



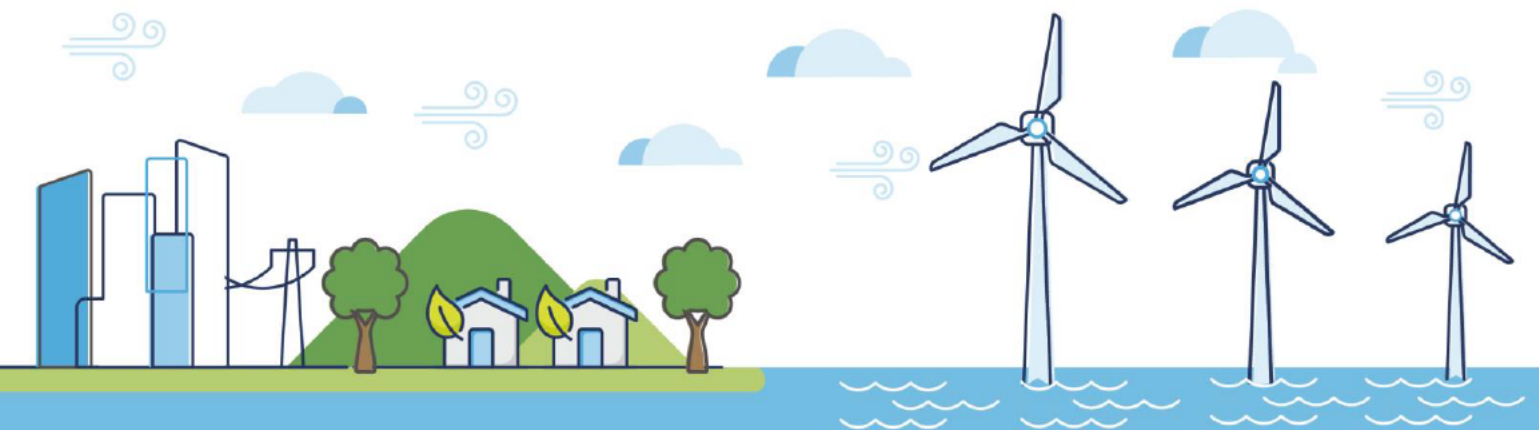
# **Morecambe Offshore Windfarm: Generation Assets Examination Documents**

## **Volume 9**

### **The Applicant's Comments on Natural England's Risk and Actions Log at Deadline 5**

Document Reference: 9.64

Rev 01



## Document History

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## Glossary of Acronyms

|       |   |
|-------|---|
| CEA   | Cumulative Effects Assessment           |
| CMS   | Construction Method Statement           |
| DCO   | Development Consent Order               |
| dML   | deemed Marine Licence                   |
| ExA   | Examining Authority                     |
| HRA   | Habitats Regulations Assessment         |
| IP    | Interested Parties                      |
| IPMP  | In Principle Monitoring Plan            |
| JNCC  | Joint Nature Conservation Committee     |
| MCZ   | Marine Conservation Zone                |
| MMMP  | Marine Mammal Mitigation Protocol       |
| NAS   | Noise Abatement Systems                 |
| NE    | Natural England                         |
| PEMP  | Project Environmental Management Plan   |
| PTS   | Permanent Threshold Shift               |
| RIAA  | Report to Inform Appropriate Assessment |
| SAC   | Special Area of Conservation            |
| SNCB  | Statutory Nature Conservation Bodies    |
| SPA   | Special Protection Area                 |
| SSSI  | Site of Special Scientific Interest     |
| UK    | United Kingdom                          |
| UWSMS | Underwater Sounds Management Strategy   |
| VTMP  | Vessel Traffic Management Plan          |

## Glossary of Terminology

|   |  |
|---|--|
| Applicant   | Morecambe Offshore Windfarm Ltd  |
| Agreement for Lease (AfL)                                     | Agreements under which seabed rights are awarded following the completion of The Crown Estate tender process.  |
| Generation Assets (the Project)                               | Generation assets associated with the Morecambe Offshore Windfarm. This is infrastructure in connection with electricity production, namely the fixed foundation wind turbine generators (WTGs), inter-array cables, offshore substation platform(s) (OSP(s)) and possible platform link cables to connect OSP(s). |
| Inter-array cables  | Cables which link the WTGs to each other and the OSP(s).   |
| Morgan and Morecambe Offshore Wind Farms: Transmission Assets | The Transmission Assets for the Morgan Offshore Wind Project and the Morecambe Offshore Windfarm. Also referred to in this report as the Transmission Assets, for ease of reading.   |
| Offshore substation platform(s)                               | A fixed structure located within the windfarm site, containing electrical equipment to aggregate the power from the WTGs and convert it into a more suitable form for export to shore.   |
| Platform link cable   | An electrical cable which links one or more OSP(s).  |
| Windfarm site   | The area within which the WTGs, inter-array cables, OSP(s) and platform link cables will be present.   |



# The future of renewable energy

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# 1 Introduction

1. This document presents Morecambe Offshore Windfarm Ltd (the Applicant) comments on Natural England's (NE) Risk and Action Log, submitted at Deadline 5 (REP5-083).
2. This document provides an update to The Applicant's Response to Relevant Representations (PD1-011), The Applicant's Comments on Written Representations Appendix A: Applicant's Comments on Natural England Risk and Actions Log (REP2-028) submitted at Deadline 2, and The Applicant's Comments on Natural England's Risk and Issue Log at Deadline 4 (REP5-061) submitted at Deadline 5, and seeks to clarify which matters are considered 'resolved' and which matters are still outstanding with NE towards the close of Examination.
3. Each tab of NEs Risk and Actions Log is replicated in sections below:
  - **Section 2.1:** Principal Areas of Disagreement
  - **Section 2.2:** Draft Development Consent Order (DCO)
  - **Section 2.3:** Offshore Ornithology
    - **Section 2.3.1:** Ornithology Compensation
  - **Section 2.4:** Marine Mammals
  - **Section 2.5:** Marine Geology, Marine Sediment and Water Quality
  - **Section 2.6:** Benthic
  - **Section 2.7:** Bats
4. To avoid duplication with previous submissions, the Applicant has not presented rows from the Risk and Issues Log which were 'greyed' out, or that have no further comments provided at Deadline 5.
5. As the owner of the Morecambe Offshore Windfarm Generation Assets, Morecambe Offshore Windfarm Ltd is the named undertaker that has the benefit of the Development Consent Order (DCO). References in this document to obligations on, or commitments by, 'the Applicant' are given on behalf of Morecambe Offshore Windfarm Ltd as the undertaker of Morecambe Offshore Windfarm Generation Assets.

# 2 Comments on NE's Risk and Actions Log

6. The Applicant's comments on NE Risk and Actions Log (REP4-067) are presented in **Table 2.1**. Please note that NE's colour coding is as follows:

Table 2.1 NE's Risks and Action Log colour coding

| Description   | Colour |
|---|--------|
| <b>Purple</b><br>Note for Examiners and/or competent authority. May relate to DCO/Deemed Marine Licence (dML)   |        |
| <b>Red</b><br>NE considers that unless these issues are resolved it will have to advise that (in relation to any one of them, and as appropriate) it is not possible to ascertain beyond reasonable scientific doubt that the project will not affect the integrity of an Special Area of Conservation (SAC)/ Special Protection Area (SPA)/Ramsar and/or significantly hinder the conservation objectives of an Marine Conservation Zone (MCZ) and/or damage or destroy the interest features of a Sites of Special Scientific Interest (SSSI) and/or comply fully with the Environmental Impact Assessment requirements.<br><br>Addressing these concerns <u>may</u> require the following: <ul style="list-style-type: none"> <li>▪ new baseline or survey data; and/or</li> <li>▪ significant revisions to baseline characterisation and/or impact modelling and/or</li> <li>▪ significant design changes; and/or</li> <li>▪ significant mitigation</li> </ul> In addition, NE may use this category to highlight where there is a significant risk that an issue will not be sufficiently addressed within the Examination timescales. Consequently, issues that start out as Amber may progress to Red in the latter stages of the examination. |        |
| <b>Amber</b><br>NE does not agree with the applicant's position or approach and consider that this could make a material difference to the outcome of the decision-making process for this project.<br>NE considers that these matters <u>may</u> be resolved through: <ul style="list-style-type: none"> <li>▪ provision of additional evidence or justification to support conclusions; and/or</li> <li>▪ revisions to impact assessment methodology and/or assessment conclusions; and/or</li> <li>▪ minor to moderate revisions to impact modelling; and/or</li> <li>▪ well-designed mitigation measures that are adequately secured through the draft DCO/dML and/or</li> <li>▪ amendments to draft plans</li> </ul> If these issues are not addressed or are unlikely to be resolved by the end of the Examination, then they may become a Red risk as set out above.   |        |
| <b>Yellow</b><br>NE doesn't agree with the Applicant's position or approach. We would ideally have liked this to be addressed prior to the examination but are satisfied that for <u>this particular project</u> it is unlikely to make a material difference to our advice or the outcome of the decision-making process and would not expect these matters to be a ongoing focus of the examination. However, we reserve the right to revise our opinion should further evidence be presented.<br><br>It should be noted by interested parties (IP) that just because these issues/comments are not raised as significant concerns in this instance, it should not be understood or inferred that NE would be of the same view in other cases or circumstances.<br><br><b>Once a Risk or Issue has been categorised as yellow, NE will not make further comment on the matter at subsequent deadlines, unless specifically requested to through</b>   |        |

| Description  | Colour |
|--|--------|
| Examining Authority (ExA) Questions. These rows will then be greyed out at subsequent deadlines in order to rationalise the risk and issues log.   |        |
| <p><b>Green</b></p> <p>NE is in broad agreement with the Applicant's approach and has no significant outstanding concerns.</p> <p>As above, we reserve the right to revise our opinion should new evidence be presented.</p> <p>Once a Risk or Issue has been categorised as green, NE will not make further comment on the matter at subsequent deadlines, unless specifically requested to through ExA Questions. These rows will then be shaded grey at subsequent deadlines in order to rationalise the risk and issues log.</p> |        |



## 2.1 Summary: Principal Areas of Disagreement

Table 2.1 The Applicant's comments on NE's Risk and Actions Log: Principal Areas of Disagreement

| Point  | Point Number(s) from Principal Areas of Disagreement Summary Statement (PADSS) | Taken from Natural England's Relevant Representations Generation- Principal Areas of Disagreement Summary Statement (PADSS)  | RAG Status | Update Procedural Deadline A | RAG Status D1 | Update D1    | RAG status D2 | Update D2    | RAG Status following D3 | Update D3 | RAG Status D4 | Update following D4   | RAG Status D5 | Applicant Response at Deadline 5A  |
|--|--|--|------------|------------------------------|---------------|--------------|---------------|--------------|-------------------------|-----------|---------------|---|---------------|--|
| <b>Development Consent Order (DCO and deemed Marine License (dML))</b> |  |  |            |                              |               |              |               |              |                         |           |               |   |               |  |
| RI_P2  | P2   | There is no pre- or post-construction benthic, marine mammal or ornithological monitoring secured by conditions. Monitoring conditions should be included.           |            | No change                    |               | No change    |               | No change    |                         | No change |               | No change   |               | <p>The Applicant has provided for, as shown in the In Principle Monitoring Plan (IPMP) (Document Reference 6.4), the following monitoring:</p> <ul style="list-style-type: none"> <li>Benthic – Geophysical surveys pre and post construction (with Drop-Down Video (DDV) if required) and Invasive Non Native Species (INNS) monitoring</li> <li>Ornithology – Red Throated Diver (RTD) monitoring (aerial surveys)</li> <li>Marine Mammals – Noise monitoring from the first 4 piles and marine mammal data collection during the RTD aerial surveys</li> </ul> <p>The Applicant is also in discussions around a contribution that could be made for lesser black-backed gull (LBBG) to existing programmes, given the Applicant's position which has been acknowledged by NE (REP5-083) that Project alone collision monitoring would not be effective (see RL_B39 below).</p> <p>Further benthic survey is not considered to be required by the Applicant given the level of effects identified and the existing information within literature regarding species recovery. Natural England have not identified additional ornithological monitoring aside from the RTD monitoring and the LBBG programme contribution as stated above. In terms of marine mammals, Natural England have requested disturbance monitoring. It is considered by the Applicant that there could be potential interactions from other projects that could be piling at the same time. It is also not considered to be necessary given the commitment to mitigations made in the Outline UWSMS to reduce disturbance effects, and the monitoring already provided in the IPMP (Document Reference 6.4).</p> <p>In regard to further benthic, ornithology and marine mammal monitoring, the Applicant maintains that there is a sufficient evidence base and / or no significant effects or sensitivities driving the need for further monitoring commitments than those detailed in the (Document Reference 6.4).</p> <p>Monitoring is secured in the Deemed Marine Licence included in the draft Development Consent Order (dDCO) (Schedule 6, Part 2, Conditions 9, 14, 15 and 16) (Document Reference 3.1) to be in line with the IPMP (Document Reference 6.4). However, in line with the third Examiners Questions (ExQ3s), the Applicant has drafted additional without prejudice conditions for benthic, ornithology, marine mammal (and bat) monitoring but does not consider these conditions for additional monitoring to be necessary for consent.</p> |
| <b>Offshore Ornithology</b>  |  |  |            |                              |               |              |               |              |                         |           |               |   |               |  |
| RI_P3  | P3   | Some historic projects have not been considered quantitatively for the cumulative and in-combination assessments. This introduces the risk that impacts assessed are |            | No change                    |               | In progress. |               | In progress. |                         | No change |               | In progress. Some of the assessments affected by this issue have been updated. See tab B. |               | <p>The Applicant has previously addressed this matter at Deadline 2 (ID WR-097-16 of REP2-028) and anticipates this matter is resolved with the submission of the updated Chapter 12 Offshore Ornithology at Deadline 5 (REP5-014). Natural England has confirmed in its Deadline 5 submissions (REP5-078) that its concerns at the HRA scale (in-combination) have been addressed in the updated Report to Inform Appropriate Assessment (RIAA) that was submitted at Deadline 4 (REP4-009).</p>  |

