



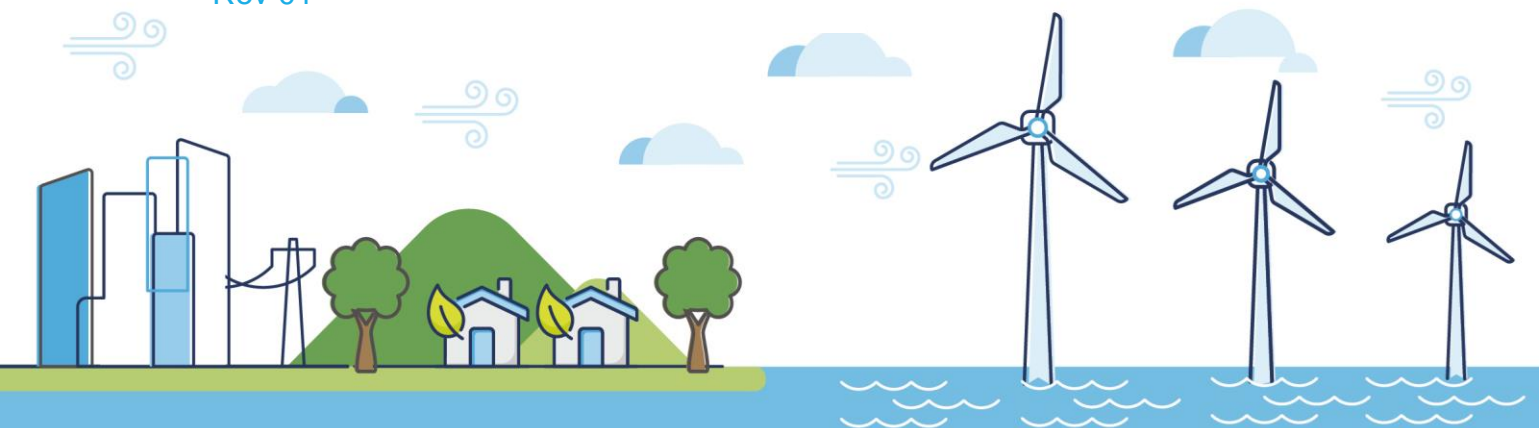
Morecambe Offshore Windfarm: Generation Assets Examination Documents

Volume 9

The Applicant's Comments on Deadline 5 Submissions by Interested Parties and Comments on responses to ExQ2s

Document Reference: 9.63

Rev 01



Document History

Doc No	MOR001-FLO-CON-ENV-NOT-0049	Rev	01
Alt Doc No	n/a		
Document Status	Approved for Use	Doc Date	8 April 2025
PINS Doc Ref	9.63	APFP Ref	n/a

Rev	Date	Doc Status	Originator	Reviewer	Approver	Modifications
01	8 April 2025	Approved for Use	Morecambe Offshore Windfarm Ltd	Morecambe Offshore Windfarm Ltd	Morecambe Offshore Windfarm Ltd	n/a

Contents

1	Introduction	12
2	Comments on Deadline 5 Submissions and Comments on responses to ExQ2s by IPs 13	
2.1	Civil Aviation Authority (CAA) (REP5-073)	14
2.1.1	Response to ExQ2	14
2.2	Defence Infrastructure Organisation (REP5-074)	16
2.2.1	Response to ExQ1	16
2.3	Marine Management Organisation (REP5-075)	17
2.3.1	Response to ExQ2	18
2.3.2	Updated responses to ExQ1	27
2.3.3	Updates to comments on the Applicant's response to Relevant Representations	42
2.3.4	Comments on the Applicant's Deadline 4 submissions	47
2.3.5	Comments on the Draft DCO and DML	48
2.3.6	Comments on Deadline 4 Submissions from Other Stakeholders	60
2.3.7	Response to Rule 17 Letter	62
2.4	Natural Resources Wales (REP5-084 and REP5-85)	73
2.4.1	Response to Deadline 5 submissions	73
2.4.2	Response to ExQ2	103
2.5	Natural England (REP5-077 – REP5-082)	107
2.5.1	Cover Letter	107
2.5.2	Appendix B10: Natural England's comments on Offshore Ornithology	109
2.5.3	Appendix D2: Natural England's comments on Marine Mammals	122
2.5.4	Appendix I: Natural England's comments on Bats Offshore	126
2.5.5	Appendix J: Natural England's responses to the Examining Authority's further written questions and requests for information (ExQ2)	134
2.5.6	Annex B4: Comments on Red Throated Diver Compensation	148
2.6	Nature Scot (REP5-086)	154
2.6.1	Response to ExQ2	154
2.7	Blackpool Airport (REP5-087)	155
2.7.1	Response to ExQ2	155
2.8	Bodorgan Marine Limited (REP5-088)	158

2.9	Eversheds Sutherland on behalf of Spirit Energy (REP5-089 and REP5-090)	158
2.10	Harbour Energy (REP5-091)	158
2.11	Ørsted IPs (REP5-092 and REP5-093)	158
3	References.....	159

Tables

Table 2.1 The Applicant's response to CAA's Response to ExQ2	14
Table 2.2 The Applicant's response to DIO's Response to ExQ1	16
Table 2.3 The Applicant's response to the MMO's further responses to ExQ2 (Section 1 of REP4-064)	18
Table 2.4 The Applicant's response to the MMO's updated positions on their responses to ExQ1 (Section 2 of REP5-075)	27
Table 2.5 The Applicant's response to the MMO's updates to their comments on the Applicant's response to Relevant Representations from MMO (Section 3 of REP5-075)	42
Table 2.6 The Applicant's Response to the MMO's Comments on the Applicant's Deadline 4 Submissions (Section 6 of REP5-075)	47
Table 2.7 The Applicant's response to the MMO's Comments on the Draft DCO and DML (Section 7 of REP5-075)	48
Table 2.8 The Applicant's Response to the MMO's Comments on Deadline 4 Submissions from other Stakeholders (Section 8 of REP5-075)	60
Table 2.9 The Applicant's Response to the MMO's Response to Rule 17 Letter (Section 9 of REP5-075)	62
Table 2.10 The Applicant's response to NRW's Deadline 5 submissions	73
Table 2.11 The Applicant's response to NRW's ExQ2 Response (REP5-085)	103
Table 2.12 The Applicant's response to NE's Cover Letter (REP5-077)	107
Table 2.13 The Applicant's response to NE's Appendix B10: Natural England's comments on Offshore Ornithology (REP5-078) - summary	109
Table 2.14 The Applicant's response to NE's Appendix B10: Natural England's comments on Offshore Ornithology (REP5-078) – detailed comments	110
Table 2.15 The Applicant's response to Appendix D2: Natural England's comments on Marine Mammals (REP5-079) – minor comments	122
Table 2.16 The Applicant's response to Appendix D2: Natural England's comments on Marine Mammals (REP5-079) – Major, complex comments	123
Table 2.17 The Applicant's response to NE's Appendix I: Natural England's comments on Bats Offshore (REP5-080) - summary	126
Table 2.18 The Applicant's response to NE's Appendix I: Natural England's comments on Bats Offshore (REP5-080) – detailed comments	127
Table 2.19 The Applicant's response to NE's Appendix J: Natural England's responses to the Examining Authority's further written questions and requests for information (ExQ2) (REP5-081)	134
Table 2.20 The Applicant's response to NE's Annex B4: Comments on Red Throated Diver Compensation (REP5-082)	148

Table 2.21 The Applicant's response to Nature Scots Response to ExQ2..... 154

Table 2.22 The Applicant's response to Blackpool Airports Response to ExQ2 155

Glossary of Acronyms

ADD	Acoustic Deterrent Devices
AEoSI	Adverse Effects on Site Integrity
AltMoC	Alternative Means of Compliance
AMC	Acceptable Means of Compliance
CAA	Civil Aviation Authority
CEA	Cumulative Effects Assessment
CMS	Construction Method Statement
DCO	Development Consent Order
dML	deemed Marine Licence
EDR	Effective Deterrence Radius
EIA	Environmental Impact Assessment
EPP	Evidence Plan Process
EPS	European Protected Species
ES	Environmental Statement
ExA	Examining Authority
ExQ1	Examining Authorities written Questions
ExQ2	Examining Authorities Second Written Questions
FLCP	Fisheries Liaison and Co-existence Plan
FLO	Fisheries Liaison Officer
HE	Historic England
HRA	Habitats Regulations Assessment
INNS	Invasive Non-Native Species
IP	Interested Parties
IPMP	In Principle Monitoring Plan
JNCC	Joint Nature Conservation Committee
LBBG	Lesser Black Backed Gull
MCA	Maritime and Coastguard Agency
MHWS	Mean High Water Springs
MMMP	Marine Mammal Mitigation Protocol
MMO	Marine Management Organisation
NAS	Noise Abatement System
NE	Natural England

NFFO	National Federation of Fishermen's Organisation
NPS	National Policy Statement
NRW	Natural Resources Wales
NSIP	Nationally Significant Infrastructure Project
NSN	National Site Network
OOMP	Offshore Operation and Maintenance Plan
OWF	Offshore Windfarm
PEMP	Project Environmental Management Plan
PTS	Permanent Threshold Shift
PVA	Population Viability Analysis
RIAA	Report to Inform Appropriate Assessment
RR	Relevant Representation
RTD	Red-throated diver
SAC	Special Area of Conservation
SoCG	Statement of Common Ground
SoS	Secretary of State
SPA	Special Protection Areas
SSSI	Site of Special Scientific Interest
TCE	The Crown Estate
TH	Trinity House
TTS	Temporary Threshold Shift
UK	United Kingdom
UWSMS	Underwater Sounds Management Strategy
UXO	Unexploded ordnance
VHF	Very High Frequency
VTMP	Vessel Traffic Management Plan
WCS	Worst Case Scenario
WSI	Written Scheme of Investigation
WTG	Wind Turbine Generators

Glossary of Unit Terms

dB	decibel
km	kilometre
nm	nautical mile

Glossary of Terminology

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



The future of renewable energy

A leading developer in Offshore Wind Projects

1 Introduction

1. This document presents the Applicant's comments on Deadline 5 submissions by Interested Parties (IPs) and comments on responses to Examining Authority's second written questions (ExQ2) at Deadline 5A. These include the following:
 - Civil Aviation Authority – Response to ExQ2 (REP5-073)
 - Marine Management Organisation (MMO):
 - Comments on any other submissions received at Deadline 4 (REP5-075)
 - The MMO provided a 'Summary of comments on any other submissions received at Deadline 4' (REP5-076), which has not been duplicated below.
 - Natural England (NE):
 - Cover letter (REP5-077)
 - Appendix B10 NE's Comments on Offshore Ornithology (REP5-078)
 - Appendix D3 NE's Comments on Marine Mammals (REP5-079)
 - Appendix J NE's responses to the Examining Authority's further written questions and requests for information (ExQ2) (REP5-080)
 - Annex B4 Comments on Red Throated Diver Compensation (REP5-081)
 - Natural Resources Wales:
 - Late Deadline 5 submission (REP5-084)
 - Response to ExQ2 (REP5-075)
 - NatureScot – Statement on Morecambe Offshore Windfarm ExQ2 (REP5-086)
 - Blackpool Airport – Response to ExQ2 (REP5-087).
2. Please note that the Applicant has responded to NE's latest Risk and Issues Log at Deadline 5 in a separate document (Document Reference 9.64), submitted alongside this document at Deadline 5A. The Applicant has also responded to Eversheds Sutherland on behalf of Spirit Energy Deadline 5 submission in a separate document (Document Reference 9.65), submitted alongside this document at Deadline 5A.
3. The Applicant has not responded to Bodorgan Marine Limited's (REP5-088) or the Ørsted IPs (REP5-092 and REP5-093) Deadline 5 submissions at Deadline 5A. Instead, the Applicant will provide a response at Deadline 6 (15 April 2025).
4. As the owner of the Morecambe Offshore Windfarm Generation Assets, Morecambe Offshore Windfarm Ltd is the named undertaker that has the

benefit of the Development Consent Order (DCO). References in this document to obligations on, or commitments by, 'the Applicant' are given on behalf of Morecambe Offshore Windfarm Ltd as the undertaker of Morecambe Offshore Windfarm Generation Assets.

2 Comments on Deadline 5 Submissions and Comments on responses to ExQ2s by IPs

5. The Applicant's comments on Deadline 5 submissions by IPs are provided in the following sections.

2.1 Civil Aviation Authority (CAA) (REP5-073)

2.1.1 Response to ExQ2

Table 2.1 The Applicant's response to CAA's Response to ExQ2

ID	Question to	Question	CAA Comment	Applicant response (if required)
2CAR1	CAA	New CAA rule change In its D4 submission ([REP4-069, paragraph 5.23) Spirit Energy comments that the CAA has not committed to the proposed 3nm restriction being secured as an Acceptable Means of Compliance (AMC) and so this could be secured as a regulation change. If the latter option is taken, then Spirit states that non-compliance with the regulation is not an option. Noting the CAA's previous response [REP3-075] to our first written question EXQ1CAR5, we understand that the new restriction is likely to be introduced as an AMC. For the avoidance of doubt, can the CAA therefore confirm its position as to whether the restriction would be secured as an AMC or a change to the regulations themselves?	Thank you for the follow-up question to our previous response [REP3-075] to your first written question EXQ1CAR5. The review of offshore helicopter operating limits for operations to and in the vicinity of windfarms is part of a wider task associated with an update of the Air Operations Regulation, UK Regulation (EU) No. 965/2012 and associated Acceptable Means of Compliance (AMC) and Guidance Material (GM), in regards to the section on Specific Approval for Helicopter Offshore Operations, known as SPA.HOFO. We would reiterate our response from 1CAR5 that it is proposed that new objectively based acceptable means of compliance (AMC) and guidance material (GM) will be developed. At present, we do not anticipate that changes would be required to the underlying regulations to facilitate this. However, it would not be prudent to rule out the possibility, and we would reiterate that any new AMC or GM material (or any regulatory	The Applicant notes that this question is directed to the Civil Aviation Authority (CAA). However, the Applicant would like to provide clarification. Acceptable Means of Compliance (AMCs) are non-binding standards to illustrate means to establish compliance with the Basic Regulations and its Implementing Rules. AMC cannot create additional obligations on the regulated person, who might decide to show compliance with the applicable requirements using other means. An Alternative Means of Compliance (AltMoc) would have to show compliance with the Basic Regulations and Implementing Rules, these will remain unchanged from those currently applying to offshore flights. For the CAA to accept an AltMoc, the helicopter operator will

ID	Question to	Question	CAA Comment	Applicant response (if required)
			change) will also be subject to consultation	<p>need to demonstrate that the alternative approach nonetheless maintains compliance with the law. An AltMoc would propose operations within defined approach and take-off arcs, retaining compliance with the Basic Regulations and Implementing Rules, and so demonstrate an equivalent level of safety to current operations.</p> <p>It is the Applicants position that the provision of the IMC Take-Off Corridor would allow the aviation operator, in certain wind directions, to demonstrate an equivalent level of safety to current operations, and therefore to obtain the AltMoC to allow for unrestricted IMC access in certain wind directions.</p>

2.2 Defence Infrastructure Organisation (REP5-074)

2.2.1 Response to ExQ1

Table 2.2 The Applicant's response to DIO's Response to ExQ1

ExQ2	Question to	Question	DIO's Response	Applicant's response, if required
ISN12	The Applicant MoD/ DIO BAE Systems Marine Ltd	<p>Submarine Nautical Paths</p> <p>BAE Systems Marine Ltd [RR-007] has commented that there appears to have been no consideration regarding potential impacts on submarine nautical paths. Submarines are part of national defence and national security and so BAE requires further and more in-depth consultation with the Royal Navy/ MoD on the matter of submarine nautical paths.</p> <p>In its response [PD1-011] the applicant indicates that previously no concerns had been raised, by the MoD and ABP.</p> <p>Could all parties please set out their latest understanding of the situation.</p>	<p>No concerns relating to submarine nautical paths have been raised by the MOD in its representations so far. Following receipt of this question, the Navy have been contacted to confirm that this is the case given the comments from BAE Systems Marine Ltd. It has been confirmed that the proposed development will not affect submarine nautical paths, and the MOD therefore has no concern relating to this matter. I trust this is clear however should you have any questions please do not hesitate to contact me.</p>	<p>The Applicant notes and agrees with this response. This is reflected within the Statement of Common Ground (REP4-043).</p>

2.3 Marine Management Organisation (REP5-075)

6. The MMO's Deadline 5 submission is broken down into the following (please note, matters which are now considered 'resolved' / 'closed', where the MMO state they would not be providing further comments or where the row is greyed out, have not been duplicated in the following tables):

- The MMOs response to ExQ2s (Section 1 in REP5-075). A response is provided by the Applicant, where required, in **Section 2.3.1**.
- The MMO has provided updated positions on their responses to ExQ1 (Section 2 of REP5-075). A response is provided by the Applicant, where required, in **Section 2.3.2**.
- The MMO provided updates to their comments on the Applicant's response to Relevant Representations from MMO (Section 3 of REP5-075). A response is provided by the Applicant, where required, in **Section 2.3.3**.
- The MMO provided further comments in response to comments raised by the MMO in table 2.2 of REP4-058 (Section 4 of REP5-075). Given that most of the comments raised in the table are duplications of points raised in other sections, this table has not been duplicated below.
- The MMO provided comments on the Applicant's Deadline 3 submissions (that were not previously responded to) (Section 5 of REP5-075). Given that most of the comments raised in the table are duplications of points raised in other sections, this table has not been duplicated below.
- The MMO provided comments on the Applicant's Deadline 4 submissions (that were not previously responded to) (Section 6 of REP5-075). A response is provided by the Applicant, where required, in **Section 2.3.4**.
- The MMO provided comments on the Draft DCO and DML (Section 7 of REP5-075). A response is provided by the Applicant, where required, in **Section 2.3.5**.
- The MMO provided comments on Deadline 4 Submissions from Other Stakeholders (Section 8 of REP5-075). A response is provided by the Applicant, where required, in **Section 2.3.6**.
- The MMO provided a response to the Rule 17 Letter (Section 9 of REP5-075). A response is provided by the Applicant, where required, in **Section 2.3.7**.

2.3.1 Response to ExQ2

Table 2.3 The Applicant's response to the MMO's further responses to ExQ2 (Section 1 of REP4-064)

ExQ2	Question to	Question	MMO response	Applicant response
Biodiversity, Ecology and Marine Processes (BEM)				
2BEM1	The applicant NE MMO	<p>Outline Underwater Sound Management Strategy</p> <p>The Outline Underwater Sound Management Strategy [REP4-049] in paragraph 34 states that the applicant is committed to deploying a Noise Abatement System (NAS) for its worst-case scenario (i.e. maximum strike rate with maximum hammer energy). To the applicant a) can the applicant explain why there is a commitment only for the worst-case scenario and thus any other scenarios which may require NAS are not so committed? b) in order to future proof the document, could the applicant consider including reference to potential future piling noise limits which may be imposed? To MMO and NE c) are there any other scenarios in which the applicant should be committed to applying NAS through the Outline Underwater Sound Management Strategy? If so, please identify which ones setting out the rationale. Alternatively, could the NE and MMO set out and explain any other criteria upon</p>	<p>c) The MMO defers to NE in relation to the scenarios.</p> <p>The MMO would highlight that the Defra Reducing Marine Noise Policy issued on 21 January 2025 is to reduce noise as a whole and does not specific the level of impact. Therefore, this should be reflected that it is not just the worst case scenario within the UWSMS, however the MMO does note that if gravity base structures are used in the final design that piling is unlikely to be undertaken therefore NAS will not be required. If this is what the Applicant is referring to this should be clearly stated within the document.</p> <p>The MMO advises that reference to 'best endeavours' relates to wildlife licensing for disturbance and injury to protected species. This is a different legal test than just following policy and the MMO would strongly advise that Noise Abatement</p>	<p>The Applicant considers that the Underwater Sound Management Strategy (UWSMS) is an appropriate mechanism to control the mitigation required in regard to underwater sound, however, has included a condition on the face of the draft Development Consent order (DCO) (a new subparagraph (2) in Condition 20 of Schedule 6) should the Examining Authority (ExA) and Secretary of State (SoS) determine that this is required.</p>

ExQ2	Question to	Question	MMO response	Applicant response
		<p>which the applicant should be committed to applying NAS. To the applicant, MMO and NE d) should there be different scenarios based on different sensitivities, species and times of year? For example, would it be appropriate for different criteria during the cod spawning season as opposed to at other times of year? (See also ExQ2BEM3.).</p>	<p>Systems (NAS) will likely be required for all piling in the coming years.</p> <p>The MMO is currently having ongoing discussions on whether to include a NAS condition within DMLs. At this stage the MMO has no condition to provide and no position to provide to the ExA but understands that Natural England is requesting this commitment on the face of the DML and would welcome further discussions should a condition be provided.</p> <p>d) As above the aim is to reduce noise as a whole and not just reduce the impacts on species and/or sensitivities, therefore different criteria would not be suitable. In relation to sensitivity the UWSMS already sets out the procedure and that once the final design is identified that evidence including modelling would have to be provided as part of the UWSMS to show reduction of impacts</p>	
<i>Fish and Shellfish Ecology</i>				
2BEM2	NE, MMI	<p>Site specific fish/ shellfish surveys</p> <p>In light of NFFO comments on the need for site specific fish and shellfish surveys (as set out in the SoCG between the NFFO and the applicant [REP4-034]),</p>	<p>The MMO notes the comments in section NFFO-FSE-3 of REP4-034 wherein the NFFO considers that insufficient site specific shellfish data or any data to characterise</p>	<p>The Applicant is awaiting confirmation from the Marine Management Organisation (MMO) that the site-specific shellfish data provided in the</p>

ExQ2	Question to	Question	MMO response	Applicant response
		can NE and the MMO explain why they are satisfied with the level of detail as indicated in their D3 and D4 submissions and why further detailed surveys are not necessary.	<p>population dynamics has been collected to characterise the shellfish ecology baseline environment for the purposes of informing the EIA (section 10.5 of Volume 5 – Chapter 10 – Fish and Shellfish Ecology (APP-047)).</p> <p>The MMO is currently reviewing this point with its scientific advisors and will provide an update by Deadline 6.</p>	Environmental Statement (ES) is sufficient.
2BEM3	The applicant MMO	<p>Cod spawning ‘season’</p> <p>In its D4 submission [REP4-064] the MMO maintains that a temporal restriction on piling activities should take place during the cod spawning season. The applicant makes the point in the Outline Underwater Sound Management Strategy [REP4-049] paragraph 53 that there is some uncertainty as to the extent of the season. The MMO seeks the January to April period to be excluded. The evidence of Maxwell et al (2012) cited refers to surveys undertaken in the end of January to April 2008 period, but the ExA has not been provided with the data and thus to what, if any, extent there is any variation in egg production during this period. The applicant notes that peak spawning occurred in the mid-February to mid-March period, although there was some variation of up to one week, but this occurred within this period. The</p>	<p>a) The MMO has reviewed the Applicant’s updated UWSMS which is to be submitted at Deadline 5. The MMO note that the term ‘temporal phasing’ has been amended to ‘temporal (seasonal) restriction’. This new term is more appropriate, and the MMO have no objection to the information contained within this section (9.3 of the document) being included in the UWSMS, the MMO maintain that a temporal piling restriction during the cod spawning season should be included as a licence condition on the DML. This is on the basis that an UWSMS does not provide evidence that a seasonal piling restriction is not required – the UWN modelling has not been provided yet.</p> <p>Concerning the dates for the peak of the cod spawning season, the MMO</p>	<p>The Applicant welcomes confirmation from the MMO that they are content with the updated wording in the UWSMS, and the dates for the peak spawning season.</p> <p>The Applicant considers that the UWSMS is an appropriate mechanism to control the mitigation required in regards of effects to cod spawning, however, has included a condition on the face of the DCO (now Condition 20(4) of Schedule 6) should the ExA and SoS agree with the MMO that this is required.</p>

ExQ2	Question to	Question	MMO response	Applicant response
		<p>applicant's view is that the finalised Underwater Sound Management Strategy would provide sufficient protection for cod larvae so that a specific temporal restriction on the face of the DCO or DML is not necessary. To the MMO a) If the MMO is not satisfied that a finalised Underwater Sound Management Strategy would be sufficient, it is also asked to respond to the proposition that any restriction should be limited to the mid-February to mid March period (15 February to 15 March) providing evidence, if it does not accept this proposition, as to why this would not be appropriate.</p> <p>b) The MMO is requested to provide an update/ final confirmation of the condition setting out specific dates. If alternative dates are to be proposed, then these too should be justified as being the minimum necessary. To the applicant and MMO c) The ExA notes that the MMO has provided a draft condition in its D4 submission [REP4-064] (pdf page 19). The ExA also notes that in its response to R17.1.18 (pdf page 95) it has made comments in relation to the use of 'codicil' phrases in conditions. The MMO is directed to the latest version of the dDCO [REP4-002] (and also the tracked change version [REP4-003] which more</p>	<p>are content that the supporting evidence used by Morgan OWF is acceptable evidence to support the refinement of the piling restriction to 15 February to 31 March (inclusive) for Morecambe OWF.</p> <p>The MMO is content with dates for condition 20(3) to be updated to 15 February to 31 March inclusive:</p> <p><i>20.—(1) No piling activities shall commence until an underwater sound management strategy for those activities, which accords with the outline underwater sound management strategy, has been submitted to and approved in writing by the MMO in consultation with the relevant statutory nature conservation body.</i></p> <p><i>(2) The underwater sound management strategy must be submitted to the MMO no later than six months prior to the commencement of the relevant activities (or such other timescale as agreed with the MMO in writing).</i></p> <p><i>(3) No piling activities associated with the authorised development may be undertaken between 15 February and 31 March inclusive, unless:</i></p>	

ExQ2	Question to	Question	MMO response	Applicant response
		clearly shows the alterations made by the applicant) for alternative wording to “unless otherwise agreed in writing by the MMO” which shows other approaches to maintain the substance of a condition while providing for flexibility. The applicant, on a ‘without prejudice’ basis, and MMO are asked to provide agreed wording on a potential condition.	<p><i>(a) such activities are deemed necessary by the undertaker during this period; and</i></p> <p><i>(b) any additional mitigation requirements for such activities are included in the underwater sound management strategy approved by the MMO under paragraph (1).</i></p>	
Schedule 6 - Deemed Marine Licence				
2DCO4	The applicant MMO NE	<p>Determination under DML - timings</p> <p>The ExA has read and understood NE’s comments in its ‘Comments on Rule 17 letter to Natural England and the Marine Management Organisation’ [REP4-065] at point R17.1.16 “The necessity for the increased consultation time to 6 months is to avoid delays to the start of construction and is mainly due to; a) the quantity of pre-construction condition discharge consultations we are now receiving per project (compared with OWF NSIPs consented 10 years ago), and b) the potential requirement for multiple consultations in relation to each marine licence condition. It is Natural England’s view that the additional rounds of consultations have become common place due to the complexity of the issues included within the licence discharge process and in many cases the necessity</p>	<p>The MMO notes NE’s response in section R17.1.16 of REP4-065 regarding a 4-month timeframe for condition discharge no longer being sufficient and that NE is recommending a 6 month timeframe.</p> <p>The MMO does and has rejected documents and requested updates from the Applicant’s at the post consent stage both pre and post consultation. However, even if new documents are submitted this would still require consultation. The MMO also makes a decision on documents with both Applicant and consultees comments. It is not a continuous loop of consultation but notes that some of the matters are very complex and technical and the marine environment is ever changing.</p>	<p>Following the submission of the updated draft DCO at Deadline 5, NE have requested a further three plans (Offshore Operation and Maintenance Plan (OOMP), Project Environmental Management Plan (PEMP) and Vessel Traffic Management Plan (VTMP)) to be updated from four months to six months (ID REP5-077-03 in Table 2.12).</p> <p>The Applicant has updated this in the draft DCO (Document Reference 3.1) submitted alongside this document at Deadline 5A.</p> <p>The Applicant’s position on the 56 day determination period remains as set out in its response to question 2DCO4 in its Response</p>

ExQ2	Question to	Question	MMO response	Applicant response
		to address unresolved issues from consent, before the discharge of the condition can progress". However, this presupposes that the MMO is not willing to refuse matters where an inappropriate proposal is put forward. The ExA has also noted the MMO's response to the same question at [REP4-064]. The ExA is considering recommending a 56 day determination period for all consents within the DML. The applicant, MMO and NE are asked for comments.	<p>The MMO notes that the timescales are largely agreed with the Applicant and NE, noting after a meeting with the Applicant on 4 March that the two documents the MMO had concern with in Section 1DCO7 of REP4-064 will be updated to 6 months.</p> <p>Therefore, the MMO does not consider a 56 day determination period for all consents within the DML appropriate due to the process that is undertaken to reach discharge post consent documents. This is also less than the original 4 months the Applicant has proposed. A 56 day determination period may result in delays to works commencing due to issues that arise through the discharge process including consultation.</p> <p>The MMO strongly considers that it is inappropriate to put timeframes on complex technical decisions. The time it takes the MMO to make such determinations depends on the quality of the application made, the complexity of the issues, and the amount of consultation the MMO is required to undertake with other organisations to seek resolutions.</p>	to ExA's Written Questions 2 (REP5-070).

ExQ2	Question to	Question	MMO response	Applicant response
			The MMO's position remains that it is inappropriate to apply a strict timeframe to the approvals the MMO is required to give	
Offshore Ornithology				
200I2	The applicant Ørsted IPs MMO NE	Effect on nearby OWFs The Ørsted IPs ([REP4-077], paragraph 1.22) consider that any need to obtain or vary an existing marine licence is considered business-as-usual and would not impact on decision making regarding extending the lifetime of the assets. Having regard to the recent C G Fry & Son Limited vs Secretary of State for Housing, Communities and Local Government [2024] EWCA Civ 730 judgment, could the Ørsted IPs, MMO, NE and the applicant respond to the proposition that any new marine licence would be likely to require a HRA to be carried out. As a result, parties are invited to comment on how certain the ExA/ SoS can be that any such consent/ approval would be forthcoming?	The MMO understands the recent C G FRY & Son Limited vs Secretary of State for Housing, Communities and Local Government [2024] EWCA Civ 730 judgment relates to the requirement of an 'appropriate assessment' as under Regulation 63 of the Conservation of Habitats and Species Regulations 2017 to be undertaken for subsequent approvals after the grant of outline planning permission at a further consent stage. The MMO understands that no appropriate assessment under the Habitats Regulations had been undertaken when outline planning permission was granted. NE advised after the reserved matters approval that an appropriate assessment should be undertaken. A new marine licence that has potential to impact a National conservation site would require a HRA. A HRA must be undertaken to identify and assess the implications of a plan or project	The Applicant welcomes this response from the MMO which accords with the Applicant's response to 200I2 in its Response to ExA's Written Questions 2 (REP5-070).

ExQ2	Question to	Question	MMO response	Applicant response
			<p>for the protected features of National conservation sites. The MMO notes that a request to vary an existing licence may require an update to the original HRA. This is dependent on what the variation request entails and the significance of the change and any new in combination impacts. If the variation is within the remit of what was previously assessed under the original licence application an updated HRA may not be required. The MMO will always review the original HRA and ensure that this is in line with what was assessed and no changes to the environment or sites etc. have taken place where further updates could be required. A review of all works taken place will be reviewed as well – noting the original works will be part of the baseline/in-combination assessment for the new projects therefore duplication of review in the variation HRA may not be required. With regard to how forthcoming approval would be, the MMO notes that through the marine licence/variation application process a determination would be made. Each case is on a case-by-case basis and therefore we cannot pre-determine the likelihood</p>	

ExQ2	Question to	Question	MMO response	Applicant response
			of a licence being extended or granted.	
Shipping and Navigation				
2SN1	The applicant MMO	<p>Contaminants and navigation</p> <p>It its response to RR-047-18 the MMO indicates that “The MMO would like to understand what the process will be on deciding the source of the rock to ensure there is no navigational concerns or contaminants risk and where this detail will be provided post consent” in relation to rock material used in the construction of the proposed development.</p> <p><u>To the MMO</u></p> <p>a) Could the MMO please explain how the source of a rock could affect navigation, as opposed to its volume, which is another matter?</p> <p><u>To the applicant</u></p> <p>b) Can the applicant to identify anywhere in a document, or to be secured in a control document, where this choice is limited in terms of parameters assessed</p>	<p>The MMO has identified two impacts:</p> <p>1) Navigational concerns in relation to the volume and location of the rock – the MMO notes that this concerns is captured in Condition 9(1)(d)(i)(bb) as any depth lower than 5% would have to be approved to ensure the safety of navigation. In addition to this the Applicant also has to issue notice to mariners (condition 4(9)) in relation to activities and inform the UKHO in Condition 4(10) on the final details of the construction.</p> <p>Condition 7(7) also allows the MMO to manage any lost or misplaced rock.</p> <p>2) Contaminants – the MMO has discussed this with the Applicant on 4 March 2025 and is content that this will be captured within the Outline Construction Method statement and the MMO is content with this.</p>	<p>The Applicant welcomes this response and can confirm that the Outline Construction Method Statement (CMS) and Outline Scour Protection and Cable Protection Plan were updated at Deadline 5 to address this matter (REP5-056 and REP5-034). Both outline documents are secured under the Deemed Marine Licence (Schedule 6 to the DCO) (Conditions 9(1)(d)).</p>

ExQ2	Question to	Question	MMO response	Applicant response
			The MMO has no outstanding issues on the source of rock.	

