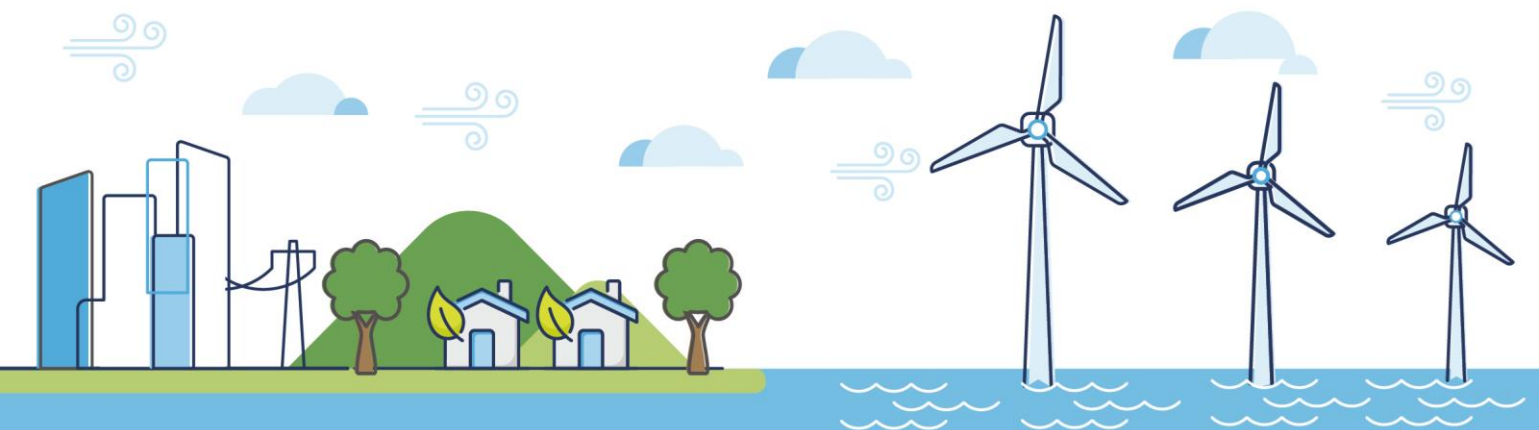


Morecambe Offshore Windfarm: Generation Assets Examination Documents

Volume 9 The Applicant's Summary and Signposting Document

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Glossary of Acronyms

ADD	Acoustic Deterrent Devices
AEoI	Adverse Effect on Integrity
AEZ	Archaeological Exclusion Zone
BML	Bodorgan Marine Limited
CAA	Civil Aviation Authority
CBRA	Cable Burial Risk Assessment
CDM	Construction, Design and Management
CIMP	Compensation Implementation and Monitoring Plan
CL	Confidence limit
CMS	Construction Method Statement
CNP	Critical National Priority
CSIP	Cable Specification and Installation Plan
DCO	Development Consent Order
DIO	Defence Infrastructure Organisation
dML	Deemed Marine Licence
DF	Direction Finding
EIA	Environmental Impact Assessment
EMF	Electromagnetic Fields
ES	Environmental Statement
ExQ1	Examining Authority's First Written Questions
ExQ2	Examining Authority's Second Written Questions
ExQ3	Examining Authority's Third Written Questions
FLCP	Fisheries Liaison and Co-existence Plan
GHG	Greenhouse Gas
GIS	Geographical Information System
HAT	Highest Astronomical Tide
HSE	Health, Safety and Environment
IEC	International Electrotechnical Commission
IoM	Isle of Man
INNS	Invasive Non-Native Species
IPMP	In Principle Monitoring Plan
IPs	Interested Parties
JNCC	Joint Nature Conservation Committee
MCA	Maritime and Coastguard Agency

MGN	Marine Guidance Notice
MMMP	Marine Mammal Mitigation Protocol
MMO	Marine Management Organisation
MNEF	Marine Navigation Engagement Forum
MPs	Marine Plans
MPS	Marine Policy Statement
NAS	Noise Abatement Systems
NATS	National Air Traffic Services
NESO	National Energy System Operator
NFFO	National Federation of Fishermen's Organisations
NPS	National Policy Statement
NSIP	Nationally Significant Infrastructure Project
OSP	Offshore Substation Platform
PAS	Publicly Available Specification
PATP	Port Access and Transport Plan
PDE	Project Design Envelope
PEIR	Preliminary Environmental Information Report
PEMP	Project Environmental Management Plan
PTS	Permanent Threshold Shift
RTD	Red-throated diver
SAR	Search and Rescue
SNCB	Statutory Nature Conservation Body
SoCG	Statement of Common Ground
SoS	Secretary of State
SSSI	Site of Special Scientific Interest
TCE	The Crown Estate
TH	Trinity House
TSC	Territorial Seas Committee
TTS	Temporary Threshold Shift
UK	United Kingdom
UHF	Ultra High Frequency
UWSMS	Underwater Sound Management Strategy
UXO	Unexploded Ordnance
WFA	Welsh Fisheries Association - Cymdeithas Pysgotwyr Cymru
WSI	Written Scheme of Investigation
WTG	Wind Turbine Generator