| Point | Point Number(s) from Principal Areas of Disagreement Summary Statement (PADSS) | Taken from Natural England's Relevant Representations Morecambe Generation- Principal Areas of Disagreement Summary Statement (PADSS)  | RAG Status Rel Rep | Update Procedural Deadline A | RAG Status D1 | Update D1 | RAG status D2 | Update D2   | RAG Status D3 | Update following D3 | RAG Status D4 | Update following D4                | RAG Status D5 | Applicant Response at Deadline 5A   |
|-------|--|--|--------------------|------------------------------|---------------|-----------|---------------|-------------|---------------|---------------------|---------------|------------------------------------|---------------|---|
|       |  | <p>incomplete. We also question the apportioning of the impacts assessed to specific SPAs and therefore the results of appropriate assessments for these sites.</p> <p>A full quantitative assessment should be presented, following the method Natural England has previously supplied to the applicant. We also urge collaboration with other OWF projects in the Irish Sea so that the same data are being used to perform cumulative and in-combination assessments across the region.</p>   |                    |                              |               |           |               |             |               |                     |               |                                    |               |   |
| RI_P4 | P4   | <p>Adverse effect on red-throated diver (RTD) at Liverpool Bay / Bae Lerpwl SPA. Due to displacement impacts on RTD we do not agree that an adverse effect on the integrity of Liverpool Bay SPA can be ruled out. The additional 18km2 of habitat used by RTD over which displacement will occur is a concern in light of the objective to restore the distribution of the species in the site. The most effective way to avoid this adverse effect would be a change to the red line boundary or commitment to an exclusion zone for structures such that no</p> |                    | No change                    | No change     | No change | No change     | In progress |               |                     |               | In progress. See updates to tab B. |               | <p>The Applicant has previously addressed this matter at Deadline 2 (ID WR-097-18 of REP2-028) and has provided further information to support the Applicant's position at Deadline 4 (REP4-054). This additional information supplements the Offshore Ornithology Technical Note 3 (Red Throated Diver at Liverpool Bay Special Protection Area (SPA) Update Assessment) submitted at Deadline 1 (REP1-082).</p> <p>Notwithstanding this position, the Applicant has continued to engage with Natural England (NE) on this matter and provided a without prejudice compensation case (REP3-064). An updated without prejudice compensation case was provided at Deadline 5 (REP5-054) in light of progress made since Deadline 3.</p> <p>At Deadline 5A, the Applicant submitted a without prejudice analysis of RTD buffers and analysis on the loss of turbines and viability of the Project (as also requested by the ExA in ExQ3s (see The Applicant's Responses to ExQ3 Appendix A: Response to 3GEN2 and 3GEN3 (Document Reference 9.61.1)).</p> |



| Point                 | Point Number(s) from Principal Areas of Disagreement Summary Statement (PADSS) | Taken from Natural England's Relevant Representations and Written Generation- Principal Areas of Disagreement Summary Statement (PADSS)   | RAG Status Rel Rep | Update Proced ural Deadlin e A | Rag Status D1 | Update D1 | RAG status D2 | Update D2 | RAG Status D3 | Update followi ng D3 | RAG Status D4 | Update following D4 | RAG Status D5 | Applicant Response at Deadline 5A  |
|-----------------------|--|---|--------------------|--------------------------------|---------------|-----------|---------------|-----------|---------------|----------------------|---------------|---------------------|---------------|--|
|                       |  | turbines are located within 10km of this area.  |                    |                                |               |           |               |           |               |                      |               |                     |               |  |
| RI_P5                 | P5   | Adverse effect on lesser black-backed gull at Morecambe Bay and Duddon Estuary SPA and Ribble and Alt Estuary SPA. Due to in-combination collision impacts, an adverse effect on the integrity of these sites cannot be ruled out. Both sites' populations of this species are below their target so avoiding any further deterioration is imperative. Assessments should be updated to consider current population trajectories and refined apportioning of impacts. The scale of the proposed compensatory measures should be adjusted in line with the revised assessments, and landowner agreement evidenced. |                    | No change                      | In progress.  |           | In progress.  |           | In progress.  |                      | No change.    |                     |               | <p>The Applicant notes Natural England's comments but reiterates its position that it considers that the Project would not contribute to in-combination effects on the lesser black-backed gull feature of Morecambe Bay and Duddon Estuary SPA and Ribble and Alt Estuaries SPA, given the very low predicted mortality as a result of the Project. It is noted that Natural England has agreed (REP5-078) with the mortality estimates presented in the updated RIAA that was submitted at Deadline 4 (REP4-009).</p> <p>Whilst the Applicant agrees that the predicted mortality of birds apportioned to the SPAs would be expected to increase as the SPA population increased, no change in the increase in background mortality would be expected. This is because the reference population against which background mortality change is calculated would also increase proportionately. The Applicant also highlights that as the predicted mortality is so low, any proportionate change is still likely to result in very low predicted mortality, and any such changes would be hard to detect against background variation.</p> <p>Furthermore, the Applicant highlights that the increased size of the SPA colonies has occurred despite the presence of a number of operational windfarms within the foraging range of birds within the SPA. There appears to be no evidence, therefore, that the presence of windfarms is making a detectable difference to the population trajectory.</p> |
| <b>Marine Mammals</b> |  |   |                    |                                |               |           |               |           |               |                      |               |                     |               |  |
| RI_P6                 | P6   | The applicant has not made a commitment to use Noise Abatement Systems (NAS) during construction. From January 2025 it will be an expectation that all developers proposing offshore piling activity in English waters should demonstrate best endeavours to deliver noise reductions. We anticipate that the majority of piling will not be able to proceed without noise abatement in place. The Applicant  |                    | No change                      | No change     |           | No change     |           | No change     |                      | In progress.  |                     |               | <p>The Applicant has committed to the application of NAS for the worst case scenario and to ensure appropriate Acoustic Deterrent Device (ADD) usage within maximum recommended ranges and to ensure there is no residual Permanent Threshold Shift (PTS). This is appropriate to address the impacts identified in Chapter 11 Marine Mammals (Document Reference 5.1.11) in the ES. The Applicant has also committed to an Underwater Sound Management Strategy (UWSMS) (Outline UWSMS; Document Reference 9.32) to define and secure the mitigation required in consideration of the final Project design. The Outline UWSMS and the Draft MMMP (Document Reference 6.5), which are drafted in line with the latest guidance, provide the mechanism to secure primary or secondary mitigation (or both) as required. The Applicant has included a UWSMS condition in the dDCO_Rev 06 (Document Reference 3.1) (a new sub-paragraph (2) in Condition 20 of Schedule 6) which provides for details of the noise reduction measures and / or Noise Abatement Systems (NAS) to be detailed in the UWSMS. However, it is considered by the Applicant that this condition is unnecessary since the mitigation is effectively secured via the UWSMS (and MMMP).</p>   |

| Point   | Point Number(s) from Principal Areas of Disagreement Summary Statement (PADSS) | Taken from Natural England's Relevant Representations Morecambe Generation- Principal Areas of Disagreement Summary Statement (PADSS)   | RAG Status Rel Rep | Update Procedural Deadline A  | Rag Status D1 | Update D1 | RAG status D2 | Update D2                                | RAG Status D3 | Update following D3 | RAG Status D4 | Update following D4   | RAG Status D5 | Applicant Response at Deadline 5A   |
|---|--|---|--------------------|---|---------------|-----------|---------------|--|---------------|---------------------|---------------|---|---------------|---|
|   |  | should fully commit to using noise abatement as mitigation to reduce both injury and disturbance to marine mammal receptors during construction activities. This should be reflected in a DCO/dML condition that requires consideration of NAS in the Marine Mammal Mitigation Protocol.  |                    |   |               |           |               |  |               |                     |               |   |               |   |
| <b>Benthic Ecology and Physical Processes</b> |  |   |                    |   |               |           |               |  |               |                     |               |   |               |   |
| RI_P7   | P7   | <p>Assessment of impacts to benthic habitats and physical processes is incomplete. The potential impacts from seabed preparation works have not been fully considered within the assessment. The Applicant should provide an updated assessment of impacts on physical processes and benthic ecology that incorporates a realistic worst case scenario for these activities.</p> <p>Commitments to: standard mitigation measures for benthic habitats; removal of infrastructure at decommissioning and; to measures to reduce introduction of plastics to the marine environment have not yet been secured</p> |                    | In progress. Rule 9 response presents updated worst case scenario that clarifies and includes these pressures and receptors, but this is not yet included in an updated assessment. |               | No change |               | No change. See RI_E11, RI_E13 and RI_E14 |               | No change           |               | No change. Standard mitigation measures secured in principle. Micrositing requires further work. No decommissioning programme has been submitted. |               | <p>The remaining issues around securing mitigation relate to the following points:</p> <ul style="list-style-type: none"> <li>▪ <b>Micrositing:</b> The pre-construction geophysical surveys (and any required drop down video) committed to in the IPMP (Document Reference 6.4.1) allow the identification of potential reef habitat (noting no reef was identified in baseline surveys) as part of the micrositing process. The results of the survey will be reported to the MMO in consultation with NE (as per Condition 9 of the Deemed Marine Licence in the dDCO (Document Reference 3.1)). The need to microsite around any reef habitat identified in the geophysical survey will require approval from MMO in consultation with relevant SNCBs. It is therefore considered there is an appropriate framework in place post consent to ensure any potential for identified reef habitat impacts can be appropriately addressed by the relevant authority in consultation with relevant stakeholders.</li> <li>▪ <b>Locations of cable crossings:</b> The details of cable crossings will be included in the Cable Specification and Installation Plan (CSIP) post consent which is required to be submitted to the MMO for approval as secured in condition 9 of the Deemed Marine Licence in the draft DCO (Document Reference 3.1). The Applicant is not in a position to provide the location of cable crossings until the layout is developed and agreed post-consent (as is standard practice with other offshore wind farm consents). The Project is not within a designated site and has not identified sensitive features during the EIA baseline surveys, therefore it is considered disproportionate, unreasonable and impractical to require detailed cable crossing locations at this stage of the Project's development.</li> <li>▪ <b>Decommissioning Programme:</b> The Applicant considers that the requirements around decommissioning, and the provision of and specific content within a Decommissioning Programme or Plan, are fully addressed within the Energy Act 2004. The Applicant does not consider that an outline version of a Decommissioning Programme is required to be submitted pre-consent. During the post-consent stage when more accurate details of the Project design are known, a decommissioning programme will be prepared based on those details, as conditioned in the dDCO (requirement 10, Schedule 2). Under the Energy Act 2004, this will initially be prepared in draft and subject to consultation with other parties, including Natural England and the MMO (with scope for revisions to be made), prior to approval by the Secretary of State. However, it has been added to the outline Construction Method Statement (Document Reference 9.49) that the</li> </ul> |

| Point | Point Number(s) from Principal Areas of Disagreement Summary Statement (PADSS) | Taken from Natural England's Relevant Representations and Written Morecambe Generation- Principal Areas of Disagreement Summary Statement (PADSS) | RAG Status Rel Rep | Update Proced ural Deadlin e A | Rag Status D1 | Update D1 | RAG status D2 | Update D2 | RAG Status D3 | Update followi ng D3 | RAG Status D4 | Update following D4 | RAG Status D5 | Applicant Response at Deadline 5A  |
|-------|--|---|--------------------|--------------------------------|---------------|-----------|---------------|-----------|---------------|----------------------|---------------|---------------------|---------------|--|
|       |  |   |                    |                                |               |           |               |           |               |                      |               |                     |               | recoverability of material and the introduction of plastic would be considered. Further, as added to the commitments register, the Decommissioning Programme would be provided to the MMO and NE for review prior to submission to the Secretary of State (SoS). |



## 2.2 DCO

Table 2.2 The Applicant's comments on NE's Risk and Actions Log: DCO

| Point ref | Point Number(s) from Appendix A | Taken from Natural England's Relevant and Written Representations Morecambe Generation Appendix A - Development Consent Order (DCO)   | RAG Status Rel and Wri Rep | Update Following Procedural Deadline A | Rag Status D1 | Update Following D1  | Rag Status D2 | Update Following D2 | Rag Status D3 | Update following D3 | Rag Status D4 | Update following D4  | Rag Status D5 | Applicant Response at Deadline 5A  |
|-----------|---------------------------------|---|----------------------------|--|---------------|--|---------------|---------------------|---------------|---------------------|---------------|--|---------------|--|
| RI_A4     | A4                              | Natural England notes this condition requires a Marine Mammal Mitigation Protocol (MMMP). Natural England considers that this condition should refer to the requirement to consider Noise Abatement Systems (NAS) within the MMMP as these are considered important mitigation for Marine Mammals. Natural England advises that the condition to require the consideration of the use of NAS within the MMMP is amended within the dML. |                            | No change                              |               | No change. No further updates to DCO and dML submitted at D1 |               | No change.          |               | No change.          |               | In progress. The Applicant intends to use NAS, but it is not yet conditioned and further work is needed on the scenarios under which NAS will be used. |               | The Applicant considers the UWSMS provides the suitable mechanism to secure the required mitigation, and no further conditions are required on the face of the deemed Marine Licence (dML). However, the Applicant has revised the UWSMS condition in the dDCO_Rev 06 at Deadline 5A (Document Reference 3.1), which now states that noise reduction measures or NAS (or both) would be detailed in the UWSMS should the SoS consider that this is required on the face of the DCO.  |
| RI_A5     | A5                              | These conditions cover the monitoring for the project. Natural England notes that there is no pre-construction benthic, marine mammal or ornithological monitoring secured within condition 14 or post construction   |                            | No change                              |               | No change. No further updates to DCO and dML submitted at D1 |               | No change.          |               | No change.          |               | No change.   |               | Monitoring is secured in the dML (conditions 9, 14, 15 and 16) (Document Reference 3.1) to be in line with the IPMP_Rev 05 (Document Reference 6.4). The IPMP was updated at Deadline 3 and 4 to outline monitoring measures proposed, including additional monitoring for marine mammals and ornithology (REP4-025). At Deadline 5A, further clarification on the benthic surveys has been provided in the IPMP_Rev 05 (Document Reference 6.4). No further monitoring is considered to be required.<br><br>In line with ExQ3s, the Applicant has drafted additional without prejudice conditions for benthic, ornithology, marine mammal (and bat) monitoring but does not |