2.3.2 Updated responses to ExQ1

Table 2.4 The Applicant's response to the MMO's updated positions on their responses to ExQ1 (Section 2 of REP5-075)

ExQ2	Question	MMO response	Applicant response
General and Cross-topic Questions (GEN)			
Need and Assessment			
1GEN24	Decommissioning ES Chapter 7, Table 7.2 (page 49) [REP2- 008] refers to a decommissioning plan. Could the Applicant please explain what would be in the plan and how the content of the plan would be secured?	The MMO is continuing to discuss DML issues with the Applicant. An additional submission was not submitted to the ExA to ensure resource was spent on providing a detailed response for Deadline 5. Please see Section XX of this document in relation to decommissioning. The MMO will continue to engage with the Applicant with the aim to have a position by Deadline 6, this could be agreed or agree to disagree but Deadline 6 will provide a clear response.	The Applicant refers the MMO to the Applicant's response to NE on this matter (decommissioning plan) in its response to RI_E14 within The Applicant's Comments on NE's Risk and Actions Log (REP5-061). To reiterate, 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. The requirements around

ExQ2	Question	MMO response	Applicant response
			<p>decommissioning, and the provision of and specific content within a Decommissioning Programme, are fully addressed within the Energy Act 2004 (specifically sections 104-114), which makes provision for a draft DP to be submitted and consulted on before it can be approved.</p> <p>The Applicant notes the MMO's further comments on the decommissioning programme in their Deadline 5 submission (see Section 2.3.5 below). The Applicant has updated the Commitments Register at Deadline 5A (Document Reference 9.31) 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 SoS.</p>
2. Biodiversity, Ecology and Marine Processes (BEM)			
1BEM16	<p>Foundations</p> <p>ES Chapter 7, Table 7.3, item 3 box 2 [REP2-008] says that "pile driving would be used in preference to drilling, where it is practicable to do so (i.e. where ground conditions allow)".</p>	<p>The MMO notes that the Applicants worst-case scenario of 50% driven and 50% drilled has been considered to assess impacts of increases in suspended sediments from foundation installation.</p> <p>In addition, in 1BEM17 the Applicant's detail in the response to 1BEM5 and 1BEM10, that fine</p>	<p>The Applicant welcomes this response.</p>

ExQ2	Question	MMO response	Applicant response
	<p>Please could the Applicant explain:</p> <p>a) why pile driving would be used in preference to drilling;</p> <p>b) how this is consistent with 50% drive and 50% drill (see ES Chapter 7, footnote 8); and</p> <p>c) in what circumstances and why pile driving is practicable as opposed to drilling.</p>	<p>sediment could remain in suspension for longer than it would if it was relatively coarser. However, the time that fine sediment is in suspension is determined by the twice daily tidal cycle. Over each cycle, Suspended Sediment Concentration (SSCs) and distance travelled will vary as the tidal currents increase and decrease between high and low tide. However, the distance travel/dispersed within one tidal cycle will always be limited by the length of 1 tidal excursion (in this case, up to 10km). As noted in "Paragraph 8.123 of Chapter 8, sediment samples from site-specific sampling within the Project windfarm site do not indicate elevated levels of contaminants and therefore, there is no potential for contaminants to be transported over greater distances. Therefore, there is no possibility to permanently increase turbidity and/or sediment blanketing effects as a result of the Project."</p> <p>The MMO believes the assumptions regarding the release of contaminants seem reasonable.</p>	
Marine Sediment and Water Quality			
1BEM19	<p>Offshore Construction Method Statement (OCMS)</p> <p>In the Applicant's response [PD1-011] to the MMO's RR [RR-047] at point RR-047-48, it is stated "The selection of scour protection methods ... will be further considered post-consent in the Offshore Construction Method Statement ... developed through consultation with MMO ... secured in Condition 9(1)(d) of</p>	<p>In responses to PD1-011 and the offshore Construction Method Statement (CMS) comments from the MMO were for consideration of different scour protection measures to release grout/cement to the wider environment and the inclusion of the in the Offshore CMS. It was noted that the outline Project Environmental Management Plan (PEMP) included commitment (section 6.7) to <i>'where grout is required, careful use would be ensured at all times to avoid excess</i></p>	<p>The Applicant notes this response.</p> <p>In response to the MMO's Deadline 4 submission (see ID REP4-064-03 of REP5-060), the Applicant added additional wording to the Outline Offshore Operation and Maintenance Plan (OOMP) (REP5-030) with regards the use of chemicals during the</p>

ExQ2	Question	MMO response	Applicant response
	<p>Schedule 6 of the Draft DCO ...” and Condition 9(1)(d)(ii) refers to an outline scour protection and cable protection plan [REP1-056]. The Applicant’s response [PD1-011] to the MMO’s RR [RR-047] at point RR-047-51, refers to an “... Offshore Construction Method Statement ... developed through consultation with the MMO ... secured in Condition 9(1)(d) of Schedule 6 of the Draft DCO ...” and Condition 9(1)(d) [REP2-002] refers to an offshore construction method statement.</p>	<p><i>grout being discharged to the environment’. This would then be detailed in the final PEMP and Offshore CMS post-consent’</i></p> <p>The Applicant requires retention of flexibility of choice of scour protection for engineering suitability and environmental consideration and that approval of the Offshore CMS from the MMO will be required post consent and will be dependent on the final design of the project. However, this should not preclude the Applicant from considering how to avoid reduce or minimise the use of chemicals in the marine environment. The Applicant should be mindful that the use of chemicals in the construction operation maintenance and decommissioning of the OWF not used on vessels or within closed systems and not requiring top up, will need to be notified to the regulator for approval prior to use. These may warrant additional site-specific justification or even substitution depending on ecotoxicological properties. Please see comments on Chemicals in Section 7.6 of this response.</p>	<p>operation and maintenance phase.</p> <p>The Applicant has now agreed the wording on chemicals on the Development Consent Order (DCO) and has included updates in the dDCO at Deadline 5A (see Condition 9(1)(e)(ii) and 9(3)).</p>
1BEM20	<p>Disposal of sandwave material</p> <p>In the MMO’s RR [RR-047] at paragraph 4.3.10 it says that the Applicant “... most likely would have to apply to the MMO to designate the area as a disposal site ...”. In its response at RR-047-53 [PD1-011], the Applicant argues that this is unnecessary as “... the removal of and disposal of inert material is included as associated development ...” and is</p>	<p>The MMO would like to note that this disposal site has been designated and the reference number should be updated within the DML, the reference number is IS156 and the name of the site is the Morgan and Morecambe OWFs. The reason this is a joint designation is the transmission assets disposal site that has also been requested as part of the Morgan and Morecambe Offshore Windfarm Transmission Assets disposal site overlaps with the Morecambe generation asset site. Therefore, these have been included</p>	<p>The Applicant notes that as the disposal site permitted for the Project reflects the Project’s Order Limits (and, is in fact, significantly wider than the Order Limits), there is no requirement to further add the disposal site name or number to the face of the DCO. The disposal site reference number encompasses a wider area (as it relates to other</p>

ExQ2	Question	MMO response	Applicant response
	therefore authorised within the Order limits. The MMO's D2 response [REP2-035] says that it is currently in the process of designating disposal sites and states that "sites should be secured within the DML. Once this has been completed the MMO will inform the Applicant and request that this is updated in the DML as part of the Examination process.". At what point in the Examination does the MMO envisage being in a position to inform the Applicant?	together along with the transmission asset areas because disposal sites cannot overlap. As all the disposal material has been assessed including cumulative impacts there is no concern with multiple projects utilising the same disposal site as long as their disposal quantities are within the maximum parameters assessed.	projects), and it is not competent for the DCO or the Deemed Marine Licence to authorise licensed activities beyond the Order Limits. The Applicant therefore considers it correct to restrict the authority for disposal within its DCO to the Order Limits rather than the refer to the Disposal Site ID.
<i>Fish and Shellfish</i>			
1BEM24	<p>Mitigation: timing of works</p> <p>The MMO [REP2-035] has indicated that whilst an Underwater Sound Management Strategy [REP2-026] has been provided, a condition limiting piling during the cod spawning period is still necessary and will supply updated wording 'in due course'.</p> <p>Can the MMO confirm when the revised wording will be available.</p>	<p>The MMO had a meeting with the Applicant on 14 February to discuss outstanding issues with our scientific advisors.</p> <p>The Applicant explained that further commitment and modelling will be provided at Deadline 4 in relation to the use of NAS. The MMO explained that full spatial modelling would be required to remove a seasonal restriction requirement on the DML. The Applicant explained that this would not be provided. The Applicant understood the MMO's position that without this modelling there is not enough evidence to remove the requirement for the seasonal restriction to be included on the face of the DML. The MMO believes that no new information can be provided by the Applicant during the remainder of Examination that will remove the requirement for a piling restriction on the face of the DML.</p>	The Applicant would defer to the response to the MMO's response to 2BEM3 in Table 2.3 above.

ExQ2	Question	MMO response	Applicant response
		However, there is still further discussion on the refinement of the seasonal restriction dates of the piling restriction and the MMO understands further evidence was provided in relation to this at Deadline 4.	
Marine Mammals			
1BEM42	<p>Draft Marine Mammals Mitigation Protocol (dMMMP): soft-start procedures: breaks in piling</p> <p>Section 3.1.4 of the dMMMP [APP-149] deals with breaks in piling and permits a reduced soft-start procedure provided that there are no marine mammals within the monitoring area.</p> <p>At paragraph 3.1.2 of it RR [RR-047], the MMO says that “If a watch has been kept during the piling operation, the Marine Mammal Observer or Passive Acoustic Monitoring Operative should be able to confirm the presence or absence of marine mammals, and it may be possible to commence the soft-start immediately. However, if there has been no watch, the complete pre-piling search and soft-start procedure should be undertaken ...” in accordance with the guidance, requesting that the guidance be adhered to.</p> <p>The Applicant’s response at RR-047-27 [PD1-011] notes that “the wording proposed by the Applicant has previously been agreed for other offshore windfarm projects, including Dogger Bank A and</p>	The MMO has engaged in discussions with Natural England and requests a commitment to current guidance, noting that we are open to refining the break procedure in the pre-construction period through the MMMP.	The Applicant has added to the draft Marine Mammal Mitigation Protocol (MMMP)_Rev 05 at Deadline 5A (Document Reference 6.5) a commitment to the current guidance for breaks in piling, but noted that this would be further discussed and agreed post-consent in review of the final mitigation secured.

ExQ2	Question	MMO response	Applicant response
	<p>Dogger Bank B ... finalisation of wording ... would be undertaken post-consent ...".</p> <p>Could the Applicant and the MMO jointly consider whether the wording of the dMMMP, particularly paragraph 143, needs updating, and if so, could it please be so updated?</p>		
Commercial Fisheries			
1CF3	<p>In Principle Monitoring Plan - Landings Data and Monitoring</p> <p>Paragraph 13.302 of ES Chapter 13 [APP-050] states that the IPMP includes for the monitoring of commercial fisheries data pre, during and post construction. Paragraph 39 of the IPMP states that this is likely to be managed out with of the IPMP. Table 2.5 of the IPMP [APP-148] states that monitoring would be carried out for a minimum period of 5 years and does not include monitoring during or following decommissioning. Assuming an approximate construction period of 2.5 years, it is assumed that pre and post construction monitoring would therefore equate to approximately 1.25 years each. Please also see ExQ1GEN11Error! Reference source not found.</p> <p><u>To the Applicant:</u></p> <p>a) Can the Applicant explain why a commitment to monitoring landings data is</p>	<p>To update at Deadline 5, the MMO has now reviewed this point with its scientific advisors and has the following points to raise in regard to the inclusion of Landings Data and Monitoring as part of the In Principle Monitoring Plan:</p> <p>Ideally, monitoring using landings data and Vessel Monitoring Systems (VMS) VMS data should be conducted throughout the construction phase of the project, as well as for a period of no less than one year after operation has commenced, so that spatial changes in fishing effort and displacement of fishers in and around the wind farm array and export cable corridor can be monitored and understood.</p> <p>However, a longer period of post-construction monitoring using VMS data would provide data on any long term changes to fishing locations and habits as a result of the construction and operation of the wind farm, whilst reviewing landings data over a longer period of post-construction could be used to demonstrate whether the catch weights and compositions</p>	<p>The Applicant welcomes confirmation from the MMO that 5 years post-construction monitoring is appropriate, which aligns with the Applicant's Deadline 5 In Principle Monitoring Plan (IPMP) (REP5-026).</p>

ExQ2	Question	MMO response	Applicant response
	<p>proposed to sit outwith the IPMP and, if so, how would this be secured?</p> <p>b) Rather than sit outwith of the IPMP, could the IPMP and/ or the oFLCP be amended to secure this and if not, why not?</p> <p>c) Can the Applicant explain why monitoring of landings data is not proposed during or post decommissioning given the potential impact of activities during decommissioning have been assessed as being the same as those during construction? To address this can the IPMP be amended to make clear monitoring would be carried out during and post decommissioning and for how long?</p> <p><u>Other IPs:</u></p> <p>d) Do any other IPs have any comments or views on how the commitment to monitoring should be secured?</p> <p>e) Is monitoring on landing data sufficient?</p> <p>f) Could NE confirm whether 1.25 years of data would be sufficient to evaluate the effect of the construction and operation of the proposed development on the fisheries resources at or near the site, or whether a longer post construction monitoring period is necessary.</p> <p>g) Should monitoring be extended to include during and post decommissioning activities and if so, can other IPs explain with reasons how long it is considered such monitoring would be required following completion of the works?</p>	<p>have changed as a result of the construction and operation of the wind farm. Therefore, the MMO believes 5 years is appropriate.</p>	

ExQ2	Question	MMO response	Applicant response
Draft Development Consent Order			
1DCO1	<p>Transfer of benefit of Order</p> <p>Without concluding on the matter, in order to ensure that the MMO is satisfied as to the drafting of Article 7, could it provide a revised draft of Article 7, and also set out any other associated changes to the dDCO it would consider appropriate, were the SoS to conclude that they did not wish to include transfer of the benefit of the DML within the Order.</p>	<p>The Current position between the MMO and the Applicant is not agreed – material impact. The MMO refers to Section 3.2 of REP3-085 and additional comments in Section 7 of this document.</p>	<p>The Applicant acknowledges that this is a matter unlikely to be resolved, given the fundamental difference in position and interpretation. This is recorded in the Statement of Common Ground (SoCG) with the MMO (Document Reference 9.1).</p>
Schedule 6- Deemed Marine Licence			
1DCO7	<p>Pre-construction plans and documentation (Schedule 6, Part 2, condition 9(1)(c))</p> <p>Could the Applicant and NE provide an update on any progress made regarding the timescales included in the dML conditions for approval of pre-construction documentation and agreement of documents, where 4 months can remain and those where 6 months can be accepted.</p>	<p>The MMO's position is that it remains that all documents should be submitted at 6 months and that there should not be a requirement for the MMO to respond within a time period. However, without prejudice, has provided comments on the Applicant's proposal for timescales of submission below.</p> <p>For this project, the MMO is content with the following timescales subject to the relevant interested parties also being content (i.e. Statutory Nature Conservation Body (SNCB), Historic England (HE), Maritime and Coastguard Agency (MCA), Trinity House (TH)):</p> <ul style="list-style-type: none"> ▪ Design Plan: 6 months prior to start of construction ▪ Construction Programme: 4 months prior to start of construction 	<p>The Applicant has updated the draft DCO in line with the timescales noted by the MMO at Deadline 5 (REP5-002). However, NE have responded in their Deadline 5 submission (REP5-077) that they would request if the following documents had a timescale of 6 months, rather than 4 months:</p> <ul style="list-style-type: none"> ▪ Project Environmental Management Plan (PEMP) ▪ Vessel Traffic Management Plan (VTMP) ▪ OOMP <p>The Applicant has therefore updated the draft DCO_06 at Deadline 5A to reflect these</p>

ExQ2	Question	MMO response	Applicant response
		<ul style="list-style-type: none"> ▪ Monitoring Plans in line with IPMP: 6 months prior to start of surveys / construction / operation as relevant ▪ Project Environmental Management Plan (PEMP): 4 months prior to start of relevant works ▪ Offshore Written Scheme of Investigation (WSI): 4 months prior to start of construction ▪ Aids to Navigation Plan: 4 months prior to start of construction ▪ MMMP: 6 months prior to start of foundation installation ▪ Vessel Traffic Management Plan (VTMP): 4 months prior to start of construction ▪ Fisheries Liaison and Co-Existence Plan (FLCP): 6 months prior to start of construction ▪ UWSMS: 6 months prior to start of foundation installation ▪ Decommissioning Plan: 6 months prior to start of construction ▪ Outline Offshore Operations and Maintenance Plan (OOMP): 4 months prior to start of operation 	updated timescales (Document Reference 3.1).
1DCO8	Micrositing a) Within condition 9(1)(a)(ii) should there be a maximum limit for micrositing within the two lines of	a) The MMO understands MCA highlighted in REP2-034 that they would be content with micro-siting distances of 50m for micro-siting and 5m for tolerance.	The Applicant welcomes this response.

ExQ2	Question	MMO response	Applicant response
	<p>orientation? If so, what should this be?</p> <p>b) Should this be allowed to be varied by consent, and if so, who should grant this consent, and should there be any limits on variation?</p>	<p>b) The MMO notes anything can be varied within a DML, it is up to the MMO to consult any relevant parties on a variation.</p> <p>The MMO has reviewed MCAs response (REP3-084) to this question. The MMO notes that MCA have proposed the condition is amended as follows:</p> <p><i>“...and offshore substation platform subject to up to 55m micro-siting in any direction unless otherwise agreed in writing with the MMO in consultation with the MCA and Trinity House.”</i></p> <p>The MMO notes that the Applicant has said they will add micrositing of up to 55m in any direction to the version of the draft DCO submitted at Deadline 4 (REP3-068). The MMO notes that the 55m limit aligns with the response from MCA and Trinity House (REP3-099).</p> <p>The MMO has reviewed the updated draft DCO (REP4-003) and notes the updates align with what has been discussed and has no further comments.</p>	
Schedule 8 – Documents to be Certified			
1DCO11	<p>It has been noted that while the Applicant has renumbered the tracked versions of the documents submitted at D1 with an extra .1, for example the D1 tracked version of the HRA without prejudice derogation case [REP1-014] is now 4.11.1, this does not tally with the list of documents to be certified at Schedule 8 of the dDCO where document</p>	<p>The MMO has reviewed Schedule 8 of the draft DCO and considers the documents listed are correctly referenced. The MMO would prefer separate parts but notes the Applicant’s response in REP4-060.</p>	<p>The Applicant welcomes this response.</p>

ExQ2	Question	MMO response	Applicant response
	<p>4.11.1 is currently shown as the outline Compensation Implementation and Monitoring Plan.</p> <p>Could the Applicant please ensure that all documents in Schedule 8 are correctly referenced. This should be updated with each submission of a dDCO.</p>		
8. Habitats Regulations Assessment (HRA)			
1HRA28	<p>Cumulative effects relating to Invasive Non-Native Species (INNS)</p> <p>The Applicant's assessment for INNS cumulatively with the M&MTA project focuses on the impact of vessels (such as ballast water) but does not consider the potential stepping stone effect of introduced hard standing from the M&MTA project. This could enable propagation of species from the shore to the site.</p> <p>Can NE and the MMO provide commentary on the risk of such propagation, the likelihood of a significant effect relating to INNS and any measures required to avoid or minimise such effects.</p>	<p>The MMO notes NE is content that INNS has been acknowledged within Outline Project Environmental Management Plan and has no further comments at this time.</p> <p>MMO notes any additional comments will be minor at this stage and likely to be agreed by the end of Examination</p> <p>The MMO welcomes that the potential effect of colonisation of Project Infrastructure by INNS will be assessed visually during post-construction hard substrate inspections as set out in the In Principle Monitoring Plan (REP3-046). Furthermore, the potential requirement for further surveillance would be agreed with the MMO following review of the post-construction survey results and relevant data will be provided to the appropriate organisations that collate and store INNS information.</p>	The Applicant welcomes this response.
1HRA29	<p>Co-ordination/communication between projects during construction to minimise effects</p>	The MMO has reviewed the Applicant's and NE's (REP3-092) response.	The Applicant welcomes this response.

ExQ2	Question	MMO response	Applicant response
	<p>The Applicant's 'Report on Interrelationships with Other Infrastructure Projects - Revision 01 (Volume 9)' [REP1-078] explains why the Applicant considers that a legal obligation to co-ordinate with other developments in the Irish Sea could impede delivery of the Morecambe OWF. Paragraph 86 of the report concludes that opportunities for coordination would be explored where relevant and in respect of project timescales as these develop further. In the absence of a legal obligation, explain what formal mechanisms exist to ensure that there would be meaningful engagement around coordination and that it would happen in a timely fashion. The ExA is particularly concerned about mechanisms to minimise the impact of noise on marine receptors at a cross project level.</p> <p><u>To Mona Offshore Wind Ltd and Morgan Offshore Wind Limited</u></p> <p>a) These IPs are invited to make comments in relation to the above and to point to any provisions set out within their respective applications which would provide such co-ordination.</p> <p><u>To the Applicant, Mona Offshore Wind Ltd and Morgan Offshore Wind Limited</u></p> <p>b) While noting the issues identified in paragraph 43, should one (or more) of the other projects not proceed, could this be resolved by ensuring that any secured co-</p>	<p>The MMO notes that the Applicant does not consider that any coordination needs to be legally secured between the projects.</p> <p>NE notes that a 'coordination forum' has been set up and facilitated by the MMO for projects in the North Sea to coordinate their underwater noise generating activities. Commitments to the Coordination Forum has been secured through the inclusion of 'Coordination conditions' on relevant projects' marine licences. NE considers a similar approach could also be adopted for the Irish Sea.</p> <p>The MMO would highlight that the Coordination Forum was set up to assist multiple industries in managing the Southern North Sea (SNS) Special Area of Conservation (SAC). This was secured through requirements in the SNS SIP and on UXO marine licences with a condition.</p> <p>At Deadline 5 the MMO notes that the Applicant (REP4-061) notes that Mona Offshore Wind Ltd and Morgan Offshore Wind Limited have responses to this ExQ1 and are in alignment with the Applicant.</p> <p>The MMO does not have further comments at this time.</p>	

ExQ2	Question	MMO response	Applicant response
	<p>ordination was only relevant for those projects under implementation?</p> <p><u>To NE and MMO</u></p> <p>c) Would a mechanism to ensure co-ordination of OWF construction activities assist in reducing the cumulative effect of the Proposed Development with other projects and, if yes, do NE and MMO have examples of how such a mechanism would function and be secured?</p>		
1HRA34	<p>In Principle Monitoring Plan</p> <p>Paragraph 24 of the IPMP [APP-148] references a 'Cable specification, installation and monitoring plan'. Could the Applicant signpost to where this plan may be found in the Application documents or provide an outline plan.</p>	<p>It is noted that at the current stage of the project neither cable contracting nor design are completed and therefore no cable specification installation or monitoring plan is provided. Maximum design parameters and installation techniques are considered in the ES and defer this to be secured in the dDML to be provided post consent. The MMO notes that sometimes an outline plan is provided within examination, but this is usually when there are major concerns with benthic habitats. The MMO does not believe this is the case as none have been identified and the Applicant has updated Condition 9(1)(a)(b) to account for this. The MMO does not believe an outline plan is required by the Applicant.</p>	<p>The Applicant welcomes this response, however, would note that an Outline Cable Specification, Installation and Monitoring Plan has been provided as part of the Outline Construction Method Statement (CMS) submitted into Examination (REP5-056).</p>
10. Seascape Landscape and Visual (SLV)			
Other Offshore Infrastructure (OOI)			
1OOI7	<p>Future Carbon Capture Storage</p>	<p>With respect to the use of the area for Carbon Capture and Storage following the plug and abandonment of oil and gas facilities the</p>	<p>The Applicant welcomes this response.</p>

ExQ2	Question	MMO response	Applicant response
	<p>Spirit Energy in their WR [REP1-116] refer to their Carbon Storage Licence CS010 associated with the potential future repurposing of the Morecambe Hub gas fields. Concerns are raised about potential implications and challenges the Proposed Development could have on their ability to carry out activities under the terms of this licence as well as future access and well monitoring. Spirit comment that this is not provided for in the protective provisions (or elsewhere) in the draft DCO.</p> <p><u>To both Parties:</u></p> <p>Having regard to paragraph 2.8.197 of NPS EN-3, is the Carbon Dioxide Appraisal and Storage Licence CS010 a 'licence' for the purposes of this paragraph, or is it something else? If it is something else, please explain what it is.</p> <p><u>To Spirit Energy:</u></p> <p>b) If Spirit Energy is seeking a revision to the current Protective Provisions to address its concerns, please can it provide an alternative drafting which identifies the changes sought? (See also ExQ0.) To the Applicant c) Can the Applicant please respond to the concerns raised by Spirit and in particular comment on whether the Protective Provisions could be amended to include the identified wells and set appropriate stand-offs in order to safeguard and ensure future access is maintained?</p>	<p>Applicant responded to say that they require <i>“to understand further Spirit Energy’s position and its technical requirements in order to develop a refined position on whether Protective Provisions are an appropriate measure to enable the Project and any potential future carbon capture storage to co-exist”</i>. The Applicant notes that Spirit Energy stated within its comments at Deadline 1 (REP2-042) that it intends to comment on the Applicant’s Deadline 2 submissions at Deadline 3. The Applicant will subsequently respond to further comments received in relation to Morecambe Net Zero (MNZ) in due course. However, the Applicant also notes that the MNZ Carbon Capture Usage and Storage (CCUS) project is at an early stage of development and that there is still considerable uncertainty if or when the MNZ CCUS project will proceed to the next phase of the North Sea Transit Authority.</p> <p>The MMO has no comments on this matter.</p>	

2.3.3 Updates to comments on the Applicant's response to Relevant Representations

7. Please note, this table has been condensed from the original MMO submission to focus on the remaining matters still in discussion.

Table 2.5 The Applicant's response to the MMO's updates to their comments on the Applicant's response to Relevant Representations from MMO (Section 3 of REP5-075)

Applicant's Reference	MMO Comments at Deadline 5	Applicant's response
Draft DCO		
RR-047-16	The MMO notes that updates have been made to condition 19. The MMO has provided further comments in Section 7 of this letter.	The Applicant has responded to this point in Section 2.3.5 .
RR-047-18	After discussions with the Applicant on 4 March 2025 the MMO understands information will be included in the outline CMS and will be provided as part of the post consent Condition 9(1)(d) and is content that no updates are required to Condition 7(6).	The Applicant welcomes this response.
RR-047-19	The MMO has provided further comments regarding Condition 7(10) in Section 7 of this document. The MMO highlights there is an ongoing discussion on this condition and will aim to provide a clear position (agreed/not agreed) at Deadline 6.	The Applicant has responded to this point in Section 2.3.5
RR-047-20	In relation to Sheringham and Dudgeon Extension Order the MMO cannot see any comments within the ExA's Recommendation Report and Secretary of State (SoS) decision on force majeure. However, the MMO does not believe that consistency and precedent is enough to maintain a condition if further information has been provided in how this would work in practice.	The Applicant has responded to this point in Section 2.3.5 .

Applicant's Reference	MMO Comments at Deadline 5	Applicant's response
	<p>The MMO notes this was not raised in Rampion 2 Examination however just because it wasn't raised in Rampion does not mean that the comment is not valid now.</p> <p>The MMO maintains its position regarding the removal of the condition due to the liability and enforcement issue post consent and ambiguity of any other cause within the condition.</p>	
RR-047-23	The MMO maintains its position. The MMO strongly disagrees with the inclusion of Article 7. Further information is provided in Section 7 of this response.	The Applicant has responded to this point in Section 2.3.5 .
Draft MMMP (APP-149) and Appendix 11.3 Marine Mammal Unexploded Ordnance Assessment (APP-067)		
RR-047-27	<p>The MMO has reviewed 6.5 Draft Marine Mammal Mitigation Protocol (Clean) – Revision 03 (Volume 6) (REP4-027).</p> <p>The MMO notes the update to section 3.1.4 wherein the Applicant notes the final protocol for breaks in piling will be agreed during the finalisation of the MMMP. The Applicant notes that the current JNCC guidance (2010) requires soft start procedures to be re-established after a break longer than 10 minutes, however this does not consider noise reduction methods.</p> <p>The MMO would also highlight that the document should be updated in line with the most recent JNCC guidance published in January 2025.</p> <p>The MMO also notes the update to section 3.2 where in the Applicant states that the project is committed to application of noise reduction such as NAS for its ES worst-case scenario.</p> <p>Please see comments above in response to 1BEM24.</p> <p>The MMO understands updated documents will be submitted at Deadline 5 and is also working with the Applicant and NE to</p>	The Applicant has responded to this point in response to 1BEM42 (not 1BEM24) in Table 2.4 .

Applicant's Reference	MMO Comments at Deadline 5	Applicant's response
	ensure the final outline documents submitted at Deadline 6 are agreed by all parties.	
Outline PEMP (APP-146) and IPMP (APP-148)		
RR-047-35	The MMO has provided further comments regarding the chemical condition in Section 7 of this letter. The MMO is continuing discussions with the Applicant to provide a position (agreed/not agreed) for Deadline 6.	The Applicant has now agreed the wording on chemicals on the Development Consent Order (DCO) and has included updates in the dDCO at Deadline 5A (see Condition 9(1)(e)(ii) and 9(3)).
Chapter 5 Project Description (APP-042)		
RR-047-48	<p>The MMO notes that the commitments register (REP4-049) has been updated to include the consideration of non-plastic alternatives with regard to the selection of scour protection methods (section CO52).</p> <p>The MMO notes that the Applicant states that the introduction of plastic infrastructure will be considered post-consent in the Offshore Construction Method Statement, focusing on engineering, suitability, and environmental recoverability. It does not appear to include consideration of the risk of the impact of the plastic infrastructure on the environment, only the recoverability of it. The MMO requires this to be expanded on.</p> <p>On review of the Outline CMS the MMO welcomes the inclusion of <i>"The selection of scour protection methods, where required, will be evaluated and further considered post-consent in the Offshore Construction Method Statement, focusing on both engineering and suitability and environmental recoverability. Non-plastic alternatives, if available at the time, will be considered once the requirements are better understood (CO52-Table 5.2)."</i></p>	The Applicant welcomes this response.
RR-047-51	The MMO requested that the use of grout/cement should be minimised and the release of these to the marine environment prevented. The Applicant said this would be addressed as part	The Applicant welcomes this response.

Applicant's Reference	MMO Comments at Deadline 5	Applicant's response
	<p>of the conditioned PEMP and Outline CMS to prevent excess grout/cement to the wider marine environment.</p> <p>The MMO welcomes the updates to the documents and will defer specific comments post consent.</p>	
Chapter 9 Benthic Ecology (APP-046) Chapter 10 Fish and Shellfish Ecology (APP-047)		
RR-047-58	<p>The Applicant's response at Deadline 4 reflects discussions held in a meeting between them, the MMO and Cefas fisheries advisors on 14 February 2025. During the meeting, the potential refinement of the duration of the piling restriction to reflect the 'peak' of the Irish Sea cod spawning season was discussed (as has been agreed for Morgan OWF (DCO/2022/00003)). The main ongoing area of disagreement is that the Applicant believes that having an UWSMS negates the requirement for a temporal piling restriction during the cod spawning season on the face of the DML. Whilst the MMO supports the proposed implementation of a UWSMS, it does not provide evidence that a piling restriction will not be required at the present time.</p> <p>The MMO recognise that the UWSMS provides a mechanism to provide suitable evidence at a later date, once the project design has been refined and revised underwater noise modelling has been presented. However, the UWSMS does not provide the necessary evidence and confidence in the removal of a condition at the consenting stage.</p> <p>The MMO is working with the Applicant on a drafting of a without prejudice condition in relation to the UWSMS and the MMO maintains that any restriction should be on the face of the DML. Please see Section 2BEM3 of this document.</p>	The Applicant would defer to the response to the MMO's response to 2BEM3 in Table 2.3 above.
RR-047-59	Please see RR-047-58. The MMO note that they would expect to see revised underwater modelling with the use of NAS which	

Applicant's Reference	MMO Comments at Deadline 5	Applicant's response
	will demonstrate the reduction in noise propagation from piling when NAS systems such as hammer cushions and/or double big bubble curtains are used. Until such time that this evidence is presented the MMO maintains that a piling restriction is required.	
RR-047-60	Please see RR-047-58. The MMO supports the proposed implementation of the UWSMS, it does not provide evidence that a piling restriction is not required. The MMO provided detailed advice regarding the UWSMS in its Deadline 4 Response and in Section XX of this response	
Chapter 14 Shipping and Navigation (APP-051)		
RR-047-67	The MMO has reviewed the Applicant's draft SoCG with Trinity House (TH) (REP4-036) and notes that all points except TH 28. TH 28 is in regard to updates to the draft DCO and TH consider that the wording of the draft DCO submitted at Deadline 4 is appropriate but reserve the right to comment on further changes. The MMO has reviewed the Maritime and Coastguard Agency's (MCA) SoCG (REP4-039) with the Applicant. The MMO notes that all points are agreed except MCA 25 which refers to MCA reserving the right to comment on further changes to the draft DCO. The MMO will maintain a watching brief on these points and has provided further comments on the dropped object condition in Section 7.7 of this response.	The Applicant notes this response and has responded to the Marine Management Organisation (MMO)'s comments on the dropped object condition in Section 2.3.5 below.

