no later than six hours from the undertaker becoming aware of an incident, to the relevant HM Coastguard Maritime Rescue Co-ordination Centre by telephone (add number), and the UK Hydrographic Office email: <a href="mailto:navwarnings@btconnect.com">navwarnings@btconnect.com</a>.</i></p> <p><i>(b) All dropped objects including those in (a), must be reported to the MMO using the Dropped Object Procedure Form (including any updated form as provided by the MMO) as soon as reasonably practicable and in any event within 24 hours of the undertaker becoming aware of an incident, unless otherwise agreed in writing with the MMO.</i></p>

		<p><i>(c) On receipt of notification or the Dropped Object Procedure Form the MMO may require relevant surveys to be carried out by the undertaker (such as side scan sonar) if reasonable to do so and the MMO may require obstructions to be removed from the marine environment at the undertaker's expense if reasonable to do so.</i></p> <p>The MMO is currently reviewing the Dropped Object Procedure and there is a potential of a change of wording to align with Marine Directorate - <a href="https://www.gov.scot/publications/offshore-renewables-accidental-deposit-of-an-object-at-sea-form-and-guidance/">https://www.gov.scot/publications/offshore-renewables-accidental-deposit-of-an-object-at-sea-form-and-guidance/</a> (The MMO can PDF this webpage if requested by the ExA). This change shouldn't alter the requirement by the Applicant or any changes to the DML as (b) identifies what should be submitted it would just be a change in wording.</p> <p>The aim of this update is to ensure that reports must be made no later than 6 hours after the incident has been discovered for more major 'deposits' i.e. those that may be hazardous to shipping and within 24 hours of the incident being discovered in all other cases. A defined list of major deposits cannot be provided due to the nature of the activity. If the Project is in doubt whether an object is a danger/hazard to navigation then we would encourage them to assume it is and report it within 6 hours as per the condition.</p> <p><b>Deadline 5 Update</b></p> <p>The MMO has provided further comments on this condition in Section 7 of this letter.</p>
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R17.1.14	MMO	<b>Deemed Marine Licence</b> Please can the MMO look at its response at D3 [REP3-085] pdf page 70. In paragraphs 3.2.18 to 3.2.28. There are a couple of references to condition 19 in Schedules 3 and 4. Give Schedules 3 and 4 do not relate to the marine licence, what is this referring to?	The MMO has reviewed paragraphs 3.2.18 to 3.2.28 of its Deadline 3 response (REP3-085). Reference to condition 19 in Schedule 3 and 4 was made in error. This should have been reference to Schedule 6, part 2, condition 8 Force Majeure.
R17.1.15	MMO	<b>Deemed Marine Licence</b> Condition 8 deals with Force Majeure. At D2 the MMO indicated it would respond further at D3, but no response was received. Could you please confirm its position either way, and if you are not content please review the recording from the hearing and provide a response.	<p>The MMO provided further comments regarding Condition 8 within Section 3.2 (3.2.18 to 3.2.28) of its Deadline 3 Response (REP3-085). Please note condition 8 was mistakenly referred to as condition 19 in paragraphs 3.2.18 to 3.2.28 of REP3-085.</p> <p>The MMO maintains its position regarding Force Majeure, and does not consider it necessary to be included within the DML. The MMO will review the Applicant's response to REP3-085 and continue discussions with the Applicant. However, the MMO believes this will likely be 'not agreed – material impact' at the end of Examination.</p> <p><b>Deadline 5 Update</b></p> <p>The MMO has provided further comments in Section 7 of this letter.</p>
R17.1.16	MMO NE	<b>Deemed Marine Licence</b> In condition 9(1)(c) there is a reference to a four month prior approval period. The MMO and NE are asked to justify why they each need a six month period. This needs to be fully justified, setting out the MMOs and NE's internal procedures involved.	<p>The MMO notes the Applicant has agreed to a six month approval period as set out in Section 1, Table 1, 1DCO7, of this letter and therefore has not provided further comments on this response.</p> <p>The MMO is still discussing some of the other documents that are set at four months and will provide further comments at Deadline 5 if this is still a concern.</p> <p>The MMO still maintains a major concern on Condition 10(2) as set out in Section 7.5 of this document.</p>

R17.1.17	MMO NE	<p><b>Deemed Marine Licence</b></p> <p>Please could the MMO confirm either way whether the current drafting of condition 9(1)(e) is satisfactory. If not, please explain why, providing alternative wording.</p>	<p>The MMO is largely in agreement with the wording, however, is providing further information in relation to chemical assessments (as per R17.1.12) which links with 9(1)(e)(ii) – confirmation will be provided week commencing 03 March as part of an additional submission.</p> <p>The MMO will work with the Applicant to try and agree a position for Deadline 6. The MMO does note that for chemicals this may be unlikely but will set out full justification for each update required.</p> <p><b>Deadline 5 Update</b></p> <p>Please see Section 7.6 in relation to this Condition.</p>
R.17.1.18	MMO	<p><b>Deemed Marine Licence</b></p> <p>A number of conditions suggested by the MMO include the phrase “unless otherwise agreed in writing by the MMO”. In light of the High Court decision in <i>Midcounties Co-operative Ltd v Wyre Forest DC</i> [2009] EWHC 964 the MMO is asked to justify why this wording is required in each case. Examples include conditions 14 and 20.</p>	<p>The MMO is still considering the High Court decision and will provide any comments or updates week commencing 03 March as part of an additional submission. The MMO notes the ExA may not accept an additional submission and if so the information will be provided at Deadline 5. However, the MMO note the Applicant also agrees with the flexibility of this wording.</p> <p>The MMO believes the inclusion of ‘<i>unless otherwise agreed in writing by the MMO</i>’ allows flexibility post consent in relation to the submission timescales and information within documents. This is currently set out in Conditions 2(4), 7(1), 9(1)(c), 10, 14, 15, 16 and 20.</p> <p>The reason for this inclusion is not to change the agreed parameters within the DML or approve more than has been assessed at the post consent stage, but to allow for flexibility in processing or as part of the discussions in relation to the MMO’s regulatory duties in discharging documents. This provides a clear audit of any decisions or changes to the specified wording – rather than a full variation being required. All documents have a requirement for consultation but on occasion this has been short notice as issues have occurred during construction or while conducting surveys. Another example could be due to weather and Health and Safety impacts the survey was due to take place 1 March within the approved document but this couldn’t not start and the MMO in consultation with relevant interested parties could decide that it was ok to start 5 March.</p>