| Point ref | Point Number(s) from Appendix A | Taken from Natural England's Relevant and Written Representations Morecambe Generation Appendix A - Development Consent Order (DCO)  | RAG Status Rel and Wri Rep | Update Following Procedural Deadline A | Rag Status D1 | Update Following D1  | Rag Status D2 | Update Following D2   | Rag Status D3 | Update following D3 | Rag Status D4 | Update following D4   | Rag Status D5 | Applicant Response at Deadline 5A   |
|-----------|---------------------------------|--|----------------------------|--|---------------|--|---------------|---|---------------|---------------------|---------------|---|---------------|---|
|           |                                 | monitoring at condition 16. This monitoring is considered standard. We advise that monitoring conditions should be updated and informed by a pre consent In Principle Monitoring Plan.   |                            |  |               |  |               |   |               |                     |               |   |               | consider these conditions for additional monitoring to be necessary for consent.  |
| RI_A8     | A8                              | Within this condition there is usually a requirement to microsite the cables around features of conservation importance, as well as archaeological features. The condition as drafted only provides for exclusion of archaeological features. Natural England would note that even outside of benthic designated sites important conservation habitats such as Sabellaria spinulosa reef are protected under the NERC act and appropriate mitigation should be included. We would note this micro-siting has |                            | No change                              |               | No change. No further updates to DCO and dML submitted at D1 |               | In progress, the Applicant has indicated that they will be including this condition. However, currently no update submitted into examination. |               | No change           |               | In progress. Micrositing is now included in the condition, however the delivery of this depends upon commitment to a pre-construction benthic survey designed to inform presence and extent of these features. This is yet to be specified in the IPMP. |               | It is noted that baseline surveys did not identify the presence of reef habitat. The IPMP_Rev 05 has been updated at Deadline 5A (Document Reference 6.4) to clarify that pre-construction geophysical surveys and drop down video, if required, (which are included in the IPMP) would be used to identify any unrecorded areas of reef that could potentially be impacted by construction activities. |

| Point ref | Point Number(s) from Appendix A | Taken from Natural England's Relevant and Written Representations Morecambe Generation Appendix A - Development Consent Order (DCO)  | RAG Status Rel and Wri Rep | Update Following Procedural Deadline A              | Rag Status D1 | Update Following D1  | Rag Status D2 | Update Following D2  | Rag Status D3 | Update following D3 | Rag Status D4 | Update following D4   | Rag Status D5 | Applicant Response at Deadline 5A   |
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|           |                                 | been included in most OWF DCOs as standard and would refer you to the East Anglia Two DCO for a recent example. Natural England advises amending the condition to include requirement to micro-site around features of conservation importance.  |                            |   |               |  |               |  |               |                     |               |   |               |   |
| RI_A10    | A10, A2                         | Natural England notes that this condition provides that most of the plans and documentation submitted in condition 15 be submitted 4 months prior to the works. Natural England notes that due to the size and complexity of this project this time period is not appropriate. Given the large volume of documentation and the often complex nature of such we request this be amended to six months prior to commencement. Alternatively we are willing to discuss the required timing for each plan with the |                            | In progress. Awaiting communication from applicant. |               | No change. No further updates to DCO and dML submitted at D1 |               | In progress. Applicant has not yet submitted an updated timetable for pre-construction document submission into examination. |               | No change           |               | In progress. Some plans have been moved to a 6 month schedule for submission, although this is not the default proposition. See also NE's response to DC04 and our Deadline 5 cover letter. |               | The Applicant can confirm that the draft DCO_Rev 06 (Document Reference 3.1) has been updated at Deadline 5A to reflect that the Vessel Traffic Management Plan (VTMP), Offshore Operation and Maintenance Plan (OOMP) and Project Environmental Management Plan (PEMP) would be submitted 6 months prior to the commencement of the activity. This is in addition to the changes for other plans updated to 6 months at previous deadlines. The Applicant considers that the appropriate plans have now been secured at a 6 month timescale and given the location and sensitivities of the Project site the remaining plans have a suitable 4 month submission timescale (as agreed with the MMO). For example, it has been agreed with the MMO and Historic England that 4 months prior to the start of construction is sufficient for the Written Scheme of Investigation (WSI) submission. |

| Point ref | Point Number(s) from Appendix A | Taken from Natural England's Relevant and Written Representations Morecambe Generation Appendix A - Development Consent Order (DCO)      | RAG Status Rel and Wri Rep | Update Following Procedural Deadline A | Rag Status D1 | Update Following D1 | Rag Status D2 | Update Following D2 | Rag Status D3 | Update following D3 | Rag Status D4 | Update following D4 | Rag Status D5 | Applicant Response at Deadline 5A |
|-----------|---------------------------------|--|----------------------------|--|---------------|---------------------|---------------|---------------------|---------------|---------------------|---------------|---------------------|---------------|-----------------------------------|
|           |                                 | applicant and the MMO. We would refer to East Anglia Two as a recent example of an OWF development with a standard 6 months requirement. |                            |  |               |                     |               |                     |               |                     |               |                     |               |                                   |



## 2.3 Offshore Ornithology

Table 2.3 The Applicant's comments on NE's Risk and Actions Log: Offshore Ornithology

| Point | Point Number(s) from Appendix B | Taken from Natural England's Relevant and Written Representations Morecambe Generation Appendix B - Offshore Ornithology  | RAG Status Rel Rep | Update Following Procedural Deadline A | RAG Status D1 | Update Following D1  | RAG status D2 | Update Following D2   | RAG status D3 | Update following D3 | Rag status D4 | Update following D4   | Rag status D5 | Applicant Response at Deadline 5A  |
|-------|---------------------------------|---|--------------------|--|---------------|--|---------------|---|---------------|---------------------|---------------|---|---------------|--|
| RI_B8 | B8, B24                         | <p>NE's advised approach to gap-filling for the CEA has not been followed. Natural England is concerned that some projects are effectively treated as having 0 impact based on highly uncertain qualitative assessments. Proxy data from nearby OWFs should be used in preference to assigning no impact to historic OWFs that lack assessments of collision and displacement impacts.</p> <p>Natural England is also concerned that approaches taken to filling data gaps by other projects to date (e.g., White Cross, Morgan, Mona) may not be aligned, leading to inconsistent assessments and confusion.</p> <p>We advise that all the Round 4 Irish Sea OWF projects should be considering the same data within their CEAs to ensure consistency across the assessments. The Applicant should therefore endeavour to work with other OWF projects in the Irish and Celtic Seas as well as relevant SNCBs to generate and agree impacts from historic projects for consideration in cumulative and in-combination assessments, following Natural England's advised approach.</p> |                    | No change                              |               | In progress. Applicant has provided an update to the CEA with gap-filling in technical notes but this not yet reflected in updates to the ES chapter or assessments. Natural England will provide full comments on the CEA and gap-filling work at Deadline 3. |               | In progress. Updated CEA with gap-filling now follows NE preferred approach. It is not yet reflected in updates to the ES chapter or relevant assessment reports, but we anticipate this can be resolved once updates are made at a later deadline. |               | No change           |               | In progress. Updates have been propagated to the RIAA and we anticipate that the ES chapter will be updated at D5 |               | The Applicant anticipates this matter is resolved with the updated Chapter 12 Offshore Ornithology submitted at Deadline 5 (REP5-014). |



| Point  | Point Number(s) from Appendix B | Taken from Natural England's Relevant and Written Representations Morecambe Generation Appendix B - Offshore Ornithology  | RAG Status Rel Rep | Update Following Procedural Deadline A | RAG Status D1 | Update Following D1  | RAG status D2 | Update Following D2   | RAG status D3 | Update following D3 | Rag status D4 | Update following D4   | Rag status D5 | Applicant Response at Deadline 5A  |
|--------|---------------------------------|---|--------------------|--|---------------|--|---------------|---|---------------|---------------------|---------------|---|---------------|--|
| RI_B14 | B14                             | Guillemot could be at risk of significant impacts due to cumulative displacement effects and should be considered in displacement assessments. Natural England's recommended approach to gap-filling should be followed.  |                    | No change.                             |               | In progress. Applicant has provided an update to the CEA with gap-filling in technical notes but this not yet reflected in updates to the ES chapter or assessments. Natural England will provide full comments on the CEA and gap-filling work at Deadline 3. |               | In progress. NE agrees with the Applicants revised CEA conclusion, but this is not reflected in an updated ES chapter or relevant assessment reports, but we anticipate this can be resolved once updates are made at a later deadline. |               | No change.          |               | In progress. We anticipate that the ES chapter will be updated at D5  |               | The Applicant anticipates this matter is resolved with the updated Chapter 12 Offshore Ornithology submitted at Deadline 5 (REP5-014). |
| RI_B16 | B16                             | Collision impacts to little gull are not currently considered in the CEA. Natural England advise that little gull abundance data from projects in the CEA is investigated and the assessment updated.   | -                  | No change                              |               | In progress. Applicant has provided an update to the CEA with gap-filling in technical notes but this not yet reflected in updates to the ES chapter or assessments. Natural England will provide full comments on the CEA and gap-filling work at Deadline 3. |               | In progress. NE agrees with the Applicants revised CEA conclusion, but this is not reflected in an updated ES chapter or relevant assessment reports, but we anticipate this can be resolved once updates are made at a later deadline. |               | No change           |               | In progress. Updates have been propagated to the RIAA and we anticipate that the ES chapter will be updated at D5 |               | The Applicant anticipates this matter is resolved with the updated Chapter 12 Offshore Ornithology submitted at Deadline 5 (REP5-014). |
| RI_B18 | B18, B37                        | Significant effect on herring gull due to collision impacts cannot be ruled out based on the applicant's cumulative assessment. NE's approach to gap filling should be followed and more robust assessments may be need for herring gull depending upon the level of risk identified. | -                  | No change.                             |               | In progress. Applicant has provided an update to the CEA with gap-filling in technical notes but this not yet reflected in updates to the ES chapter or assessments. Natural England will provide full comments on the CEA and gap-                            |               | In progress. NE agrees with the Applicants revised CEA conclusion, but this is not reflected in an updated ES chapter or relevant assessment reports, but we anticipate this can be   |               | No change           |               | In progress. We anticipate that the ES chapter will be updated at D5  |               | The Applicant anticipates this matter is resolved with the updated Chapter 12 Offshore Ornithology submitted at Deadline 5 (REP5-014). |

| Point  | Point Number(s) from Appendix B | Taken from Natural England's Relevant and Written Representations Morecambe Generation Appendix B - Offshore Ornithology  | RAG Status Rel Rep | Update Following Procedural Deadline A | RAG Status D1 | Update Following D1  | RAG status D2 | Update Following D2   | RAG status D3 | Update following D3 | Rag status D4 | Update following D4   | Rag status D5 | Applicant Response at Deadline 5A  |
|--------|---------------------------------|---|--------------------|--|---------------|--|---------------|---|---------------|---------------------|---------------|---|---------------|--|
|        |                                 |   |                    |  |               | filling work at Deadline 3.  |               | resolved once updates are made at a later deadline.   |               |                     |               |   |               |  |
| RI_B19 | B19                             | Significant effects on lesser black-backed gull are not ruled out by the Applicants cumulative assessment. Natural England's recommended approach to gap filling for cumulative assessments should be followed to produce a more comprehensive assessment. We note that it may then be necessary to undertake more robust assessments depending on the remaining level of risk and uncertainty.   | -                  | No change                              |               | In progress. Applicant has provided an update to the CEA with gap-filling in technical notes but this not yet reflected in updates to the ES chapter or assessments. Natural England will provide full comments on the CEA and gap-filling work at Deadline 3. |               | In progress. NE agrees with the Applicants revised CEA conclusion, but this is not reflected in an updated ES chapter or relevant assessment reports, but we anticipate this can be resolved once updates are made at a later deadline. |               | No change           |               | In progress. Updates have been propagated to the RIAA and we anticipate that the ES chapter will be updated at D5 |               | The Applicant anticipates this matter is resolved with the updated Chapter 12 Offshore Ornithology submitted at Deadline 5 (REP5-014).   |
| RI_B20 | B20                             | The breeding season reference population for great black-backed gull (GBBG) is overestimated due to a discrepancy in the presentation of this species in the referenced dataset. The non-breeding season BDMPs population for GBBG for SW UK & Channel of 17,742 individuals should be used as the annual reference population, in accordance with the recommendation within our interim advice note sent to the Applicant in April 2024. | -                  | No change                              |               | In progress. Applicant has updated the population figure in technical notes, but this is yet to be reflected in updates to the ES chapter or assessments.  |               | No change   |               | No change           |               | In progress. We anticipate that the ES chapter will be updated at D5  |               | The Applicant anticipates this matter is resolved with the updated Chapter 12 Offshore Ornithology submitted at Deadline 5 (REP5-014).   |
| RI_B21 | B21                             | The cumulative assessment for GBBG is particularly affected by the approach of assigning negligible impacts to historic projects, based on qualitative assessments. There is potentially a significant underestimate of total mortality for this  | -                  | No change                              |               | In progress. Applicant has provided an update to the CEA with gap-filling in technical notes but this not yet reflected in updates to the ES chapter or  |               | In progress. Updated CEA with gap-filling now follows NE preferred approach, but is not yet reflected in updates to the ES chapter or   |               | No change           |               | In progress. We anticipate that the ES chapter will be updated at D5  |               | The Applicant anticipates this matter is resolved with the updated Chapter 12 Offshore Ornithology submitted at Deadline 5 (REP5-014).<br>It is noted that the Applicant and Natural England are agreed that there would be a moderate adverse effect on GBBG, but that further mitigation (increased air gap for the Project) would provide no additional measurable benefit. |

| Point  | Point Number(s) from Appendix B | Taken from Natural England's Relevant and Written Representations Morecambe Generation Appendix B - Offshore Ornithology  | RAG Status Rel Rep | Update Following Procedural Deadline A | RAG Status D1 | Update Following D1   | RAG status D2 | Update Following D2  | RAG status D3 | Update following D3  | Rag status D4 | Update following D4                                 | Rag status D5 | Applicant Response at Deadline 5A                             |
|--------|---------------------------------|---|--------------------|--|---------------|---|---------------|--|---------------|--|---------------|---|---------------|---|
|        |                                 | <p>species, exacerbated by the assumption made in the PVA that such historic projects have zero contribution to mortality.</p> <p>Natural England consider that there are significant cumulative effects on GBBG at the EIA scale, especially when the correct BDMPS reference population of 17,742 birds is considered.</p> <p>Natural England's recommended approach to gap filling for cumulative assessments should be followed to produce a more comprehensive assessment. We advise that the Applicant then re-runs PVA for GBBG using NE's recommended approach to gap-filling for historic projects and with this reference population as an input to indicate the significance of the adverse effect.</p> <p>We recommend that the applicant considers further avoidance or mitigation measures (e.g. increased air gap) to reduce the Project's contribution to this significant cumulative effect.</p> |                    |  |               | assessments. Natural England will provide full comments on the CEA and gap-filling work at Deadline 3.  |               | relevant assessment reports. NE agree that this assessment indicates moderate adverse impact on great black-backed gull. This impact remains an outstanding issue. |               |  |               |   |               |   |
| RI_B26 | B26                             | <p>Lesser black-backed gull breeding population estimates are out of date. Natural England advise that the most recent SPA population counts for lesser black-backed gull of 862 AONs (equivalent to 1,724 breeding adults) for Morecambe Bay and Duddon Estuary SPA and 2,319 AONs (equivalent to</p>  |                    | No change                              |               | In progress. Colony counts have been updated in the HRA technical note, but this is yet to be reflected in updates to the ES chapter or RIAA. |               | No change  |               | In progress. The correct counts now appear in the without prejudice derogation case. |               | Resolved. Updates have been propagated to the RIAA. |               | The Applicant welcomes this response, with the matter closed. |