2.3.4 Comments on the Applicant's Deadline 4 submissions

Table 2.6 The Applicant's Response to the MMO's Comments on the Applicant's Deadline 4 Submissions (Section 6 of REP5-075)

ID	MMO's Comments	Applicant's response
REP4-022 - 5.5.1 Schedule of Mitigation (Tracked) – Revision 04 (Volume 5) (REP4-022)		
REP5-075-01	The MMO notes that this document has been updated to include a commitment to seek alternative scour and cable protection measures post consent, clarify the approach to microsting around sensitive benthic features and consider scour and cable protection that would be more readily removal at the time of decommissioning. The MMO agrees with the inclusion of these amendments.	The Applicant welcomes this response.
REP4-024 - 6.3.1 Outline Fisheries Liaison and Co-Existence Plan (Tracked) - Revision 03 (Volume 6)		
REP5-075-02	The MMO welcomes the updates in relation to monitoring.	The Applicant welcomes this response.
REP4-026 - 6.4 In Principle Monitoring Plan (Clean) - Revision 03 (Volume 6)		
REP5-075-03	The MMO welcomes the updates made to Section 1.3 of this document in relation to standardisation guidance and best practices.	The Applicant welcomes this response.
REP5-075-04	The MMO has provided comments regarding the IPMP in section 1CF3 of table 2, section 5.2 and 5.3 of this letter and is content with this document.	The Applicant welcomes this response.
REP4-028 - REP4-028 6.5.1 Draft Marine Mammal Mitigation Protocol (Tracked) - Revision 03 (Volume 6)		
REP5-075-05	The MMO welcomes the updates made in relation to the new noise policies. The MMO would highlight comments in relation to 1BEM24 above. The MMO understands that an updated document will be submitted by the Applicant at Deadline 5 on the back of ongoing discussions with both the MMO and NE. The MMO is largely in agreement with the updates, and we are working with the Applicant to ensure the final outline document submitted at Deadline 6 is an agreed version.	The Applicant has responded to this point in response to 1BEM42 (not 1BEM24) in Table 2.4 .
Comments on 9.31.1 Commitments Register (Tracked) – Revision 02 (Volume 9) (REP4-048)		
REP5-075-06	The MMO is currently content with the Commitments Register.	The Applicant welcomes this response. To note, the Commitments Register_Rev 04

ID	MMO's Comments	Applicant's response
		(Document Reference 9.31) has been updated at Deadline 5A following a request from the MMO regarding early review of the Decommissioning Programme.
REP5-075-07	The MMO notes that the Applicant has included a commitment to consider alternative scour protection solutions post-consent to minimise the effects that plastic based scour protection could have on the marine environment.	The Applicant welcomes this response.
REP5-075-08	Additionally, the Applicant has amended points 9.1, 9.9 and 9.10 or included in Table 2.2 of the Schedule of Mitigation document to provide clarification regarding the approach to micro-siting around sensitive benthic habitats and consider the potential for more readily removed scour protection and cable protection measures. This has been included in the commitments register.	The Applicant welcomes this response.
REP4-050 9.32.1 Outline Underwater Sound Management Strategy (Tracked) - Revision 02 (Volume 9)		
REP5-075-09	The MMO welcomes the updates made in relation to the new noise policies. The MMO would highlight comments in relation to 1BEM24 above.	The Applicant has responded to this point in response to 1BEM42 (not 1BEM24) in Table 2.4 .
REP5-075-10	The MMO understands that an updated document will be submitted by the Applicant at Deadline 5 on the back of ongoing discussions with both the MMO and NE. The MMO is largely in agreement with the updates, and we are working with the Applicant to ensure the final outline document submitted at Deadline 6 is an agreed version.	The Outline Underwater Sound Management Strategy (UWSMS)_Rev 04 (Document Reference 9.32) has been updated and submitted alongside this document at Deadline 5A.

2.3.5 Comments on the Draft DCO and DML

Table 2.7 The Applicant's response to the MMO's Comments on the Draft DCO and DML (Section 7 of REP5-075)

ID	MMO's Comments	Applicants response
7.2 Decommissioning		
REP5-075-11	The MMO notes that decommissioning activities have not been fully considered the MMO requests an outline decommissioning plan to be part of the consenting	The Applicant acknowledges the MMO's position on the Outline Decommissioning Plan. Therefore, the Applicant has updated

ID	MMO's Comments	Applicants response
	<p>process. The recently published guidelines by Offshore Energies UK (OEUK, 2024) for 'Designing for Decommissioning of Offshore Wind' states that: <i>"Assets should be designed to be decommissioned with a technology available at the time of commissioning"</i></p> <p>The MMO notes Examining Authority for Five Estuaries Offshore Wind Farm Limited (project EN010115) has requested from the Applicant that: <i>"Decommissioning is required to be assessed in order that the Examining Authority (ExA) and Secretary of State can have regard to the likely significant effects of the whole project over its lifecycle in making a recommendation and determination."</i></p> <p>This can be achieved by following the OEUK 'Designing for Decommissioning of Offshore Wind' guidelines and assessing decommissioning based on available technologies now and not in the future.</p> <p>The MMO understands that there is a requirement for a decommissioning programme to be submitted to the Secretary of State (SoS) in Schedule 2, Requirement 19 (now 21), however believes that this information should be provided at this stage.</p> <p>However, in noting the stage in Examination the MMO would welcome a commitment within the commitment register to review the initial decommissioning programme and all updated programmes prior to the submission to the SoS. The MMO notes the SoS does consults on the initial programme but would welcome earlier engagement to ensure all comments can be actioned prior to the approval by the SoS.</p>	<p>the Commitments Register_Rev 04 at Deadline 5A (Document Reference 9.31) 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). See 1GEN24 in Table 2.4.</p>
7.3 Transfer of the benefit of the order		
REP5-075-12	<p>The MMO still disagrees and maintains our position that this provision should not be included.</p>	<p>The Applicant's position on the inclusion and drafting of Article 7 (Benefit of the Order)</p>

ID	MMO's Comments	Applicants response
REP5-075-13	The MMO has pushed back on the inclusion of this provision for many of the DCOs and has continued to do so during the recent DCOs undergoing examination.	<p>remains as set out in previous responses to the MMO's submissions (see The Applicant's Comments on Deadline 2 Submissions by Interested Parties (REP3-069) and in its Response to Actions arising from Issue Specific Hearings 2, 3 and 4 (REP4-061) ExA Action Point No. 25)).</p> <p>The Applicant acknowledges that this is a matter unlikely to be resolved, given the fundamental difference in position and interpretation. This is recorded in the Statement of Common Ground (SoCG) with the MMO (Document Reference 9.1).</p>
REP5-075-14	With regards to Transfer of Benefit being included in other DCOs and setting a precedent, the MMO considers that this does not mean the provisions that are in other orders should be repeated here, especially if there is good reason why they should not be included. The MMO had model provisions, however we have moved away from them now as our stance has changed, and we have provided our reasoning why we are against this provision in previous submissions.	
REP5-075-15	The MMO also notes that it is not clearly explained within the Sheringham and Dudgeon Extension Recommendation report or Decision document on the inclusion of the Transfer of Benefit.	
REP5-075-16	The MMO acknowledges the ExA and SoS made amendments in Hornsea Four OWF recommendation report/decision and notes the only reasoning provided was to keep them consistent with other consents and the SoS removed the ability to transfer part of the DML. The MMO has provided further reasoning since that Examination including counsel comments from Rampion 2 Examination, that were incorporated into our relevant and written representations alongside further comments on the Planning Act.	
REP5-075-17	The MMO acknowledges the ExA and SoS made amendments in Hornsea Four OWF recommendation report/decision and notes the only reasoning provided was to keep them consistent with other consents and the SoS removed the ability to transfer part of the DML. The MMO has provided further reasoning since that Examination including counsel comments from Rampion 2 Examination, that were incorporated into our relevant and written representations alongside further comments on the Planning Act.	
REP5-075-18	The MMO does not agree that because there is a provision in other DCOs that this is reason enough to include it in this one, as the drafting process is iterative. a5The MMO highlights that with the inclusion of the provision that there will be delays for any variation to the DML, as this would still have to occur as the SoS has no powers post consent to vary the DML. So, should the Article remain as drafted and although	

ID	MMO's Comments	Applicants response
	the SoS has approved a transfer of benefit the DMLs will still set out who the undertaker is: <i>"undertaker" means Morecambe Offshore Windfarm Ltd (company registration number: SC734062);"</i>	
REP5-075-19	Any update to this has to be undertaken by a variation, which would only take place once notice of the transfer had taken place. As the undertaker would be incorrect, the MMO may impose a suspension while undertaking this variation as there would be compliance liability.	
REP5-075-20	This means that the process is not achieving the required streamlined version the Applicant is requiring and actually increases the work and risk to the process.	
REP5-075-21	The MMO does not believe precedent and consistency is reason alone to keep including the DML within Article 5.a The MMO strongly disagrees with the inclusion of Article 7 and requests reference to the DML is removed.	
7.4 Force Majure		
REP5-075-22	<p>The MMO's position is that this condition should be removed.</p> <p>Currently the condition does not meet the five tests as set out in the National Planning Policy Framework, which the MMO explained the reasons in REP5-100. For Marine Licences, if a condition does not meet the five tests, then that condition cannot be included. Therefore, the MMO requests the condition be removed from the DMLs.</p> <p>The Applicant's response still does not refute that the use of 'any other cause' is a very broad statement. Conditions must be precise, which currently using this term, it is not precise and could cover anything.</p> <p>As previously stated, the MMO has consistently challenged provisions of this nature in draft DCOs as the existing statutory procedure is to be preferred to mitigate risk on all parties by using established mechanisms. For instance, the MMO has</p>	<p>The Applicant's position on the inclusion and appropriateness of this condition remains as set out in REP5-060.</p> <p>The Applicant acknowledges that this is a matter unlikely to be resolved, given the fundamental difference in position and interpretation. This is recorded in the Statement of Common Ground (SoCG) with the MMO (Document Reference 9.1).</p>

ID	MMO's Comments	Applicants response
	<p>contested this in the recent Rampion 2 OWF DCO, Immingham Green Energy Terminal DCO and the Immingham Eastern Ro-Ro Terminal. The MMO is also contesting these provisions in draft DCOs that are currently undergoing examination such as Morgan Generation DCO and Outer Dowsing DCO. Therefore, precedence should not be a reason the Secretary of State allows the provision.</p> <p>The MMO highlights that this issue is not agreed and will not be resolved during examination.</p>	
7.5 Marine Noise Registry		
REP5-075-23	<p>The MMO welcomes the update to the condition, however would request the following timing updates are incorporated into condition 19:</p> <p><i>(1) In the event that driven or part-driven pile foundations are proposed to be used as part of the foundation installation the undertaker must provide the following information to the Marine Noise Registry—</i></p> <p><i>(a) no less than six months prior to the commencement of each stage of construction of the licensed activities, information on the expected location, start and end dates of impact pile driving to satisfy the Marine Noise Registry's Forward Look requirements,</i></p> <p><i>(b) within two weeks after commencement of each stage of construction of the licensed activities, information on the location, start and end dates of impact pile driving to satisfy the Marine Noise Registry's Forward Look requirements;</i></p> <p><i>(c) at six month intervals following the commencement of pile driving, information on the locations and dates of impact pile driving to satisfy the Marine Noise Registry's Close Out requirements by 7 April for winter season October – March inclusive and 7 October for summer season April – September inclusive or within 12 weeks of completion of impact pile driving whichever is earlier.</i></p>	<p>This has now been agreed, and the Applicant has included this amendment in latest draft Development Consent Order (dDCO)_Rev 06 submitted at Deadline 5A (Document References 3.1).</p>
7.6 Determination Dates Condition 10(2)		
REP5-075-24	<p>The MMO provided comments in section 1DCO7 of Table 1 in this letter</p> <p>The MMO welcomes the update to all documents being submitted at six or four months by the Applicant with regard to the Design Plan, Construction Programme,</p>	<p>The Applicant welcomes this response, however would note that following a request from NE (see ID REP5-077-02 of Table 2.12), the Vessel Traffic Management Plan</p>

ID	MMO's Comments	Applicants response
	Monitoring Plans, PEMP, WSI, Aids to Navigation Plan, MMMP, VTMP, FLCP, UWSMS, OOMP.	(VTMP), Outline Offshore Operation and Maintenance Plan (OOMP) and Project Environmental Management Plan (PEMP) were updated to six months. This is reflected in the latest dDCO_Rev 06 (Document Reference 3.1) at Deadline 5A.
7.7 Chemicals		
REP5-075-25	<p>Since Deadline 4 the MMO has continued discussions and review of the condition. The MMO requests that condition 7(1) is removed and the following updates are made to condition 10(1)(e) to include the following:</p> <p>(ii) a chemical risk assessment, including information regarding how and when chemicals are to be used, stored and transported in accordance with recognised best practice guidance and standards;</p> <p>(X) a chemical risk assessment for all chemicals that have a pathway to the marine environment used for the marine licensed activities, outside the course of normal navigation, and are not present on the OSPAR List of Substances Used and Discharged Offshore which Are Considered to Pose Little or No Risk to the Environment (PLONOR) including; (i) the function of the chemical, (ii) the quantities being used and the frequency of use, (iii) the physical, chemical, and ecotoxicological properties</p>	The Applicant has now agreed the condition wording on chemicals with the MMO and has included updates in the dDCO_Rev 06 at Deadline 5A (see Condition 9(1)(e)(ii) and 9(3)).
REP5-075-26	<p>This would also include adding the following definitions to the 'interpretation' section of the DML:</p> <p><i>"pathway to the marine environment" open systems or closed systems that require top up.</i></p> <p><i>"chemicals" comprise both substances and preparations.</i></p> <p><i>"preparation" means a mixture or solution composed of two or more substances</i></p> <p><i>"substance" means a chemical element and its compounds in the natural state or obtained by any manufacturing process, including any additive necessary to preserve its stability and any impurity deriving from the process used, but excluding any solvent which may be separated without affecting the stability of the substance or changing its composition;</i></p>	

ID	MMO's Comments	Applicants response
REP5-075-27	Based on the best available evidence to date, the MMO aims to create a revised consistent and thorough approach to chemical consenting for OWF. This should proactively avoid last minute delays and provide robust evidence regarding environmental impacts.	
REP5-075-28	The current approach for consented OWF projects requires chemical information to be submitted in an inconsistent manner across different projects. This results in many chargeable hours from both the MMO and Centre for Environment Fisheries and Aquaculture Science (Cefas) for reviewing, assessing and requesting information from applicants.	
REP5-075-29	Past DML's have referenced the Offshore Chemical Notification Scheme (OCNS) definitive ranked list of registered products (or otherwise incorrectly termed "approved list of chemicals") for offshore petroleum activities, stating that chemicals for use should be chosen from this list or consent sought where unable. However, the use of this list for offshore petroleum activities does not remove the need for approval and reporting, as such, the use of this list for OWF should also not remove the need for approval and reporting. Noting that the list contains chemicals considered to be a threat to the marine environment (Chemicals of Priority Action) (as reported by OSPAR), the list should not be relied upon for assumption of safe use. The MMO has reviewed this past way of working, alongside new available evidence and is proposing an improved process. The approach being sought through this new condition is explained below.	
REP5-075-30	For all chemicals, written approval from the MMO must be obtained before their use, regardless of the risk of entering the marine environment. This is already standard practice and is conditioned by the requirement for a chemical risk assessment to be submitted to and approved by the MMO before the licensed activities or any phase of those activities may commence (usually held within the pre-construction plans and documentation of the DML conditions, e.g. the Project Environmental Management Plan). The condition generally reads as follows "chemical risk assessment including information regarding how and when all chemicals are to be used, stored and transported in accordance with recognised best practice guidance and standards". For completeness, the MMO outline that this should include information on chemical use including function (meaning what the chemical will be	

ID	MMO's Comments	Applicants response
	used for, e.g., use within engines, paint, degreaser), methodology, quantity, and frequency of use.	
REP5-075-31	The MMO is proposing a change for chemicals with a pathway to the marine environment, where more information beyond the standard chemical risk assessment (above) is required.	
REP5-075-32	A more detailed chemical risk assessment (CRA) should be provided for any chemical with a "pathway to the marine environment", this includes chemicals used in both open systems, and closed systems where "top-up" is required (i.e., repeated use or maintenance). The CRA should include information on the physical, chemical, and ecotoxicological (bioaccumulation, biodegradability and aquatic toxicity) properties, and function of the chemical, alongside the quantities and frequency of use. This should be submitted to the MMO no later than 10 weeks prior to use. The review of this information and/or in consultation with Cefas, will allow the MMO to make a determination on an approval for chemicals use by a project.	
REP5-075-33	The MMO is aware that concerns may be raised around the 10-week submission timescale proposed within the condition and provide the following justification. Based on the information intended to be assessed by Cefas obtained through this condition, the MMO has accounted for an 8-week-period for their review. The MMO further anticipates a 2-week period within which to review the submission, regard Cefas advice, and make a determination. This is deemed to be acceptable considering the current timeframes for which projects currently receive post-consent chemical discharges.	
REP5-075-34	The definitions to be included within the consents pertaining to the new condition wording, come from the definition for 'chemicals', 'preparation' and 'substance' given within OSPAR Decision 2002/2 on a Harmonised Mandatory Control System for the Use and Reduction of the Discharge of Offshore Chemicals.	
REP5-075-35	The MMO further includes clarity on where other regulations/ agreements exempt chemicals from this process.	

ID	MMO's Comments	Applicants response
REP5-075-36	This approach should exempt fluids used within gears and machinery (closed systems) from requiring a more detailed CRA, and disregards chemicals used on vessels and accommodation type chemicals (bleaches/toilet cleaners/grey water etc.), which are covered by alternative regulations.	
REP5-075-37	As the OSPAR Commission considers that the substances on the “OSPAR List of Substances Used and Discharged Offshore which Are Considered to Pose Little or No Risk to the Environment (PLONOR)” pose little or no risk to the environment and that they do not normally need to be strongly regulated they have been exempted from the need for approval.	
REP5-075-38	The MMO notes that the same CRA can be used for submission across both conditions, as long as they contain the necessary information and presented in a format allowing for clear distinction between the two requirements.	
REP5-075-39	The MMO is committed to supporting all of the UK government's environmental goals, this includes both net zero targets and nature and biodiversity targets by promoting sustainable practices to protect and enhance the marine environment. This new condition enables both, by ensuring the proactive collection, assessment and management of evidence regarding chemical use post-consent.	
7.8 Dropped Objects		
REP5-075-40	The MMO is currently discussing the wording provided in REP4-064 with the Applicant.	The MMO provided updated wording on the condition in the dDCO for Dropped Objects on 28 March 2025. The wording has been agreed by both parties and included in the dDCO_Rev 06 submitted at Deadline 5A (Document Reference 3.1).
7.9 Materiality and Maintain		
REP5-075-41	The MMO is content with the updates in relation to materiality and maintain. The MMO still does not agree with Part 1 Paragraph 7 and the reference to Transfer of Benefit as per the comments in Section 1.6 of this document.	The Applicant welcomes confirmation from the MMO that they are content with the updates in relation to materiality and maintain.

ID	MMO's Comments	Applicants response
		The Applicant has responded to the MMO's comments on Part 1 Paragraph 7 and the reference to Transfer of Benefit above (ID REP5-075-12 to REP5-075-21 above).
7.10 Part 1, Paragraph 2a and Paragraph 4 and Part 2, Condition 7 (5) – Disposal sites		
REP5-075-42	<p>2a and c and Condition 10(5) should be updated to the below and an ongoing discussion in relation to paragraph 3(e) and paragraph 4 in a similar manner.</p> <p><i>2. Subject to the licence conditions at Part 2, this licence authorises the undertaker (and any agent or contractor acting on their its behalf) to carry out the following licensable marine activities under section 66(1) (licensable marine activities) of the 2009 Act—</i></p> <p><i>(a) the deposit at sea of the substances and objects specified in paragraph 4 below;</i></p> <p><i>(b) the construction of works in or over the sea and/or on or under the seabed;</i></p> <p><i>(c) excavation for the purposes of seabed preparation for foundation works or cable works;</i></p> <p><i>(d) site clearance and preparation works including debris, sandwave clearance, boulder clearance and the removal of out of service cables and static fishing equipment; and</i></p> <p><i>(e) the disposal of up to 1,416,463 cubic metres of inert material of natural origin within the Order limits produced during construction, operation and maintenance within disposal site reference IS156 within the Order limits.</i></p> <p><i>7(5) The undertaker must ensure that only inert material of natural origin, produced during the drilling installation or seabed preparation for foundations, vessels or cables, and drilling mud is disposed of within disposal site reference IS156 within the Order limits seaward of MHWS.</i></p>	The Applicant has not made this change to the draft DCO and would defer to its response to the MMO's comments on 1BEM20 in Table 2.4 (section 2.5.2) above for its full rationale. In short, the disposal site referred to by the MMO (disposal site reference IS156) encompasses the entirety of the Order Limits but extends significantly beyond this and the Deemed Marine Licence and Order can only authorise activities within the Order Limits.
7.11 Schedule 2 Requirement 1 – Time limits/Lifespan		
REP5-075-43	<p>The MMO has noted that on some offshore windfarms that the ES has not assessed a number of years during the Operation and Maintenance (O&M) phase.</p> <p>This is not the case for the Project. However, the MMO wanted to highlight to the ExA and SoS that there may be a benefit to including an end date of the O&M phase within the DCO and DML in relation to the lifespan of the project to ensure that it is</p>	The Applicant does not consider that any time limit or end date should be included within the Deemed Marine Licence relating to the operation and maintenance phase. As noted by the MMO, the Applicant's

ID	MMO's Comments	Applicants response
	<p>clear that any repowering etc. would be subject to a new consent or variation. The MMO notes that Marine Licences have end dates for all construction and maintenance activities and there is a clear line when a new consent is required.</p> <p>The MMO is still discussing a position internally and understands that it is too late to raise it with the Applicant but wanted to highlight to the ExA and SoS for consideration.</p>	<p>Environmental Statement is clearly based on a set operational period (35 years). No amendments are permitted to be authorised that give rise to materially new or materially different effects than those assessed – and the Applicant's position is that a lifetime extension would not meet that criteria.</p> <p>Similarly, repowering would require removal and replacement of foundations, which is clearly not within the scope of the authorised development (as set out in the definition of "maintain" in Schedule 6 Part 1 para. 1).</p> <p>The Applicant notes that this point was tested by the ExA at Issue Specific Hearing 1 (ISH1), with the Applicant's position set out in detail in its Written Summary of the Applicant's Oral Submissions - Preliminary Hearing and Issue Specific Hearing 1 (REP1-085 at Item 3, ID 1, paras. (13)-(16), pgs. 16-17). The MMO did not participate in that ISH or respond to the Applicant's position.</p> <p>Moreover, the MMO has not raised this matter previously either in pre-application or during Examination until this late point. The MMO's suggestion is contrary to recent precedent and has not been supported by any environmental or planning reasons as justification.</p> <p>The Applicant's position remains that there is no basis on which to impose a time-limit on the activities authorised by the Deemed Marine Licence.</p>
7.12 Adaptive management		

ID	MMO's Comments	Applicants response
REP5-075-44	<p>The MMO notes this was raised in REP4-064. The MMO does have a standard condition that is being requested within other examinations. However, notes that as this has not been discussed with the Applicant to date or within this examination and highlights there is not much time to respond to this request.</p> <p>The MMO aims to implement a more proactive process to manage issues in the event that monitoring shows a greater impact than that assessed in the Environmental Statement</p> <p>Example condition drafting is below:</p> <p><i>“(5). In the event that the reports provided to the MMO under sub-paragraph (3) identify a need for additional monitoring, the requirement for any additional monitoring will be agreed with the MMO in writing and implemented as agreed.</i></p> <p><i>(6). In the event that monitoring reports provided to the MMO under sub-paragraph (3), identifies impacts which are beyond those predicted within the Environmental Statement/Habitat Regulations Assessment, adaptive management/mitigation may be required. An Adaptive Management/Mitigation Plan to reduce effects to within what was predicted within the Environmental Statement/Habitat Regulations Assessment, unless otherwise agreed in writing by the MMO, must be submitted alongside the monitoring reports submitted under sub-paragraph (3), including timelines and associated monitoring to test effectiveness. This plan must be agreed with the MMO in consultation with the relevant SNCB's to reduce effects to a suitable level for this project.</i></p> <p><i>(7) Any such agreed or approved adaptive management/mitigation should be implemented and monitored in full. In the event that this adaptive management/mitigation requires a separate consent, the Applicant shall apply for such consent.”</i></p> <p>The conditions ensure that all parties are clear what is required if the monitoring shows higher impacts than predicted during the assessment stage. It also allows the applicant to themselves provide potential solutions when reviewing the results of monitoring, to be discussed with the MMO and SNCBs.</p>	<p>The Applicant does not consider it necessary or reasonable for blanket adaptive management provisions to be included given the level of significance identified across topics and the location of the Project outside a designated site. This would also create uncertainty for the Project in terms of the scale of contingency required and associated financial implications. It is considered the mechanism for adaptive management is provided within the In Principle Monitoring Plan (IPMP). This matter is agreed to be of no material impact within the SoCG with the MMO (Document Reference 9.1).</p>

ID	MMO's Comments	Applicants response
	<p>The aim of the condition is to provide a clear process to the Applicant, the MMO and any consultees, if in preparing the monitoring reports the Applicant identifies greater impact that the ES predicted rather than just a discussion upon review of the reports.</p> <p>The MMO notes that if impacts are higher than predicted we can utilise Section 72 of 2009 Act and vary the marine licence to request adaptive management, but believes this Condition gives a clear process to all and allows for proactive management rather than reactive management by the MMO.</p>	

2.3.6 Comments on Deadline 4 Submissions from Other Stakeholders

Table 2.8 The Applicant's Response to the MMO's Comments on Deadline 4 Submissions from other Stakeholders (Section 8 of REP5-075)

NE comment		Applicants response
8.1 Natural England Deadline 4 Submission (REP4-066)		
REP5-075-45	<p>The MMO has reviewed Natural England Deadline 4 submission (REP4-066). The MMO notes that there are a number of areas of disagreement.</p> <p>The MMO notes that Natural England has advised that monitoring conditions should be included regarding pre- or post-construction benthic, marine mammal or ornithological monitoring, the MMO would welcome discussions on the wording of these conditions.</p>	<p>Monitoring is secured in the Deemed Marine Licence within 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). In response to the third Examining Authority Questions (ExQ3s), the Applicant has drafted additional without prejudice conditions for benthic, ornithology, marine mammal and bat monitoring but does not consider these conditions of additional monitoring to be necessary for consent. The Applicant welcome comments from the MMO on this drafting at Deadline 6, and provided sight of the wording to the MMO prior to submission at Deadline 5A.</p>

NE comment		Applicants response
REP5-075-46	Natural England has advised that the assessment of impacts to benthic habitats and physical processes is incomplete and that the potential impacts from seabed preparation works are not fully considered within the assessment. Submission of further information regarding boulder clearance is noted as a potential resolution. The MMO has no further comments to raise regarding benthic ecology however hopes to see this issue resolved. The MMO will maintain a watching brief on this point and may provide comments on further information provided.	The Applicant has addressed NE's concerns regarding boulder clearance in The Applicant's Comments on NE's Risk and Issues Log at Deadline 5 (Document Reference 9.64).
REP5-075-47	The MMO notes that Natural England has advised that the Applicant has not made a commitment to the use of NAS during construction and that there is an expectation that as of January 2025 that all offshore piling activity in English waters demonstrates best endeavours to deliver noise reductions. Natural England anticipates that the majority of piling will not be able to proceed without noise abatement in place. Natural England requests that the Applicant fully commits to using noise abatement mitigation. The MMO notes that given the proven track record of NAS in reducing noise pollution it is important to consider its implementation proactively. The MMO is in support of NE's advice and hopes to see this matter resolved.	The Applicant has responded to this point in detail in response to NE's Deadline 5 submission (see ID REP5-079-03 in Table 2.15)
REP5-075-48	The MMO defers to Natural England with regard to matters on offshore ornithology	The Applicant notes this response.
8.2 Historic England Deadline 4 Submissions (REP4-064)		
REP5-075-49	The MMO notes that Historic England confirms its satisfaction with the In Principle Monitoring Plan – Revision 02 (Volume 6) (Tracked) (REP3-046) with the regard to the inclusion of text in section 2.9. The MMO does not have comments to provide. The MMO continues to defer to Historic England in regard to heritage and archaeology matters.	The Applicant welcomes this response.
National Federation of Fishermen's Organisation (NFFO) Late Deadline 3 Submissions (REP4-072 and REP4-073)		
REP5-075-50	The MMO notes that the NFFO have provided responses to the ExAQ1 (REP4-072). The MMO has provided a response to 1CF3 in table 2 of this letter. The MMO does not have further comments.	The Applicant defers to its response to 1CF3 in Table 2.4 .

NE comment		Applicants response
REP5-075-51	The NFFO have provided comments regarding the FLCP (REP4-073). The NFFO have provided suggested updates to the FLCP. This includes altering text to reflect the latest guidelines, clarity on the role of the FLO and FIR with regard to who fisheries stakeholders should contact when needed. Additionally, the NFFO have advised that they expect to see commitment from the developer to remediate any cable exposure. The MMO will maintain a watching brief on these points and may provide further comments if required. The MMO defers to the NFFO regarding commercial fisheries matters.	The Applicant notes this response.

2.3.7 Response to Rule 17 Letter

8. Please note that where the MMO have provided an update on a matter elsewhere within their Deadline 5 submission, these rows have not been presented below to avoid duplication.

Table 2.9 The Applicant's Response to the MMO's Response to Rule 17 Letter (Section 9 of REP5-075)

Reference	Question to	Question	MMO Response	Applicant response
9.1 General Comments				
R17.1.3	MMO	Disposal site(s) The MMO response to the Applicant's response RR-047-47 says that the MMO is "currently working to designate disposal sites and will	The MMO and the Applicant had a meeting on 14 February, the MMO received a shape file of the red line boundary (assessed disposal site area) after this meeting and is reviewing all information and working with our scientific advisors to designate the disposal site. The MMO is aiming to receive confirmation early March and will provide the reference number to the Applicant to be updated in the disposal conditions on the DML for Deadline 5. Deadline 5 update The Applicant submitted shapefiles for the designation of the disposal site to the MMO.	The Applicant has not made this change to the draft Deemed Marine Licence and would defer to its response to the MMO's comments on 1BEM20 in Table 2.4 (section 2.5.2) above for its full rationale. In short, the disposal site referred to by the MMO (disposal site reference IS156) encompasses the entirety of the Order Limits but extends significantly beyond this and the Deemed Marine Licence

Reference	Question to	Question	MMO Response	Applicant response
		provide further comments in due course". A full update should be provided at D4, including the extent of any proposed designated sites.	<p>The MMO would like to note that this disposal site has been designated, and the reference number should be updated within the DML as per Section 7, the reference number is IS156 and the name of the site is the Morgan and Morecambe OWFs (Annex 1, Figure 1).</p> <p>The reason this is a joint designation is the transmission assets disposal site that has also been requested as part of the Morgan and Morecambe Offshore Windfarm Transmission Assets disposal site overlaps with the Morecambe generation asset site. Therefore, these have been included together along with the transmission asset areas because disposal sites cannot overlap.</p> <p>As all the disposal material has been assessed including cumulative impacts there is no concern with multiple projects utilising the same disposal site as long as their disposal quantities are within the maximum parameters assessed.</p>	and Order can only authorise activities within the Order Limits.
R17.1.4	MMO	<p>In Principle Management Plan [REP3-045]</p> <p>Bearing in mind the MMO's current timetable for its standardisation project, what further information would the MMO like to see included</p>	<p>The MMO would like to see a clear commitment to ensuring that any standards or best practice will be adhered to during monitoring in the IPMP. Any standards will be accepted by industry through the project so all future submissions would be required to follow the same approach and the MMO is just asking that this is highlighted within the IPMP.</p> <p>The MMO understands the Applicant is going to update the IPMP and will review the updates and discuss any changes required prior to Deadline 5.</p> <p>Deadline 5 Update</p> <p>The MMO has provided further comments regarding the IPMP in section 1CF3 of table 2, section 5.2 and 5.3 of this</p>	<p>The Applicant welcomes confirmation from the MMO that they are content with the updates made in relation to the standardisation commitment, further clarity has been added at Deadline 5A following ExA3s.</p> <p>The Applicant also notes the MMO (as per 1CF3) is content with the fisheries monitoring proposed.</p>

Reference	Question to	Question	MMO Response	Applicant response
		within the In Principle Management Plan, other than a general commitment to ensuring that any standards or best practice adhered to during monitoring are outlined clearly within the relevant monitoring reports? Please be as specific as possible.	letter, The MMO is content with the updates in relation to standardisation commitment.	
R17.1.5	MMIO	MMO Response to ExQ1 BEM24 The MMO [REP2-035] has indicated that, whilst an Underwater Sound Management Strategy	<p>The MMO has provided further comments including a condition regarding the Underwater Sound Management Strategy in Section 3.10 of this letter.</p> <p>The MMO has included XX as the dates as these are still in discussion with the Applicant in relation to the refinement of these. The MMO understands the Applicant is provided evidence set out in Section 3.11 above at Deadline 4.</p> <p>Once the agreement has been provided then the dates can be updated within the condition.</p>	The Applicant defers to the response to the MMO's response to 2BEM3 in Table 2.3 above.