			<p>The MMO requests if the ExA requires any further clarification on this matter that another questions is provided with specifics.</p> <p><b>Deadline 5 Update</b></p> <p>The MMO understands the ExA is still not content with the wording unless otherwise agreed in writing and understands the Applicant is updated the documents accordingly. The MMO is content with the proposed updates.</p>
R17.1.19	MMO	<p><b>Deemed Marine Licence</b></p> <p>The MMO has indicated it will provide an update to condition 15(1) in due course. Please provide a full response by Deadline 4.</p>	<p>The MMO is still in discussion with SNCBs in relation to the condition and the standard agreed condition is unlikely to be ready within this Examination. Due to this the MMO raised this within the meeting with the Applicant on 14 February. The MMO has requested within the first 4 piles 2 piles to be the worst case scenario and is awaiting further information from the Applicant on this request. The MMO would note that this request has been discussed on the Morgan OWF project. Although they cannot do the first four piles further discussion has been undertaken and as they have 16 worst case piles identified they have agreed to monitor the first two of these piles. The MMO notes that this is slightly different to the Applicant's project but hopes to continue the discussion with the aim to agree any changes by Deadline 5 or 6.</p> <p><b>Deadline 5 Update</b></p> <p>The MMO is still discussing this with NE and will ensure an agreed position is submitted at Deadline 6 including agreement or discussions with the Applicant.</p>

Yours sincerely,

Victoria Hindmarsh  
Marine Licensing Case Officer

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## 10. Annex 1

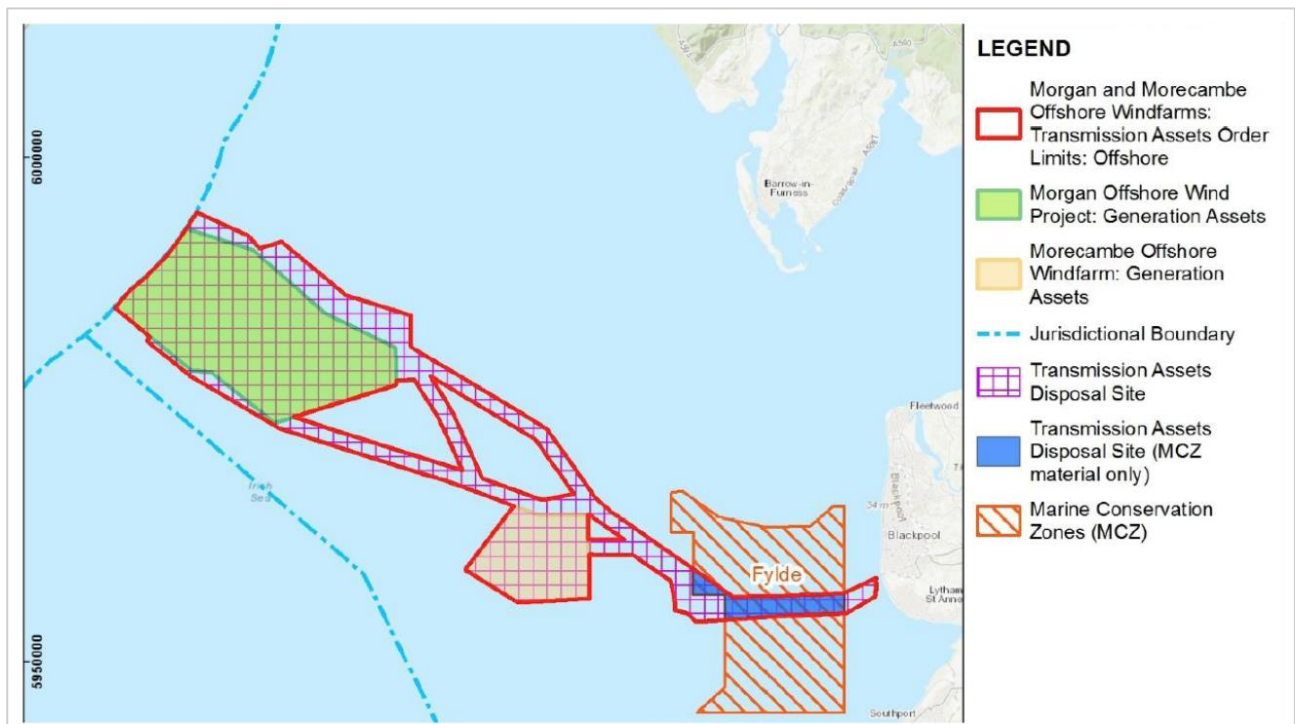


Figure 1 Location of disposal sites in relation to Projects