| Point  | Point Number(s) from Appendix B | Taken from Natural England's Relevant and Written Representations Appendix B - Offshore Ornithology  | RAG Status Rel Rep | Update Following Procedural Deadline A  | RAG Status D1 | Update Following D1  | RAG status D2 | Update Following D2 | RAG status D3 | Update following D3                                    | Rag status D4 | Update following D4                                 | Rag status D5 | Applicant Response at Deadline 5A                             |
|--------|---------------------------------|--|--------------------|---|---------------|--|---------------|---------------------|---------------|--|---------------|---|---------------|---|
|        |                                 | 4,638 breeding adults) for Ribble and Alt Estuaries SPA are considered by the assessment where appropriate (e.g. when interpreting the outcomes of PVA models).  |                    |   |               |  |               |                     |               | However, they are not yet reflected in the ES or RIAA. |               |   |               |   |
| RI_B27 | B27                             | <p>For lesser black-backed gull in-combination assessments, the Applicant has used the Morecambe project as a proxy for apportioning the impacts of other projects to the Morecambe Bay and Duddon Estuary SPA. However, the cluster of windfarms in question (Ormonde, Walney 1&amp;2, Walney Extension, West of Duddon Sands) are significantly closer to the SPA colonies than the Morecambe project and are therefore likely to have a higher proportion of the birds they impact associated with this SPA. This may lead to severe underestimation of in-combination impacts.</p> <p>Natural England advise that an appropriate value for apportioning birds from Walney 1 &amp; 2 (as the central OWF in the cluster) to Morecambe Bay and Duddon Estuary SPA is calculated, and that this value is used as the proxy value for other wind farms in the cluster.</p> |                    | No change   |               | In progress. An appropriate proxy has been calculated, but this yet to be reflected in updates to the RIAA.                                  |               | No change           |               | No change  |               | Resolved.   |               | The Applicant welcomes this response, with the matter closed. |
| RI_B29 | B29                             | Impacts to lesser black-backed gull have been apportioned to colonies from which Natural England considers it highly unlikely that birds will be present in the project area. Natural England advise that in the   |                    | In progress. Natural England has provided a list of relevant colonies in our Rule 9 |               | In progress. The list of colonies has been used in the technical note, but this is yet to be reflected in updates to the ES chapter or RIAA. |               | No change           |               | No change  |               | Resolved. Updates have been propagated to the RIAA. |               | The Applicant welcomes this response, with the matter closed. |

| Point   | Point Number(s) from Appendix B | Taken from Natural England's Relevant and Written Representations Morecambe Generation Appendix B - Offshore Ornithology   | RAG Status Rel Rep | Update Following Procedural Deadline A  | RAG Status D1 | Update Following D1   | RAG status D2 | Update Following D2 | RAG status D3 | Update following D3 | Rag status D4 | Update following D4  | Rag status D5 | Applicant Response at Deadline 5A  |
|---------|---------------------------------|--|--------------------|---|---------------|---|---------------|---------------------|---------------|---------------------|---------------|--|---------------|--|
|         |                                 | absence of evidence, expert judgement is applied to critically appraise the likelihood of colonies contributing to the population observed within the project study area. Colonies considered unlikely to display connectivity, despite technically being within potential foraging range, should be disregarded during apportioning.  |                    | letter response. There is potential for resolution once this is reflected in an updated assessment. |               |   |               |                     |               |                     |               |  |               |  |
| RI_B3 1 | B31                             | The Applicant has presented a vessel management plan for minimising impacts on displacement-sensitive species, based on best practice guidance. It is not clear that the proposal is sufficient from the information presented. Potential ports for construction, operation and maintenance activity should be considered to determine if the best practice measures proposed can be implemented and adhered to. Natural England advise that further mitigation may be required such as seasonal restrictions to avoid impacts at particularly sensitive areas within the Liverpool Bay SPA. |                    | No change   |               | No change. No further analysis has been provided, and therefore it is unclear whether further commitments to reduce disturbance impacts beyond reliance on best practice measures are needed. |               | No change.          |               | No change.          |               | No change.   |               | The Applicant's position remains that, given the best practice measures are included in the Outline Project Environmental Management Plan (PEMP) (Document Reference 6.2) and the Outline Vessel Traffic Management Plan (VTMP) (Document Reference 6.9), no further measures are proposed or considered to be required. In acknowledgement of the Natural England Deadline 5 response, strengthened commitments have been made to the use of existing shipping routes during the winter period in the updated Outline VTMP_Rev 05 provided at Deadline 5A (Document Reference 6.9). With this commitment it is not considered that seasonal restrictions are warranted, particularly in light of the existing vessel traffic and activity across Liverpool Bay SPA.<br><br>While it is acknowledged that further details of routes would be known upon the final selection of the port(s), a suitable mechanism is provided to agree the details of the mitigations measure post-consent. |
| RI_B3 2 | B32                             | The Applicant concludes no AEOI from the project alone on red-throated diver at the Liverpool Bay SPA. Natural England does not agree with this conclusion. Natural England conclude that the project alone will impact red-throated diver distribution over 9.07% of the total SPA, and in  |                    | No change   |               | No change. Applicant has provided further rationale for their position.   |               | No change           |               | No change           |               | Resolved with respect to AEOI from the project alone. Natural England continues to advise that there is an AEOI for RTD at |               | The Applicant welcomes this response regarding Project alone impacts, and refers to its response to RI_B33 and RI_B34 with regard to in-combination effects on RTD at Liverpool Bay SPA.   |

| Point  | Point Number(s) from Appendix B | Taken from Natural England's Relevant and Written Representations Appendix B - Offshore Ornithology  | RAG Status Rel Rep | Update Following Procedural Deadline A | RAG Status D1   | Update Following D1 | RAG status D2 | Update Following D2 | RAG status D3 | Update following D3 | Rag status D4 | Update following D4  | Rag status D5 | Applicant Response at Deadline 5A   |
|--------|---------------------------------|--|--------------------|--|---|---------------------|---------------|---------------------|---------------|---------------------|---------------|--|---------------|---|
|        |                                 | <p>particular 1.24% of the original SPA area, where red-throated diver densities were sufficiently high for these areas to qualify for inclusion within the SPA. As a result, we cannot rule out AEOL from the project alone.</p> <p>We note that the projects impact is slightly reduced when considered in-combination as some areas of impact are closer to other OWFs. We advise that it is appropriate that displacement impact is assigned to the OWF in closest proximity.</p>  |                    |  |   |                     |               |                     |               |                     |               | Liverpool Bay as an in-combination effect. This issue is therefore now considered in updates to RI_B34 |               |   |
| RI_B33 | B33                             | <p>Natural England note that 53.29% of the SPA boundary is impacted by (in-combination) OWF displacement effects on red-throated divers, with 42.55% of the original SPA being impacted. The Applicant calculates that the project contributes 8.75% and 1.06% to those in-combination totals respectively. This is slightly smaller than the project-alone impact as parts of the impacted buffer area are closer to other OWFs.</p> <p>We agree with the Applicant's position that the most concerning effect is that upon the original SPA boundary area.</p> <p>Natural England advise that the Applicant considers any opportunity to mitigate the impact on red-throated diver displacement within the original SPA boundary area, by increasing the</p> |                    | No change                              | No change. Applicant has provided further rationale for their position. |                     | No change     |                     | No change     |                     |               | No change.   |               | <p>The Applicant maintains that Adverse Effects on Integrity (AEOL) can be ruled out for the red-throated diver feature of Liverpool Bay Special Protection Area (SPA) when considered in-combination with other plans or projects. Reference should be made to the Applicant's detailed submissions on this matter; the RIAA (REP5-010); Offshore Ornithology Technical Note 3 (Red-Throated Diver at Liverpool Bay SPA Update Assessment) (REP1-082); and Additional information to support assessment of Red-throated Diver feature at Liverpool Bay SPA (REP4-054).</p> |



| Point  | Point Number(s) from Appendix B | Taken from Natural England's Relevant and Written Representations Appendix B - Offshore Ornithology  | RAG Status Rel Rep | Update Following Procedural Deadline A | RAG Status D1 | Update Following D1  | RAG status D2 | Update Following D2  | RAG status D3 | Update following D3  | Rag status D4 | Update following D4  | Rag status D5 | Applicant Response at Deadline 5A  |
|--------|---------------------------------|--|--------------------|--|---------------|--|---------------|--|---------------|--|---------------|--|---------------|--|
|        |                                 | distance between this part of the original SPA and potential turbine locations.  |                    |  |               |  |               |  |               |  |               |  |               |  |
| RI_B34 | B34                             | Natural England have advised that AEOI cannot be ruled out in-combination for red-throated diver at Liverpool Bay SPA since the Burbo Bank Extension OWF examination. Further, we understand from NRW and JNCC that the advice given to the Awel y Môr OWF related to specific factors in that area, namely the low numbers of divers encountered in the area and the findings of the post-construction monitoring of the Gwynt y Môr windfarm. As a result, the SNCBs concluded that Awel y Môr would not significantly affect the distribution of RTD in this particular area. It should be borne in mind that Morecambe OWF is impacting the northern part of the SPA, which to date, has been less impacted than the south. Given the 'restore' conservation objective for feature distribution, Natural England advise that efforts are made to mitigate the impacts of the project with respect to displacement of red-throated divers. We consider this especially critical with respect to the original SPA boundary area. |                    | No change                              |               | No change. Applicant has provided further rationale for their position.                |               | No change  |               | No change - please see Appendix B9 for our position on in-principle compensation measures submitted at Deadline 3. |               | No change. NE's updated position on RTD impacts has been submitted at Annex B10. Detailed commentary on the proposed compensation measures has been submitted at Annex B4. |               |  |
| RI_B36 | B36                             | The results of the Applicants population viability analysis indicates a significant reduction in population size and growth rate for lesser  |                    | No change                              |               | In progress. Updates to CEA including gap-filling approach are made in technical notes |               | In progress. Updated CEA with gap-filling now follows NE preferred approach, but |               | No change  |               | In progress. Updates have been propagated to the RIAA and we   |               | The Applicant notes Natural England's comments, but reiterates its position that it considers that the Project would not contribute to in-combination effects on the lesser black-backed gull feature of Morecambe Bay and Duddon Estuary SPA and Ribble and Alt |

| Point  | Point Number(s) from Appendix B | Taken from Natural England's Relevant and Written Representations Morecambe Generation Appendix B - Offshore Ornithology  | RAG Status Rel Rep | Update Following Procedural Deadline A | RAG Status D1 | Update Following D1  | RAG status D2 | Update Following D2   | RAG status D3 | Update following D3 | Rag status D4 | Update following D4  | Rag status D5 | Applicant Response at Deadline 5A  |
|--------|---------------------------------|---|--------------------|--|---------------|--|---------------|---|---------------|---------------------|---------------|--|---------------|--|
|        |                                 | black-backed gull. Natural England therefore considers that AEOI cannot be ruled out for this species at Morecambe Bay and Duddon Estuary SPA due to in-combination collision impacts. Whilst the contribution of the project Project is small, we retain concerns about the approach used for apportioning of impacts. Natural England advise that the apportioning is critically evaluated (RI_B27). Any changes will be reflected in the mortality increase calculation. We can then advise on the project alone impacts in the context of the likely AEOI in-combination. |                    |  |               | but are not yet reflected in updates to the ES chapter and RIAA.   |               | is not yet reflected in updates to the ES chapter or relevant assessment reports. NE disagrees that this assessment rules out AEOI for lesser black-backed gull at Morecambe Bay and Duddon Estuary SPA |               |                     |               | anticipate that the ES chapter will be updated at D5. However, NE maintains disagreement with the conclusion. NE is content with the apportioning for the Project, but we maintain our view that apportioning for other projects in the in-combination assessment does not follow best practice. We nonetheless believe that it is possible to reach conclusions regarding the in-combination assessment for LBBG protected sites. |               | Estuaries SPA, given the very low predicted mortality as a result of the Project. It is noted that Natural England has agreed (REP5-078) with the mortality estimates presented in the updated RIAA that was submitted at Deadline 4 (REP4-009).<br><br>Whilst the Applicant agrees that the predicted mortality of birds apportioned to the SPAs would be expected to increase as the SPA population increased, no change in the increase in background mortality would be expected. This is because the reference population against which background mortality change is calculated would also increase proportionately. The Applicant also highlights that as the predicted mortality is so low, any proportionate change is still likely to result in very low predicted mortality, and any such changes would be hard to detect against background variation. Furthermore, the Applicant highlights that the increased size of the SPA colonies has occurred despite the presence of a number of operational windfarms within the foraging range of birds within the SPA. There appears to be no evidence, therefore, that the presence of windfarms is making a detectable difference to the population trajectory. |
| RI_B38 | B38                             | Natural England considers that AEOI cannot be ruled out for LBBG at Ribble and Alt Estuaries SPA due to in-combination collision impacts. Whilst the contribution of the project Project is small, we retain concerns about the approach used for apportioning of impacts. Natural England is particularly concerned regarding impacts to this SPA given the recent   |                    | No change                              |               | In progress. Updates to apportioning have been made in technical notes but are not yet reflected in updates to the ES chapter and RIAA. Natural England will provide full comments on the CEA and gap- |               | In progress. Updated CEA with gap-filling now follows NE preferred approach, but is not yet reflected in updates to the ES chapter or relevant assessment reports. NE disagrees that this               |               | No change           |               | In progress. Updates have been propagated to the RIAA and we anticipate that the ES chapter will be updated at D5. NE maintains disagreement with the conclusion.  |               |  |