Reference	Question to	Question	MMO Response	Applicant response
		<p>[REP2-026] has been provided, a condition limiting piling during the cod spawning period is still necessary, and that MMO will supply updated wording 'in due course'.</p> <p>Please ensure that this is submitted at Deadline 4 or equivalent wording to inform the Underwater Sound Management Strategy.</p>	<p>As above there is a disagreement with the Applicant on the requirement for the restriction on the Face of the DML – this will likely be a 'Not agreed – material impact' at the end of examination.</p> <p>Deadline 5 Update</p> <p>The MMO has had further discussions with the Applicant in relation to the cod spawning season. The Applicant has provided further information (in the form of links to Morgan evidence) which the MMO understands will be submitted at Deadline 5.</p> <p>The MMO can confirm that with the inclusion of this information into examination the MMO is content that this is acceptable evidence to support the refinement of the piling restriction to 15 February to 31 March (inclusive).</p> <p>The MMO maintains that the restriction should be on the face of the DML.</p> <p>The MMO has continued discussions with the Applicant in relation to this condition. The MMO understands the Applicant is going to provide a without prejudice basis with the aim to agree condition wording on this basis.</p> <p>After further discussions in relation to the marine mammal element the MMO proposes the below wording, noting this is still being discussed:</p> <p><i>20.—(1) No piling activities shall commence until an underwater sound management strategy for those activities, which accords with the outline underwater sound management strategy, has been submitted to and approved</i></p>	

Reference	Question to	Question	MMO Response	Applicant response
			<p><i>in writing by the MMO in consultation with the relevant statutory nature conservation body.</i></p> <p><i>(2) The underwater sound management strategy must be submitted to the MMO no later than six months prior to the commencement of the relevant activities (or such other timescale as agreed with the MMO in writing).</i></p> <p><i>(3) No piling activities associated with the authorised development may be undertaken between 15 February and 31 March inclusive, unless:</i></p> <p><i>(a) such activities are deemed necessary by the undertaker during this period; and</i></p> <p><i>(b) any additional mitigation requirements for such activities must be included in the underwater sound management strategy approved by the MMO under paragraph (1).</i></p> <p><i>(c) the activities must be undertaken with the additional mitigation requirements for such activities, as included within the underwater sound management strategy approved by the MMO under paragraph (1).</i></p> <p><i>(4) The piling activities must be carried out in accordance with the approved underwater sound management strategy for the duration of such activities.</i></p> <p>The MMO and Applicant are aiming to provide an agreed condition for Deadline 6.</p>	
R17.1.7	NE and MMO	Thresholds for the onset of behavioural responses NE's Risk and Issues log [REP3-093] in	<p>The MMO does not consider it appropriate to use TTS onset thresholds as a proxy for disturbance and maintains the original comments and recommendations (see REP1-096, Section 2, Table 1, RR-047-32).</p> <p>The MMO notes that for quantifying the risk of behavioural responses, assessments may apply dose-response curves for proximity to the sound source and received sound level. Approaches based directly on the "distance of effect"</p>	The Applicant welcomes this response.

Reference	Question to	Question	MMO Response	Applicant response
		<p>D40 notes that the dose-response curve approach has not been used to determine the number of common dolphin impacted at White Cross. This is contrary to what is stated in Paragraph 11.760. The approach used (TTS) is not sufficiently precautionary for a disturbance impact and is not consistent with how the other projects in the area have been assessed. NE and the MMO are requested to</p>	<p>reported for in situ behavioural studies (e.g., Merchant et al., 2018) can also be used as an empirical estimate of the risk of behavioural responses (Gomez et al., 2016), provided that the sound level of the noise source in the cited study is not substantially exceeded in the assessment scenario. Similarly, the SNCB guidance (JNCC, 2020) lays out advice on the assessment of significant disturbance in UK SACs for harbour porpoise. The advice is to use fixed disturbance distances (in the form of EDRs) for different activities, based on empirical evidence. These EDRs could also be used in impact assessments in the absence of more bespoke scientific evidence for the species and noise source concerned. Since harbour porpoise are relatively skittish and sensitive to underwater noise, the EDRs are likely to be conservative for other marine mammal species and are therefore a suitably precautionary option in the absence of other data (unlike using TTS as a proxy for disturbance).</p> <p>Deadline 5 Update</p> <p>The MMO believes that this is in relation to two things.</p> <p>UXO clearance – The MMO notes as this will be dealt with as a separate marine licence this can be agreed – no material impact,</p> <p>Other projects - the MMO agrees with the Applicant's view that the assessment is sufficiently precautionary and considers it appropriate that the Applicant can only use the information publicly available for other plans and projects when undertaking their in-combination assessment at this stage.</p>	

Reference	Question to	Question	MMO Response	Applicant response
		provide further information in light of the Applicant's view that the assessment is sufficiently precautionary.		
R17.1.8	MMO	Draft Marine Mammal Mitigation Protocol and outline Underwater Sound Management Strategy Please provide your comments on the draft Marine Mammal Mitigation Protocol [REP2-018] and outline Underwater Sound Management Strategy [REP2-026]	<p>The MMO does not currently have further comments to make regarding the updated draft MMMP. The MMO have provided comments regarding the outline Underwater Sound Management Strategy (REP2-026) in Section 3.10 of its Deadline 4 response.</p> <p>The MMO notes that the Applicant has provided an updated draft MMMP (REP4-027 and REP4-028) at Deadline 4 and UWSMS (REP4-049 and REP4-050). The MMO has provided further comments on the UWSMS see section 2BEM3 of this letter.</p>	The Applicant defers to the response to the MMO's response to 2BEM3 in Table 2.3 above.

Reference	Question to	Question	MMO Response	Applicant response
		and how these will interact with each other.		
R17.1.12	MMO	<p>Deemed Marine Licence</p> <p>The MMO has indicated a desire for a condition 7(1) relating to all chemicals and substances used below MHWS.</p> <p>The MMO is asked to explain:</p> <ul style="list-style-type: none"> • why such a provision is necessary, noting it has not been requested on recent examinations • why it requires ten weeks in which to make any approvals (this 	<p>The MMO will provide an update on this week commencing 03 March as part of an additional submission. The MMO notes the ExA may not accept an additional submission and if so the information will be provided at Deadline 5. However, the MMO will work with the Applicant to try and agree a position for Deadline 5. The MMO does note that for chemicals this may be unlikely but will set out full justification as requested for the ExA.</p> <p>Deadline 5 Update</p> <p>Please see Section XX for further comments.</p> <p>The MMO notes that a 10-week timescale is used as if chemicals are submitted for review the minimum turnaround is eight weeks, but this is provided that all relevant documentation is submitted. 10 weeks provides a worst-case scenario and to give sufficient time for the MMO to pass on the information to Cefas.</p> <p>Additionally, the MMO notes that there is no list of approved chemicals and this is not an option at this time due to the comments in Section XX.</p>	The Applicant has responded on this matter at REP5-075-25 above.

Reference	Question to	Question	MMO Response	Applicant response
		<p>needs to be fully justified, setting the MMOs internal procedures involved)</p> <ul style="list-style-type: none"> • whether it would be possible to set out a schedule of materials that, for want of a better expression, have deemed approval and if so could this please be provided. 		
R.17.1.18	MMO	<p>Deemed Marine Licence</p> <p>A number of conditions suggested by the MMO include the phrase “unless otherwise agreed in writing by the MMO”. In light</p>	<p>The MMO is still considering the High Court decision and will provide any comments or updates week commencing 03 March as part of an additional submission. The MMO notes the ExA may not accept an additional submission and if so the information will be provided at Deadline 5. However, the MMO note the Applicant also agrees with the flexibility of this wording.</p> <p>The MMO believes the inclusion of ‘<i>unless otherwise agreed in writing by the MMO</i>’ allows flexibility post consent in relation to the submission timescales and information within documents. This is currently set out in Conditions 2(4), 7(1), 9(1)(c), 10, 14, 15, 16 and 20.</p>	The Applicant welcomes this response.

Reference	Question to	Question	MMO Response	Applicant response
		of the High Court decision in Midcounties Co-operative Ltd v Wyre Forest DC [2009] EWHC 964 the MMO is asked to justify why this wording is required in each case. Examples include conditions 14 and 20.	<p>The reason for this inclusion is not to change the agreed parameters within the DML or approve more than has been assessed at the post consent stage, but to allow for flexibility in processing or as part of the discussions in relation to the MMO's regulatory duties in discharging documents. This provides a clear audit of any decisions or changes to the specified wording – rather than a full variation being required. All documents have a requirement for consultation but on occasion this has been short notice as issues have occurred during construction or while conducting surveys. Another example could be due to weather and Health and Safety impacts the survey was due to take place 1 March within the approved document but this couldn't not start and the MMO in consultation with relevant interested parties could decide that it was ok to start 5 March.</p> <p>The MMO requests if the ExA requires any further clarification on this matter that another questions is provided with specifics.</p> <p>Deadline 5 Update</p> <p>The MMO understands the ExA is still not content with the wording unless otherwise agreed in writing and understands the Applicant is updated the documents accordingly. The MMO is content with the proposed updates.</p>	
R17.1.19	MMO	<p>Deemed Marine Licence</p> <p>The MMO has indicated it will provide an</p>	<p>The MMO is still in discussion with SNCBs in relation to the condition and the standard agreed condition is unlikely to be ready within this Examination. Due to this the MMO raised this within the meeting with the Applicant on 14 February. The MMO has requested within the first 4 piles 2 piles to be the worst case scenario and is awaiting further</p>	<p>The Applicant has not made changes to the dDCO and condition 15, given that monitoring of the first 4 piles is considered to be proportionate and appropriate for the Project. This is reflected as not</p>

Reference	Question to	Question	MMO Response	Applicant response
		update to condition 15(1) in due course. Please provide a full response by Deadline 4.	<p>information from the Applicant on this request. The MMO would note that this request has been discussed on the Morgan OWF project. Although they cannot do the first four piles further discussion has been undertaken and as they have 16 worst case piles identified they have agreed to monitor the first two of these piles. The MMO notes that this is slightly different to the Applicant's project but hopes to continue the discussion with the aim to agree any changes by Deadline 5 or 6.</p> <p>Deadline 5 Update The MMO is still discussing this with NE and will ensure an agreed position is submitted at Deadline 6 including agreement or discussions with the Applicant.</p>	agreed but no material impact in the SoCG with the MMO (Document Reference 9.1).

2.4 Natural Resources Wales (REP5-084 and REP5-85)

2.4.1 Response to Deadline 5 submissions

Table 2.10 The Applicant's response to NRW's Deadline 5 submissions

ID	NRW comment	Applicant response
Marine Ornithology		
1. Offshore Ornithology Comments on Morecambe Applicant Deadline 4 Submissions		
1.1 Report to Inform Appropriate Assessment - Revision 03 (Volume 4) [REP4-009/010]		
REP5-084-01	<p>Overall comments</p> <p>1.1.1 Project Alone</p> <p>NRW (A) welcome the Applicant's updates to the apportioned project alone impacts and assessment of displacement for the Manx shearwater features of the Aberdaron Coast and Bardsey Island (AC & BI) SPA and Skomer, Skokholm and seas off Pembrokeshire (SSSP) SPA in Sections 8.21.3.1 and 8.32.3.1 of the updated RIAA [REP4-009]. We do note that there is an error in paragraphs 1010 and 1395 of REP4-009, as the Applicant has amended the Manx shearwater return/spring migration definition from March-May to just May. However, we note that the NRW (A) advice was for this to be defined as March (Section 3.1 [REP1-099]). Despite this, the apportioned seasonal Manx shearwater abundance figures for the relevant Welsh SPAs (AC & BI and SSSP) appear to have used the correct advised seasonal definitions, suggesting this is a typographical error.</p>	<p>Noted. The Applicant confirms that reference to May for the Manx shearwater return/spring migration period is a typographical error, but that the correct period (March) has been used for the assessment.</p>
REP5-084-02	<p>We also welcome that the Applicant has updated the Grassholm SPA gannet assessment in Section 8.33.3.1 of REP4-009 to account for the updated EIA mean peak abundances corrected in PD1-010 and the subsequent updated SPA apportioned abundances and displacement assessment in presented in REP3-058. The updated RIAA assessment for the project alone is consistent with REP3-058 and our advice regarding Grassholm SPA gannet predicted</p>	<p>The Applicant welcomes confirmation from Natural Resource Wales (NRW)(A) that the gannet assessment for Grassholm Special Protection Area (SPA) has been finalised to NRW(A)'s satisfaction.</p>

ID	NRW comment	Applicant response
	impacts from both the project alone remains as set out in our Deadline 4 response (see Section 1.4.2.3 [REP4-074]).	
REP5-084-03	Following these updates to the RIAA for the relevant Welsh SPAs, we can agree that an adverse effect on site integrity (AEoSI) can be ruled out from the project alone for all relevant marine ornithology features of all the Welsh SPAs screened into the RIAA. Further detail on the specific Welsh sites where updates have been made to the RIAA [REP4-009] can be found in Appendix 1. Please note this does not include advice on Liverpool Bay SPA, as we defer advice on the features of this site to Natural England.	The Applicant welcomes confirmation from NRW(A) that they agree adverse effect on site integrity (AEoSI) can be ruled out for the Project alone for all Welsh SPAs.
REP5-084-04	<p>1.1.2 In-Combination</p> <p>NRW (A) welcome updates in the RIAA [REP4-009] to the in-combination annual apportioned abundances for Manx shearwater at the AC & BI SPA and for Manx shearwater, guillemot and razorbill at the SSSP SPA for each offshore wind farm (OWF) project included in the in-combination assessments to those included in the Morgan Generation Assets project's in-combination assessments. This predominantly addresses our previous concerns regarding the Morecambe Applicant's use of an annual weighted mean apportionment approach (see Sections 1.4.1.2, 1.4.2.1.2 and 1.4.2.2.2 of our Deadline 4 response [REP4-074]). However, we note the following issues with the Applicant's approach:</p>	The Applicant welcomes confirmation from NRW(A) that the updates in the Report to Inform Appropriate Assessment (RIA) predominantly address previous concerns. See also respective responses below.
REP5-084-05	<ul style="list-style-type: none"> ▪ The Morgan Generation Assets project included impacts for the Barrow, North Hoyle and Rhyl Flats OWF projects in their in-combination assessments. NRW (A) recommend including these projects in the in-combination assessments for completeness. However, we note that based on the Morgan assessment, the inclusion of these three projects added totals (below) should not impact the conclusions in this case: <ul style="list-style-type: none"> ○ approximately 1 and 2 adult Manx shearwaters from the AC & BI SPA and SSSP SPA respectively; ○ approximately 5 adult guillemots from the SSSP SPA; ○ approximately 1 adult razorbill from the SSSP SPA. 	Noted. As set out by the Applicant in previous responses, the Applicant does not consider that historic projects that are close to the end of their consent should be included within cumulative/in-combination assessment, as this would result in over-estimation of effects. There also remains uncertainty on licencing requirements for life extension of existing projects, as is evidenced by the MMO's response to question 20012 (REP5-075) which states that ' <i>The MMO notes that a request to vary an existing licence may require an update to the original HRA</i> '. NE's response (Ref.

ID	NRW comment	Applicant response
		<p>20012 in Table 2.19) below also highlighted, that <i>'Either a new or varied marine licence would trigger the requirement for a Habitats Regulations Assessment unless an exemption was successfully sought'</i>.</p> <p>Notwithstanding the Applicant's position on this matter, NRW(A)'s confirmation that these projects would make no difference to the assessment conclusions is welcomed.</p>
REP5-084-06	<ul style="list-style-type: none"> The Applicant has used project abundance data from Morgan Generation Assets (2025) Annex 16.2 to Ornithological assessment clarification data Welsh site [REP5-033], submitted during the projects examination at Deadline 5. Errors were found in the Morgan Applicant's Deadline 5 submission, which were subsequently corrected, along with inclusion of additional information, in an additional submission ((Morgan Offshore Wind Limited (2025) Updated ornithological clarification data in relation to Natural Resources Wales submissions from the Applicant received on 31 January 2025 [AS-013). However, the errors and additional information related to Grassholm SPA gannets and do not affect the updated in-combination assessments of relevance for the Morecambe updates to sites within NRW's remit, which relate to Manx shearwater, guillemot and razorbill Welsh SPAs 	<p>The Applicant notes this response and confirmation that errors in the Morgan assessment are not relevant (and hence do not affect) the Project assessment for Welsh SPAs.</p>
REP5-084-07	<p>Following these updates to the RIAA for the relevant Welsh SPAs, NRW (A) can agree that an adverse effect on site integrity (AEoSI) can be ruled out from the project in combination for all relevant marine ornithology features of all the Welsh SPAs screened into the RIAA. Further detail on the specific Welsh sites where updates have been made to the RIAA [REP4-009] can be found in Appendix 1. Please note this does not include advice on Liverpool Bay SPA, as we defer advice on the features of this site to Natural England.</p>	<p>The Applicant welcomes confirmation from NRW(A) that AEoSI can be ruled out for all Welsh SPAs (noting that NRW(A) defers to NE on Liverpool Bay SPA) when considered in-combination with other plans and projects.</p>

ID	NRW comment	Applicant response
1.2 The Applicant's Comments on Deadline 3 Submissions by Interested Parties - Revision 01 (Volume 9) [REP4-058]		
REP5-084-08	NRW (A) have not provided individual responses to each marine ornithology-related issue, as many would be quite repetitive and relate to a small number of issues/updated documents that the Applicant has submitted into the examination or intends to submit at Deadline 5.	The Applicant notes this response.
REP5-084-09	Regarding the EIA scale project alone abundances of gannet and Manx shearwater, as well as the apportioned impacts for these species to Welsh SPAs for HRA, please see our Deadline 4 response [REP4-074]. NRW (A) welcome the Applicant's updates to the RIAA in their Deadline 4 submissions [REP4-009], which incorporates revisions made during the examination. These include updated project alone assessments for Welsh SPAs with gannet and Manx shearwater features to account for the updated abundance figures, and to include the historical projects in the in-combination assessments for relevant Welsh SPAs. Please see our detailed response/comments to the updated assessments presented in REP4-009 submitted at Deadline 5.	The Applicant notes this response.
REP5-084-10	NRW (A) welcome the Applicant intention to submit an updated ES 'Chapter 12 Offshore Ornithology' at Deadline 5 that will include the EIA updates made during the examination so far. These should include the updates to the Manx Shearwater and gannet mean peak abundances, a review of the gap filled project numbers following the Mona project updates, and inclusion of the gap filled projects in the CEA. NRW (A) will provide comments where relevant following detailed review of the Applicant's Deadline 5 submissions.	The Applicant notes this response and confirms that the updated ES Chapter 12 Offshore Ornithology was submitted to the Examination at Deadline 5 (REP5-014). The Applicant considers that this update addresses NRW(A)'s outstanding concerns. Following discussion with NRW(A), agreement will be reflected in the SoCG submitted at Deadline 6.
REP5-084-11	Regarding the Applicant's assessment for the Great Orme's Head Site of Special Scientific Interest (SSSI) [REP3-056], please see our detailed comments in Section 1.3.2 of our Deadline 4 response [REP4-074]. As yet, the Applicant has not provided any further information on this assessment or response to our Deadline 4 comments. However, we note that the Applicant intends to submit an updated ES Chapter 12 (Offshore Ornithology chapter) at Deadline 5. Following a call with the Applicant on 06.03.25, we understand	The Applicant notes this response and confirms that the updated ES Chapter 12 Offshore Ornithology submitted to the Examination at Deadline 5 (REP5-014) includes an updated assessment for Great Orme's Head Site of Special Interest (SSSI). The Applicant considers that this update addresses NRW(A)'s outstanding

ID	NRW comment	Applicant response
	that the updates to the ES Chapter will include updates to the Great Orme's Head SSSI assessment accounting for the advice provided by NRW (A) in REP4-074. Therefore, we will provide comments/advice regarding impacts to the Great Orme's Head SSSI features following detailed review of the Applicant's Deadline 5 submissions.	concerns. Following discussion with NRW(A), agreement will be reflected in the SoCG submitted at Deadline 6.
Marine Mammals		
2. Marine Mammal Comments on Morecambe Applicant Deadline 4 Submissions		
2.1 Issues that NRW (A) considers require resolution before agreeing to overall conclusions		
REP5-084-12	<p>NRW (A) considers that there are four key issues requiring resolution before we can agree to the overall conclusions in this assessment. These are best presented as:</p> <ul style="list-style-type: none"> ▪ All issues relating to the cumulative assessment (CEA) and in-combination assessment; ▪ Issues relating to the Marine Mammals Mitigation Plan (MMMP) and Under Water Sound Management Strategy (UWSMS). 	The Applicant has provided responses below.
REP5-084-13	<p>Additionally, some minor issues from our response at Deadline 4 remain (see paragraphs 28-77below / paragraphs 69-72 & paragraph 101 [REP4-074]), but do not affect our agreement with any conclusions.</p>	The Applicant has provided responses below.
2.2 All issues relating to the cumulative and in-combination assessment		
REP5-084-14	<p>NRW (A) has previously commented and presented its views on these issues at Deadlines 1, 3, and 4 [REP1-099, REP3-094 & REP4-074]. Our views on the methodology and evidence are unchanged and we still do not agree with the Applicant's overall approach or the thinking underpinning it. These issues remain primarily concerned with the methodology used to reach the conclusions, and the importance of presenting / documenting the correct numbers of animals disturbed for future cumulative assessments, and do not signify a definite disagreement on the overall conclusions. As previously discussed with the Applicant we recognise that there is currently a lack of</p>	<p>With regard to the comments outlined by NRW(A), the ES Marine Mammal Chapter 11 (REP50-012) and the RIAA (REP5-010) now contain additional text explicitly pointing out where snapshots at a single point in time were presented (not only for disturbance) and that this does not represent the number of animals disturbed over the whole project lifetime or each phase.</p>

ID	NRW comment	Applicant response
	<p>methodology available to quantify the long-term cumulative population effects of:</p> <ul style="list-style-type: none"> a) All other impact pathways for both the project alone and for all projects together (except piling); b) The additive effects of repeated instances of disturbance for a given impact pathway (except piling). 	<p>The Applicant has also in REP50-012 further clarified that the overall evidence base has been considered to determine the assessment conclusions, for all impact pathways for both the Project alone and cumulatively including additive effects of repeated disturbances.</p> <p>The Applicant has discussed with NRW(A) the updates made at Deadline 5 and agreed small wording revisions in Chapter 11 Marine Mammals_Rev 05 (Document Reference 5.1.11) and RIAA_Rev 05 (Document Reference 4.9) for Deadline 5A to conclude matters and agree assessment conclusions.</p>
REP5-084-15	<p>As previously discussed, any existing methods are either still in development or are only relevant to different marine areas (e.g. DEPONS), to this project. While our position on points (a) and (b) above remains the same as stated in our previous comments, we believe that a compromise approach may be agreed. Below, we outline three potential ways forward, with the second considered to be the most pragmatic solution at this point in the examination process:</p>	
REP5-084-16	<ul style="list-style-type: none"> ▪ Respond to and meet our requests from our Deadline 4 submissions [REP4- 074] for further assessment – While this would be the most robust option, we acknowledge that it would be very challenging at this stage of the examination; 	
REP5-084-17	<ul style="list-style-type: none"> ▪ Agree to disagree with the methodology but conditionally accept the overall conclusions - Given the scale of the impacts and the location outside of Welsh waters NRW (A) can agree to disagree on the specific methodology, but could agree with the overall assessment conclusions if the applicant updates their assessment to make it explicit that: <ul style="list-style-type: none"> ○ For each impact pathway in the CEA all numbers disturbed were snapshots at a single point in time (this is to make it clear for future projects in future CEAs that these were not total numbers); ○ The applicant updates their assessments to state that conclusions on both (a) and (b) are explicitly based on the Applicant's expert judgement; 	

ID	NRW comment	Applicant response
REP5-084-18	<ul style="list-style-type: none"> A “do nothing scenario” – NRW (A) would not be able to reach an agreement on either the conclusions of the assessment, or the methodology. 	
2.3 All issues relating to the draft Marine Mammal Mitigation Protocol (MMMP) - Revision 03 (Volume 6) [REP4-027/028] and Outline Underwater Sound Management Strategy - Revision 02 (Volume 9) [REP4-049/050]		
REP5-084-19	NRW (A) previously commented and presented our views on the MMMP and UWSMS issues, and our concerns regarding residual injury from piling not being sufficiently mitigated at Deadlines 1 and 3 [REP1-099 & REP3-094].	The Applicant welcomes this response.
REP5-084-20	In line with previous comments, we still agree that, in principle, the UWSMS identifies all potential noise sources associated with the project, with further details provided in associated mitigation plans. While we acknowledged that further significant detail cannot be provided at this time, we agree that the UWSMS should reduce the magnitude of impacts to an acceptable level. We also agree that the UWSMS should be conditioned through both the deemed Marine Licence (dML) and standalone Marine Licence (ML). We welcome the opportunity to engage with the Applicant on developing the UWSMS both during the examination and post-consent.	
REP5-084-21	NRW (A) further acknowledge that the purpose of the draft MMMP is to demonstrate the principles of the final MMMP for piling, which could be required post-consent. We also acknowledge that the final MMMP will include details of embedded mitigation, such as the soft-start and ramp-up procedures, as well as details of the monitoring area (MA) and any additional mitigation measures required to minimise potential impacts of any physical injury or permanent threshold shift (PTS). We also acknowledge the Applicant’s commitment to using the best practicable means at the time to mitigate the potential impacts of the Project. Finally, we recognise that the methods for establishing the MA and reducing the potential impacts of piling operations would be agreed with the MMO, in consultation with relevant stakeholders, and secured as commitments in the final MMMP.	

ID	NRW comment	Applicant response
REP5-084-22	<p>NRW (A) considers that there are two key issues outstanding which concern:</p> <ul style="list-style-type: none"> a) Unexploded ordnance (UXO) mitigation and further alignment of the MMMP and UWSMS with DEFRA (2025) joint statement; b) A commitment to the use of noise abatement systems (NAS) to mitigate residual impacts, given that the current MMMP is reliant on acoustic deterrent devices (ADDs) operating for 80 minutes at the extent of their effective range. In our view, this approach does not meet our recommendation for “proportionate and judicious application of ADDs” (paragraph, 45 [REP1-099]). 	<p>In response to a): Further amendments in the form of explicit clarifications, as requested by NRW, have been made and submitted at Deadline 5A to the Draft Marine Mammal Mitigation Protocol_Rev 05 (Document Reference 6.5) and Outline Underwater Sound Management Strategy_Rev 04 (Document Reference 9.32) (see below).</p> <p>In response to b): The appendix to Underwater Sound Management Strategy (UWSMS) (REP5-052) includes updated indicative underwater noise modelling with a 10dB reduction using Noise Abatement System (NAS) for the worst-case piling scenario, to which a commitment to NAS has been made. This results in an overall significant reduction in Potential Threshold Shift (PTS) ranges and any subsequent Acoustic Deterrent Devices (ADD) duration.</p>
REP5-084-23	<p>Regarding UXO's, NRW (A) request that the language used and procedures described in the MMMP and UWSMS are amended further to match and fully align with that used in DEFRA's updated UXO Joint Position Statement (DEFRA 2025). The new position statement is far more explicit regarding low order clearance being the default as opposed to the “preferred” option, with high order being a last resort only used in extraordinary circumstances. The statement is also highly prescriptive about the additional information that needs to be provided for a marine licence application. In our view, this has not yet been sufficiently captured in the MMMP and UWSMS.</p>	<p>In response to this comment and in discussion with NRW(A) an updated Draft Marine Mammal Mitigation Protocol_Rev 05 (Document Reference 6.5) and UWSMS_Rev 04 (Document Reference 9.32) have been provided at Deadline 5A to clarify the priority of low order Unexploded Ordnance (UXO) clearance, although it is noted that UXO clearance is not part of the DCO Application, and a separate marine licence would be sought, with appropriate detail provided at that stage.</p>
REP5-084-24	<p>NRW (A) acknowledge and welcome the Applicant's commitment to the use of primary and/or secondary measures if residual impacts remain that need to be further mitigated. We also welcome the Applicant's commitment to the application of noise reduction such as Noise Abatement Systems (NAS) for its ES worst-case scenario (i.e., maximum strike rate with maximum hammer</p>	<p>The Applicant welcomes this response and considers this matter resolved.</p>

ID	NRW comment	Applicant response
	energy). NRW (A) can agree that our issue with respect to unmitigated residual PTS impacts can be considered resolved.	
REP5-084-25	We note the Applicant's acknowledgement of the joint statement by JNCC, NE, and CEFAS on the use of noise reduction methods when piling, as well as their acknowledgement of DEFRA's marine noise policy paper.	<p>The Applicant has outlined the approach and measures in line with these policies through the Outline UWSMS and Draft MMMP which have been secured in the draft DCO_Rev 06 (Document Reference 3.1) in Schedule 6 Condition 20 and Condition 9(i) respectively.</p> <p>The Applicant has made further amendments to clarify and align the commitments with both recently released guidance at D5A in discussion with both Natural England (NE) and NRW(A), mindful that further guidance on underwater noise is anticipated to develop post-examination. This includes clarification that in addition to using noise abatement for the worst case scenario and ensuring no residual PTS after ADD use, noise reduction methods and/or noise abatement systems would be considered and utilised as required based on the final Project design.</p> <p>The Applicant is also aware of the updated recommendations for Marine Wildlife European Protected Species (EPS) Licensing expectations and has acknowledged the need for a licence as listed in Section 11.11 of the Environmental Statement Chapter 11 Marine Mammals_Rev 05 (Document Reference 5.1.11) and Section 11.1 of the Outline UWSMS_Rev 04 (Document Reference 9.32). All applicable guidance will be taken into account at the time of application.</p>
REP5-084-26	The joint JNCC, NE, and CEFAS policy advises that quieter installation methods and/or NAS should always be considered as primary and/or secondary mitigation measures when planning impact piling in the marine environment. The policy paper also confirmed that options for using quieter installation methods and NAS are logistically feasible throughout UK shelf seas and are available to developers undertaking impact piling in UK waters.	
REP5-084-27	The policy also notes that application of these technologies as a condition in future Development Consent Order (DCO) / deemed Marine Licences (dML) is 'necessary'. It further recommends that regulators introduce a requirement that European Protected Species (EPS) licences for disturbance to cetacean EPS species from offshore wind pile driving will only be accepted if quieter installation methods and/or NAS are considered, to inform Test 2 of the application process, that there are no satisfactory alternatives.	
REP5-084-28	The policy also advises the use of quieter installation methods and/or NAS should also be considered as standard practice in MMMPs to reduce the risk of injury as well as disturbance, thereby reducing the need for EPS licences for injury.	
REP5-084-29	DEFRA's marine noise policy paper states: "From January 2025, given the expected increase in noise levels over the coming years, and the above outlined policy commitments, we expect that all offshore wind pile driving activity across all English waters will be required to demonstrate that they have utilised best endeavours to deliver noise reductions through the use of primary and / or secondary noise reduction methods in the first instance"	
REP5-084-30	Since the proposed project is entirely within English waters, and NRW is not signatory to these new policies, we defer to Natural England on this matter.	

ID	NRW comment	Applicant response
	However, based on our understanding, the current commitment to applying noise reduction, such as NAS for its ES worst-case scenario only, may be insufficient to meet the new policy requirements (i.e. “best endeavours” / “first instance”). NRW (A) recommend that the applicant should further align their approach with both policies.	
REP5-084-31	We acknowledge and welcome the Applicant’s statement that: “duration and potential effect of the use of the ADD will be further considered post-consent in the final UWSMS, MMMP and EPS licence with consultation based on the most up to date available information” (paragraph 126, [REP4-027]). However, we cannot agree that their proposed use of ADDs meets this statement and our request for “proportionate and judicious application of ADDs in terms of deployment duration” (paragraph 45, [REP1- 099]).	The Applicant notes that the 80 minutes is used as a maximum threshold. The appendix to the Outline UWSMS (REP5-052) includes indicative underwater noise modelling with a 10dB reduction using NAS for the worst-case piling scenario, for which a commitment to NAS has been made. This results in an overall significant reduction in PTS ranges and any subsequent ADD duration (reducing deployment to 14 minutes in the indicative modelling).
REP5-084-32	In the MMMP, for its ES worst case scenario, the Applicant bases its mitigation on ADD deployment as its principal mitigation method. We argue that deployment of an ADD for 80 minutes, at the extent of its known effective range in an effort to cover the entire injury range cannot be said to meet “the need to minimise the additional noise introduced into the environment” (JNCC 2022). Nor can be said to be “proportionate and judicious”. Furthermore, the JNCC (2022) report highlights an EPS licence may be required of an Applicant to deploy ADDs for such a long time and potentially disturb a large number of animals. Therefore, NRW (A) recommend that the Applicant to consider and prioritise the use of NAS.	The Applicant is committed to reducing disturbance where possible and through the use of primary and/or secondary noise reduction methods as required which will lead to the ADD duration being minimised. Wording clarifications have been discussed with NRW(A) and updated at Deadline 5A (Draft Marine Mammal Mitigation Protocol_Rev 05 (Document Reference 6.5) and Outline Underwater Sound Management Strategy_Rev 04 (Document Reference 9.32)).
2.4 NRW’s Response to Applicant’s Comments on Deadline 3 Submissions by Interested Parties [REP4-058]		
REP5-084-33	NRW (A) notes that where previous Written Representations (WR) have not been included, agreement on the issue has already been reached and we consider the issue closed. The majority of still active issues are largely concerned with the CEA/In-Combination Assessment, or the MMMP and	The Applicant notes this response.