Glossary of Unit Terms

GW	Gigawatt
km	kilometre
km ²	square kilometre
nm	nautical mile

Glossary of Terminology

Applicant	Morecambe Offshore Windfarm Ltd
European Sites	Designated nature conservation sites which include the National Site Network (NSN) (designated within the UK) and Natura 2000 sites (designated in any European Union (EU) country). This includes candidate Special Areas of Conservation (cSAC), Sites of Community Importance (SCI), Special Areas of Conservation (SAC) and Special Protection Areas (SPAs).
Generation Assets (the Project)	Generation assets associated with the Morecambe Offshore Windfarm. This is infrastructure in connection with electricity production, namely the fixed foundation wind turbine generators (WTGs), inter-array cables, offshore substation platform(s) (OSP(s)) and possible platform link cables to connect OSP(s).
Inter-array cables	Cables which link the WTGs to each other and the OSP(s).
Morgan and Morecambe Offshore Wind Farms: Transmission Assets	The transmission assets for the Morgan Offshore Wind Project and the Morecambe Offshore Windfarm. This includes the OSP(s) ¹ , interconnector cables, Morgan offshore booster station, offshore export cables, landfall site, onshore export cables, onshore substations, 400kV cables and associated grid connection infrastructure such as circuit breaker infrastructure. Also referred to in this chapter 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).
Scour protection	Protective materials to avoid sediment being eroded away from the base of the foundations due to the flow of water.

¹ At the time of writing the Environmental Statement (ES), a decision had been taken that the offshore substation platforms (OSP(s)) would remain solely within the Generation Assets application and would not be included within the Development Consent Order (DCO) application for the Transmission Assets. This decision post-dated the Preliminary Environmental Information Report (PEIR) that was prepared for the Transmission Assets. The OSPs are still included in the description of the Transmission Assets for the purposes of this document as the Cumulative Effects Assessment (CEA) carried out in respect of the Generation/Transmission Assets is based on the information available from the Transmission Assets PEIR.



The future of renewable energy

A leading developer in Offshore Wind Projects

1 Introduction

1.1 Purpose

1. This document sets out the Applicant's closing statement for the Morecambe Offshore Windfarm: Generation Assets (the 'Project') Development Consent Order (DCO) Examination by the Applicant (Morecambe Offshore Windfarm Ltd).
2. This document has been prepared in response to the Examining Authority's (ExA) request set out in its Rule 6 Letter (PD-007), ExA's Rule 8 Letter (PD-010) and in accordance with the Examination timetable. The ExA's Rule 6 Letter (PD-007) states:

"Closing Statements should build upon the Examination Progress Tracker/ final Statement of Commonality. They should set out a concise record of the party's position prior to the close of the Examination, specifically where it sees that areas of disagreement remain. Closing Statements should summarise the parties' positions at the end of the Examination and must not introduce any new evidence."

3. The ExA's Rule 8 Letter (PD-010) renames the 'Closing Statement' referenced in its Rule 6 Letter to the 'Summary and Signposting document'. The reason for the change was to better reflect the document's purpose.
4. This document sets out the Applicant's understanding of and position on the key issues at the close of the Examination using a similar order to that used for the ExA's Written Questions (ExQ1) (PD-011) and subsequent questions. It also sets out the agreed matters between the Applicant and relevant Interested Parties (IPs) as well as the areas of disagreement that remain and how the Applicant considers they should be resolved to inform the Secretary of State's (SoS) decision. This document does not introduce any new evidence into the Examination and signposts to relevant Application documents.