| Point  | Point Number(s) from Appendix B | Taken from Natural England's Relevant and Written Representations Morecambe Generation Appendix B - Offshore Ornithology   | RAG Status Rel Rep | Update Following Procedural Deadline A | RAG Status D1 | Update Following D1         | RAG status D2 | Update Following D2  | RAG status D3 | Update following D3 | Rag status D4 | Update following D4   | Rag status D5 | Applicant Response at Deadline 5A  |
|--------|---------------------------------|--|--------------------|--|---------------|-----------------------------|---------------|--|---------------|---------------------|---------------|---|---------------|--|
|        |                                 | population declines and noting that the projects impacts are predominantly apportioned to this SPA. Natural England advise that the apportioning is critically evaluated (RI_B27). Any changes will be reflected in the mortality increase calculation. We can then advise on the project alone impacts in the context of the likely AEOI in-combination.  |                    |  |               | filling work at Deadline 3. |               | assessment rules out AEOI for lesser black-backed gull at Ribble and Alt Estuaries SPA |               |                     |               |   |               |  |
| RL_B39 |                                 | <p><b>New issue at Deadline 4:</b><br/>The Applicant has stated that they consider that additional monitoring of collision impacts would not be required. As Natural England considers that the predicted impacts of the Project on the lesser black-backed gull feature of Morecambe Bay and Duddon Estuary presented by the Applicant are likely to be an underestimate of the potential impacts that could be expected to occur by the time the Project is operational, there could be value in using monitoring to determine whether this is the case.</p> <p>As it is unknown by what amount the predicted figures may underestimate the true impact, this represents a key uncertainty which monitoring could address. We advise the Applicant to consider methods to address this uncertainty, to confirm whether it is the case that more gulls may be found on the site</p> | /                  | /                                      | /             | /                           | /             | /  | /             | New Issue           |               | In progress. Natural England is aware of the challenges around monitoring impacts in a way that produces meaningful evidence and would welcome the Applicant contributing to wider scale monitoring as a way of resolving this issue. |               | <p>The Applicant does not consider that collision monitoring for the Project is justified or would generate meaningful results, noting the very small predicted LBBG mortality arising from the Project alone. Whilst the Applicant recognises that annual mortality could increase if the breeding populations at the respective SPAs increase, such a change is likely to make little difference (i.e. a fraction of a bird per year) in terms of mortality at the Project site. It is doubtful that such a change could be detected at a Project level.</p> <p>The most meaningful monitoring is likely to be achieved at the SPAs themselves, to understand the trajectory of breeding populations in response to, for example, improved predator control at these sites. While it is possible that some understanding of the external pressures on the breeding populations could be obtained from this monitoring, it very unlikely that the effects of windfarms could be untangled from the other pressures. As set out in the Applicant's submissions (including the RIAA; REP4-009), it is likely that other pressures (such as closure of landfill sites and effects of predation) will be having a much more substantial effect. The Applicant would expect that such monitoring would be delivered as part of the existing management of the SPAs and does not consider that it should be the responsibility of the Project to deliver this, taking into account the many other pressures on the population. However, the Applicant would be happy to discuss the possibility of providing a contribution towards a wider monitoring programme (i.e. to be led by Natural England or others). Following further</p> |

| Point  | Point Number(s) from Appendix B | Taken from Natural England's Relevant and Written Representations Morecambe Generation Appendix B - Offshore Ornithology  | RAG Status Rel Rep | Update Following Procedural Deadline A | RAG Status D1 | Update Following D1 | RAG status D2 | Update Following D2 | RAG status D3 | Update following D3 | Rag status D4 | Update following D4 | Rag status D5 | Applicant Response at Deadline 5A   |
|--------|---------------------------------|---|--------------------|--|---------------|---------------------|---------------|---------------------|---------------|---------------------|---------------|---------------------|---------------|---|
|        |                                 | during the breeding season at the time of construction/operation and whether the predicted collision impacts are accurate.  |                    |  |               |                     |               |                     |               |                     |               |                     |               | discussion with Natural England, the Applicant has reached out to the North West England Gull Project to investigate the potential for contributing to relevant local gull research. However, it is not considered that this is required for consent and any gull research contribution is not expected to be further advanced before the end of examination, noting this is a new issue raised at Deadline 4.  |
| RL_B40 |                                 | <b>New issue at Deadline 4:</b><br>Only post-construction monitoring is considered to be required for red-throated diver by the Applicant. It is unlikely that any changes in abundance and distribution could be determined without both pre and post construction monitoring. NE therefore advises that pre-construction monitoring is also included as required. | /                  | /                                      | /             | /                   | /             | /                   | /             | New issue           |               | No change.          |               | It is the Applicant's position that the existing baseline surveys for the Project provide a suitable reference against which any future change in red-throated diver abundance/distribution could be monitored. However, the Applicant is happy to discuss, as noted in the IPMP_Rev 05 at Deadline 5A (Document Reference 6.4), the requirement for additional pre-construction monitoring with Natural England to ensure that any proposals are appropriate and have sufficient power to detect any change. It is considered that there also may be opportunities to use data collected from other projects or undertake collaboration, and as such it is considered that pre-construction surveys would be detailed and agreed post consent via the development and finalisation of the monitoring plan. |

### 2.3.1 Ornithology Compensation

Table 2.4 The Applicant's comments on NE's Risk and Actions Log: Ornithology Compensation

| Point  | Point Number(s) from Appendix B1  | Taken from Natural England's Relevant and Written Representations Morecambe Generation Appendix B1 - Offshore Ornithology Compensation  | RAG Status Rel Rep | Update Following Procedural Deadline A | RAG Status D1 | Update Following D1   | RAG status D2 | Update Following D2 | RAG status D3 | Update following D3 | Rag status D4 | Update following D4   | Rag status D5 | Applicant Response at Deadline 5A  |
|--|-----------------------------------|---|--------------------|--|---------------|---|---------------|---------------------|---------------|---------------------|---------------|---|---------------|--|
| Compensation measure: Feature Exclusion of mammalian predators at colonies using fencing |                                   |   |                    |  |               |   |               |                     |               |                     |               |   |               |  |
| RI_G6  | Overall confidence in the measure | Natural England is moderately confident in this measure. We are content that the measure is likely to be effective, but we do not agree that the compensation level proposed and therefore the scale and extent of the measure is appropriate. Furthermore, no landowner agreement has been secured for the evaluated sites and this would be required to provide sufficient certainty that the measure is deliverable. |                    | Summary comment.                       |               | In progress. Area quoted for Banks Marsh has potential to deliver compensation at sufficient scale, although there has been less progress on this option. No changes to scale of Steep Holm measure proposed. Applicant has confirmed formal landowner permission for Banks Marsh and in principle support of Steep Holm landowner. No updates to the proposed compensation level have been made. |               | No change.          |               | No change.          |               | In progress. See answer to 2HRA1 in Appendix B10. NE is confident that it is possible to deliver the measures at appropriate scale at Steep Holm. Therefore this issue is resolvable once the required scale of the intervention is agreed and secured in a plan. |               | The Applicant welcomes confirmation that the scale of proposed compensation measures will be suitable for the potential effect. The Applicant will review additional information provided by Natural England once available. Regardless, the measures presented are likely to be able to accommodate a refined level of compensation post consent. |
| RI_G9  | Agreed compensation level, G2, G3 | An appropriate impact value is yet to be agreed for lesser black-backed gull at Morecambe Bay and Duddon Estuary SPA and Ribble and Alt Estuaries SPA. Natural England's advice is that the project alone impacts are currently an underestimate, meaning that the proposed compensation level is likely to be inadequate once the impact values are updated  |                    | No change                              |               | No change. No updates to the proposed compensation level have been made.  |               | No change.          |               | No change           |               | In progress. The updated RIAA now includes the correct impact level. NE will provide advice on the appropriate calculations   |               | The Applicant welcomes confirmation that the RIAA includes the correct impact level. The Applicant will review additional information provided by Natural England once available. Regardless, the measures presented are likely to be able to accommodate a  |



| Point  | Point Number(s) from Appendix B1 | Taken from Natural England's Relevant and Written Representations Morecambe Generation Appendix B1 - Offshore Ornithology Compensation   | RAG Status Rel Rep | Update Following Procedural Deadline A | RAG Status D1 | Update Following D1  | RAG status D2 | Update Following D2 | RAG status D3 | Update following D3 | Rag status D4 | Update following D4                            | Rag status D5 | Applicant Response at Deadline 5A           |
|--------|----------------------------------|--|--------------------|--|---------------|--|---------------|---------------------|---------------|---------------------|---------------|--|---------------|---|
|        |                                  | <p>following our advice (see our Relevant Representations and Risk and Actions Log tab B). Once an appropriate impact value is identified, Natural England advise that for the purposes of scaling compensatory measures, the precautionary upper confidence limit impact is the appropriate level of mortality to consider. Increases in numbers of LBBG within the recently fenced area at South Walney within the M&amp;DE SPA, and the proposed 'mega-fence' at Banks Marsh within the R&amp;AE SPA, means that the impacts on lesser black-backed gull from the project apportioned to each SPA, both alone and in-combination, are likely to increase. Therefore the compensation level is likely to be inadequate as a future-proof measure on this basis as well.</p> <p>We also have concerns about how the level of compensation has been calculated. A very basic calculation has been undertaken to determine the size of the breeding population that will be required to generate the required number of adults into the population each year. Only productivity and survival are considered. We advise that the method used by Hornsea 3 OWF to calculate requirements for their kittiwake compensation is also relevant to LBBG, and we recommend that this be used instead by the Applicant.</p> <p>Under these circumstances, it is difficult to agree with the proposed requirement to create an additional 18 lesser black-backed gull nests annually to compensate for the loss of 4 adult gulls.</p> |                    |  |               |  |               |                     |               |                     |               | to be used for the compensation quantum at D6. |               | refined level of compensation post consent. |
| RI_G10 | Scale/extent of measure, G2, G3  | A site has not yet been secured, so we cannot advise on the scale of nesting habitat provision. We acknowledge that the size of the fenced areas required (assuming one of the sites in question can be secured), has been considered and  |                    | No change                              |               | In progress. Area quoted for Banks Marsh has potential to deliver compensation |               | No change.          |               | No change           |               | In progress. See commentary for RI_G6.         |               |   |

| Point  | Point Number(s) from Appendix B1  | Taken from Natural England's Relevant and Written Representations Morecambe Generation Appendix B1 - Offshore Ornithology Compensation   | RAG Status Rel Rep | Update Following Procedural Deadline A | RAG Status D1 | Update Following D1  | RAG status D2 | Update Following D2 | RAG status D3 | Update following D3 | Rag status D4 | Update following D4  | Rag status D5 | Applicant Response at Deadline 5A   |
|--|-----------------------------------|--|--------------------|--|---------------|--|---------------|---------------------|---------------|---------------------|---------------|--|---------------|---|
|  |                                   | would likely be adequate to deliver the proposed compensation level, even at lower LBBG nesting densities.<br>Following our advice on the likely inadequacy of the proposed compensation level, the scale at which this measure is required to be delivered is also likely to be an underestimate.<br>Increased foraging distances are likely to occur with increased numbers of birds at the impacted SPA colonies, meaning more birds are likely to encounter OWFs, increasing collision risk.<br>Relocation of adults from other nearby sites with less suitable habitat is not considered in the proposed compensation ratio.<br>We therefore advise that compensation levels could be future-proofed by considering an increase in extent of the measure (and see also comments on the proposed scrub clearance measure on Steep Holm below). |                    |  |               | at sufficient scale, although there has been less progress on this option than for Steep Holm, where the scale of the measure proposed has remained the same   |               |                     |               |                     |               |  |               |   |
| Compensation measure: Feature Scrub clearance and habitat management on Steep Holm |                                   |  |                    |  |               |  |               |                     |               |                     |               |  |               |   |
| RI_G16   | Overall confidence in the measure | We are confident that this measure will be effective, but we do not agree that the proposed compensation level or extent is appropriate.   |                    | Summary comment.                       |               | In progress. No changes to scale of Steep Holm scrub clearance measure proposed. No updates to the proposed compensation level have been made. In principle support of the landowner has been confirmed. |               | No change.          |               | No change.          |               | In progress. See commentary for RI_G6.                               |               | An update to the HRA Without Prejudice Derogation Case (REP3-008) was submitted at Deadline 3, which included an increase to the compensation level. It is reiterated that the proposed measures will significantly over-compensate for any predicted loss, and therefore it is likely that an amended level of compensation can be accommodated. |
| RI_G19   | Agreed compensation level, G2, G3 | See comments on compensation level for the measure "exclusion of mammalian predators at colonies using fencing" above.   |                    | No change                              |               | No change. No updates to the proposed compensation   |               | No change.          |               | No change.          |               | In progress. The updated RIAA now includes the correct impact level. |               | An update to the HRA Without Prejudice Derogation Case (REP3-008) was submitted at Deadline 3, which included an increase to the compensation level. It is reiterated that the  |

| Point  | Point Number(s) from Appendix B1 | Taken from Natural England's Relevant and Written Representations Morecambe Generation Appendix B1 - Offshore Ornithology Compensation   | RAG Status Rel Rep | Update Following Procedural Deadline A | RAG Status D1 | Update Following D1  | RAG status D2 | Update Following D2 | RAG status D3 | Update following D3 | Rag status D4 | Update following D4   | Rag status D5 | Applicant Response at Deadline 5A  |
|--------|----------------------------------|--|--------------------|--|---------------|--|---------------|---------------------|---------------|---------------------|---------------|---|---------------|--|
|        |                                  |  |                    |  |               | level have been made.  |               |                     |               |                     |               | NE will provide advice on the appropriate calculations to be used for the compensation quantum at D6. |               | proposed measures will significantly over-compensate for any predicted loss, and therefore it is likely that an amended level of compensation can be accommodated.   |
| RI_G20 | Scale/extent of measure, G2, G3  | <p>Following our advice on the likely inadequacy of the proposed compensation level, the scale at which this measure is required to be delivered is also likely to be an underestimate.</p> <p>Increased foraging distances are likely to occur with increased numbers of birds at the impacted SPA colonies, meaning more birds are likely to encounter OWFs, increasing collision risk.</p> <p>Relocation of adults from other nearby sites with less suitable habitat is not considered in the proposed compensation ratio.</p> <p>Nesting birds from the cliff at Steep Holm could relocate to the plateau, which would need to be accounted for. We recommend that the cliff nesting birds are surveyed (likely using a drone due to practical considerations) to monitor this effect and its implications for the level of compensation actually being delivered.</p> <p>Up to 40 muntjac deer are estimated to be resident on Steep Holm. Birds' eggs can reportedly constitute a part of a muntjac's diet. We would recommend that hatching success is monitored at nest sites with no muntjac access (e.g. on the roofs of suitable buildings) and compared with hatching success from ground nests on the plateau, to assess the possibility that muntjac are predating or destroying some eggs. We accept however that such sites may not exist and that fenced enclosures on Steep Holm would be impractical (if not impossible)</p> |                    | No change                              |               | No change. No increase to the extent of the measure has been proposed. |               | No change.          |               | No change.          |               | In progress. See commentary for RI_G6.  |               | <p>The most recent estimates of the extent of compensation relative to compensation requirements were presented in an update to the HRA Without Prejudice Derogation Case (REP3-008), which was submitted at Deadline 3. It is reiterated that the proposed measures will significantly over-compensate for any predicted loss, and therefore it is likely that an amended level of compensation can be accommodated within existing proposals, that have been agreed by the Compensation Steering Group which includes NE.</p> <p>Furthermore, the extent of the proposed measure at Steep Holm is appropriate to assess the effectiveness of scrub clearance on the island in improving the breeding success of LBBG, whilst leaving other areas of cover on the Steep Holm plateau as potential additional areas to clear if adaptive management is required.</p> <p>The Applicant thanks NE for their comments on the survey methodology and these have been taken into account in updates to the methodology to deliver the measure at Steep Holm, which has been approved by the Compensation Steering Group in consultation</p> |