ID	NRW comment	Applicant response
	UWSMS. Therefore, to avoid an overly lengthy submission, our responses will direct the reader to paragraphs 10-27.	
REP5-084-34	WR-099-48: NRW (A) direct you to our response in paragraphs 14-27.	The Applicant welcomes the engagement by NRW with regard to the Outline UWSMS and refers to its responses in ID REP5-084-14 to REP5-084-32 above.
REP5-084-35	WR-099-50: NRW (A) direct you to our response in paragraphs 14-27.	
REP5-084-36	WR-099-51: NRW (A) note the applicant's response and consider this issue closed.	The Applicant notes this response and with the amendments made to the UWSMS at Deadline 4 (REP4-049) the Applicant considers this matter closed.
REP5-084-37	WR-099-52: NRW (A) note the applicant's response and consider this issue closed.	The Applicant notes this response and with the amendments made to the Vessel Traffic Management Plan (VTMP) at Deadline 3 (REP3-047) the Applicant considers this matter closed.
REP5-084-38	WR-099-54: NRW (A) note the applicant's updated chapters provided at Deadline 4, and consider this issue closed.	The Applicant notes this response and considers this matter closed.
REP5-084-39	WR-099-55: While the Applicant is correct that for this Development Consent Order (DCO) Application, the windfarm site is not within a Special Area of Conservation (SAC), our future guidance is intended to also apply to both SACs and Management Units (MU) for which the windfarm site is located within a number of. NRW (A) have no additional comments on the matter, having provided a response at Deadline 4 (paragraph 74, [REP4-074]). This issue remains primarily a recommendation for future assessments.	The Applicant notes this response for future assessments.
REP5-084-40	WR-099-56: NRW (A) have no further comments and consider the matter closed.	The Applicant notes this response and considers this matter closed.
REP5-084-41	WR-099-57 - 58: NRW (A) acknowledge and welcome the Applicant's statement that the "duration and potential effect of the use of the ADD will be further considered post-consent in the final UWSMS, MMMP and EPS licence	The Applicant welcomes the engagement by NRW(A) and refers to its responses in ID REP5-084-14 to REP5-084-32 above.

ID	NRW comment	Applicant response
	with consultation based on the most up to date available information". NRW (A) refer the reader to our response in paragraphs 14-27.	
REP5-084-42	WR-099-59: NRW (A) appreciate the in-depth response from the Applicant and consider this matter closed. With regard to matters related to the cumulative assessment, we refer to our response in paragraphs 10-13.	The Applicant welcomes the response and notes (see ID REP5-084-14 to REP5-084-18 above) how it is considered that while there remains some residual comments, the overall conclusions can be agreed.
REP5-084-43	WR-099-61: NRW (A) direct you to our response in paragraphs 10-13.	The Applicant has made amendments to the RIAA (REP5-010) and Chapter 11 Marine Mammals (REP5-012) to highlight instances where a 'snapshot' assessment was conducted in a single day. Additional information has been included to address potential repeated disturbances that marine mammals might experience. See ID REP5-084-14 to REP5-084-18 above.
REP5-084-44	WR-099-65 - 67: NRW (A) direct you to our response in paragraphs 10-13.	A lifetime assessment for the Project-alone has been further detailed in the ES Marine Mammal Chapter 11 (REP5-012). As noted above it is considered that despite residual comments on the methodology NRW(A) are now able to agree with the assessment conclusions.
REP5-084-45	WR-099-68: Here NRW(A) wish to clarify that our mention of the DEPONS model was not a suggestion to apply a model from one sea region to other sea regions. The point being made here is that the scientific community already recognises that repeated disturbance from vessel noise may have an effect larger than disturbance from one vessel. This recognition was sufficient for people to develop models to include ways to gauge these impacts (DEPONS being one such example). NRW(A) have no further comments to make on this issue and refer the reader to our response in paragraphs 10-13.	The Applicant welcomes this response and considers this matter closed.
REP5-084-46	WR-099-69 - 70: NRW (A) direct you to our response in paragraphs 10-13.	Adequate amendments with regard to the assessment conclusions for the combined

ID	NRW comment	Applicant response
		<p>assessment of the Project and the Transmission Assets have been made at Deadline 5 in the ES Marine Mammal Chapter 11 (REP50-012).</p> <p>In the same update, additional information on the cumulative effects from all disturbance sources (additive and repeated) was provided and discussed.</p> <p>As noted above, it is considered that despite residual comments on the methodology NRW(A) are now able to agree with the assessment conclusions.</p>
REP5-084-47	WR-099-71: NRW (A) note the applicant's response and consider this issue closed.	The Applicant welcomes this response and considers this matter closed.
REP5-084-48	WR-099-72: NRW (A) note the applicant's response and consider this issue closed.	The Applicant welcomes this response and considers this matter closed.
REP5-084-49	WR-099-74: Considering the additional information and updates provided, NRW (A) consider this issue closed. NRW (A) direct you to our response in paragraphs 14-27.	The Applicant welcomes this response and considers this matter closed.
REP5-084-50	WR-099-75: NRW (A) note the applicant's response and consider this issue closed. However, we also refer you to our response submitted at Deadline 4 (paragraph 73, [REP4-074])	The Applicant welcomes this response and considers this matter closed.
REP5-084-51	WR-099-76 - 78: NRW (A) direct you to our response in paragraphs 10-13.	<p>Additional information on the chronic impact load has been provided at Deadline 5 in the ES Marine Mammal Chapter 11 (REP5-012).</p> <p>As noted above it is considered that despite residual comments on the methodology NRW(A) are now able to agree with the assessment conclusions.</p>

ID	NRW comment	Applicant response
REP5-084-52	WR-099-80 - 81: NRW (A) note the applicant's response and consider this issue closed.	The Applicant welcomes this response and considers this matter closed.
REP5-084-53	WR-099-82: NRW (A) direct you to our response in paragraphs 10-13.	All requested changes were made to both Chapter 11 Marine Mammals and RIAA at Deadline 4 and 5, with final amendments made at Deadline 5A. As noted above, it is considered that despite residual comments on the methodology, NRW(A) are now able to agree with the assessment conclusions.
REP5-084-54	WR-099-83 - 85: NRW (A) consider these issues closed.	The Applicant welcomes this response and considers this matter closed.
REP5-084-55	WR-099-86: NRW(A) had previously submitted comments for Deadline 3 on this issue (paragraph 74, [REP3-094]).	The Applicant has removed any reference that the iPCoD results indicate the significance of effect rather than its magnitude. This was provided at Deadline 4 in the ES Marine Mammal Chapter 11 (REP4-011) update.
REP5-084-56	WR-099-88: NRW (A) note the applicant's response and consider this issue closed. We refer to paragraphs 14-27 for further comments on the MMMP and UWSMS.	The Applicant welcomes this response and considers this matter closed.
REP5-084-57	WR-099-89: NRW (A) note the applicant's response and consider this issue closed.	The Applicant welcomes this response and considers this matter closed.
REP5-084-58	WR-099-90: NRW (A) note the applicant's response and consider this issue closed. We refer to paragraphs 14-27 for further comments on the MMMP and UWSMS.	The Applicant welcomes this response and considers this matter closed.
REP5-084-59	WR-099-92: As of Deadline 5, NRW (A) considers this issue closed.	The Applicant welcomes this response and considers this matter closed.
REP5-084-60	WR-099-93: NRW (A) note the applicant's response and consider this issue closed. We refer to paragraphs 14-27 for further comments on the MMMP and UWSMS.	The Applicant welcomes this response and considers this matter closed.

ID	NRW comment	Applicant response
REP5-084-61	WR-099-94: NRW (A) note the applicant's response and consider this issue closed.	The Applicant welcomes this response and considers this matter closed.
REP5-084-62	WR-099-95: NRW (A) note the applicant's response and consider this issue closed. We refer to paragraphs 14-27 for further comments on the MMMP and UWSMS.	The Applicant welcomes this response and considers this matter closed.
REP5-084-63	WR-099-96: NRW (A) note the applicant's response, given that the issue is no longer under consideration by NE, there are no further comments.	The Applicant welcomes this response and considers this matter closed.
REP5-084-64	WR-099-97: With respect to the in-combination assessment, please refer to our comments in paragraphs 10-13.	All requested changes were made to both Chapter 11 Marine Mammals and RIAA at Deadline 4 and 5, with final amendments made at Deadline 5A. As noted above it is considered that despite residual comments on the methodology, NRW(A) are now able to agree with the assessment conclusions.
REP5-084-65	WR-099-98: As of Deadline 5, NRW(A) consider this issue closed. We can confirm that in line with previous comments, we are in support of all proposed monitoring schemes presented by the Applicant.	The Applicant welcomes this response and considers this matter closed.
REP5-084-66	WR-099-99 - 104: NRW (A) refer to paragraphs 14-27 for further comments on the MMMP and UWSMS.	See ID REP5-084-14 to REP5-084-32 responses above.
REP5-084-67	REP3-094-39: NRW (A) have no further comments on the Outline Vessel Traffic Management plan, issue is considered closed.	The Applicant welcomes this response and considers this matter closed.
REP5-084-68	REP3- 094-40 - 42: With regard to our original comments on the draft MMMP we direct you to our response in paragraphs 14-27.	See ID REP5-084-14 to REP5-084-32 responses above.
2.5 Updates to NRW's Deadline 4 Submission [REP4-074]:		

ID	NRW comment	Applicant response
REP5-084-69	Paragraphs 66-67: We previously highlighted the updated Joint Position Statement on UXO clearance to the Applicant. The reader is referred to our detailed response and comments on the revised MMMP and UWSMS in paragraphs 14-27 above.	See responses to ID REP5-084-14 to REP5-084-32 above.
REP5-084-70	Paragraph 68: We previously advised the Applicant to include a commitment to the use of NAS to mitigate residual impacts. The reader is referred to our detailed response and comments on the revised MMMP and UWSMS in paragraphs 14-27 above.	In response to this comment (REP4- 074-65), the Applicant has submitted an updated UWSMS (REP5-052) at Deadline 5, outlining that the commitment of NAS for the worst-case piling scenario would reduce the PTS ranges significantly. See responses to ID REP5-084-14 to REP5-084-32 above.
REP5-084-71	Paragraphs 69-70: Issue requires addressing and we await the Applicant's response at Deadline 5. We note that this issue remains a technical one and does not impact our agreement to any conclusions.	The Applicant has addressed this comment in The Applicant's Comments on Deadline 4 Submissions by Interested Parties at Deadline 5 (ID REP4- 074-66 & 67 in REP5-060).
REP5-084-72	Paragraphs 71-72: Issue requires addressing and we await the Applicant's response at Deadline 5. We note that this issue remains a technical one and does not impact our agreement to any conclusions.	The Applicant has addressed this comment in the submissions at Deadline 5 (REP5-060).
REP5-084-73	Paragraph 73: Recommendation should ideally be addressed although this is not major and will not impact our agreement to any conclusions.	The Applicant has addressed this comment in The Applicant's Comments on Deadline 4 Submissions by Interested Parties at Deadline 5 (ID REP4- 074-68 & 69 in REP5-060).
REP5-084-74	Paragraph 74: We note that the issue raised here is primarily a recommendation for future assessments, thus as originally noted no changes are required and we do not expect the Applicant to complete a reassessment.	The Applicant has addressed this comment in The Applicant's Comments on Deadline 4 Submissions by Interested Parties at Deadline 5 (ID (REP4-074-71 in REP5-060) and has acknowledged that NRW(A) does not expect a reassessment.
REP5-084-75	Paragraph 75: This was an overarching paragraph referring to Cumulative effects from all noise activities, including Paragraphs 76-83; 85-92; 93-99; 102. We refer the reader to our detailed response and comments on the	All requested changes were made to both Chapter 11 Marine Mammals and RIAA at Deadline 4 and 5, with final amendments made at Deadline 5A.

ID	NRW comment	Applicant response
	cumulative and in combination assessments in paragraphs 10-13 above and expect this issue to be addressed shortly.	As noted above it is considered that despite residual comments on the methodology NRW(A) are now able to agree with the assessment conclusions. See ID REP5-084-14 to REP5-084-18 responses above.
REP5-084-76	Paragraph 84: NRW (A) has no further comments and consider this issue closed.	The Applicant welcomes this response and considers this matter closed.
REP5-084-77	Paragraph 100: The reader is referred to our detailed response in paragraphs 14-27 above.	The Applicant has addressed this comment in The Applicant's Comments on Deadline 4 Submissions by Interested Parties at Deadline 5 (ID REP4- 074-108 in REP5-060). See also responses to ID REP5-084-14 to REP5-084-32 above.
REP5-084-78	Paragraph 101: Issue requires addressing and we await the Applicant's response at Deadline 5, although we note that we would not expect major changes in the conclusion.	The Applicant has addressed this comment in The Applicant's Comments on Deadline 4 Submissions by Interested Parties at Deadline 5 (ID REP4-074-109 in REP5-060).
REP5-084-79	Paragraph 102: This point refers to the amendments made for the in-combination assessment. Given that the issues raised for the CEA are also relevant to the in-combination assessment, the reader is referred to our detailed response in paragraphs 10-13 above.	See response to ID REP5-084-14 to REP5-084-18 above. Changes made to the CEA are also made in the in-combination assessment.
REP5-084-80	Paragraphs 103 to 116 – NRW (A) consider these issues closed based on amendments made to the MMMP and UWSMS.	The Applicant welcomes this response and considers this matter closed.
REP5-084-81	Paragraph 117: NRW (A) has no further comments and consider this issue closed.	The Applicant welcomes this response and considers this matter closed.
4. Appendix 1: Report to Inform Appropriate Assessment - Revision 03 (Volume 4) [REP4- 009/010]: NRW (A) detailed comments on HRA scale alone and in-combination impacts for relevant Welsh sites		
REP5-084-82	This document is a technical document submitted into the Morecambe Generation Assets project Examination to provide scientific justification for	The Applicant notes this response.

ID	NRW comment	Applicant response
	NRW (A)'s advice on the significance of the potential impacts for Habitats Regulations Assessment (HRA) scale issues from the project alone and in-combination with other plans and projects for Welsh designated sites, incorporating information from the Applicant's updated RIAA [REP4- 009], as summarised within each section. Our advice is based on best available evidence at the time of writing and may be subject to change in the future should further evidence be presented.	
4.1.1 Glannau Aberdaron ac Ynys Enlli/Aberdaron Coast and Bardsey Island (AC & BI) SPA: Manx shearwater		
REP5-084-83	<p>Project Alone Impacts</p> <p>NRW (A) welcome the Applicant's updates to the apportioned project alone impacts and assessment of displacement for the Manx shearwater feature of this SPA in Section 8.21.3.1 of the updated RIAA [REP4-009]. We note that the Applicant has updated the SPA colony count to include the latest Seabird Count Census (Burnell et al. 2023) of 41,350 breeding adults. Based on the predicted impacts in Table 8-47 [REP4-009], the calculated project alone displacement total is 1-32 adult Manx shearwaters from the Glannau Aberdaron ac Ynys Enlli/Aberdaron Coast & Bardsey Island (AC & BI) SPA per annum (based on mean abundance and 30-70% displacement and 1-10% mortality). This equates to 0.03-0.59% of baseline mortality for the Abadaron Coast (AC) & Bardsey Island (BI) SPA Manx shearwater colony. Our advice remains as detailed in our Deadline 4 response (see paragraph 41 [REP4-074]), that we can agree with the Applicant that there would be no adverse effect on site integrity (AEoSI) for predicted displacement impacts on the Manx shearwater feature of the AC & BI SPA from the project alone.</p>	The Applicant welcomes confirmation from NRW(A) that it agrees AEoSI can be ruled out for Project alone effects on the Manx shearwater feature of Glannau Aberdaron ac Ynys Enlli/Aberdaron Coast and Bardsey Island SPA.
REP5-084-84	<p>In-Combination Impacts</p> <p>As noted in Section 0 above, there are discrepancies between the Morecambe alone assessment figures and those included for this project in the in-combination assessment, along with the omission of the Barrow, North Hoyle and Rhyl Flats projects. However, we consider that these issues do not materially affect the in-combination assessment or conclusions.</p>	The Applicant welcomes confirmation from NRW(A) that it agrees AEoSI can be ruled out for in-combination effects on the Manx shearwater feature of Glannau Aberdaron ac Ynys Enlli/Aberdaron Coast and Bardsey Island SPA.

ID	NRW comment	Applicant response
REP5-084-85	<p>The Applicant has calculated that an in-combination total of 1,146 Manx shearwaters from the AC & BI SPA are at risk of displacement (Table 8-48 [REP4-009]). Table 8-49 of REP4-009, estimates that the calculated in-combination displacement total is 3-80 adult Manx shearwaters from the AC & BI SPA per annum (based on 30-70% displacement and 1-10% mortality). This equates to up to 1.49% of baseline mortality for the AC & BI SPA Manx shearwater colony for the worst case scenario (WCS) predicted impact. This is significant at the upper end of the range and therefore requires further consideration. We therefore welcome that the Applicant has undertaken an AC & BI SPA Manx shearwater in-combination displacement Population Viability Assessment (PVA) assessment for both their preferred % displacement and % mortality rate impact (i.e. 50% displacement and 1% mortality) and for the WCS impact (i.e. 70% displacement and 10% mortality).</p>	<p>The Applicant notes NRW(A) comments in respect of the inclusion of historic projects in the in-combination assessment. As set out by the Applicant in previous responses, the Applicant does not consider that historic projects that are close to the end of their consent should be included within cumulative/in-combination assessment, as this would result in over-estimation of effects. There also remains uncertainty on licencing requirements for life extension of existing projects, as is evidenced by the MMO's response to question 200I2 (REP5-075) which states that <i>'The MMO notes that a request to vary an existing licence may require an update to the original HRA'</i>. NE's response (Ref. 20012 in Table 2.19) below is also highlighted, which confirms that <i>'Either a new or varied marine licence would trigger the requirement for a Habitats Regulations Assessment unless an exemption was successfully sought'</i>.</p> <p>Notwithstanding the Applicant's position on this matter, NRW(A)'s confirmation that these projects would make no difference to the assessment conclusions is welcomed.</p>
REP5-084-86	<p>The AC & BI SPA Manx shearwater numbers have increased by 28% from Seabird 2000 to the most recent Seabird Count Census (Burnell et al. 2023): Seabird 2000 Census count of 16,183 Apparently Occupied Sites (AOS) (32,366 adults) undertaken in 2001, Seabirds Count Census count of 20,675 AOS (41,350 adults) undertaken in 2015. During this time many of the OWFs included in the in-combination assessments have been constructed and become operational. As the colony population has continued to increase, it suggests they have not been adversely impacted by the operational OWFs. Additionally, the PVA suggests that for an impact of up to 80 Manx shearwaters per annum (predicted impact for worst case scenario of 70% displacement and 10% mortality), the Manx shearwater population of the SPA will continue to grow, even with the additional impact from the OWFs, as indicated by a growth rate above 1, and the Counterfactual of Growth Rate (CPGR) is 0.9978 (see Table 8-50 [REP4-009]). This suggests that even at the WCS of 70% displacement and 10% mortality there will be only a small impact on the growth rate in comparison to baseline conditions. Hence there will remain a thriving Manx shearwater population at the site and the Conservation Objective for the Manx shearwater target population of 20,000 adults (10,000 pairs)¹ at this site would be achieved. On this basis, NRW advises that an adverse effect on site integrity (AEoSI) can be ruled out</p>	

ID	NRW comment	Applicant response
	for predicted displacement impacts on the Manx shearwater feature from the project in-combination with other plans and projects for the AC & BI SPA	
4.1.2 Sgomer, Sgogwm a Moroedd Penfro/Skomer, Skokholm and seas off Pembrokeshire (SSSP) SPA: Manx shearwater		
REP5-084-87	<p>Project Alone Impacts</p> <p>NRW (A) welcome the Applicant's updates to the apportioned project alone impacts and assessment of displacement for the Manx shearwater feature of this SPA in Section 8.32.3.1 of the updated RIAA [REP4-009]. Based on the predicted impacts provided in Table 8-83 [REP4-009], the calculated project alone displacement total is 12-288 adult Manx shearwaters from the SSSP SPA per annum (based on mean abundance and 30- 70% displacement and 1-10% mortality). This equates to 0.01-0.24% of baseline mortality for the SSSP SPA Manx shearwater colony. This level of impact is well below 1% of baseline mortality for the SSSP SPA Manx shearwater colony and can be considered undetectable against background mortality. Therefore, our advice remains as detailed in our Deadline 4 response (see paragraph 48 [REP4-074]). NRW (A) can agree that there would be no adverse effect on site integrity (AEoSI) for predicted displacement impacts on the Manx shearwater feature of the SSSP SPA from the project alone.</p>	The Applicant welcomes confirmation from NRW(A) that it agrees AEoSI can be ruled out for Project alone effects on the Manx shearwater feature of Sgomer, Sgogwm a Moroedd Penfro/Skomer, Skokholm and seas off Pembrokeshire SPA.
REP5-084-88	<p>In-Combination Impacts</p> <p>As noted in Section 1.1.2 above, there are discrepancies between the Morecambe alone assessment figures and those included for this project in the in-combination assessment, along with the omission of the Barrow, North Hoyle and Rhyl Flats projects. However, we consider that these issues do not materially affect the in-combination assessment or conclusions.</p>	The Applicant welcomes confirmation from NRW(A) that it agrees AEoSI can be ruled out for in-combination effects on the Manx shearwater feature of Sgomer, Sgogwm a Moroedd Penfro/Skomer, Skokholm and seas off Pembrokeshire SPA.
REP5-084-89	The Applicant has calculated that an in-combination total of 27,603 Manx shearwaters from the SSSP SPA are at risk of displacement (Table 8-84 [REP4-009]). From Table 8-85 [REP4-009], the calculated in-combination displacement total is 83-1,932 adult Manx shearwaters from the SSSP SPA per annum (based on 30-70% displacement and 1-10% mortality). This equates to up to 1.63% of baseline mortality for the SSSP SPA Manx	The Applicant notes NRW(A) comments in respect of the inclusion of historic projects in the in-combination assessment. As set out by the Applicant in previous responses, the Applicant does not consider that historic projects that are close to the end of their consent should be

ID	NRW comment	Applicant response
	shearwater colony for the WCS predicted impact. This is significant at the upper end of the range and therefore requires further consideration. We welcome that the Applicant has within [REP4-009] undertaken an SSSP SPA Manx shearwater in combination displacement PVA assessment for both their preferred % displacement and % mortality rate impact (i.e. 50% displacement and 1% mortality) and for the WCS impact (i.e. 70% displacement and 10% mortality).	included within cumulative/in-combination assessment, as this would result in over-estimation of effects. There also remains uncertainty on licencing requirements for life extension of existing projects, as is evidenced by the MMO's response to question 200I2 (REP5-075) which states that <i>'The MMO notes that a request to vary an existing licence may require an update to the original HRA'</i> . NE's response (Ref. 20012 in Table 2.19) below is also highlighted, which confirms that <i>'Either a new or varied marine licence would trigger the requirement for a Habitats Regulations Assessment unless an exemption was successfully sought'</i> .
REP5-084-90	Manx shearwater numbers at the SSSP SPA have increased by 201% from Seabird 2000 to the most recent Seabird Count Census (Burnell et al. 2023): Seabirds 2000 Census count of 151,000 Apparently Occupied Sites (AOS) (302,000 adults) undertaken in 1998, Seabirds Count Census count of 455,156 AOS (910312 adults) undertaken in 2018. During this time many of the OWFs included in the in-combination assessments have been constructed and become operational. As the colony population has continued to increase, it suggests they have not been adversely impacted by the operational OWFs. Additionally, the PVA suggests that for an impact of up to 1,932 Manx shearwaters per annum (predicted impact for WCS of 70% displacement and 10% mortality), the Manx shearwater population of the SPA will continue to grow, even with the additional impact from the OWFs, as indicated by a growth rate above 1, and the Counterfactual of Growth Rate is 0.9976 (see Table 8-86 of REP4-009). This suggests that there will be only a small impact on the growth rate in comparison to baseline conditions. Hence the Conservation Objective for the Manx shearwater target population of 300,000 adults (150,000 pairs) ² at this site would be achieved. On this basis, NRW (A) can agree that an AEoSI can be ruled out for predicted displacement impacts on the Manx shearwater feature from the project in-combination with other plans and projects for the SSSP SPA.	Notwithstanding the Applicant's position on this matter, NRW(A)'s confirmation that these projects would make no difference to the assessment conclusions is welcomed.
4.1.3 Sgomer, Sgogwm a Moroedd Penfro/Skomer, Skokholm and seas off Pembrokeshire (SSSP) SPA: European Storm Petrel		
REP5-084-91	NRW (A)e agree with the Applicant's assessment in Section 8.32.3.2 [REP4-099] that there would be no measurable effects on storm petrel due to the project alone and hence there would be no contribution to any in-combination effects on this feature. Therefore, NRW (A) can agree that an AEoSI can be	The Applicant welcomes confirmation from NRW(A) that it agrees AEoSI can be ruled out for Project alone and in-combination effects on the storm petrel feature of Sgomer, Sgogwm a

ID	NRW comment	Applicant response
	ruled out for predicted impacts on the European storm petrel feature from the project alone and in-combination with other plans and projects for the SSSP SPA.	Moroedd Penfro/Skomer, Skokholm and seas off Pembrokeshire SPA.
4.1.4 Sgomer, Sgogwm a Moroedd Penfro/Skomer, Skokholm and seas off Pembrokeshire (SSSP) SPA: Puffin		
REP5-084-92	Project Alone Impacts 86. Based on the predicted impacts in Table 8-87 [REP4-009], the calculated project alone displacement total is 0-2 adult puffins from the SSSP SPA per annum (based on mean abundance and 30-70% displacement and 1-10% mortality). This equates to 0.00- 0.04% of baseline mortality for the SSSP SPA puffin colony. This level of impact is well below 1% of baseline mortality for the SSSP SPA puffin colony and can be considered undetectable against background mortality. Therefore, the Conservation Objective target population of 19,000 individuals (9,500 pairs)2 would be achieved. NRW (A) agree with the Applicant that an AEoSI can be ruled out for displacement from the project alone to the puffin feature of the SSSP SPA (as was indicated in paragraph 20 of our Written Representations [REP1-099]).	The Applicant welcomes confirmation from NRW(A) that it agrees AEoSI can be ruled out for Project alone and in-combination effects on the puffin feature of Sgomer, Sgogwm a Moroedd Penfro/Skomer, Skokholm and seas off Pembrokeshire SPA.
REP5-084-93	In-Combination Impacts NRW (A) also consider that an AEoSI from the project in-combination with other plans and projects can be ruled out for the puffin feature of the SPA on the basis that mortalities due to the project alone constitute less than a 0.1% increase in baseline mortality.	
4.1.5 Sgomer, Sgogwm a Moroedd Penfro/Skomer, Skokholm and seas off Pembrokeshire (SSSP) SPA: Lesser black-backed gull (LBBG)		
REP5-084-94	Project Alone Impacts Based on Table 8-88 [REP4-009], the calculated project alone collision total is 0.13 adult LBBGs from the SSSP SPA per annum. Based on a colony size of 16,694 adults and an adult mortality rate of 11.5%, as used by the Applicant in Table 8-88 [REP4-009], this predicted impact equates to 0.01% of baseline mortality, rather than the 0.11% as stated in Table 8-88. This level of impact is well below 1% of baseline mortality for the SSSP SPA LBBG	The Applicant welcomes confirmation from NRW(A) that it agrees AEoSI can be ruled out for Project alone effects on the lesser black-backed gull feature of Sgomer, Sgogwm a Moroedd Penfro/Skomer, Skokholm and seas off Pembrokeshire SPA.

ID	NRW comment	Applicant response
	colony and can be considered undetectable against background mortality. Hence, NRW (A) agree with the Applicant that an AEoSI can be ruled out for collision risk from the project alone to the Lesser black-backed gull (LBBG) feature of the SSSP SPA (as was indicated in paragraph 20 of our Written Representations [REP1-099]).	
REP5-084-95	In-Combination Impacts NRW (A) note that the Applicant has taken this site and feature combination through to an in-combination assessment. We assume the assessment uses the Applicant's weighted mean annual apportionment rate calculation approach for each OWF project. However, we reiterate our concerns raised regarding this approach and the potential for underestimating impacts in Section 1.4.1.2 of our Deadline 4 response [REP4-074]. We repeat that we do not recommend that future projects follow the Applicant's approach to apportioning for in-combination assessments in the RIAA [REP4-009].	<p>The Applicant thanks NRW(A) for identifying this issue, which was caused by a transcription error in the original calculations undertaken by the Applicant. It is confirmed that an update to the RIAA was submitted at Deadline 5 (REP5-010), which addresses this error. As NRW(A) highlights, the correction has reduced the Project alone mortality estimate for lesser black-backed gull at Sgomer, Sgogwm a Moroedd Penfro/Skomer, Skokholm and seas off Pembrokeshire SPA, and as the increase in background mortality is now below a threshold where a measurable contribution to in-combination effects would occur, the numerical in-combination assessment has been removed from the updated RIAA.</p> <p>The Applicant welcomes confirmation from NRW(A) that it agrees AEoSI can be ruled out for in-combination effects on the lesser black-backed gull feature of Sgomer, Sgogwm a Moroedd Penfro/Skomer, Skokholm and seas off Pembrokeshire SPA.</p>
REP5-084-96	As noted in Section 4.1.5 above there is an error in the Applicant's calculation in Table 8-88 [REP4-009] for the project alone mortality increase. The Applicant has calculated that the project alone predicted impact of 0.13 collisions (range, based on 95% confidence intervals, CIs: 0.00-0.62), equates to 0.11% (range: 0.00-0.53%) of baseline mortality. Based on this, this has triggered the consideration of an in-combination assessment.	
REP5-084-97	However, using a colony population of 16,694 adult LBBGs (2021 count) and an adult mortality rate of 11.5%, the estimated annual colony mortality equals 1,920 individuals per annum, which is used by the Applicant in REP4-009. Based on this, a predicted impact of 0.13 (range 0.00-0.62) collisions per annum from the project actually equates to 0.01% (range: 0.00-0.03%) of baseline mortality for the colony (as noted in Section 4.1.5 above).	
REP5-084-98	The Applicant's approach to in-combination screening is that where the project alone impact equates to below 0.1% baseline mortality then it is deemed non-material and within natural fluctuations of the population and is therefore screened out of in combination assessment. We have indicated that we are content with the Applicant's approach in this case where the impacts	

ID	NRW comment	Applicant response
	from the project alone are very small (see paragraph 17 of our Written Representations [REP1-099]). Based on the corrected calculations above, as the project alone impact constitutes less than a 0.1% increase in baseline mortality, even at the upper 95% CI predicted impact, we also consider that AEoSI from the project in-combination with other plans and projects can be ruled out for the LBBG feature of the SPA. We also note that the Morecambe project alone predicted impact of 0.13 SSSP SPA LBBG collisions per annum, is very similar to the Mona and Morgan Generation Assets predicted project alone SSSP SPA LBBG collision impacts of 0.2 and 0.1 birds per annum for each project respectively. At both of these projects, we were able to reach similar conclusions with regard to in-combination impacts to that concluded here.	
REP5-084-99	The error noted above has been discussed by NRW (A) on a call with the Applicant's consultant on 03.03.2025 and the Applicant has confirmed the error. We understand that the Applicant intends to correct this error in an updated version of the RIAA to be submitted into the examination at Deadline 5.	
4.1.6 Sgomer, Sgogwm a Moroedd Penfro/Skomer, Skokholm and seas off Pembrokeshire (SSSP) SPA: Seabird Assemblage		
4.1.6.1 Kittiwake (named component of the assemblage feature)		
REP5-084-100	Project Alone Impacts Based on Table 8-90 [REP4-009], the project alone collision total calculated by the Applicant is 0.07 adult kittiwakes from the SSSP SPA per annum. This predicted collision impact equates to 0.02% of baseline mortality of the SPA kittiwake colony. This level of impact is well below 1% of baseline mortality for the SSSP SPA kittiwake colony and can be considered undetectable against background mortality and the Conservation Objective target population for the seabird assemblage of 67,000 individuals ² would be achieved. Hence, NRW (A) can agree with the Applicant that an AEoSI can be ruled out for collision risk from the project alone to the kittiwake component of the seabird assemblage feature of the SSSP SPA (as was indicated in paragraph 20 of our Written Representations [REP1-099]).	The Applicant welcomes confirmation from NRW(A) that it agrees AEoSI can be ruled out for Project alone and in-combination effects on the kittiwake (seabird assemblage) feature of Sgomer, Sgogwm a Moroedd Penfro/Skomer, Skokholm and seas off Pembrokeshire SPA.