| Point   | Point Number(s) from Appendix B1 | Taken from Natural England's Relevant and Written Representations Morecambe Generation Appendix B1 - Offshore Ornithology Compensation   | RAG Status Rel Rep | Update Following Procedural Deadline A | RAG Status D1 | Update Following D1   | RAG status D2 | Update Following D2 | RAG status D3 | Update following D3 | Rag status D4 | Update following D4 | Rag status D5 | Applicant Response at Deadline 5A  |
|---|----------------------------------|--|--------------------|--|---------------|---|---------------|---------------------|---------------|---------------------|---------------|---------------------|---------------|--|
|   |                                  | due to the thin soil and limestone bedrock. Due to these factors, we advise that a greater extent for this measure than currently proposed should be considered.   |                    |  |               |   |               |                     |               |                     |               |                     |               | with NE. The methodology has been appended to the updated outline CIMP_Rev 02 being submitted at Deadline 5A (Document Reference 4.11.1).  |
| Additional detailed comments (table 2 Relevant Reps B1)                 |                                  |  |                    |  |               |   |               |                     |               |                     |               |                     |               |  |
| RI_G5   | G5                               | <p>The proposed monitoring measure is proposed for the first three years following implementation only. This would not allow sufficient time to see whether juveniles fledging from the compensation site(s) were being recruited into the breeding population after 4 years (as one might expect from a species exhibiting high philopatry). Colour ringing of gulls has been on-going at South Walney for some years (by RSPB/North West Gull Project) and for 2 years on Steep Holm already (by Severnside Ringing Group).</p> <p>The number of productivity monitoring visits should be specified as it is not currently stated.</p> |                    | No change                              |               | No change. No updates to the monitoring of these measures have been made. |               | No change.          |               | No change.          |               | No change.          |               | <p>Further detail on monitoring was provided in an update to the HRA Without Prejudice Derogation Case (REP3-008), which the Applicant submitted at Deadline 3.</p> <p>The number of productivity visits is confirmed to be 3 to 4 visits, this has been presented to Natural England in the Compensation Steering Group that has been established for Steep Holm.</p> <p>Regarding the length of the proposed monitoring it is stated in the Derogation Case that surveys would be more frequent in the first 3 years (Section 6.2, Annex 2b of Appendix 2 in REP3-008). It is also stated that additional monitoring over the operational period of the Project would be agreed with the steering group. As such the Applicant considers that appropriate monitoring is secured will be agreed and finalised post consent.</p> |
| Compensation measure: Provision of nesting rafts for red-throated diver |                                  |  |                    |  |               |   |               |                     |               |                     |               |                     |               |  |
| RI_G26  |                                  | <p><b>New issue at Deadline 4:</b></p> <p>The Applicant has submitted a brief outline structure for the compensation implementation and monitoring plan. Whilst the structure is appropriate, we are concerned that it contains no detailed content. The plan should be populated as far as is possible before the close of the Examination.</p>   | /                  | /                                      | /             | /   | /             | /                   | /             | New issue           |               |                     |               | <p>The Applicant provided an update to the red-throated diver compensation proposals at Deadline 5 (REP5-054) which shows further detail and the progress made on developing the measure. It is noted that the compensation implementation and monitoring plan remains in outline and would be developed post-consent (with input from the Steering Group) should the measure be required. Some</p>  |

| Point  | Point Number(s) from Appendix B1 | Taken from Natural England's Relevant and Written Representations Morecambe Generation Appendix B1 - Offshore Ornithology Compensation  | RAG Status Rel Rep | Update Following Procedural Deadline A | RAG Status D1 | Update Following D1 | RAG status D2 | Update Following D2 | RAG status D3 | Update following D3 | Rag status D4 | Update following D4 | Rag status D5 | Applicant Response at Deadline 5A  |
|--------|----------------------------------|---|--------------------|--|---------------|---------------------|---------------|---------------------|---------------|---------------------|---------------|---------------------|---------------|--|
|        |                                  |   |                    |  |               |                     |               |                     |               |                     |               |                     |               | updates have been made to the CIMP_Rev 02 at Deadline 5A (Document Reference 9.37), including securing that matters raised by Natural England will be addressed as the CIMP is finalised. However, it is considered that details of the measures are evidenced in the Habitats Regulations Assessment Without Prejudice Derogation Case – Red-Throated Diver at Liverpool Bay / Bar Lerpwl SPA (REP5-055). |
| RI_G27 |                                  | <p><b>New issue at Deadline 4:</b></p> <p>We welcome the Applicant's consideration of strategic compensation as an alternative measure. We consider that this would be a desirable solution if deliverable within the timescale of the Project.</p> <p>We support the principle of the Applicant making a contribution to a strategic fund, noting that as the Library of Strategic Compensation Measures (LoSCM) expands, measures relevant to red-throated diver may become available in due course. We recommend that the Applicant monitors the progress of the COWSC (Collaboration on Offshore Wind Strategic Compensation) initiative as regards suitable options, and if measures are emerging, consider what an appropriate contribution might entail.</p> | /                  | /                                      | /             | /                   | /             | /                   | /             | New issue           |               |                     |               | The Applicant confirms that contribution to a strategic fund remains a favoured option, should it become available, and will continue to monitor developments, as Natural England suggests.  |
| RI_G28 |                                  | <p><b>New issue at Deadline 4:</b></p> <p>The Applicant should carefully consider whether the presence of American mink in some areas may significantly compromise the measure, and if there is a residual risk in some locations, give consideration to potential adaptive management solutions if mink predation proves to be a threat to the success of the measure. We advise that local stakeholders, including NatureScot, are consulted regarding sites where</p>  | /                  | /                                      | /             | /                   | /             | /                   | /             | New issue           |               |                     |               | The Applicant notes this comment and confirms that predation risk (both from mink and other species) will be considered as compensation proposals are further developed. This would also be addressed through design of the measure and adaptive management, if required.  |



| Point  | Point Number(s) from Appendix B1 | Taken from Natural England's Relevant and Written Representations Morecambe Generation Appendix B1 - Offshore Ornithology Compensation  | RAG Status Rel Rep | Update Following Procedural Deadline A | RAG Status D1 | Update Following D1 | RAG status D2 | Update Following D2 | RAG status D3 | Update following D3 | Rag status D4 | Update following D4 | Rag status D5 | Applicant Response at Deadline 5A  |
|--------|----------------------------------|---|--------------------|--|---------------|---------------------|---------------|---------------------|---------------|---------------------|---------------|---------------------|---------------|--|
|        |                                  | mink predation may be an issue and that this informs site selection and/or potential adaptive management solutions.   |                    |  |               |                     |               |                     |               |                     |               |                     |               |  |
| RI_G29 |                                  | <p><b>New issue at Deadline 4:</b></p> <p>As the proposed measure involves installing nesting rafts near SPAs designated for breeding divers, there may be some potential for the rafts to attract divers that would otherwise breed within an SPA. Even if those birds did show improved breeding success, this would nonetheless be an undesirable outcome for the NSN as fewer birds would be breeding within protected sites. It is not clear what distance from breeding RTD SPAs the Applicant has used to prevent the risk of unintended consequences, such as attracting divers out of protected locations. This should be clarified and an evidence-based rationale provided. We advise that the relevant SNCB (NatureScot) should be consulted regarding potential impacts on Scottish protected sites.</p> | /                  | /                                      | /             | /                   | /             | /                   | /             | New issue           |               |                     |               | <p>The Applicant notes this comment. The proposed measures will seek to increase productivity of existing breeding red-throated divers where possible, and it is not expected that locations in close proximity to existing red-throated diver SPAs will be proposed. However, where rafts at new breeding locations are provided, it seems unlikely that this would draw birds from existing SPA populations (where conditions for this species are likely to be optimal). RTDs are known to have high breeding site fidelity, and rarely move from their first breeding loch. Furthermore, birds also generally breed close to their own natal site (Okill, 1992). Given that compensation sites would be distant from SPA populations, it is very unlikely that divers would be attracted out of protected locations. It would also be the case that the increased population arising from the compensation would provide resilience to the SPA breeding populations.</p> |
| RI_G30 |                                  | <p><b>New issue at Deadline 5:</b> We consider that further information on the selected locations for RTD compensation and the rationale for these is much needed. This should include, among other elements, any risk of unintended consequences (e.g. drawing divers out of SPAs into areas where they are not protected), predation risk, particularly regarding American mink in mainland locations, and potential negative consequences of inappropriate habitat management.</p>   |                    |  |               |                     |               |                     |               |                     |               |                     |               | <p>The Applicant highlights that the updated derogation case submitted at Deadline 5 (REP5-054) includes further detail on the potential locations where compensation proposals would be delivered. As Natural England states, this is an ongoing process that the Applicant will further develop as more information becomes available, noting that the Applicant has been required to develop compensation proposals over the winter months, and therefore it has not</p>  |

| Point | Point Number(s)<br>from Appendix<br>B1 | Taken from Natural England's<br>Relevant and Written<br>Representations Morecambe<br>Generation Appendix B1 -<br>Offshore Ornithology<br>Compensation | RAG<br>Status<br>Rel<br>Rep | Update<br>Following<br>Procedural<br>Deadline A | RAG<br>Status<br>D1 | Update<br>Following<br>D1 | RAG<br>status<br>D2 | Update<br>Following<br>D2 | RAG<br>status<br>D3 | Update<br>following<br>D3 | Rag<br>status<br>D4 | Update<br>following<br>D4 | Rag<br>status<br>D5 | Applicant Response at<br>Deadline 5A   |
|-------|--|---|-----------------------------|---|---------------------|---------------------------|---------------------|---------------------------|---------------------|---------------------------|---------------------|---------------------------|---------------------|--|
|       |  |   |                             |   |                     |                           |                     |                           |                     |                           |                     |                           |                     | <p>been possible to date to undertake field-based assessment of suitable locations.</p> <p>The criteria for site selection is identified in REP5-054, however it is noted that for a measure to be effective there must also be land ownership agreement. The Applicant considers that given the large number of landowners providing positive feedback, in areas considered to be suitable, work would then be ongoing to determine which of these would be developed further to deliver the compensation which would include site specific surveys in the process. Updates have been made to the CIMP_Rev 02 at Deadline 5A (Document Reference 9.38), including securing that matters raised by Natural England will be addressed as the CIMP is finalised.</p> |

## 2.4 Marine Mammals

Table 2.5 The Applicant's comments on NE's Risk and Actions Log: Marine mammals

| Point  | Point Number(s) from Appendix D | Taken from Natural England's Relevant and Written Representations Morecambe Generation Appendix D - Marine Mammals   | RAG Status Rel Rep D1 | Update Following Procedural Deadline A  | RAG Status D1 | Update Following D1  | RAG status D2 | Update Following D2 | RAG status D3 | Update Following D3 | RAG status D4 | Update Following D4  | RAG status D5 | Applicant Response at Deadline 5A                             |
|--------|---------------------------------|--|-----------------------|---|---------------|--|---------------|---------------------|---------------|---------------------|---------------|--|---------------|---|
| RI_D11 | D11                             | The maximum piling duration in the RIAA and ES is based on piling at a higher strike rate, making the duration per pin pile installed 38% shorter. The applicant should use the lower strike rate to determine the realistic maximum piling duration and use this in their assessment. |                       | No change<br><br>Potential resolution once Applicants rationale from Rule 9 response is included in a named plan. |               | In progress.<br><br>Potential resolution once Applicants rationale from Rule 9 response is included in a named plan. |               | No change           |               | No change           |               | Resolved. Update clarifies that assessment of the highest impact scenario has been made. |               | The Applicant welcomes this response, with the matter closed. |
| RI_D21 | D21                             | Natural England advises that dolphin and seal species should be assumed to have the same (medium) sensitivity to disturbance effects and over a similar range as harbour porpoise (~25km range). The sensitivity values should be changed and the assessment revised accordingly.      |                       | No change. Applicant to update at Deadline 1.   |               | In progress. Potential resolution once updated assessment from technical note is included in Chapter 11.             |               | No change           |               | No change           |               | Resolved. All sensitivities updated to medium in Chapter 11.                             |               |   |
| RI_D28 | D28, D4                         | The significance of the disturbance impact must be presented for each of the approaches used to determine  |                       | No change.<br><br>Potential resolution once Applicants rationale  |               | In progress. Updates provided at PDA and D1 have not yet been reflected in ES Chapter 11.                            |               | No change           |               | No change           |               | In progress. Please refer to comments in Appendix D2 to our Deadline 5 submission.       |               |   |

| Point | Point Number(s) from Appendix D | Taken from Natural England's Relevant and Written Representations Morecambe Generation Appendix D - Marine Mammals  | RAG Status Rel Rep D1 | Update Following Procedural Deadline A            | RAG Status D1 | Update Following D1 | RAG status D2 | Update Following D2 | RAG status D3 | Update Following D3 | RAG status D4 | Update Following D4 | RAG status D5 | Applicant Response at Deadline 5A   |
|-------|---------------------------------|---|-----------------------|---|---------------|---------------------|---------------|---------------------|---------------|---------------------|---------------|---------------------|---------------|---|
|       |                                 | <p>disturbance distance. Each approach and subsequent assessment of impact significance provides necessary information for Natural England to inform its advice. For example, the magnitude of impact to harbour porpoise using the EDR approach is Medium, which when combined with a Medium sensitivity, leads to a Moderate impact significance which is Significant in EIA terms. Information such as this is currently missing.</p> <p>It is not appropriate to only present the significance of the disturbance impact after population modelling has been undertaken. This also applies to the CEA. We advise that an assessment of cumulative impacts to cetacean species</p> |                       | from Rule 9 response is included in a named plan. |               |                     |               |                     |               |                     |               |                     |               | Comments in Appendix D2 of the Natural England Deadline 5 submission are provided in The Applicant's Comments on Deadline 5 Submissions by Interested Parties and Comments on responses to ExQ2s (Document Reference 9.63). It is noted that these comments relate to the mitigation and the application of NAS. The Applicant considers that mitigation, and the detail thereof against the final Project design is secured in the UWSMS and MMMP. |



| Point  | Point Number(s) from Appendix D | Taken from Natural England's Relevant and Written Representations Morecambe Generation Appendix D - Marine Mammals  | RAG Status Rel Rep D1 | Update Following Procedural Deadline A   | RAG Status D1 | Update Following D1   | RAG status D2 | Update Following D2 | RAG status D3 | Update Following D3 | RAG status D4 | Update Following D4 | RAG status D5 | Applicant Response at Deadline 5A                             |
|--------|---------------------------------|---|-----------------------|--|---------------|---|---------------|---------------------|---------------|---------------------|---------------|---------------------|---------------|---|
|        |                                 | <p>is presented using the approach that generates the worst-case numbers disturbed. The Applicant should not only present the iPCoD modelling results. Present the impact significance for each approach used to determine the disturbance range, using the combination of sensitivity and magnitude (percentage of reference population within the disturbance range).</p> <p>Present the cumulative impact significant for each species using the worst-case numbers disturbed i.e. not only the iPCoD modelling results.</p> |                       |  |               |   |               |                     |               |                     |               |                     |               |   |
| RI_D32 | D32                             | In all iPCoD modelling results tables, including those in the CEA, the values in the median impacted as percentage of unimpacted column do not correspond to the unimpacted population mean   |                       | No change.<br><br>The Applicant has justified the assessment methodology they consider most appropriate, |               | In progress. Justification is still not shown in Chapter 11. Both the median and mean are now presented in the technical notes, but are not yet shown in updates to Chapter 11. |               | No change           |               | No change           |               | Resolved.           |               | The Applicant welcomes this response, with the matter closed. |



| Point  | Point Number(s) from Appendix D | Taken from Natural England's Relevant and Written Representations Morecambe Generation Appendix D - Marine Mammals   | RAG Status Rel Rep D1 | Update Following Procedural Deadline A  | RAG Status D1 | Update Following D1  | RAG status D2 | Update Following D2                              | RAG status D3 | Update Following D3  | RAG status D4 | Update Following D4  | RAG status D5 | Applicant Response at Deadline 5A  |
|--------|---------------------------------|--|-----------------------|---|---------------|--|---------------|--|---------------|--|---------------|--|---------------|--|
|        |                                 | and impacted population mean. We advise that the applicant present the difference between the two means in each table that displays iPCoD modelling results, and provide information to support the value they consider to be most appropriate.  |                       | but this is not yet reflected in updated ES chapter and both means are still not presented. |               |  |               |  |               |  |               |  |               |  |
| RI_D38 | D38                             | The Project has identified a residual PTS impact that it has not committed to fully mitigate at this stage. It is not sufficient to say that mitigation for the Project would be put in place post-consent, as this is not secured. Natural England advises that this should be secured as a commitment. The PTS risk of other relevant projects should be assessed cumulatively in the CEA. |                       | No change.  |               | No change. This has not been addressed in technical notes, Chapter 11 or the CEA appendix. |               | No change  |               | NE notes that this has been considered in a technical note [REP3_061] but still consider residual PTS should be included in the CEA. |               | In progress. Please refer to comments in Appendix D2 to our Deadline 5 submission. |               | In submission of Chapter 11 Marine Mammals (REP4-011) at Deadline 4, the risk of PTS has been screened into the Cumulative Effect Assessment (CEA) and assessed as Cumulative effect 1 in Section 11.7.3.2.<br><br>The Applicant is aware of the latest marine noise policies, to which the Project has responded with a commitment to use NAS for the worst-case Project design, and provided commitment to mitigate PTS and manage ADD usage. Through the UWSMS the Applicant has also committed to considering primary or secondary (or both) measures as required to reduce noise impacts and any residual PTS. The details of these would be secured via the UWSMS with assessment of the final Project design. |
| RI_D45 | D45, D70                        | In the piling scenario at a higher strike rate, there is a residual injury impact  |                       | No change.  |               | No change. Not yet addressed in technical notes or updates to Chapter 11.                  |               | No change. Detailed comments on NE's position on |               | No change  |               | In progress. Please refer to comments in Appendix D2 to our Deadline 5 submission. |               | For piling, in line with the latest joint position statement JNCC, Natural England and Cefas, 2025) and the marine noise policy paper (UK) Government and Defra, 2025), the Applicant has committed to   |

| Point | Point Number(s) from Appendix D | Taken from Natural England's Relevant and Written Representations Morecambe Generation Appendix D - Marine Mammals   | RAG Status Rel Rep D1 | Update Following Procedural Deadline A | RAG Status D1 | Update Following D1 | RAG status D2 | Update Following D2       | RAG status D3 | Update Following D3 | RAG status D4 | Update Following D4 | RAG status D5 | Applicant Response at Deadline 5A  |
|-------|---------------------------------|--|-----------------------|--|---------------|---------------------|---------------|---------------------------|---------------|---------------------|---------------|---------------------|---------------|--|
|       |                                 | because the mitigation proposed is insufficient to reduce the impact. The maximum ADD duration provided is 80 minutes, and in order to ensure a harbour porpoise was outside the PTS zone the ADD would have to be on for 92 minutes. The Applicant must present an assessment of the residual impact post-mitigation, and from this additional mitigation should be considered such as noise abatement. Alternatively, remove the higher strike rate from the project envelope. |                       |  |               |                     |               | the UWSMS in Appendix D1. |               |                     |               |                     |               | <p>considering primary or secondary (or both) noise reduction measures (e.g. NAS). It is further committed to implement NAS for the worst-case piling scenario (i.e., maximum strike rate and maximum hammer energy) and to secure the final mitigation requirements based on the final Project design.</p> <p>The following documents were updated and submitted at Deadline 4, of which some have been updated again at Deadlines 5 and 5A to further clarify commitments:</p> <ul style="list-style-type: none"> <li>Chapter 11 Marine Mammals_Rev 05 (Document Reference 5.1.11)</li> <li>Appendix 11.2 Marine Mammal Information and Survey Data (REP4-015)</li> <li>Appendix 11.3 Marine Mammal Unexploded Ordnance Assessment (REP4-017)</li> <li>Outline UWSMS_Rev 04 (Document Reference 9.32)</li> <li>Draft MMMP_Rev 05 (Document Reference 6.5)</li> </ul> <p>The Applicant submitted an Appendix to the Outline UWSMS (REP5-052) that includes further indicative information on the potential reduction in impact ranges, upon the application of NAS, for the worst-case scenario. Therefore, it is demonstrated that effects are suitably mitigated.</p> <p>The Outline UWSMS also, in light of discussion with Natural England and Examiners Questions (ExQ2s) expands on the different scenarios where NAS would be required as a minimum without any further design refinement in order to manage ADD use and mitigate PTS. The commitment and the agreement of required measures for the final Project design is secured through the UWSMS and MMMP.</p> <p>The Outline UWSMS and the Draft MMMP, which are drafted in line with the</p> |

| Point  | Point Number(s) from Appendix D | Taken from Natural England's Relevant and Written Representations Morecambe Generation Appendix D - Marine Mammals  | RAG Status Rel Rep D1 | Update Following Procedural Deadline A | RAG Status D1 | Update Following D1  | RAG status D2 | Update Following D2                              | RAG status D3 | Update Following D3 | RAG status D4 | Update Following D4  | RAG status D5 | Applicant Response at Deadline 5A   |
|--------|---------------------------------|---|-----------------------|--|---------------|--|---------------|--|---------------|---------------------|---------------|--|---------------|---|
|        |                                 |   |                       |  |               |  |               |  |               |                     |               |  |               | latest guidance, provide the mechanism to secure primary and secondary mitigation (or both) as required. The Applicant has included a UWSMS condition in the dDCO which provides for details of the noise reduction measures and / or Noise Abatement Systems (NAS) to be detailed in the UWSMS. However, it is considered by the Applicant that this condition is unnecessary since the mitigation is effectively secured in the UWSMS and MMMP. |
| RI_D50 | D50                             | The Applicant does not appear to have presented the number of animals impacted from all cumulative disturbance pathways (piling at other OWFs; construction activities (other than piling) at other OWFs; other industries and activities). This combined disturbance impact should be presented. Present the combined cumulative effect of disturbance from underwater noise, across the three pathways that are currently assessed only separately. |                       | No change.                             |               | In progress. Updates including all cumulative disturbance pathways are supplied in the technical note, but are not yet reflected in updates to Chapter 11. |               | No change  |               | No change           |               | Resolved. Information on cumulative disturbance impacts is now included in Chapter 11. |               | The Applicant welcomes this response, with the matter closed.   |
| RI_D51 | D51, D72                        | Only piling impacts from other OWFS are considered as a cumulative impact   |                       | No change.                             |               | No change. Commitment to use of NAS not secured. Underwater  |               | In progress: Updates to the VTMP have been made, |               | No change           |               | No change  |               | The Applicant has provided an updated assessment in Chapter 11 Marine Mammals_Rev 05 (Document Reference 5.1.11) and all sources of disturbance to marine mammals have been considered.   |



| Point  | Point Number(s) from Appendix D | Taken from Natural England's Relevant and Written Representations Morecambe Generation Appendix D - Marine Mammals   | RAG Status Rel Rep D1 | Update Following Procedural Deadline A | RAG Status D1 | Update Following D1  | RAG status D2 | Update Following D2   | RAG status D3 | Update Following D3 | RAG status D4 | Update Following D4                             | RAG status D5 | Applicant Response at Deadline 5A  |
|--------|---------------------------------|--|-----------------------|--|---------------|--|---------------|---|---------------|---------------------|---------------|---|---------------|--|
|        |                                 | for disturbance. Natural England therefore cannot agree with the conclusion in Table 11.108 and advises that other sources of disturbance to marine mammals should be considered in this assessment. We further advise that the applicant should commit to measures to reduce temporal overlap with other activities to ensure that cumulative disturbance impacts are sufficiently mitigated. A standalone vessel code of conduct should be secured as a consent condition, for all project phases, and contain appropriate measures for marine mammal mitigation. Natural England requests to be consulted on the code of conduct. |                       |  |               | Sound Management Strategy has not yet been provided. Vessel code of conduct has not been provided. |               | however the applicant has not considered cumulative disturbances to marine mammals or made a commitment to reduce temporal overlap. |               |                     |               |   |               | <p>The Outline UWSMS_Rev 04 (Document Reference 9.32) has been submitted, consulted upon and revised during the examination. The Applicant considers that these matters have been resolved.</p> <p>The Applicant has provided an updated assessment in Chapter 11 Marine Mammals_Rev 05 (Document Reference 5.1.11) further considering cumulative disturbances from vessels in Section 11.7.3.2. The Applicant's position remains that given the best practice measures listed in the Outline VTMP and Outline PEMP it is not considered that a commitment to further measures is required, noting that all Irish Sea Round 4 projects have identified the same mitigation measures. It is not considered further mitigation or coordination of activities is required.</p> <p>However, acknowledging comments from Natural England on measures for ornithological features, the Outline PEMP_Rev 05 (Document Reference 6.2) and Outline VTMP_Rev 05 (Document Reference 6.9) have been further strengthened at Deadline 5A with further commitment to using existing vessel routes to reduce disturbance.</p> <p>The Applicant considers that measures presented in the Outline PEMP and Outline VTMP are sufficient to mitigate the impacts assessed. As stated in the Outline PEMP, a Code of Conduct for vessel operators would be produced and issued to all contractors. As the measures are detailed in the Outline VTMP and Outline PEMP it is not considered that at this stage a separate and standalone Code of Conduct is required (and would be duplication), but there would be consultation on the finalisation of the VTMP and PEMP post-consent, including the Code of Conduct.</p> |
| RI_D60 | D60                             | Natural England's comments on the CEA are also   |                       | No change.                             |               | In progress. Updated information on  |               | No change   |               | No change           |               | Resolved. NRW is the lead SNCB for Welsh sites. |               | The Applicant welcomes this response, with the matter closed.  |



| Point  | Point Number(s) from Appendix D | Taken from Natural England's Relevant and Written Representations Morecambe Generation Appendix D - Marine Mammals   | RAG Status Rel Rep D1 | Update Following Procedural Deadline A | RAG Status D1 | Update Following D1   | RAG status D2 | Update Following D2 | RAG status D3 | Update Following D3   | RAG status D4 | Update Following D4 | RAG status D5 | Applicant Response at Deadline 5A  |
|--------|---------------------------------|--|-----------------------|--|---------------|---|---------------|---------------------|---------------|---|---------------|---------------------|---------------|--|
|        |                                 | relevant to the HRA in-combination assessments. Changes to the CEA should be reflected in the in-combination assessment also. Further mitigation to reduce impacts to the marine mammal populations would also reduce the risk of an impact to English marine mammal SACs in the region.   |                       |  |               | cumulative assessment is applied to the HRA in the technical note, but this is not yet reflected in an update to the HRA screening/RIAA. NE will comment further once these changes have been propagated. |               |                     |               |   |               |                     |               |  |
| RI_D61 | D61                             | The IPMP should identify monitoring that seeks to validate areas of the marine mammal assessment where assumptions have been made with high uncertainty or low confidence. Marine mammal monitoring should be undertaken in addition to the standard monitoring of underwater noise generated from the piling of the first four piles. Further detailed discussion of this is required in the monitoring plans. See Natural England's Best |                       | No change.                             |               | No change as no update to IPMP has been provided.   |               | No change           |               | In progress. The IPMP [REP3_046] now includes a requirement to include marine mammal monitoring with planned ornithological aerial surveys, but there is still no commitment to monitor marine mammal responses to impacts. |               | No change           |               | The Applicant considers that noise monitoring during the first four piles and marine mammal observations collected during aerial surveys are sufficient. It is noted that MMOB and PAM observations (as required in the MMMP) during piling will provide some information on marine mammal responses to piling.<br><br>It is noted that further disturbance monitoring could be complicated by other activities that could be occurring in the area, for example piling at another project, or decommissioning of existing offshore structures and it is not considered that such monitoring for the Project alone would be effective or proportionate to the level of effects identified and considering the mitigation (noting the commitments made to secure effective mitigations in the UWSMS). |