ID	NRW comment	Applicant response
REP5-084-101	In-Combination Impacts NRW (A) consider that AEoSI from the project in-combination with other plans and projects can be ruled out for this component of the seabird assemblage feature of the SPA on the basis that mortalities due to the project alone constitute less than a 0.1% increase in baseline mortality	
REP5-084-102	However, as kittiwake is not a qualifying feature of the SSSP SPA in its own right, it is a named component of the seabird assemblage feature, this should be considered in the wider context of the assemblage feature and consideration of the assemblage feature Conservation Objectives. Therefore, see Section 4.1.6.4 below for the overall conclusion of significance of effect on the assemblage qualifying feature.	
4.1.6.2 Guillemot (named component of the assemblage feature)		
REP5-084-103	Project Alone Impacts Based on Table 8-91 [REP4-009], the calculated project alone displacement total is 1- 15 adult guillemots from the SSSP SPA per annum (based on 30-70% displacement and 1-10% mortality). This equates to 0.03-0.65% of baseline mortality for the SSSP SPA guillemot colony. This level of impact is below 1% of baseline mortality for the SSSP SPA guillemot colony and can be considered undetectable against background mortality and the Conservation Objective target population for the seabird assemblage of 67,000 individuals ² would be achieved. Hence, NRW (A) can agree that an AEoSI can be ruled out for displacement from the project alone to the guillemot component of the seabird assemblage feature of the SSSP SPA (as was indicated in paragraph 20 of our Written Representations [REP1-099])	<p>The Applicant welcomes confirmation from NRW(A) that it agrees AEoSI can be ruled out for Project alone and in-combination effects on the guillemot (seabird assemblage) feature of Sgomer, Sgogwm a Moroedd Penfro/Skomer, Skokholm and seas off Pembrokeshire SPA.</p> <p>The Applicant notes NRW(A) comments in respect of the inclusion of historic projects in the in-combination assessment. As set out by the Applicant in previous responses, the Applicant does not consider that historic projects that are close to the end of their consent should be included within cumulative/in-combination assessment, as this would result in over-estimation of effects. There also remains uncertainty on licencing requirements for life extension of existing projects, as is evidenced by the MMO’s response to question 200I2 (REP5-075) which states that</p>
REP5-084-104	In-Combination Impacts We note our comments in Section 1.1.2 above regarding the lack of inclusion of the Barrow, North Hoyle and Rhyl Flats projects. However, we consider that these issues do not materially alter the in-combination assessment conclusions.	

ID	NRW comment	Applicant response
REP5-084-105	<p>The Applicant has calculated that an in-combination total of 10,564 guillemots from the SSSP SPA are at risk of displacement (Table 8-92 [REP4-009]). From Table 8-93, the calculated in-combination displacement total is 32-739 adult guillemots from the SSSP SPA per annum (based on 30-70% displacement and 1-10% mortality). If the additional apportioned mortality from the Morlais and Holyhead tidal projects (total 0.82 birds) is also added, then the total predicted mortality of up to 740 (rounded to whole birds) equates to up to 31.9% of baseline mortality for the SSSP SPA guillemot colony for the WCS predicted impact. This is significant at the upper end of the range and therefore requires further consideration. NRW (A) welcome that the Applicant has undertaken an SSSP SPA guillemot in-combination displacement PVA assessment for both their preferred % displacement and % mortality rate impact (i.e. 50% displacement and 1% mortality) and for the WCS impact (i.e. 70% displacement and 10% mortality).</p>	<p><i>'The MMO notes that a request to vary an existing licence may require an update to the original HRA'. NE's response (Ref. 20012 in Table 2.19) below is also highlighted, which confirms that 'Either a new or varied marine licence would trigger the requirement for a Habitats Regulations Assessment unless an exemption was successfully sought'.</i></p> <p>Notwithstanding the Applicant's position on this matter, NRW(A)'s confirmation that these projects would make no difference to the assessment conclusions is welcomed.</p>
REP5-084-106	<p>The count data from seabird 2000 through to counts in 2022 shows an increase from 14,848 individual guillemots in 2000 to 37,305 individual guillemots in 2022. Over this time many of the OWFs included in the in-combination assessments have been constructed and become operational. Hence as the colony population has continued to increase, it would suggest they have not been adversely impacted by the operation of the OWFs. Additionally, the PVA suggests that for an impact of up to 740 guillemots per annum (predicted impact for WCS of 70% displacement and 10% mortality plus mortality from tidal projects), the guillemot population of the SPA will continue to grow beyond its current level, even with the additional impact from the OWFs, as indicated by a growth rate above 1, and the Counterfactual of Growth Rate is 0.978 (see Table 8-94 [REP4- 009]). This suggests that even at the WCS of 70% displacement and 10% mortality there will be only a small impact on the growth rate in comparison to baseline conditions. Hence there will remain a thriving guillemot population at the site and the Conservation Objective target population for the seabird assemblage of 67,000 individualsError! Bookmark n ot defined. would be achieved. NRW (A) can agree with the Applicant that an AEoSI can be ruled out for the guillemot component of the seabird assemblage feature of the SSSP SPA for</p>	

ID	NRW comment	Applicant response
	predicted displacement impacts from the project in-combination with other plans and projects.	
REP5-084-107	However, as guillemot is not a qualifying feature of the SSSP SPA in its own right, it is a named component of the seabird assemblage feature, this should be considered in the wider context of the assemblage feature and consideration of the assemblage feature Conservation Objectives. Therefore, see Section 4.1.6.4 below for the overall conclusion of significance of effect on this qualifying feature.	
4.1.6.3 Razorbill (named component of the assemblage feature)		
REP5-084-108	Project Alone Impacts Based on Table 8-95 [REP4-009], the calculated project alone displacement total is 0- 2 adult razorbills from the SSSP SPA per annum (based on 30-70% displacement and 1-10% mortality). This equates to 0.01-0.13% of baseline mortality for the SSSP SPA razorbill colony. This level of impact is below 1% of baseline mortality for the SSSP SPA razorbill colony and can be considered undetectable against background mortality and the Conservation Objective target population for the seabird assemblage of 67,000 individuals ² would be achieved. Hence, NRW (A) agree with the Applicant that an AEoSI can be ruled out for displacement from the project alone to the razorbill component of the seabird assemblage feature of the SSSP SPA (as was indicated in paragraph 20 of our Written Representations [REP1-099]).	The Applicant welcomes confirmation from NRW(A) that it agrees AEoSI can be ruled out for Project alone and in-combination effects on the razorbill (seabird assemblage) feature of Sgomer, Sgogwm a Moroedd Penfro/Skomer, Skokholm and seas off Pembrokeshire SPA. The Applicant notes NRW(A) comments in respect of the inclusion of historic projects in the in-combination assessment. As set out by the Applicant in previous responses, the Applicant does not consider that historic projects that are close to the end of their consent should be included within cumulative/in-combination assessment, as this would result in over-estimation of effects. There also remains uncertainty on licencing requirements for life extension of existing projects, as is evidenced by the MMO’s response to question 200I2 (REP5-075) which states that ‘ <i>The MMO notes that a request to vary an existing licence may require an update to the original HRA</i> ’. NE’s response (Ref. 200I2 in Table 2.19) below is also highlighted, which confirms that ‘ <i>Either a</i>
REP5-084-109	In-Combination Impacts NRW (A) note our comments in Section 1.1.2 above regarding the lack of inclusion of the Barrow, North Hoyle and Rhyl Flats projects. However, we consider that these issues do not materially alter the in-combination assessment conclusions.	
REP5-084-110	The Applicant has calculated that an in-combination total of 510 razorbills from the SSSP SPA are at risk of displacement (Table 8-96 [REP4-009]). From Table 8-97 of REP4-009, the calculated in-combination displacement total is 2-36 adult razorbills from the SSSP SPA per annum (based on 30-	

ID	NRW comment	Applicant response
	70% displacement and 1-10% mortality). If the additional apportioned mortality from the Morlais and Holyhead tidal projects (total 0.27 birds) is also added, then the total predicted mortality of up to 36 (rounded to whole birds) equates to up to 2.4% of baseline mortality for the SSSP SPA razorbill colony for the WCS predicted impact. This is significant at the upper end of the range and therefore requires further consideration. Therefore, NRW (A) welcome that the Applicant has undertaken an SSSP SPA razorbill in-combination displacement PVA assessment for both their preferred % displacement and % mortality rate impact (i.e. 50% displacement and 1% mortality) and for the WCS impact (i.e. 70% displacement and 10% mortality).	<i>new or varied marine licence would trigger the requirement for a Habitats Regulations Assessment unless an exemption was successfully sought'.</i> Notwithstanding the Applicant's position on this matter, NRW(A)'s confirmation that these projects would make no difference to the assessment conclusions is welcomed.
REP5-084-111	The count data from seabird 2000 through to counts in 2022 shows an increase from 5,140 individual razorbills in 2000 to 14,157 individual razorbills in 2022. Over this time many of the OWFs included in the in-combination assessments have been constructed and become operational. Hence as the colony population has continued to increase, it would suggest they have not been adversely impacted by the operation of the OWFs. Additionally, the PVA suggests that for an impact of up to 36 razorbills per annum (predicted impact for WCS of 70% displacement and 10% mortality plus mortality from tidal projects), the razorbill population of the SPA will continue growing beyond its current level, even with the additional impact from the OWFs, as indicated by a growth rate above 1, and the Counterfactual of Growth Rate is 0.997 (see Table 8-98 [REP4- 009]). This suggests that even at the worst-case scenario of 70% displacement and 10% mortality there will be only a small impact on the growth rate in comparison to baseline conditions. Hence, NRW (A) can agree with the Applicant that an AEoSI can be ruled out for the razorbill component of the seabird assemblage feature of the SSSP SPA for predicted displacement impacts from the project in-combination with other plans and projects.	
REP5-084-112	However, as razorbill is not a qualifying feature of the SSSP SPA in its own right, it is a named component of the seabird assemblage feature, this should be considered in the wider context of the assemblage feature and consideration of the assemblage feature Conservation Objectives. Therefore,	

ID	NRW comment	Applicant response
	see Section 4.1.6.4 below for the overall conclusion of significance of effect on this qualifying feature.	
4.1.6.4 Seabird Assemblage		
REP5-084-113	<p>The seabird assemblage is a qualifying feature of the SSSP SPA in its own right. The Conservation Objective for the seabird assemblage feature states that: During the breeding season the SPA will regularly support at least 67,000 individual seabirds of the following species, most of which also qualify independently as SPA features:</p> <ul style="list-style-type: none"> • Puffin • Manx shearwater • European storm petrel • Lesser black-backed gull • Guillemot • Razorbill • Kittiwake <p>Based on the above, it has been demonstrated that the component species of the assemblage are unlikely to be significantly affected by impacts from the project alone. Additionally, the growth rates of Manx shearwater, guillemot and razorbill are unlikely to be significantly affected over the lifetime of the project as a result of in-combination impacts and will continue to be stable or increasing. On this basis NRW (A) consider that the abundance target (67,000 individuals)² of the assemblage will be met and that the diversity of species making up the assemblage is not at risk from the project alone and in-combination collision and displacement impacts from offshore wind farms. Therefore, the Conservation Objective can be met and NRW (A) advise that an AEoSI of the seabird assemblage feature of the SSSP SPA can be ruled out for collision and displacement impacts from both the project alone and in-combination impacts.</p>	<p>The Applicant welcomes confirmation from NRW(A) that it agrees AEoSI can be ruled out for Project alone and in-combination effects on the seabird assemblage feature of Sgomer, Sgogwm a Moroedd Penfro/Skomer, Skokholm and seas off Pembrokeshire SPA.</p>
4.1.7 Grassholm SPA: Gannet		

ID	NRW comment	Applicant response
REP5-084-114	Following the updates to the assessment for this site and feature combination in REP4-009, the updated assessments are the same as previously in REP3-058. Hence our advice regarding Grassholm SPA gannet predicted impacts from both the project alone remain as set out in our Deadline 4 response (see Section 1.4.2.3 [REP4-074]); namely that there would be no AEoSI for predicted displacement, collision and collision plus displacement impacts on the gannet feature of the Grassholm SPA from the project alone and in-combination with other plans and projects.	The Applicant welcomes confirmation from NRW(A) that it agrees AEoSI can be ruled out for Project alone and in-combination effects on the gannet feature of Grassholm SPA.
4.1.8 All other Welsh SPAs/Ramsars screened into the RIAA		
REP5-084-115	As was previously indicated in paragraph 20 of our Written Representations [REP1- 099], NRW (A) agree with the Applicant's conclusions in REP4-009 that an AEoSI can be ruled out for the project alone and in-combination for the relevant remaining Welsh SPAs/Ramsars with marine ornithological qualifying features assessed in REP4-099, namely: <ul style="list-style-type: none"> • Morwenoliaid Ynys Môn/Anglesey Terns SPA • Ynys Seiriol/Puffin Island SPA • Traeth Lafan/Lavan Sands, Conway Bay SPA • The Dee Estuary SPA/Ramsar 	The Applicant welcomes confirmation from NRW(A) that it agrees AEoSI can be ruled out for Project alone and in-combination effects on these Welsh SPAs.
REP5-084-116	We again note that as the Morecambe Generation Assets project is located wholly in English waters, we defer comment/advice regarding predicted impacts and integrity judgements of the project alone and in-combination for all qualifying features of the Liverpool Bay SPA to NE.	The Applicant notes this response.

2.4.2 Response to ExQ2

Table 2.11 The Applicant's response to NRW's ExQ2 Response (REP5-085)

ExQ2 Ref.	Question to	Question	NRW response	Applicant response
Marine Mammals				
2BEM6	NRW	Marine Mammals The ExA notes that the Outline Marine Mammal Management Protocol [REP4- 027] and Outline Underwater Sound Management Strategy [REP4-049] refer to the Defra and JNCC guidance published in January 2025 and include commitments to NAS. Can NRW(A) explain what further mitigation it considers is needed in relation to marine mammals and piling and confirm whether this is for effects identified in the EIA, HRA or both.	NRW (A) notes that as non-signatories to the DEFRA and JNCC guidance published in January (JNCC, Natural England and Cefas position on the use of quieter piling methods and noise abatement systems when installing offshore wind turbine foundations, 2025), any decisions and final input on this are deferred to Natural England in this instance. We are satisfied that the Applicant has addressed our concerns regarding residual injury from piling. However, in Section 2.3 of our Deadline 5 response we recommend that the Applicant aligns their commitments further to the DEFRA and JNCC guidance.	The Applicant welcomes confirmation that concerns around injury have been resolved and provide comment on other points (Section 2.3 of the NRW (A) submission) in Table 2.10 above.
Offshore Ornithology				
2BEM8.	NRW	Guillemot and Razorbill In	NRW (A) note that this question relates to our advice regarding the Pen y Gogarth / Great	The Applicant notes that the updated assessment presented in ES Chapter

ExQ2 Ref.	Question to	Question	NRW response	Applicant response
		<p>paragraphs 21 and 23 of its D4 submission [REP4-074] NRW (A) indicates that it considers that the apportionment of 100% of birds as adults should be used for guillemots and razorbills rather than the stable age structure of 57% as adults. Given the whole population will extend over a whole life-cycle, could NRW (A) please explain why the 100% figure should be used rather than the real-case percentage, otherwise does not the analysis risk becoming over-precautionary?</p>	<p>Orme's Head SSSI colony assessment. The Great Orme's Head SSSI is designated for its breeding populations (i.e. adult) of guillemot, razorbill and kittiwake. Consequently, the assessments are based on calculations using the breeding adult colony size, adult survival and mortality rates, so the currency of the assessment is adults only. In REP4-074, we advised using the assumption that 100% of birds recorded are adults for both guillemot and razorbill for the Great Orme's Head SSSI assessment is only applicable for the breeding season. This is because age-class identification for auks is not possible from site-specific digital aerial survey (DAS) data, which is the case for the Round 4 Irish Sea projects (including Morecambe). Nor is site -specific age -class data available for the gap -filled historic projects. Therefore, in order to apportion impacts to a breeding colony in the breeding season, standard advice is to take a precautionary approach and assume all birds are adults. Whilst this may not be a correct reflection of the proportion of adults at sea in any given area during the breeding season, it reflects the worst case to base an assessment on. This approach is consistent with advice provided to other projects and the approaches taken by other projects in assessments and with the approach the Applicant themselves have taken for the auk breeding colony SPA assessments. In the Applicant's Great Orme's Head assessment [REP3 -056], they have followed this advised</p>	<p>12 Offshore Ornithology submitted at Deadline 5 (REP5-014) has used data from the Morgan project for the cumulative assessment. It is understood by the Applicant that NRW(A) agrees with the approach used by the Morgan project to calculate the cumulative contribution of other projects, and therefore NRW(A)'s previous concerns on this matter are no longer relevant.</p>

ExQ2 Ref.	Question to	Question	NRW response	Applicant response
			<p>approach for apportionment of impacts from the Morecambe project alone. However, for the cumulative assessment for all included offshore wind projects, the Applicant has used the stable -age structure proportion of adults of 57% (for both guillemot and razorbill) calculated by Furness (2015) for the non - breeding season s. We reiterate that Furness (2015) does not present a stable age structure for the breeding season - the report covers purely the non - breeding season(s). Additionally, the age - structures calculated in Furness (2015) were calculated for the biologically defined minimum population scale (BDMPS) regions and not for specific areas of sea covered by individual offshore wind projects. As was noted in paragraph 15 of our Deadline 4 submission [REP4 -074], the UK Western waters BDMPS (and for some species, this includes the Channel as well) covers a vast area, incorporating all territorial waters from the west of Cornwall to Orkney. Given this scale, the ratio of adults to immature birds is likely to be highly spatially variable, and there is no basis to assume that the ratio is applicable to a small project study area, as the Applicant has done. Regarding the apportionment of impacts in the non-breeding season(s), our advice in REP4-074 recommends using data from Furness (2015) Appendix A tables, which already account for the number of adults likely to be present in the BDMPS. Therefore, whilst taking the advised approach of assuming 100% of</p>	

ExQ2 Ref.	Question to	Question	NRW response	Applicant response
			<p>guillemots and razorbills recorded on each OWF project in the breeding season are adults may have the potential to result in over precaution in estimates. However, the Applicant's current approach of using the Furness (2015) non-breeding season stable age-structures for proportions of adults at wind farm projects in the breeding season has the potential to result in under precaution in estimated impacts to breeding adult birds from the colony. Following the NRW (A) advised approach means that the assessment is based on the worst case and follows a consistent best practice approach.</p>	
Schedule 7 – Without prejudice compensation measures				
2DCO5.	The applicant NE NRW (A)	<p>Notification procedures</p> <p>In paragraph 2(1) of both Parts 1 and 2 of Schedule 7 there is a time period of six months set in a square bracket. Could the applicant, NE and NRW (A) please confirm this provision, removing the square bracket.</p>	<p>We note that in parts 1 and 2 of Schedule 7 of the updated draft DCO [REP4-002] state: "2.— (1) No later than [six] months prior to the commencement of the authorised development, the undertaker must advise the Secretary of State of the intention to provide compensation either— (a) through a contribution to the strategic compensation fund; or (b) through a project-alone habitat management measure." Given that this issue is related to provision of compensation, we note that in principle compensation packages for marine ornithology have been submitted by the Applicant for English lesser black-backed gull sites (Morecambe Bay and Duddon Estuary SPA and Ribble and Alt Estuaries SPA). These are English sites and thus do not fall within NRW's</p>	The Applicant notes NRW(A)'s response on this matter.

ExQ2 Ref.	Question to	Question	NRW response	Applicant response
			remit, so we defer comment on this question to Natural England (NE). In addition, an in-principal compensation package has also been submitted by the Applicant for red-throated diver at the Liverpool Bay SPA. Whilst the Liverpool Bay SPA is a shared site between NE, NRW and JNCC, given that the Morecambe Generation Assets project is located wholly in English waters, we also defer comment/advice regarding this issue to NE.	

2.5 Natural England (REP5-077 – REP5-082)

2.5.1 Cover Letter

Table 2.12 The Applicant's response to NE's Cover Letter (REP5-077)

ID	NE comment	Applicant response
REP5-077-01	<p>Comments on mitigation measures for Benthic; Marine Geology, Oceanography and Physical Processes; and Water and Sediment Quality receptors.</p> <p>Natural England has reviewed the Commitment Register and can confirm that mitigation measures relevant to Benthic; Marine Geology, Oceanography and Physical Processes; and Water and Sediment Quality are subject to conditions that require their inclusion in named plans. The majority of these are standard best practice design measures and we welcome their inclusion. We note however that the relevant plans currently exist in outline form only and lack detail on the exact parameters and methods for delivery of the mitigation measures.</p>	The Applicant notes this response and has replied to NE points on micro-siting, cable crossings and decommissioning in The Applicant's Comments on NE's Risk and Issues Log submitted alongside this document at Deadline 5A (Document Reference 9.64).

ID	NE comment	Applicant response
	We therefore advise that while these can be considered as secured in principle, they are still subject to additional information to be submitted for further review and discussion in the preconstruction phase. Our outstanding issues for mitigation in these topics relate to the proposals for microsites, locations of cable crossings and the decommissioning programme: these are dealt with in their respective Risk and Issues log entries.	
REP5-077-02	Timing of submissions for pre-construction plans and documentation Natural England advises that the default timescale for submission of pre-construction material should be 6 months and that the 4 month period should be by exception (currently the inverse is true in condition 10(1) at Schedule 6 part 2 of the dDCO). This is reflective of NE's view that all marine licence condition discharge consultations should have a 6 month timescale. For submissions with a 4 month timescale the Applicant should therefore provide a justification as to why a 4 month period is appropriate.	The Applicant has updated the draft Development Consent Order (DCO)_Rev 06 at Deadline 5A to update the timescale for the Outline Operation and Maintenance Plan (OOMP), Project Environmental Management Plan (PEMP) and Vessel Traffic Management Plan (VTMP) to six months (Document Reference 3.1).
REP5-077-03	Natural England advises that the following plans, which currently include a requirement to be submitted 4 months prior to commencement of construction within the dDCO, should be moved to a 6 month timescale due to their importance in delivering key mitigation measures for the project: <ul style="list-style-type: none"> ▪ Offshore Construction Method Statement ▪ Project Environmental Management Plan ▪ Vessel Traffic Management Plan ▪ Offshore Operations and Maintenance Plan 	To note, the Construction Method Statement (CMS) was updated to six months in the previous update to the draft DCO (REP5-002).
REP5-077-04	Update following Applicants response to 1BEM13 regarding sensitivity of sea pens The Applicant has responded in [REP3_068] with clarifications regarding the assessments for geomorphological seabed features and sea pens. Natural England agrees with the overall rationale presented. The evidence presented by the applicant indicates the presence of the habitat FOCI "Sea-pens and burrowing megafauna communities". Given the presence of sea pens in similar habitats nearby, they could be considered "potentially present" despite the lack of evidence. Whilst not a significant concern raised by Natural England, we would welcome any	The Applicant notes that the ES, despite seapens not being found in the EIA baseline characterisation survey, has made an precautionary assessment based on the potential presence. While no significant effects have been identified, the Applicant has committed to reducing the footprint of seabed disturbance as far as possible (as secured within the Design

ID	NE comment	Applicant response
	commitment made by the Applicant to avoid impacts to this feature of conservation interest where possible.	Statement_Rev 04 (Document Reference 4.3)). As such it is considered that suitable assessment and commitments have been provided.

2.5.2 Appendix B10: Natural England's comments on Offshore Ornithology

Table 2.13 The Applicant's response to NE's Appendix B10: Natural England's comments on Offshore Ornithology (REP5-078) - summary

NE comment		Applicant response
1. Major/Complex comments		
REP5-078-01	<p>The Applicant has updated the Report to Inform Appropriate Assessment to incorporate information from the technical notes submitted at Deadline 1, which Natural England has already provided detailed comments on, as well as an additional technical note regarding red-throated diver (RTD) as a feature of Liverpool Bay SPA.</p> <p>The RTD technical note the Applicant has submitted sets out an updated argument to support their position that Adverse Effect on Integrity (AEOI) can be ruled out for Liverpool Bay SPA. The updated argument is based upon the fact that the area of impact, where the 10km buffer of the Project overlaps with the original SPA boundary, was originally included in the SPA due to the densities of common scoter found there, rather than RTD. While this is accurate, ultimately the entire area of the 'original' SPA was designated for the protection of both features. We consider that the area in question is likely to represent suitable habitat for RTD on the basis of the water depth there and evidence of its use. Although the area may be less important for RTD relative to other parts of the SPA, we consider that it nonetheless represents important protected habitat for RTD in a national context.</p> <p>In acknowledgement of the Applicant's case, we have reflected on our position, and can now advise that AEOI can be ruled out for the impact of the Project alone. However, due to the existing high</p>	The Applicant has responded to each detailed comment in Table 2.14 below.

NE comment		Applicant response
	<p>pressure on RTD within the site from other projects, we are unable to rule out AEOI due to in-combination impacts.</p> <p>We reiterate that where there is potential for adverse effects, there is a requirement to consider avoidance and/or mitigation of the impact as far as is feasible. We consider that it is possible that this issue could be resolved through an alternative turbine arrangement that reduces the extent of overlap between the 10km buffer around the Project and the 'original' SPA. In order to assess whether AEOI could be ruled out, we would require the Applicant to submit a proposed alternative boundary or boundaries for the array, in which the turbines are as far removed from the (pre-2017) SPA boundary as is feasible, along with an assessment of the area of the SPA where the overlap would persist. If no increase in buffer distance is possible without rendering the Project unviable, we consider that the Applicant's proposed compensatory measures, subject to further development and refinement, could provide sufficient offsetting of the impacts.</p> <p>We also maintain our position that AEOI cannot be ruled out for the lesser black-backed gull (LBBG) features of Morecambe Bay and Duddon Estuary SPA and Ribble and Alt Estuary SPA, due to in-combination collision impacts. We are confident that the derogations case that the Applicant has progressed, with support from Natural England, is capable of delivering compensation for the Project's impacts on LBBG.</p>	

Table 2.14 The Applicant's response to NE's Appendix B10: Natural England's comments on Offshore Ornithology (REP5-078) – detailed comments

NE Ref	Section	Key Concern and/or Update	Natural England's Advice to Resolve Issue	Applicant response, if required
Document reviewed: [REP3-010] 4.9.1 Report to Inform Appropriate Assessment Rev 03 (Volume 4)				
1	481- 489	The Applicant has incorporated information from the technical note submitted at Deadline 1 regarding red-throated diver impacts at	Natural England's detailed comments on documents 9.46 and 9.47 are in the next section of this table. See also Appendix B6 to Natural	The Applicant notes Natural England's response and refers back to its previous submissions on red-throated diver within the RIAA (REP5-010) and technical notes

NE Ref	Section	Key Concern and/or Update	Natural England's Advice to Resolve Issue	Applicant response, if required
		Liverpool Bay SPA [REP1-082] into the RIAA, along with information submitted at Deadline 4 in documents 9.46 and 9.47.	<p>England's Deadline 2 submission for detailed comments regarding the red-throated diver technical note submitted by the Applicant at Deadline 1. It is worth highlighting that the coarseness of digital aerial survey methods means that they are not particularly effective at establishing densities of sparsely distributed species and caution must be used when interpreting the results as demonstrating the absence of a particular species from an area. Abundance and density estimates are extrapolated from transect samples covering a fraction of the total survey area, which leads to a higher degree of uncertainty for sparsely populated species. While it is true that evidence suggests the area affected by the project supports lower densities of divers than some other parts of the SPA, it is nonetheless potentially suitable habitat for them and every effort should be made to maintain the availability of this habitat and minimise constraints on the distribution of RTD within the site. In acknowledgement of the case put forward by the Applicant, we have revised our position and consider that AEOI can be ruled out for the Project alone. However, Liverpool Bay SPA</p>	<p>(REP1-082 and REP4-054). The Applicant welcomes confirmation from Natural England that it agrees that there would be no AEoSI in respect of the Project alone effects on this feature. However, the Applicant reiterates that it considers that the Project would make no discernible difference to in-combination effects, and that no AEoSI can also be concluded in this respect.</p> <p>The Applicant, in regard to boundary changes set out in a response to the Examining Authority's Second Written Questions (ExQ2) at Deadline 5 (REP5-070, 2HRA3 and 2HRA6) and has further expanded upon its position in the Applicant's Responses to ExQ3 Appendix A: Response to 3GEN2 and 3GEN3 (Document Reference 9.61.1).</p> <p>Notwithstanding and without prejudice to this position, the Applicant (in the above document) has submitted into the Examination at Deadline 5A analysis of potential effect on the original (pre-2017) Liverpool Bay Special Protection Area (SPA) boundary that in regard to different boundary reductions. The Applicant has not previously submitted this information into the Examination as Natural England has not, to date, made clear where a threshold of effect would lie. In other</p>

NE Ref	Section	Key Concern and/or Update	Natural England's Advice to Resolve Issue	Applicant response, if required
			is a highly impacted site, with several OWFs in and around the site exerting constant pressure on its sensitive protected features. We therefore are unable to rule out AEOI due to in-combination impacts. We consider that it is possible that this issue could be resolved through an alternative turbine arrangement that minimises the overlap between the 10km buffer around the Project and the 'original' SPA. In order to assess whether AEOI could be ruled out, we would require the Applicant to submit a proposed alternative boundary for the array, in which the turbines are as far removed from the (pre-2017) SPA boundary as is feasible, along with an assessment of the area of the SPA where the overlap would persist and consideration of RTD densities within that area.	words, the Applicant is not clear at which point (in terms of the area or percentage of the SPA) Natural England would be able to conclude that AEOI (for in-combination effects) could be ruled out. The Applicant notes that further clarity on this matter has been sought by the ExA from NE in RIESQ35 (PD-017).
2	8.4.2.3	The Applicant has incorporated an updated in-combination assessment of collision impacts on the little gull feature of Liverpool Bay SPA into the RIAA. As per our comments on the technical note 2 submitted at Deadline 1, Natural England are satisfied that this has addressed our concerns regarding this feature and we are in	No further action needed	The Applicant welcomes confirmation that AEOI can be ruled out for the little gull feature of Liverpool Bay SPA.

NE Ref	Section	Key Concern and/or Update	Natural England's Advice to Resolve Issue	Applicant response, if required
		agreement with the Applicant that AEOL can be ruled out.		
3	8.5.2.2	The Applicant has incorporated an updated in-combination assessment of collision impacts on the lesser black-backed gull feature of Morecambe Bay and Duddon Estuary SPA. The assessment presented in the updated RIAA is sufficient to allow Natural England to reach a conclusion regarding the potential impacts on this species. We note that in order to apportion impacts from other projects to the SPA, the Applicant has used weighted average annual apportioning values. We do not consider this to be best practice as it risks underestimating the impact values apportioned to the site, however, in this case amending this would not affect our assessment conclusions and we do not require an updated assessment.	Natural England advises that AEOL cannot be ruled out for the lesser black-backed gull feature of Morecambe Bay and Duddon Estuary SPA due to in-combination collision impacts. As set out in Appendix B8 to Natural England's Deadline 3 Submission, while we acknowledge that the Project's assessed contribution to the incombination impact figures is minor, there is reason to predict that the numbers of lesser black-backed gulls using the Project area is likely to have increased and to continue to increase from when the baseline surveys were carried out, due to the increased size and productivity of the South Walney colony, and that therefore the number of birds at risk of collision may increase.	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, given the very low predicted mortality as a result of the Project. Whilst the Applicant agrees that the predicted mortality of birds apportioned to the SPA 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 (i.e. 0.33 adult birds per annum), 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. For example, the SPA population would need to treble in order for the Project alone predicted mortality to reach one bird per annum, which would remain a number that would be difficult to detect in the context of the whole SPA breeding

NE Ref	Section	Key Concern and/or Update	Natural England's Advice to Resolve Issue	Applicant response, if required
				population. Furthermore, the Applicant highlights that the increased size of the South Walney colony 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.
4	8.6.3.2	The Applicant has incorporated an updated in-combination assessment of collision impacts on the lesser black-backed gull feature of Ribble and Alt Estuaries SPA. The assessment presented in the updated RIAA is sufficient to allow Natural England to reach a conclusion regarding the potential impacts on this species. We note that in order to apportion impacts from other projects to the SPA, the Applicant has used weighted average annual apportioning values. We do not consider this to be best practice as it risks underestimating the impact values apportioned to the site, however, in this case amending this would not affect our assessment conclusions and we do not require an updated assessment.	Natural England advises that AEOI cannot be ruled out for the lesser black-backed gull feature of Ribble and Alt Estuaries SPA due to in-combination collision impacts. See Appendix B8 to Natural England's Deadline 3 submission for further detail regarding this assessment. We have supported the Applicant in the development of a derogations case, which is well progressed and is more than capable of delivering compensation for the Project's impacts on both Morecambe Bay and Duddon Estuary and Ribble and Alt Estuaries SPAs.	<p>The Applicant welcomes confirmation from Natural England that the derogation case and compensation proposals are well developed and capable of delivering suitable compensation for predicted effects.</p> <p>The Applicant reiterates its position that it considers that the Project would not contribute to in-combination effects on the lesser black-backed gull feature of Ribble and Alt Estuaries SPA, given the very low predicted mortality as a result of the Project. Please also refer to the response in respect of Morecambe Bay and Duddon Estuary SPA above.</p>

NE Ref	Section	Key Concern and/or Update	Natural England's Advice to Resolve Issue	Applicant response, if required
Document reviewed: [REP4-054] 9.47 Additional Information to Support Assessment of Red-Throated Diver Feature at Liverpool Bay SPA - Revision 01 (Volume 9)				
5	2	The Applicant states that “the Applicant considers that evidence demonstrates that there are few (if any) RTD within the area of Liverpool Bay SPA potentially impacted by the Project, and that accordingly no effect on this species would occur.” Natural England notes the Applicant’s own baseline surveys show that there were multiple divers recorded within the area on more than one occasion For information only. (see the Applicant’s baseline survey report, document reference [REP4- 054]). Further, several SPA-wide surveys, including those that informed the classification and extension of the SPA, have detected RTD in the area in question. Whilst we recognise that the area does not support as high densities as other parts of the original SPA, there is evidence to indicate it is used by RTD.	For information only.	The Applicant notes Natural England’s comments. To clarify, the Applicant has not stated that red-throated divers do not occur within the area potentially impacted by the project. Rather, it is the Applicant’s view that this species occurs sporadically and in low numbers, which is supported both by the baseline surveys for the Project and by existing data for this area, as set out in Section 2.2 of the Offshore Ornithology Technical Note 3 (Red-Throated Diver at Liverpool Bay SPA Update Assessment) (REP1-082). Given this, the Applicant considers that there is no risk that the distribution of red-throated divers within Liverpool Bay SPA would be affected. This is because the areas where effectively all of the SPA population regularly occur would be unaffected by the Project.
6	3	The conservation advice for the red-throated diver feature of Liverpool Bay SPA states that the target for supporting habitat is to:	For information only	It is the Applicant’s position that it does not consider that the ‘supporting habitat’ conservation objective of the SPA would be affected, as there would be no effect

NE Ref	Section	Key Concern and/or Update	Natural England's Advice to Resolve Issue	Applicant response, if required
		“Restore the extent, distribution and availability of suitable habitat which supports the feature; preventing further deterioration, and where possible, reduce any existing anthropogenic influences impacting the extent and quality (including water quality).” If divers are displaced from areas of potential supporting habitat, then we consider this to effectively reduce the availability of the habitat. The potential impacts of the Project therefore represent a potential adverse effect on the “Supporting habitat” attribute.		on the habitats within the SPA as a result of the Project (i.e. characteristics such as water depth, turbidity, availability of prey species and benthic features would be unaffected). However, as previously noted, this makes no difference to the overall position of the Applicant or Natural England.
7	6-9	The Applicant's statement that the paper published by Webb et al (2006) was the primary data source for the original designation of Liverpool Bay SPA is not wholly accurate. That paper presents and analyses data from two winters: 2001/02 and 2002/03. However, the departmental brief states that the designation was based on data collected during five winters from 2001/02 to 2006/07 and analysed by the JNCC Seabirds and Cetaceans team (Liverpool Bay/Bae Lerpwl SPA - UK9020294A). The full dataset	For information only	<p>The Applicant notes this response. It is recognised that a range of information informed the original designated SPA boundary. However, the citation for the original SPA boundary, which is presented in Appendix 2 of the 2010 Departmental Brief for Liverpool Bay SPA (Natural England and Countryside Council for Wales, 2010), states that the <i>'Principal bird data sources'</i> comprise two papers published by Webb <i>et al.</i> in 2006:</p> <ul style="list-style-type: none"> Webb, A., McSorley, C.A., Dean, B.J. & Reid, J.B. 2006a. Recommendations for the selection of, and boundary options for, an SPA

NE Ref	Section	Key Concern and/or Update	Natural England's Advice to Resolve Issue	Applicant response, if required
		<p>and analysis on which the original boundary of the site was based is presented in an unpublished paper to the Marine Protected Areas Policy Group by the JNCC Marine SPA Team (2008). Natural England has obtained a copy of this paper from JNCC and confirms that, whilst the species-specific extents derived from Maximum Curvature Analysis for both species extend further offshore than shown by Webb et al (2006), the potentially affected area of the SPA was indeed included within the boundary due to the densities of common scoter present. We disagree, however, with the Applicant's statement that "the potentially impacted area is outside of an area designated for RTD". The entire SPA was originally designated with both red-throated diver and common scoter as protected features. Both may be found throughout the original SPA and For information only protection for both extends across the site; there were no species-specific boundaries included in the designation.</p>		<p>in Liverpool Bay. Joint Nature Conservation Committee (JNCC) Report 388.</p> <ul style="list-style-type: none"> Webb, A., McSorley, C.A., Dean, B.J., Reid, J.B., Cranswick, P.A., Smith, L. & Hall, C. 2006b. An assessment of the numbers and distributions of inshore aggregations of waterbirds using Liverpool Bay during the non-breeding season in support of possible SPA identification. JNCC Report 373. <p>The first of these papers is that referred to in Natural England's comment, while the second provides additional information on the underlying data that support the boundary recommendations set out in the first report.</p> <p>The Applicant therefore considers it reasonable and appropriate to consider the Webb <i>et al.</i> (2006) paper to be the primary (but not the only) data source (i.e. the 'primary bird data sources') for the original boundary designation.</p> <p>The Applicant welcomes confirmation from Natural England that the area potentially impacted by the Project was identified for its importance to common scoter, rather than red-throated diver. It remains the Applicant's position that had the SPA been designated only for red-</p>

NE Ref	Section	Key Concern and/or Update	Natural England's Advice to Resolve Issue	Applicant response, if required
				throated diver, then it follows that this area would not have been included within the SPA at designation.
8	10	The Applicant states that "Available data prior to and since the designation of the site (2001-2020) continues to demonstrate that the potentially impacted area has sporadic presence and consistently low densities of RTDs". Natural England would highlight that within an SPA designated in part for high densities of RTD, areas with relatively lower densities of RTD may still have relatively high densities when considered on a national level. While the data may suggest that the presence of RTD in the area is sporadic, as noted above it does indicate that RTD have continued to use the area on an ongoing basis. Furthermore, it should be noted that digital aerial survey methods have limitations when detecting sparsely populated species. As the technique relies on extrapolating densities from sample transects which cover a fraction of the entire study area, it is possible for sparsely populated species to go relatively undetected	For information only	As above, the Applicant maintains that had the SPA been designated only for red-throated diver (and not also common scoter), then the area potentially impacted by the Project would not have been included within the SPA at designation. The Applicant also maintains that evidence presented in both the baseline surveys for the Project and as set out in Section 2.2 of the Offshore Ornithology Technical Note 3 (Red-Throated Diver at Liverpool Bay SPA Update Assessment) (REP1-082), confirms that there has been no change in red-throated diver abundance or distribution in this area since designation that would affect this position. The Applicant agrees that when a species occurs in low densities, this reduces certainty on the absolute density of birds present. However, the Applicant would argue that the fact that the species occurs in such low densities supports the Applicant's overall position.

NE Ref	Section	Key Concern and/or Update	Natural England's Advice to Resolve Issue	Applicant response, if required
		in these surveys, leading to uncertainty in the abundance and density estimates calculated. Caution must therefore be used when concluding that the area under consideration is not important for RTD.		
9	11	The Applicant argues that an AEOL can be excluded on the basis of TCE's Round 4 plan-level assessment. We highlight that Natural England provided the following advice to The Crown Estate (TCE) as part of the Round 4 HRA (excerpts from letter dated 25th February 2022): "Natural England's advice remains that an AEOL on Liverpool Bay SPA cannot currently be ruled out as a result of Preferred Project 5, due to the potential to reduce the availability of supporting habitat that would otherwise be used by red-throated diver within the site... Given the site abuts the SPA, it seems highly probable that a 10 km buffer around Preferred Project 5 will interact with areas used by red-throated diver. Without a detailed analysis of the implications of displacement for the availability of red-throated	For information only	The Applicant notes Natural England's comments, but reiterates that while Natural England may not agree, the Crown Estate and the Secretary of State were satisfied that there would be no AEoSI for the red-throated diver at Liverpool Bay SPA when the Project was considered at the Plan Level. Whilst the Applicant agrees that the conclusions of HRA at a plan level should be revisited at the project level, it would only be the case that a different conclusion could be reached if new or additional information was available at the Project level. The Applicant maintains, as set out in REP4-054, that there is no evidence to enable a different conclusion to be reached in this case.

NE Ref	Section	Key Concern and/or Update	Natural England's Advice to Resolve Issue	Applicant response, if required
		diver supporting habitat with the SPA, we consider a conclusion of no AEOI to be unjustified. We highlight that as currently drafted the HRA does not identify any potential need for any mitigation relating to 'operational displacement' from Preferred Project 5. Natural England considers this approach unsatisfactory, given the potential to design the array in ways that could avoid or reduce the impacts on SPA red-throated diver through reductions in the developable area, should impact assessments reveal that to be an appropriate approach to take. Further, no requirements relating to 'operational displacement' from Preferred Project 5 are proposed for the relevant Agreement for Lease... Natural England questions the robustness of the HRA's conclusion in the absence of any such controls."		
10	12	Natural England notes the following passage from the SoS's letter to TCE (15 July 2022) regarding the Round 4 HRA: "I note that it has been difficult to provide the level of detail	For information only	The Applicant notes NE's comments and refers to our response above.

NE Ref	Section	Key Concern and/or Update	Natural England's Advice to Resolve Issue	Applicant response, if required
		<p>necessary to identify all potential impacts and that where this is the case, further assessment has been deferred to the project level HRAs, where further assessment, and consultation will take place with Government, Statutory Nature Conservation Bodies (SNCBs) and environmental NGOs.”</p> <p>https://www.datocms-assets.com/136653/1720790413-tce-r4-letter-fromsecretary-of-state-on-plan-level-hra.pdf We consider that this indicates that the SoS's approval of the plan does not necessarily imply agreement with every case where the Round 4 HRA concluded no AEOL and that SNCB advice should still be taken into account for project-level assessments. More generally, it is far from unusual for a plan-level assessment to rule out AEOL only for the project-level assessment to be unable to rule out AEOL. For example, The Crown Estate's Round 3 plan-level assessment ruled out AEOL on all SPAs and SACs. Following that plan-level assessment concluding no adverse effects, SoSs have been unable to rule out adverse effects on integrity from the following</p>		

NE Ref	Section	Key Concern and/or Update	Natural England's Advice to Resolve Issue	Applicant response, if required
		Round 3 windfarms: Hornsea Three, Norfolk Vanguard, Norfolk Boreas, East Anglia One North, East Anglia Two and Hornsea Four. The inability to conclude no adverse effects related to three Special Protection Areas, including an SPA classified for RTD, and three Special Areas of Conservation.		

2.5.3 Appendix D2: Natural England's comments on Marine Mammals

Table 2.15 The Applicant's response to Appendix D2: Natural England's comments on Marine Mammals (REP5-079) – minor comments

ID	Document reviewed	Update made	Issue resolved?	Applicant response
REP5-079-01	REP4-050	Natural England welcomes the Applicant's commitment not to undertake piling activities in conjunction with UXO clearance. We anticipate further information on how this will be achieved and the potential reduction in impact ranges at Deadline 5.	Progressed, awaiting further information.	The Applicant has responded to this point in detail below in Table 2.16 .

Table 2.16 The Applicant's response to Appendix D2: Natural England's comments on Marine Mammals (REP5-079) – Major, complex comments

ID	Natural England comment	Applicant response, if required
REP5-079-02	<p>Natural England welcomes the updates made by the Applicant on a number of issues concerning marine mammals. The commitment to NAS made by the Applicant is a step forward in resolving our issues around outstanding impacts to marine mammals, although we consider that the Applicant should commit to implementing NAS in all piling scenarios. As the results of the Applicant's Disturbance Impact assessment are reliant on the inclusion of NAS to conclude Not Significant impact levels, we reiterate that NAS should be applied in all piling scenarios, and that this would be additional, rather than embedded, mitigation. Natural England has no outstanding concerns with the assessment or conclusions for Bristol Channel Approaches SAC. The relevant country SNCB for the remaining marine mammal designated sites, NRW, will lead on providing advice for those sites. Natural England maintains that the Applicant should commit to a piling break procedure in line with JNCC guidance at this stage, which can then be refined post consent through the MMMP.</p>	<p>The Applicant notes this summary and has responded to each point in detail below.</p>
REP5-079-03	<p><u>Use of NAS for the worst case scenario</u></p> <p>Natural England welcomes the Applicants intention to implement mitigation measures for the underwater noise impacts of piling, including Noise Abatement Systems (NAS). We note, however that this is currently only proposed "if the Project worst case was to be actualised (the high strike rate scenario with the maximum hammer energy)" within 4.9.1 Report to Inform Appropriate Assessment Rev 3 [REP4_010], 5.1.11.1 ES Chapter 11 Marine Mammals Rev 3 [REP4_012], 9.32.1 Outline Underwater Sound Management Strategy Rev 2 [REP4_050], and 6.5.1 Draft Marine Mammal Mitigation Protocol [REP4_028]. We advise that hammer energies and/or strike rates below the upper limit of the WCS also present a risk of noise impacts to marine mammals that would not be mitigated if these measures were implemented only at the upper limit of the WCS. We also question the practicality of only implementing NAS at a specific strike rate/hammer energy, given the exact values are not usually known until piling commences. This uncertainty would also necessitate that NAS is in place at each piling location, ready to be used should the hammer energy/strike rate</p>	<p>As the impact assessment undertaken in Chapter 11 Marine Mammals (REP5-012) is based on the worst-case design envelope, the mitigation measures have been presented to address the significance of effect based on this.</p> <p>As the final Project design has not yet been confirmed the exact measures required for impact piling cannot be defined, noting that design refinement may lead to quieter installation methods and reduced impact ranges. The Applicant is committed to the use of primary and/or secondary measures to be applied to ensure there is no potential for residual Potential Threshold Shift</p>

ID	Natural England comment	Applicant response, if required
	<p>conditions be met. Under such circumstances, Natural England advises that it would be most appropriate to utilise NAS for all piling. Furthermore, consenting an envelope for piling means that there is always a risk of the maximum consented being realised. We therefore advise that NAS is implemented for all piling in order to manage this risk. It is NE's understanding that the Applicant does intend to update the wording around the scenarios under which NAS would be used and we therefore expect that this issue can be resolved before the end of Examination, in addition to several others noted in our Risk and Issues Log.</p>	<p>(PTS) after Acoustic Deterrent Device (ADD) use. Further requirements for mitigation measures and their necessity would be secured through consultation and the development of the Underwater Sound Management Strategy (UWSMS) post consent which will apply all relevant guidance and policy available at the time of submission.</p> <p>The requirement for secondary measures such as Noise Abatement System (NAS) would be based on the final Project design and highest predicted impact ranges and utilised at all piling locations (not amended on the requirements for individual piles) which is the current standard practice for the development of management plans (such as site integrity plans and Marine Mammal Mitigation Protocol (MMMPs)).</p> <p>It is noted there is a mechanism in the UWSMS that feeds into the MMMP to remodel the impact ranges based on the final Project design to ensure adequate measures are in place. This has also been clarified in the Draft MMMP_05 at Deadline 5A (Document Reference 6.5).</p>
REP5-079-04	<p><u>Disturbance impact methods (RI D28)</u></p> <p>All approaches used are now presented in ES Chapter 11 Marine Mammals Rev 3 [REP4_012], with residual impacts concluded as Not Significant across all assessments on the basis of the embedded mitigation measures proposed. Natural England advises that these should only be ruled out on the basis of our</p>	<p>The Applicant acknowledges that the use of NAS is additional mitigation and has been referenced as such in Chapter 11 Marine Mammals (REP5-012).</p>

ID	Natural England comment	Applicant response, if required
	advice on NAS being followed as well, noting that it is additional, not embedded mitigation.	The use of primary and/or secondary measures would be applied to all design scenarios to ensure there is no potential for residual PTS after ADD use. This would further reduce disturbance effects. However, it is maintained that the use of NAS would be reviewed against the final design and secured through the UWSMS, considering the impact ranges (see above response).
REP5-079-05	<u>National Sites outside of English waters</u> Natural England notes that all National Sites with marine mammal features screened in for further assessment in 4.9.1 Report to Inform Appropriate Assessment Rev 3 [REP4_010] are located outside of English Territorial waters, with the exception of Bristol Channel Approaches SAC which is a cross-border site between England and Wales. Therefore, the relevant country SNCBs for these sites will lead on providing advice concerning them. Natural England has no outstanding concerns with the assessment or conclusions for Bristol Channel Approaches SAC.	The Applicant welcomes Natural England's response on the Bristol Channel Approaches Special Area of Conservation (SAC) and has also agreed the conclusions of no AEoI with Natural Resource Wales (NRW(A)) in regards to Welsh sites.
REP5-079-06	<u>Breaks in piling</u> Natural England advises that the current guidance for breaks in piling should be committed to pre-consent as a matter of best practice due to the current uncertainties around the level of mitigation to be delivered, the final project design and the status of updates to this guidance. In recognition of potential changes to these factors, Natural England would welcome the opportunity to engage with the Applicant regarding refining the break procedure in the preconstruction period through advice to the Applicant on the MMMP and other relevant plans to be submitted for review in this period.	The Applicant has amended the Draft MMMP_Rev 05 (Document Reference 6.5) to align with the current JNCC guidance on breaks in piling at Deadline 5A. Further consultation with Natural England on the development of the final MMMP will be undertaken post consent, to consider the breaks in piling against the final Project design and mitigation.

2.5.4 Appendix I: Natural England's comments on Bats Offshore

Table 2.17 The Applicant's response to NE's Appendix I: Natural England's comments on Bats Offshore (REP5-080) - summary

ID	NE comment	Applicant response
1. Major/Complex comments		
REP5-080-01	<ul style="list-style-type: none"> 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. 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. Natural England advises that many of the conclusions drawn in the technical note are poorly supported and should be presented as low confidence conclusions in an updated note. 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 these is outside the scope of this Examination. However, it would be a legitimate topic for strategic approaches to evidence gathering by developers in the Irish Sea. 	<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 and evidence referred to in the first two bullet points.</p> <p>Given the size of the Project and the identified low risk of impact pathways it is not considered proportionate for monitoring to be carried out on an individual Project basis. The Applicant notes the point around evidence gathering around the Irish Sea, but highlights this 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.</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</p>

ID	NE comment	Applicant response
		projects to address this knowledge gap, should this be considered to be required by the Secretary of State.

Table 2.18 The Applicant's response to NE's Appendix I: Natural England's comments on Bats Offshore (REP5-080) – detailed comments

NE Ref	Section	Key Concern and/or Update	Natural England's Advice to Resolve Issue	Applicant response at Deadline 5A
1	Para 7	Although the phrase 'there is no data or published literature evidencing migratory bats across the Irish Sea' may have been true at the time of writing, this is no longer the case.	The North Irish Sea Array Offshore Wind Farm Environmental Impact Assessment chapter 35 specifically investigates offshore bat activity. Leisler's bat and all pipistrelle species (common, soprano and Nathusius') were recorded in the near vicinity of Rockabill lighthouse approximately 6 km offshore. The Oriel offshore wind farm conducted offshore bat surveys using a marine vessel with static bat detectors onboard, although no bats were detected. The Codling wind park has a dedicated offshore bats Environmental Impact Assessment. This detailed results from both onshore and offshore bat surveys, where several thousand bat passes were recorded. The Arklow Bank wind park has a dedicated offshore bats Environmental Impact Assessment chapter. This includes reporting from a fixed-point survey at	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.

NE Ref	Section	Key Concern and/or Update	Natural England's Advice to Resolve Issue	Applicant response at Deadline 5A
			a monopile located approximately 8km offshore. Leisler's bats were recorded in June, July and August, whereas common pipistrelle was recorded in August and October. There is a commonality of bat species detected truly offshore in Irish marine waters and other areas (e.g. North Sea). However, it is currently difficult to distinguish between migration, commuting and foraging behaviours. The above chapters should be used to further inform the Morecambe OWF offshore bat technical note.	
2	Para 40/41	The North Irish Sea Array and the EOWDC reports both concluded that no significant effects are likely to occur on bats. NE advises that this conclusion should not be used in support of Morecambe OWF unless it can be further justified. We do not believe a conclusion of 'no significant effects' can be determined with any confidence when so little is known about offshore bat behaviour around wind turbines, and migration behaviour/routes.	Monitoring bat activity around existing offshore wind turbines would help to provide confidence to the 'no significant effects' comment. This could be done using both bat detectors and night vision aids.	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 consider further evidence from the review of recent offshore wind farm applications. This technical report notes the conclusions of the likely significant effects as being low, and these conclusions result from examining existing evidence available from a range of sources, combined with professional judgement and small size of the wind farm. However, the confidence of these conclusions is inherently low.
3	Para 43.	More evidence is needed to support the conclusion that 'there is a risk that migratory bats could	Very little is known about offshore migrating bat flight height. Even if they usually fly too high/low for blade	

NE Ref	Section	Key Concern and/or Update	Natural England's Advice to Resolve Issue	Applicant response at Deadline 5A
		physically collide with offshore WTGs, however the degree of risk and likelihood of occurrence is improbable'.	collision, it is known that onshore wind turbines can change bat behaviour, therefore it is a reasonable assumption that offshore wind turbines might do too. Again, monitoring bat activity around existing offshore wind turbines would help to provide evidence. This could be done using both bat detectors and night vision aids.	<p>The Applicant is not able to monitor bat activity around existing offshore wind turbines.</p> <p>Due to the size of the Project and the identified low risk of impact pathways it is not considered proportionate for monitoring to be carried out on an individual Project basis. The Applicant notes the point around evidence gathering around the Irish Sea, but highlights this 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.</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 to be required by the Secretary of State.</p>
4	Para 44.	The applicant states 'by focussing monitoring efforts at offshore structures used as resting opportunities, it is likely that the	This further highlights the need to look at bat behaviour around existing windfarms in addition to looking at development areas for future ones,	The Applicant is not able to monitor bat activity around existing offshore wind turbines.

NE Ref	Section	Key Concern and/or Update	Natural England's Advice to Resolve Issue	Applicant response at Deadline 5A
		data collected would not be representative of the wider bat population'. Natural England advises that monitoring offshore bat activity is extremely difficult, and in the absence of much information it is important to use the best available evidence that can be gathered.	ideally as part of a strategic approach to data collection by Irish Sea developers.	The Applicant has used existing evidence of bat behaviour over the open sea and at existing offshore wind farms within Section 3.2 of 9.48.1 Technical Note on the Assessment of Offshore Impacts on Bats over the Irish Sea [REP4-055]. Namely this includes flight height over the sea and when hunting, roosting and feeding congregations. As per the Applicant's comment above (NE Ref 1), amendments have been made to this technical note at Deadline 5A (Document Reference 9.48) to include additional information from other projects to increase the robustness of conclusions drawn.
5	Para 45.	Natural England advises that there is debate regarding the involvement of barotrauma in causing windfarm bat mortality, which should be discussed in this note.	The following paper should be included and considered: Lawson M, Jenne D, Thresher R, Houck D, Wimsatt J, Straw B (2020) An investigation into the potential for wind turbines to cause barotrauma in bats. PLoS ONE 15(12): e0242485. https://doi.org/10.1371/journal.pone.0242485	The Applicant has updated the Technical Note on the Assessment of Offshore Impacts on Bats over the Irish Sea (Document Reference 9.48) at Deadline 5A to incorporate the documents referred to in this comment.
6	Para 46.	The applicant states 'the extent to which bats use offshore structures as refuges in the Irish Sea is unclear, and there is no evidence that migratory flights to access such structures currently exist'. Natural England advises that a	This lack of data further highlights the need to look at bat behaviour around existing windfarms in addition to looking at development areas for future ones, ideally as part of a	The Applicant is not able to monitor bat activity around existing offshore wind turbines. Given the size of the Project and the identified low risk of impact pathways it is not considered proportionate for

NE Ref	Section	Key Concern and/or Update	Natural England's Advice to Resolve Issue	Applicant response at Deadline 5A
		lack of evidence does not mean that migratory flights to access offshore structures do not happen, and this cannot be ruled out, given that this lack of evidence is largely due to the subject being poorly studied.	strategic approach to data collection by Irish Sea developers.	monitoring to be carried out on an individual Project basis. The Applicant notes the point around evidence gathering around the Irish Sea, but highlights this 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.
7	Para 47.	The screening conclusion states that 'the potential for likely significant effects is assessed as low'. The lack of current evidence means that such a conclusion cannot be approached with confidence.	This further highlights the need to look at bat behaviour around existing windfarms in addition to looking at development areas for future ones.	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 to be required by the Secretary of State.
8	Para 47.	The applicant states 'there is no evidence of and no known migratory routes between the island of Ireland and the UK over the Irish Sea, including within the Project's array area'.	Whilst the amount of information/evidence is low, the Environmental Statements cited in comment 1 do provide tentative evidence of bat migration across the Irish Sea. Those Environmental Statements should be considered in a further draft of this document.	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.
9	Para 47.	The applicant states 'if any migratory bats are present, they are likely opportunistic individuals	Whilst the amount of information/evidence is low, the Environmental Statements referred to	

NE Ref	Section	Key Concern and/or Update	Natural England's Advice to Resolve Issue	Applicant response at Deadline 5A
		and any mortalities relating to offshore WTGs would not occur at a number significant enough to impact the conservation status of Nathusius' pipistrelle, common noctule or Leisler's bat species. The lack of current evidence means that such a conclusion cannot be approached with confidence.	above do provide tentative evidence of bat migration across the Irish Sea (i.e. not simply opportunistic). Those Environmental Statements should be considered in a further draft of this document. It should also be considered that the likelihood of recording migrating bats means that even a small number of recorded bats within a large area could indicate significant bat movement.	
10	Para 47.	The applicant states 'offshore WTGs and structures have been opportunistically used for foraging and by migratory bats for refuge, however, this is unlikely over the Irish Sea due to its shorter crossing distance and respective ease of access to preferred terrestrial roosting and foraging areas for bats'.	Whilst the amount of information/evidence is low, the environmental statements referred to above do provide tentative evidence of bat migration across the Irish Sea (including activity around offshore structures such as lighthouses). Those Environmental Statements should be considered in a further draft of this document. This further highlights the need to look at bat behaviour around existing windfarms in addition to looking at development areas for future ones.	
11	Para 47.	The applicant states 'the Project maintains its position that bats can be excluded from the HRA Screening Report (REP3-006) and impact assessment, as none of the migratory species identified	Whilst it is true that the species identified are not qualifying features of any relevant SACs, protection of bats during migration is not currently delivered under the Habitats Regulations. The five bat species protected under Annex 2 of the	The Applicant has made amendments to the Technical Note on the Assessment of Offshore Impacts on Bats over the Irish Sea_Rev 02 at Deadline 5A (Document Reference 9.48) to include additional information from other projects to

NE Ref	Section	Key Concern and/or Update	Natural England's Advice to Resolve Issue	Applicant response at Deadline 5A
		are qualifying features of any relevant SAC'.	Habitat Regulations (greater horseshoe, lesser horseshoe, barbastelle, Bechstein's and greater mouse-eared) are not associated with regular migration movements, although the re-establishment of a UK greater mouse-eared breeding population will be dependent on immigrants from continental Europe. Nevertheless, Natural England remains concerned that potential impacts to the identified migratory species have not been fully considered. The cumulative effect of operational and new offshore windfarms in the Irish Sea has the potential to impact the migration of particularly vulnerable bat species to Ireland (e.g. Nathusius' pipistrelle).	<p>increase the robustness of conclusions drawn.</p> <p>Given the size of the Project and the identified low risk of impact pathways it is not considered proportionate for monitoring to be carried out on an individual Project basis. The Applicant notes the point around cumulative effects and the information gaps, which would apply to all Irish Sea projects.</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 to be required by the Secretary of State.</p>

2.5.5 Appendix J: Natural England's responses to the Examining Authority's further written questions and requests for information (ExQ2)

Table 2.19 The Applicant's response to NE's Appendix J: Natural England's responses to the Examining Authority's further written questions and requests for information (ExQ2) (REP5-081)

ID	Question to	Question	NE's Comment	Applicant response
2BEM1.	The applicant MMO NE	<p>Outline Underwater Sound Management Strategy</p> <p>The Outline Underwater Sound Management Strategy [REP4-049] in paragraph 34 states that the applicant is committed to deploying a NAS for its worst-case scenario (i.e. maximum strike rate with maximum hammer energy).</p> <p><u>To the applicant</u></p> <p>a) can the applicant explain why there is a commitment only for the worst-case scenario and thus any other scenarios which may require NAS are not so committed?</p> <p>b) in order to future proof the document, could the applicant consider including reference to potential future piling noise limits which may be imposed?</p> <p><u>To MMO and NE</u></p> <p>c) are there any other scenarios in which the applicant should be committed to applying NAS through the Outline Underwater Sound Management Strategy? If so, please identify which ones setting out the rationale.</p> <p>Alternatively, could the NE and MMO set out and explain any other criteria upon which the</p>	<p>c) Please refer to Appendix D2 of our Deadline 5 submission.</p> <p>d) Please refer to Appendix D2 of our Deadline 5 submission. It is NE's view that NAS should be in operation for all impact piling activity.</p>	<p>Please refer to the Applicant's response to NE's Appendix D2 submission above in Section 2.5.3.</p>

ID	Question to	Question	NE's Comment	Applicant response
		<p>applicant should be committed to applying NAS.</p> <p><u>To the applicant, MMO and NE</u></p> <p>d) should there be different scenarios based on different sensitivities, species and times of year? For example, would it be appropriate for different criteria during the cod spawning season as opposed to at other times of year? (See also ExQ2BEM3.).</p>		
Fish and shellfish ecology				
2BEM2.	NE MMO	<p>Site specific fish/shellfish surveys</p> <p>In light of NFFO comments on the need for site specific fish and shellfish surveys (as set out in the SoCG between the NFFO and the applicant [REP4-034]), can NE and the MMO explain why they are satisfied with the level of detail as indicated in their D3 and D4 submissions and why further detailed surveys are not necessary.</p>	Natural England's remit on these receptors concerns the potential for the project to affect designated sites, for which the level of detail supplied is adequate, rather than for commercial fisheries. We therefore have no further comments.	The Applicant welcomes this response.
Schedule 6 – Deemed Marine Licence				
2DCO4.	The applicant MMO NE	<p>Determination under DML - timings</p> <p>The ExA has read and understood NE's comments in its 'Comments on Rule 17 letter to Natural England and the Marine Management Organisation' [REP4-065] at point R17.1.16 "The necessity for the increased consultation time to 6 months is to avoid delays to the start of construction and is</p>	Natural England's view remains that 6 months is the most appropriate period for pre-construction marine licence discharge consultations for the reasons in our response referenced. This is now the standard going forwards for OWF dMLs and is to provide adequate opportunity for the resolution of any issues at this	The Applicant can confirm that the draft DCO_Rev 06 has been updated to reflect a six month consultation period for the VTMP, OOMP and PEMP at Deadline 5A (Document Reference 3.1).

ID	Question to	Question	NE's Comment	Applicant response
		mainly due to; a) the quantity of pre-construction condition discharge consultations we are now receiving per project (compared with OWF NSIPs consented 10 years ago), and b) the potential requirement for multiple consultations in relation to each marine licence condition. It is Natural England's view that the additional rounds of consultations have become common place due to the complexity of the issues included within the licence discharge process and in many cases the necessity to address unresolved issues from consent, before the discharge of the condition can progress". However, this presupposes that the MMO is not willing to refuse matters where an inappropriate proposal is put forward. The ExA has also noted the MMO's response to the same question at [REP4-064]. The ExA is considering recommending a 56 day determination period for all consents within the DML. The applicant, MMO and NE are asked for comments.	stage, which will reduce the likelihood of delays to the Applicants construction schedule. This will also allow for multiple rounds of consultation should the MMO refuse an initial submission or ask the Applicant for more information before re-consulting NE. Proposals around changes to the determination period are a matter for MMO comment as the regulator	
Schedule 7 – Without prejudice compensation measures				
2DCO5.	The applicant NE MMO	Notification procedures In paragraph 2(1) of both Parts 1 and 2 of Schedule 7 there is a time period of six months set in a square bracket. Could the applicant, NE and NRW (A) please confirm this provision, removing the square bracket.	NE confirms that a notification period of six months is adequate.	The Applicant welcomes this response.