| Point  | Point Number(s) from Appendix D | Taken from Natural England's Relevant and Written Representations Morecambe Generation Appendix D - Marine Mammals  | RAG Status Rel Rep D1 | Update Following Procedural Deadline A | RAG Status D1 | Update Following D1   | RAG status D2 | Update Following D2   | RAG status D3 | Update Following D3 | RAG status D4 | Update Following D4  | RAG status D5 | Applicant Response at Deadline 5A   |
|--------|---------------------------------|---|-----------------------|--|---------------|---|---------------|---|---------------|---------------------|---------------|--|---------------|---|
|        |                                 | Practice Advice for requirements.   |                       |  |               |   |               |   |               |                     |               |  |               |   |
| RI_D67 | D67                             | The Applicant should clearly state the precise mitigation measures that are being relied upon to conclude no adverse effect from impact pathways covered in the ES. The current mitigation measure options outlined in Paragraph 90 increase the uncertainties around which measures will be used during piling and therefore complicates the worst-case scenario (i.e. what the minimum mitigation is that will be implemented). |                       | No change.                             |               | No change.  |               | No change. It is still unclear which measures will be delivered to mitigate for the WCS as the UWSMS indicates review of further refinements in design prior to determining the level of mitigation needed. |               | No change.          |               | No change. Please refer to comments in Appendix D2 to our Deadline 5 submission. |               | The Applicant considers that the use of NAS for the worst case scenario has been clarified in the Draft MMMP and Outline UWSMS, along with the criteria where NAS would be required at a minimum to address potential impacts (to mitigate PTS and manage ADD usage to recommended limits).<br>Precise mitigation measures for all design scenarios are not provided, however the UWSMS provides the mechanism to secure the details of mitigation required against the final Project design. It is noted that the Outline UWSMS, in line with guidance and policy, ensures primary or secondary (or both) measures will be considered to reduced noise effects as required based on the impact ranges of the final design.<br>See also RI_D45 for the related response |
| RI_D68 | D68                             | The break procedure outlined here, for piling breaks between 10 minutes and 2 hours, does not adhere to the JNCC piling mitigation guidelines. Revise the break procedure in the draft MMMP.  |                       | No change.                             |               | No change. No updates to the IPMP or MMMP have been provided. |               | No change. The proposed change to the break procedure still does not adhere to the JNCC guidance.   |               | No change           |               | No change. Please refer to comments in Appendix D2 to our Deadline 5 submission. |               | The break procedure has been amended in the Draft MMMP_Rev 05 at Deadline 5A (Document Reference 6.5) to reflect the existing JNCC guidelines for piling, but provides the mechanism that this would be reviewed post-consent once the mitigation and final Project design has been finalised. It is considered that this issue is resolved.  |



## 2.5 Marine Geology, Marine Sediment and Water Quality

Table 2.6 The Applicant's comments on NE's Risk and Actions Log: Marine Geology, Marine Sediment and Water Quality

| Point  | Point Number(s) from Appendix E | Taken from Natural England's Relevant and Written Representations Morecambe Generation Appendix E - Marine Geology, Physical Processes, Sediment and Water Quality   | RAG Status Rel Rep | Update Following Procedural Deadline A  | RAG Status D1 | Update Following D1 | RAG status D2 | Update Following D2   | RAG Status D3 | Update following D3   | RAG status D4 | Update following D4  | RAG status D5 | Applicant Response at Deadline 5A  |
|--------|---------------------------------|--|--------------------|---|---------------|---------------------|---------------|---|---------------|---|---------------|--|---------------|--|
| RI_E11 | E11, F9                         | Seabed preparation activities (UXO and boulder clearance) have not been included in the assessment of impacts to physical processes or water quality. Natural England advises that physical process, marine sediment and water quality impacts due to UXO clearance and boulder clearance should be considered and assessed within an updated ES. Without consideration of these activities, there is insufficient information to assess impacts to these receptors. |                    | In progress. Rule 9 response presents updated worst case scenario that clarifies and includes these pressures and receptors, but this is not yet included in an updated assessment. |               | No change           |               | In progress: UXO assessment is now included in updated ES chapter. The maximum charge weight of 700kg does not follow NE best practice guidance (see also comment RI_D12) but in this instance we do not believe it will make a material difference to the outcome of the assessment. Boulder clearance has not been addressed in the updated ES chapter, so this issue cannot yet be resolved. |               | No change. Boulder clearance is within the scope of the overall width of disturbance used for assessments but it is not clear where and how cleared boulders are to be deposited. UXO component of this issue is considered to be resolved. |               | In progress. NE understands that the total disturbance width includes boulder deposition although this is not specified in a named plan and there is no detail on the formation in which boulders will be deposited. |               | <p>The Applicant welcomes confirmation from NE that it is understood that the total disturbance width includes boulder deposition.</p> <p>The Applicant has updated the Commitments Register_Rev 04 (Document Reference 9.31) (C057) and Table 9.2 in Chapter 9 Benthic Ecology_Rev 04 (Document Reference 5.1.9) to clarify that any boulders relocated during seabed preparation works would be deposited within the total disturbance widths, as identified in the draft DCO_Rev 06 (Document Reference 3.1).</p> <p>Following a clarification from NE during a meeting on 24 March 2025, additional text has been added to Table 7.3 in Chapter 7 Marine Geology, Oceanography and Physical Processes_Rev 05 (Document Reference 5.1.7), the Schedule of Mitigation_Rev 06 (Document Reference 5.5) (Ref. 7.7) and the Outline CMS_Rev 03 (Document Reference 9.49) (Table 5.1) to clarify that boulders would be placed in a random pattern to avoid creating any artificial linear features.</p> |



| Point  | Point Number(s) from Appendix E | Taken from Natural England's Relevant and Written Representations Morecambe Generation Appendix E - Marine Geology, Physical Processes, Sediment and Water Quality  | RAG Status Rel Rep | Update Following Procedural Deadline A  | RAG Status D1 | Update Following D1 | RAG status D2 | Update Following D2  | RAG Status D3 | Update following D3 | RAG status D4 | Update following D4                           | RAG status D5 | Applicant Response at Deadline 5A   |
|--------|---------------------------------|---|--------------------|---|---------------|---------------------|---------------|--|---------------|---------------------|---------------|---|---------------|---|
| RI_E13 | E13, F11                        | Whilst a commitment is made to implementing mitigation measures, these are not yet secured within the DCO/dML and so it cannot be confirmed how effected they will be.  |                    | No change. The Schedule of Mitigation indicates the means by which measures would be secured in the DCO/dML, but does not secure commitment to any given level of mitigation. See also comment A8 |               | No change           |               | No change. We note that the Schedule of Mitigation and DCO/dML have been updated regarding other Risks and Issues but this issue has not been addressed. |               | No change.          |               | In progress, see commentary in our D5 letter. |               | Refer to RI_P7 above and Comments on the Natural England Deadline 5 submission are also provided in The Applicant's Comments on Deadline 5 Submissions by Interested Parties (Document Reference 9.63), submitted alongside this document at Deadline 5A.   |
| RI_E14 | E14, F12b                       | Natural England notes that the Applicant is proposing to leave scour and cable protection in-situ. We advise that regardless of legislation or being outside of designated sites, the Applicant should aim to remove infrastructure. Decommissioning should aim to remove infrastructure to avoid irreversible (permanent) habitat loss, thus returning the seabed habitat to its pre-developed baseline status as required by OSPAR. Natural England |                    | No change. The Applicant committed to providing the outline decommissioning plan during consenting.   |               | No change           |               | No change.   |               | No change.          |               | No change.                                    |               | The Applicant considers that the requirements around decommissioning, and the provision of and specific content within a Decommissioning Programme or Plan, are fully addressed within the Energy Act 2004. The Applicant does not consider that an outline version of a Decommissioning Programme is required to be submitted pre-consent. During the post-consent stage when more accurate details of the Project design are known, a decommissioning programme will be prepared based on those details, as conditioned in the dDCO (requirement 10, Schedule 2). OSPAR is included within the Guidance on decommissioning programmes ( <a href="#">Decommissioning of offshore renewable energy installations under the Energy Act 2004: guidance notes for industry</a> ) - see section 3.3. A robust decommissioning regime is in place under the Energy Act 2004 for the final design of the Project and it is not appropriate for the Applicant to provide a decommissioning plan based on a Rochdale envelope, as this is governed by a separate legislative regime post-consent. |

| Point | Point Number(s) from Appendix E | Taken from Natural England's Relevant and Written Representations Morecambe Generation Appendix E - Marine Geology, Physical Processes, Sediment and Water Quality  | RAG Status Rel Rep | Update Following Procedural Deadline A | RAG Status D1 | Update Following D1 | RAG status D2 | Update Following D2 | RAG Status D3 | Update following D3 | RAG status D4 | Update following D4 | RAG status D5 | Applicant Response at Deadline 5A   |
|-------|---------------------------------|---|--------------------|--|---------------|---------------------|---------------|---------------------|---------------|---------------------|---------------|---------------------|---------------|---|
|       |                                 | <p>advises that the Applicant considers using scour and cable protection which is more readily removable at the time of decommissioning. We would welcome and encourage this to be secured as a commitment.</p> <p>Ideally this would also be included in an Outline Decommissioning Plan submitted to support the consenting phase. We highlight that it is a requirement to prepare a decommissioning programme under Section 105 of the Energy Act 2004.</p> |                    |  |               |                     |               |                     |               |                     |               |                     |               | <p>The Applicant acknowledges this matter is unlikely to be agreed through the Examination.</p> <p>To note however, the Applicant has updated the Commitments Register_Rev 04 at Deadline 5A (Document Reference 9.31) in response to a request from the MMO at Deadline 5 to commit 'to include a commitment that the initial Decommissioning Programme would be submitted to the MMO for review and all updated programmes prior to the submission to the Secretary of State (SoS).' It would be expected that the MMO would consult with Natural England. The Applicant would also note that the Secretary of State, in considering the draft Decommissioning Programme, will consult with stakeholders (including SNCBs and Natural England) on the draft ahead of any revisions being made and the final Programme being approved.</p> |

## 2.6 Benthic Ecology

Table 2.7 The Applicant's comments on NE's Risk and Actions Log: Benthic Ecology

| Point  | Point Number(s) from Appendix F | Taken from Natural England's Relevant and Written Representations Morecambe Generation Appendix F - Subtidal Benthic Ecology   | RAG Status Rel Rep | Update Following Procedural Deadline A  | RAG Status D1 | Update Following D1 | RAG status D2 | Update Following D2  | RAG Status D3 | Update following D3 | RAG status D4 | Update following D4   | RAG status D5 | Applicant Response at Deadline 5A   |
|--------|---------------------------------|--|--------------------|---|---------------|---------------------|---------------|--|---------------|---------------------|---------------|---|---------------|---|
| RI_F12 | F12                             | <p>F12a: Long term degradation of plastic based geotextile bags has the potential to release plastics into the environment. Consideration should be given to use of novel technologies such as rock bags, and to removing plastics from the site after use.</p> <p>F12b: Natural England notes that the Applicant is proposing to leave scour and cable protection in-situ. We advise that regardless of legislation or being outside of designated sites, the Applicant should aim to remove infrastructure. Decommissioning should aim to remove infrastructure to avoid irreversible (permanent) habitat loss, thus returning the seabed habitat to its pre-developed baseline status as required by OSPAR.</p> |                    | F12a: In progress. Use of non-plastic technologies will be given consideration by the Applicant. This should be reflected by a commitment in the Schedule of Mitigation to measures to reduce impacts to the wider environment including but not restricted to alternatives to plastic use. |               | No change.          |               | No change, Schedule of Mitigation has been updated but did not address this issue. |               | No change.          |               | Resolved. Consideration of alternatives to plastics secured through outline CMS. There is a risk that this may become an issue again in preconstruction period. |               | The Applicant welcomes this has been resolved, and the mechanisms are in place post consent for any future discussions. |

## 2.7 Bats

Table 2.8 The Applicant's comments on NE's Risk and Actions Log: Bats

| Point | NE Comment  | RAG Status D3 | Updated following D3 | RAG status D4 | Update following D4  | RAG status D5 | Applicant Response at Deadline 5A   |
|-------|---|---------------|----------------------|---------------|--|---------------|---|
| RI_I1 | Natural England does not agree with the Applicants conclusion that there is no impact pathway for bats. The Applicant should review the available evidence on bat species where crossing of the Irish Sea is known to have occurred and present findings as to the expected magnitude of effect from this pathway. Evidence sources that could inform this work have been indicated by NE in response to ExQ 1HRA3.   |               | No change            |               | The Applicant has submitted a technical note that acknowledges this impact pathway. See below for new issues arising from this note. |               | <p>The Applicant has updated the Technical Note on the Assessment of Offshore Impacts on Bats over the Irish Sea_Rev 02 (Document Reference 9.48) at Deadline 5A to incorporate the documents referred to in this comment.</p> <p>The Applicant notes the point around the evidence base and monitoring, but agrees that implementing monitoring is outside the scope of this examination. Monitoring requirements would need to be consistently applied across all projects in the Irish Sea. The Applicant is not aware that this request has been made for the AyM, Mona or Morgan projects, or indeed for existing operational projects in the eastern Irish Sea.</p> <p>The Applicant acknowledges the lack of data relating to migratory bats crossing the Irish Sea and notes that this is a broader evidence gap than one project alone could address. The Applicant is open to further conversations with SNCBs on a potential contribution to strategic research with other offshore wind farm projects to address this knowledge gap, should this be considered necessary by the Secretary of State.</p> |
| RI_I2 | Natural England advises that the Applicant should include evidence from the Environmental Statements of several other offshore wind farm projects in an update to this technical note as these have not yet been considered.  |               | n/a                  |               | New at D5  |               |   |
| RI_I3 | Natural England advises that there is evidence on the role of barotrauma in wind turbine related bat mortality that has not been considered in the technical note and should be included.   |               | n/a                  |               | New at D5  |               |   |
| RI_I4 | Natural England advises that many of the conclusions drawn in the technical note are poorly supported and should be presented as low confidence conclusions. This is due to the paucity of evidence available directly related to bat behaviour in relation to offshore infrastructure. Whilst there are suitable methods available for improving this evidence base, including the deployment of bat detectors and night vision aids at offshore structures, we recognise that implementing this is outside the scope of this examination. |               | n/a                  |               | New at D5  |               |   |



### 3 References

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

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