ID	Question to	Question	NE's Comment	Applicant response
HRA Issues				
2HRA1.	NE	<p>Lesser black backed gull (LBBG)</p> <p>The ExA notes the applicant's 'Comments on Deadline 3 Submissions by Interested Parties' [REP4-058] in relation to the progression of proposed compensation at Steep Holm to enable commencement of delivery in 2025 with the options of Banks Marsh and South Walney being retained. NE [REP4-066] identifies that the assessments have been updated by the applicant and is waiting for these to be incorporated into the application documentation for a potential solution.</p> <p>a) Can NE confirm:</p> <ul style="list-style-type: none"> whether these updates would enable it to make a conclusion of no AEol alone or in combination for LBBG at Morecambe Bay and Duddon Estuary SPA and Ribble and Alt Estuary SPA; or whether these updates are to be made to the derogations case to enable NE to agree the without prejudice derogations case for the conclusion of AEol in-combination for the LBBG qualifying feature of Morecambe Bay and Duddon Estuary SPA and Ribble and Alt Estuary SPA? <p>b) In light of NE's comment regarding baseline surveys for LBBG and what it considers to be</p>	<p>a) Natural England can confirm that following the incorporation of the updated assessments into the RIAA, we continue to advise that AEOL cannot be ruled out due to the project contributing in-combination collision impacts on the lesser black-backed gull features of Morecambe Bay and Duddon Estuary SPA and Ribble and Alt Estuary SPA. In light of the modest contributions the project makes to the in-combination total, we are confident that the proposed derogations case will be capable of delivering sufficient compensation for these impacts.</p> <p>b) We consider that the potential underestimate of impact levels should be managed through compensation quantum calculations, which we will provide further advice on at Deadline 6. We consider that the proposed measure can be readily scaled to provide confidence that the potential underestimate of impact levels can be compensated for.</p>	<p>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 NE once available, noting that refinements to compensation quantum calculations can be effectively agreed post consent and through finalisation of the CIMP.</p>

ID	Question to	Question	NE's Comment	Applicant response
		underestimates of impacts, would NE comment as to whether additional compensation may be necessary in respect of LBBG.		
2HRA2.	NE	<p>Red-throated diver conservation objective</p> <p>The conservation objectives for the red-throated diver in respect of Liverpool Bay SPA in respect of 'distribution' are: "Restore the distribution of the feature; preventing further deterioration, and where possible, reduce any existing anthropogenic influences impacting feature distribution". Footnote 16 (after the word 'restore') states: "'Restore' is used here because existing evidence shows the feature to have been displaced from previously used areas of the site. Therefore, we have set the target to prevent further displacement, while recognising current impacts to the feature, and where possible existing influences should be addressed.". The Explanatory information indicates that "there are detectable displacement effects from the Burbo Bank extension windfarm in Liverpool Bay/Bae Lerpwl SPA (HiDef, 2020). As a result of wind farm development, red-throated divers in Liverpool Bay SPA have experienced a reduction in available supporting habitat. Although the physical supporting habitat may still be present, disturbance and displacement from wind farms has meant that some areas are no longer accessible for red-throated diver". NE is asked to explain how preventing</p>	<p>The conservation objectives are set to ensure that the obligations of the Habitats Regulations are met by ensuring the integrity of the SPA is maintained, or where necessary restored. As such, the "Restore" target is an overarching target encompassing all aspects of activity within the protected site. As set out in the footnote quoted, achieving this target necessarily includes attempting to prevent further displacement impacts compared to their current level. In other words, a "Restore" target for a given feature inherently includes all the requirements that a "Maintain" target would, along with additional aims to improve the condition of the site, when possible. Our advice regarding the potential impact of the proposal on the red-throated diver feature of the SPA is intended to minimise further displacement beyond current levels, which is in line with the "Restore" target as set out in the conservation advice</p>	<p>The Applicant notes this response. Although not explicit, the Applicant takes NE's response to broadly agree with the point raised by the ExA, i.e. in the area potentially impacted by the Project, a requirement to 'maintain' is most relevant. This is because there is no evidence to indicate a deterioration of condition within this area since designation of the SPA, and therefore no way in which 'restore' could be achieved.</p>

ID	Question to	Question	NE's Comment	Applicant response
		the proposed development from being constructed within 10km of the original (2010) boundary of the SPA would 'restore' the distribution of red-throated divers, as 'restore', by definition, can only be a putting back of a previously existing something (in this case location) which has been lost. In light of this, should the objective for the purposes of the consideration of the proposed development be that of 'maintain' only? If not, could NE explain why 'restore' is suitable.		
2HRA3.	The applicant NE	<p>Red-throated diver</p> <p>The ExA has noted the representations put forward by the applicant and IPs in relation to the conclusions of in combination AEoI for the red-throated diver qualifying feature of the Liverpool Bay SPA, noting the distribution objective and effect on supporting habitat. It remains a matter of disagreement. The applicant has provided two further technical notes [REP1-082] [REP4-054] in relation to this matter. [REP1-082] includes Figure 2.1 which shows an area of the original Liverpool Bay SPA boundary which the applicant states that it and NE have agreed as being the area potentially impacted. The applicant has explored a number of factors [REP1-082] [REP4-054] which in its view should be considered and which enable a conclusion of no AEoI in-combination. These include (but are not limited to):</p>	a) The Applicant has provided a technical note at Deadline 4 which provides some of the data on which the original designation of the site was based and argued that as densities of divers in that dataset were not sufficiently high for the area within the Project's 10km buffer to have been designated for red-throated diver alone, there could not be an adverse effect on the site. We highlight that the Applicant's technical note does not present the complete dataset on which the designation was based, nor the Maximum Curvature Analysis results that were actually used for boundary setting (which resulted in more extensive areas of importance for both species being identified than those presented). Nevertheless it is	Please refer to the Applicant's responses to NE Ref. 1 in Table 2.14 above.

ID	Question to	Question	NE's Comment	Applicant response
		<ul style="list-style-type: none"> consideration of current uses of the area in and around Liverpool Bay SPA which exert a displacement effect on red-throated diver consideration of removal of these uses in future years • application of the Crown Estate Round 4 Plan level HRA conclusions size of the area being in its view, inconsequential to the in combination assessment presence of red-throated diver within the area. The applicant notes [REP4-054] that due to the distance of 6.5km supporting habitat would not be impacted. NE reaffirms in [REP4-066] that, to enable a conclusion of no AEol for red-throated diver at Liverpool Bay SPA, a change in boundary for which wind turbines are located is required. The applicant [REP3-064] has set out that a reduction in boundary would make the proposed development unviable. <p>To NE</p> <p>a) Could NE please confirm its position in light of the latest position from the applicant.</p> <p>b) The ExA notes that NE's D4 response suggests that minimising overlap with the 10km buffer could resolve the issue. Can NE confirm whether there is a specific change in the level of displacement between 10km and</p>	<p>accurate to state that the region of the SPA under consideration was originally designated for its high densities of common scoter rather than red-throated diver. However, we highlight that:</p> <ul style="list-style-type: none"> While the boundary of the SPA was drawn based on densities of common scoter in some areas and red-throated diver in others, ultimately the entire site was designated to protect both features. There was no species-specific boundary incorporated into the designation. The data on which the designation was based were collected in the early 2000s. Survey methodology has improved since then and more recent data are available, so it is not appropriate to base assessment conclusions solely on the data presented in the technical note. Based on more recent data, we acknowledge that wintering diver densities are lower in the area under consideration than other parts of the SPA, however, densities are nonetheless higher than in most 	

ID	Question to	Question	NE's Comment	Applicant response
		<p>7km that might be used to inform the choice of a slightly smaller buffer than 10km whilst still enabling a conclusion of no AEol.</p> <p>To the applicant</p> <p>c) Can the applicant set out the reasons why the same power output cannot be achieved without this area (for example amending the proposed turbine spacing, size, or other criteria within the assessed parameters) (see also question ExQ2HRA5.).</p>	<p>other regions along the west coast of England and Wales. In other words, a less important part of the most important area for non-breeding red-throated diver on the west coast is still important for red-throated diver.</p> <ul style="list-style-type: none"> ▪ The habitat in the area is appropriate for red-throated diver in terms of water depth. ▪ In the technical note submitted by the Applicant at Deadline 1, the Applicant identified that the region of overlap is currently subject to relatively high levels of disturbance from vessel and helicopter movement. We consider it possible, therefore, that diver densities have been generally lower than might be expected in the area for some years and that if levels of disturbance due to vessel and helicopter traffic were to reduce (for example due to the decommissioning of oil and gas platforms in the Irish Sea), then it might be expected that greater densities of divers would be able to use the area. Ensuring that this is possible would be in line with the site's "restore" target for diver 	

ID	Question to	Question	NE's Comment	Applicant response
			<p>distribution and supporting habitat availability.</p> <ul style="list-style-type: none"> TCE's plan-level Habitats Regulations Assessment (HRA) concluded no AEOI on the Liverpool Bay SPA despite Natural England advising that AEOI could not be ruled out. We provide excerpts from our advice below: 'Liverpool Bay SPA Natural England's advice remains that an AEOI on Liverpool Bay SPA cannot currently be ruled out as a result of Preferred Project 5, due to the potential to reduce the availability of supporting habitat that would otherwise be used by red-throated diver within the site...Given the site abuts the SPA, it seems highly probable that a 10 km buffer around Preferred Project 5 will interact with areas used by red-throated diver. Without a detailed analysis of the implications of displacement for the availability of red-throated diver supporting habitat with the SPA, we consider a conclusion of no AEOI to be unjustified. We highlight that as currently drafted the HRA does not 	

ID	Question to	Question	NE's Comment	Applicant response
			<p>identify any potential need for any mitigation relating to 'operational displacement' from Preferred Project 5 [Morecambe OWF]. Natural England considers this approach unsatisfactory, given the potential to design the array in ways that could avoid or reduce the impacts on SPA red-throated diver through reductions in the developable area, should impact assessments reveal that to be an appropriate approach to take. Further, no requirements relating to 'operational displacement' from Preferred Project 5 are proposed for the relevant Agreement for Lease.' More generally, it is far from unusual for a plan-level assessment to rule out AEOI only for the project-level assessment to be unable to rule out AEOI. For example, the Round 3 plan level assessment ruled out AEOI on all SPAs and SACs. Subsequent to that plan-level assessment concluding no adverse effects, Secretaries of State have been unable to rule out adverse effects on integrity</p>	

ID	Question to	Question	NE's Comment	Applicant response
			<p>from the following Round 3 windfarms: Hornsea Three, Norfolk Vanguard, Norfolk Boreas, East Anglia One North, East Anglia Two, Hornsea Four. The inability to conclude no adverse effects related to three Special Protection Areas, including an SPA classified for RTD, and three Special Areas of Conservation. It therefore remains Natural England's position that AEOI cannot be ruled out for this feature. However, given the evidence regarding the value of the impacted area presented by the Applicant, we consider that the AEOI is better considered as a contribution to the in combination adverse effect, rather than an alone AEOI. We continue to advise that avoidance/mitigation measures be brought forward to reduce that contribution, ideally to a level where an in-combination AEOI can be ruled out. However, if the project is unable to increase the buffer distance without rendering the project unviable, we consider that the proposed compensatory</p>	

ID	Question to	Question	NE's Comment	Applicant response
			<p>measures, subject to further development and refinement, could provide sufficient offsetting of the impacts.</p> <p>b) While we consider it likely that an alternative turbine arrangement that minimises the overlap with the (pre-2017) SPA boundary 11 without requiring a 10km buffer can reduce the impact sufficiently to allow AEOI to be ruled out, to advise on whether a 9km, 8km or even a 7km buffer might be sufficient to avoid AEOI we would require the Applicant to present a possible scenario or scenarios into the Examination, along with an assessment of the residual impact within the remaining overlap, to enable us to reach a conclusion regarding this.</p>	
2HRA4.	NE	<p>Vessel effects on red-throated diver</p> <p>NE has referenced seasonal restrictions on vessel movements, which the applicant considers to be not necessary. Could NE explain what seasonal restrictions it considers could be imposed on vessel movements to reduce impacts on red-throated diver in light of the applicant's proposals to use existing vessel channels and to avoid transiting through the SPA where possible.</p>	<p>The seasonal restrictions that we would consider appropriate would depend on the location of the port used for construction and operations and maintenance ('O&M') work. If a port is selected where it is possible to avoid transiting through the SPA entirely during the winter season then, provided this should be committed to, effects would be avoided. Alternatively, where a busy</p>	<p>The Applicant has further strengthened the commitment to reduce disturbance from vessels in the Outline VTMP_Rev 05 (Document Reference 6.9) at Deadline 5A. It is not therefore considered that a seasonal restriction would be required. Further commentary is provided in the Applicants</p>

ID	Question to	Question	NE's Comment	Applicant response
			shipping lane extends from a port out to the boundary of the SPA, this should be used until vessels are 2km beyond the SPA. In the absence of clarity regarding the likely construction and O&M ports, , Natural England advise that the Applicant should strengthen the wording of the commitment such that, during the sensitive winter period, the Applicant commits exclusively to using existing vessel channels and avoids transiting through other parts of the SPA unless under exceptional circumstances.	response to the risks and issues log submitted at Deadline 5A.
2HRA6.	The applicant NE	Location of WTGs and OSPs To the applicant a) The applicant has indicated that preventing the location of WTGs within 10km of the originally designated Liverpool Bay SPA would mean that the proposed site would no longer be viable. Can the applicant respond to the proposition that if the siting of WTGs and OSPs were to be restricted to an area within, in each case, 9km, 8km and 7km of the originally designated Liverpool Bay SPA, particularly if the area in the northwestern part of the application site in the vicinity of the existing oil and	In the absence of an assessment of the residual impacts within the area of overlap, Natural England is unable to provide a position on whether we consider the impacts at each of the potential buffer distances to be reduced to a level where AEOI can be ruled out. We would be pleased to advise the Examination accordingly once that material is provided by the Applicant.	The Applicant provided a detailed response within The Applicant's Responses to ExQ3 Appendix A: Response to 3GEN2 and 3GEN3 (Document Reference 9.61.1) and the Applicant's Comments on the Report of Implication on European Sites (Document Reference 9.62) submitted at Deadline 5A (including the set of figures, as requested). See also response to Ref 1 in Table 2.14 .

ID	Question to	Question	NE's Comment	Applicant response
		<p>gas equipment were to be made available for WTGs and OSPs following decommissioning.</p> <p>To NE</p> <p>b) NE is asked to set out its position were the proposal to be so restricted. It is asked specifically to respond to each of the three specified distances and whether in each case the proposed development would be likely to result in likely significant effects on integrity of the Liverpool Bay SPA in respect of the red-throated diver</p>		
Ørsted assets				
20012.	The applicant Ørsted Ips MMO NE	<p>Effect on nearby OWFs</p> <p>The Ørsted IPs ([REP4-077], paragraph 1.22) consider that any need to obtain or vary an existing marine licence is considered business-as-usual and would not impact on decision making regarding extending the lifetime of the assets. Having regard to the recent C G Fry & Son Limited vs Secretary of State for Housing, Communities and Local Government [2024] EWCA Civ 730 judgment, could the Ørsted IPs, MMO, NE and the applicant respond to the proposition that any new marine licence would be likely to require a HRA to be carried out. As a result, parties are invited to comment on how certain the</p>	<p>Either a new or varied marine licence would trigger the requirement for a Habitats Regulations Assessment unless an exemption was successfully sought. The likelihood of consent or approval would depend on the nature of the licence being sought. Beyond those points, we would defer to MMO on this matter</p>	<p>The Applicant welcomes this response from Natural England which accords with the Applicant's response to 20012 in its Response to ExA's Written Questions 2 (REP5-070).</p>

ID	Question to	Question	NE's Comment	Applicant response
		ExA/ SoS can be that any such consent/ approval would be forthcoming?		

2.5.6 Annex B4: Comments on Red Throated Diver Compensation

Table 2.20 The Applicant's response to NE's Annex B4: Comments on Red Throated Diver Compensation (REP5-082)

RAG status	Comment	Applicant's response
Liverpool Bay Special Protection Area (SPA): red-throated diver nesting rafts/habitat management		
Compensation measure: Nesting rafts and habitat management for Liverpool Bay SPA Red-throated diver (RTD)		
	<p><u>Overall confidence in measure:</u></p> <p>Natural England is satisfied that the measure is technically capable of delivering appropriate compensation, however our overall confidence in the measure is reduced by the lack of information on the location(s) at which it will be delivered and the challenges around measuring its success with respect to securing the coherence of the National Site Network, given it targets breeding rather than non-breeding RTD.</p>	<p>The Applicant welcomes confirmation from Natural England that the proposed measures could provide appropriate compensation. It is noted that an updated derogation case for red-throated diver (RTD) was submitted by the Applicant at Deadline 5 (REP5-054) which includes further detail on the potential locations where compensation proposals would be delivered.</p>
	<p><u>Theoretical merit to deliver compensation:</u></p> <p>Nesting rafts. We consider that the provision of nesting rafts to improve the breeding success of RTD could be a reasonably effective measure to compensate for the Project's impacts on the non-breeding red-throated diver feature of Liverpool Bay SPA. We recognise that, given the location of this measure in Scotland, the targeting of breeding rather than nonbreeding RTD and the fact that the breeding origins of the divers that overwinter in Liverpool Bay are uncertain, there would not necessarily be any direct benefit to the impacted population. In any</p>	<p>The Applicant welcomes Natural England's confirmation on this matter.</p>

RAG status	Comment	Applicant's response
	<p>event, the measure would not address the disturbance and displacement (effectively felt as habitat loss) impacts of the project on non-breeding RTD. Nevertheless, there would be connectivity with the National Site Network (NSN) through potential recruitment into Scottish SPAs designated for breeding RTD, and possibly also to the Scottish and English SPAs designated for nonbreeding red-throated divers.</p> <p>Habitat management. Variables influencing nesting success have been shown to include fluctuating water levels (flooding, drought), a lack of anthropogenic disturbance and predation, and nest vegetation height (which might mediate predation risk), amongst others. Thus, we consider that appropriate habitat management could prove to be effective, particularly if combined with nesting rafts.</p>	
	<p><u>Technical feasibility</u></p> <p>Nesting rafts. This measure has been shown to increase productivity at suitable sites and has a long history of successful implementation, proving it is technically feasible.</p> <p>Habitat management. We consider this measure to be feasible should baseline monitoring identify there is a need at suitable sites. We highlight that regulation of water levels (on peat) may prove much more challenging than reducing predation/anthropogenic disturbance or managing the height of vegetation. Peat restoration has the potential to increase the water retention capacity of an area and improve its resilience to drying out during the summer, an impact which is likely to worsen as a result of climate change. RTD productivity is likely to be low on a waterbody that dries out during the breeding season so measures that prevent this from occurring would represent an improvement in productivity.</p>	<p>The Applicant welcomes Natural England's confirmation on this matter. It is noted that in the updated derogation document submitted at Deadline 5 (REP5-054) states that habitat management is expected to be a secondary compensation measure, to support nesting rafts as the primary measure.</p>
	<p><u>Agreed compensation level</u></p> <p>Nesting rafts/habitat management. Natural England agree with the Applicant that there is no measurable direct link between the potential effect (habitat loss/degradation) and the proposed scale of compensation (increased productivity), and there is therefore no robust way to scale the level of compensation to be delivered. The Applicant suggests that the suggested provision of 20 rafts would enable between five and seven additional birds to be fledged each year. We highlight that the success of a compensation measure is generally considered in terms of the number of breeding adults the measure may introduce into the population, rather than fledged juveniles. Survival rates of red-throated diver are not well evidenced but are</p>	<p>The Applicant welcomes confirmation from Natural England that it considers the proposed scale of compensation is appropriate. It is noted that an updated derogation case for red-throated diver submitted at Deadline 5 (REP5-054) includes further detail on the potential</p>

RAG status	Comment	Applicant's response
	thought to be relatively low. Horswill & Robinson (2015) report (with low confidence) survival rates of 0.6 for juveniles (age 0-1) and 0.62 for immatures (age 1-2). This suggests that the measure might be expected to deliver approximately two additional adult red-throated divers per year into the population. Nonetheless, we consider that the scale of compensation proposed is broadly appropriate in this case, subject to suitable locations being identified and secured.	locations where compensation proposals would be delivered, including additional letters of support from the relevant landowners.
	<u>Scale/extent of measure</u> Nesting rafts/habitat management. See comments above relating to scale and extent. We also highlight that should site suitability criteria dictate that sites already used by red-throated diver are selected, productivity should be assessed not on the productivity of pairs using the rafts as a stand-alone consideration, but how productivity has been improved in comparison with baseline productivity prior to the provision of the rafts (see also 'Location of measure' below).	The Applicant notes Natural England's comments on this point. However, it is noted that the Applicant proposes to provide control sites against which changes in productivity can be measured. Given inter-annual variability, it is considered unlikely that comparison of productivity of a single nesting site prior to and post implementation would provide meaningful data.
	<u>Timing: Deliverable before impact</u> Nesting rafts. Adoption of new nesting rafts appears to be high, with Merrie (1996) noting rafts were usually accepted in the first year in Argyll, Scotland. Hancock (2000) similarly observed that most rafts placed in lochs in Scotland for black-throated diver were used in the first or second years, and similar to Nummi and others' (2013) findings for red-throated diver in Finland, DeSorbo and others (2007) found that 90% of rafts for great northern diver were used within 3 years. Subject to suitable sites being available and secured, it is likely that sites would be used in the first year, or shortly thereafter. Thus, benefits could be felt at the NSN after a single breeding season. We consider the measure could be delivered before the point of impact. Habitat management. As above.	The Applicant welcomes Natural England's confirmation on this matter.
	<u>Location of measure</u>	The Applicant highlights that the updated derogation case

RAG status	Comment	Applicant's response
	<p>Nesting rafts/habitat management. Gomersall (1986) amongst others (e.g. Solovyeva and others, 2017; Dahlén and others, 2024), found that red-throated diver breeding success was higher on smaller lochs which Okill and Wanless (1990) speculated might be due to disturbance issues at larger lochs (as well as being more prone to dramatic fluctuations in water level, nest flooding from wave action/foaming during high winds, and intraspecific competition). Merrie (1996) observed that red-throated diver seemed to be attracted to traditional nesting lochs (where nesting attempts had previously been noted) and the presence of nesting rafts in other areas did not seem to lure them away. Furthermore, successful rafts were always in sheltered positions. Gomersall (1986) noted significantly greater re-use of lochs which had previously supported successful breeding, whilst Lehtonen (2016) found that distance to foraging area was negatively correlated with breeding success. These studies suggest that site location is an extremely important factor in the success of the measure. We note that the Applicant is seeking to avoid overlap with the measures proposed by North Falls by seeking suitable sites in the Hebrides and the West of Scotland rather than in Shetland. There is generally less data available on the extent and breeding success of red-throated divers in these areas, which increases the level of uncertainty regarding the effectiveness of the measures. The ability to monitor the measures and demonstrate improvements in productivity compared to control sites will therefore be crucial.</p> <p>Site selection is a critical factor to the success of this measure. We welcome that the Applicant has progressed a shortlisting process and has secured initial letters of support from some landowners – although it is not clear from the report whether the waterbodies for which support has been secured are the most appropriate for the proposed measures. Whilst we acknowledge that this is an ongoing process, we consider that further information on the selected locations 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>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 been possible to date to undertake field-based assessment of suitable locations. 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.</p>

RAG status	Comment	Applicant's response
	<p><u>Long term implementation</u></p> <p>Nesting rafts/habitat management. We welcome the Applicant's undertaking that permissions for these measures in Scotland would be secured via lease for the operational life of the Project, with land purchase also given consideration.</p> <p>Monitoring. We acknowledge the inherent risks that multiple monitoring visits might represent and recognise that anthropogenic disturbance has been reported as a factor in reduced breeding success, though Nummi and others (2013) found that red-throated diver bred successfully on nesting rafts despite anthropogenic disturbance. Nevertheless, we would advocate investigation into the feasibility of using established or emerging technologies for this purpose, such as thermal drones, trail cameras/temperature data loggers (Hulka, 2010) or remote camera systems to ensure that the potential improvements to red-throated diver productivity by adopting nesting rafts are adequately quantified in comparison with natural sites and/or a baseline. We note that where site visits are required, these would be conducted by appropriately licensed individuals.</p> <p>We note discussion of the need for retrofitting roofs to nesting rafts should avian predation be identified as a limiting factor in breeding success. We understand that the deployment of camouflage nets over wire mesh has met with some success elsewhere for great northern diver (DeSorbo and others, 2008) but consider that references to 'roofs' are somewhat misleading. Rafts will need to be placed in sheltered locations to avoid a retrofitted structure acting as a sail in high winds. We would encourage raft design to allow for the development of natural vegetation (e.g. carex spp. At <30cm).</p>	<p>The Applicant welcomes Natural England's comments on this matter.</p> <p>It is noted that an updated derogation case for red-throated diver submitted at Deadline 5 (REP5-054) includes clarification on the potential adaptive management measures, including 'roof' provision, in line with Natural England's comments.</p>
	<p><u>Success criteria/ability to prove additionality</u></p> <p>Nesting rafts/habitat management. Success of these measures relies heavily on the Applicant's ability to quantify existing productivity (see monitoring above) as this measure relies on improvements to existing productivity. Identification of sites with an established (or implementable) monitoring baseline outside of the existing SPA network designated for RTD, and with no current nesting raft provision or habitat management programme, would therefore seem critical. We expect that final site selection could prove challenging and recommend that the Applicant continues to progress their work in this area.</p>	<p>The Applicant notes Natural England's comments on this matter and confirms that it will be continuing to work to identify sites that will provide measurable benefit. As noted above, the Applicant considers the Derogation Case presented into examination (REP5-054) demonstrates that the measure is securable.</p>

RAG status	Comment	Applicant's response
	<p><u>Suitable as sole measure for target species</u></p> <p>Nesting rafts. The provision of this measure is suitable as a primary measure to compensate for impacts to red-throated diver in Liverpool Bay SPA but we consider it best delivered alongside habitat management (where appropriate). Habitat management. We consider that this measure should be delivered alongside the provision of nesting rafts to establish optimum conditions for breeding red-throated diver, thereby potentially reducing the impacts of mammalian predation and anthropogenic disturbance and potentially increasing resilience to drought.</p>	<p>The Applicant welcomes Natural England's comments on this matter.</p>
Key uncertainties		
	<p><u>Site selection</u></p> <p>Site selection is likely to be a critical aspect defining the success of the measure. While we acknowledge the progress that has been made, it is unclear from this report how suitable the sites that have been shortlisted are for the successful implementation of this measure and consider that further information is required, particularly with respect to those issues identified in the 'Location of Measures' section above.</p>	<p>The Applicant notes Natural England's comments on this matter. The updated derogation case for red-throated diver submitted at Deadline 5 (REP5-054) includes further detail on the potential locations where compensation proposals would be delivered. The Applicant also confirms that it will be continuing to work to develop sites that will provide measurable benefit. Some updates have been made to the Outline 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>

2.6 Nature Scot (REP5-086)

2.6.1 Response to ExQ2

Table 2.21 The Applicant's response to Nature Scots Response to ExQ2

ID	Comment	Applicant's response
REP5-086-01	Thank you for contacting NatureScot directly, and for providing the MS Word extract of questions set out in the Second Round of Written Questions. The NatureScot Marine Energy team is focussed on developments and statutory consultations within Scottish consenting regimes, as such we do not often have capacity to respond to PINS questions, particularly as these generally have very short deadlines. However, I can advise you that we are meeting with Morecambe representatives on Tuesday 18 March to discuss the red-throated diver topic.	The Applicant can confirm that it met with NatureScot on 18 th March to discuss red-throated diver (RTD) compensation proposals. The Applicant understands that NatureScot will be writing to the Planning Inspectorate directly (outwith the Examination) to provide a joint response on North Falls and the Project's red-throated diver compensation proposals.

2.7 Blackpool Airport (REP5-087)

2.7.1 Response to ExQ2

Table 2.22 The Applicant's response to Blackpool Airports Response to ExQ2

ID	Question to	Question	Blackpool Airport's Comment	Applicant response
2CAR3.	The applicant Blackpool Airport	VHF Communication At ISH3 representatives of Blackpool Airport commented that in addition to a project alone assessment of effects on VHF communications, it considered a cumulative effects assessment, being in conjunction with the proposed Mona Offshore Wind Farm and the proposed Morgan Offshore Wind Farm, was required. In response the applicant confirmed that cumulative effects were not being assessed because project alone assessments have only been carried out for those other projects and this is confirmed in the applicants post hearing written summary ([REP4-061], Item 36). The ExA notes in the applicant's response to the action points of the February hearings ([REP4-061], item 24) that it understands Blackpool airport has commissioned its own cumulative assessment, and that the applicant intends to provide its	Thank you for the follow-up question to our previous response [REP3-075] to your first written question EXQ1CAR5. The review of offshore helicopter operating limits for operations to and in the vicinity of windfarms is part of a wider task associated with an update of the Air Operations Regulation, UK Regulation (EU) No. 965/2012 and associated Acceptable Means of Compliance (AMC) and Guidance Material (GM), in d) At ISH3 the Airport reserved the right to submit representations at Deadline 4 in the event that the Airport and the Applicant had failed to agree arrangements for a cumulative VHF / DF assessment. As noted in its response to the Applicant's action point 24 [REP4-061], the Airport has agreed with the Applicant (and the applicants of the Morgan and Mona Offshore Windfarms) that the Airport will commission its own cumulative VHF / DF impacts assessment, with costs to be shared between the three applicants. The final timing for that assessment is yet to be determined, the funding arrangements having only recently been agreed with the various applicants. It is therefore unfortunately unlikely that the findings of the assessment will be known prior	<p>The Applicant notes this comment and is aware that Blackpool Airport have commissioned a separate cumulative assessment of Very High Frequency (VHF) and Direction Finding (DF) impacts, of which the Applicant has agreed to contribute costs to deliver.</p> <p>Both parties note that the findings of the cumulative assessment will not be known prior to the close of examination and expects discussions to continue post-examination, as appropriate.</p> <p>In the interim, a potential mitigation solution has been identified by Blackpool Airport. The Applicant notes further</p>

ID	Question to	Question	Blackpool Airport's Comment	Applicant response
		project alone assessment to the airport so that this can be taken into account if required. To the applicant: a) whilst the ExA understands project alone assessments may have been conducted for the other projects, can you explain why you consider a cumulative assessment is not required given for other topics within the ES cumulative effects assessments have been carried out? b) if project alone assessments have been undertaken for the other offshore wind projects, could these not be used in order to carry out a cumulative assessment? If not, please can the applicant explain why this is the case. c) if a cumulative assessment is not undertaken as part of the ES or received before the close of the examination, how can the ExA/ SoS be satisfied that the potential effects of all the proposed offshore wind farms currently being proposed within the Irish Sea (if granted) would not give rise to significant effects or ensure mitigation appropriate measures are secured to address any such impacts? To the applicant and	to the close of examination. However, the broad requirement wording in the dDCO which has been agreed with the Applicant is intended to secure any necessary mitigation identified by this and other ongoing assessment work.	<p>discussions on the proposed mitigation solution would be required post-examination to understand if the mitigation is technically feasible.</p> <p>Should mitigation be required, this requirement is agreed and secured within the draft DCO.</p>

ID	Question to	Question	Blackpool Airport's Comment	Applicant response
		Blackpool Airport: d) at ISH3 the parties indicated that it was their intention to make a written submission at D4 setting out their positions and reasons for requiring a cumulative VHF assessment. No such submission was received at D4. Can the applicant and Blackpool Airport therefore please let us have any comments by D5 along with a copy of the cumulative assessment in order that all parties have an opportunity to comment on this before the close of the examination.		

2.8 Bodorgan Marine Limited (REP5-088)

9. The Applicant will respond to Bodorgan Marine Limited at Deadline 6 (15th April 2025).

2.9 Eversheds Sutherland on behalf of Spirit Energy (REP5-089 and REP5-090)

10. The Applicant has responded separately to Spirit Energy within the Applicant's Response to Spirit Energy's Deadline 4 Submission (Document Reference 9.65) and its Appendix A: Review of OSR Safety Report. The Applicant has also updated Appendix D: Impact on Decommissioning of Gas Production Facilities_Rev 02 (Document Reference 9.59.4).

2.10 Harbour Energy (REP5-091)

11. The Applicant has addressed the matters raised by Harbour Energy (and Spirit Energy) at Deadline 5 separately within the Applicant's Response to Spirit Energy's Deadline 4 Submission (Document Reference 9.65) and its Appendix A: Review of OSR Safety Report. The Applicant has also updated Appendix D: Impact on Decommissioning of Gas Production Facilities_Rev 02 (Document Reference 9.59.4).

2.11 Ørsted IPs (REP5-092 and REP5-093)

12. The Applicant will respond to the Ørsted IPs at Deadline 6 (15th April 2025).

3 References

Natural England and Countryside Council for Wales (2010). Departmental Brief: Liverpool Bay / Bae Lerpwl Special Protection Area.

Webb, A., McSorley, C.A., Dean, B.J. & Reid, J.B. 2006a. Recommendations for the selection of, and boundary options for, an SPA in Liverpool Bay. JNCC Report 388.

Webb, A., McSorley, C.A., Dean, B.J., Reid, J.B., Cranswick, P.A., Smith, L. & Hall, C. 2006b. An assessment of the numbers and distributions of inshore aggregations of waterbirds using Liverpool Bay during the non-breeding season in support of possible SPA identification. JNCC Report 373.