1.2 Structure of this document

5. This document has been structured to provide the ExA with a summary of each key issue raised throughout the Examination.
6. Following pre-Application consultation and engagement with IPs and stakeholders, the Applicant has continued to engage with IPs throughout Examination to resolve the issues with best intentions and efforts.
7. After considering the policy context for the Nationally Significant Infrastructure Project (NSIP) Application, each section of this document sets out:
 - The material matters agreed at the close of Examination with the respective IPs for each issue as set out further in their respective Statement of Common Ground (SoCG)

- The areas of disagreement that may be of material consideration with the respective IPs for each ExA main issue and signposts to the relevant document(s) for more detailed information
 - A summary outlining how the Project aligns with the National Policy Statements (NPS)
8. The main matters in this document follow the matters identified by the ExA in its Initial Assessment of Principal Issues and subsequently in its Written Questions. The main matters are:
- Policy Context
 - Biodiversity, ecology and marine processes
 - Civil and military aviation and radar
 - Climate change
 - Commercial fisheries
 - Cultural heritage (including marine archaeology)
 - Draft Development Consent Order
 - Habitats Regulations Assessment
 - Other offshore infrastructure and other sea users
 - Seascape, landscape and visual
 - Shipping and navigation
 - Socio-economics, tourism, recreation, and human health
 - Traffic and transport
9. This document should be read in conjunction with the Combined Examination Progress Tracker and Statement of Commonality (Document Reference 8.5) submitted at Deadline 6 and the relevant SoCG documents.
10. The Applicant recognises that additional consents and licences will be required in order to implement the Project. These are identified in the Applicant's Other Consents or Licences Required (AS-006). The Applicant is not aware of any reason why any of those consents and licences should be withheld.

1.3 Policy context

11. The Overarching National Policy Statement for Energy (EN-1) and the National Policy Statement for Renewable Energy Infrastructure (EN-3) are the applicable national policy under the Planning Act 2008 for the Project. The National Policy Statement for electricity networks infrastructure (EN-5) also has limited applicability to the Project. The Planning, Development Consent and Need Statement (REP3-004) and the National Policy Statements Accordance Report (REP3-010) includes a detailed assessment of the proposed development in relation to the relevant paragraphs of EN-1, EN-3 and EN-5. The Planning, Development Consent and Need Statement and the Marine Plan Policy Review

(APP-025) also include an assessment of the relevant policies covering the marine environment.

12. In addition, further detail on the Project's alignment with the NPSs and other relevant policy is set out in the individual chapters of the Environmental Statement (ES).

1.3.1 National Policy Statement alignment and need for the Project

13. EN-1 establishes a clear, **urgent need** for the Project to supply reliable and affordable renewable offshore wind energy to the UK. There is no further requirement for the Applicant to demonstrate need for the Project under the NPS (subject to any legal requirements such as the Habitats Regulations legal tests. Please see **Section 8** for further information).
14. Paragraphs 3.2.6 to 3.2.8 of EN-1 set out the overarching needs case for developments covered by the NPSs and paragraph 4.1.3 further confirms that the decision maker should start with a presumption in favour of granting consent to applications for energy projects unless more specific policies set out in relevant NPSs clearly indicate that consent should be refused, or the adverse impacts will outweigh the benefits. Paragraph 4.1.5 sets out that when weighing its adverse impacts against its benefits, the decision maker should take into account benefits including contribution to meeting the need for energy infrastructure and job creation, which the Project provides.
15. The Project is also recognised as a "critical national priority" (CNP) infrastructure development. Paragraph 4.2.7 of EN-1 further concludes that this CNP policy should be applied during decision making following "*the normal consideration of the need case, the impacts of the project, and the application of the mitigation hierarchy*". It is relevant "*specifically in reference to any residual impacts that have been identified*".
16. Section 4 of the Planning, Development Consent and Need Statement sets out how the Project will make an important contribution to meeting the urgent need for energy infrastructure. In particular, when operational the Project will generate 480MW of renewable energy making a substantial benefit and contribution to the delivery of the 50GW of renewable energy that the UK Government is aiming to be provided by offshore wind by 2030.
17. Section 4.4.2 of the Planning, Development Consent and Need Statement also summarises the wider benefits of the Project including making a significant contribution towards the much-needed transition to low carbon economies together with a range of beneficial economic and social impacts.
18. These benefits should be afforded very significant weight in the planning balance.
19. The ES and submissions made during Examination demonstrate that, where there are predicted significant impacts from the Project, appropriate and proportionate mitigation measures are proposed and secured and that the

mitigation hierarchy has been followed. Any residual effects are significantly outweighed by the benefits of the scheme and the CNP policy applies (with the Applicant having followed the mitigation hierarchy) to the delivery of the Project.

20. The Project is therefore considered to accord with the Planning Act 2008, EN-1, EN-3 and EN-5.

1.3.1.1 Security of energy supplies

21. The UK is currently experiencing a cost of living and energy crisis, exacerbated by the conflict in the Ukraine and the Middle East amongst other things.
22. The importance of addressing the UK's vulnerability and ensuring energy security is established in EN-1.
23. Paragraph 3.3.20 of EN-1 sets out that wind energy is intended to contribute to net zero by providing low cost, clean and reliable sources of electricity, *'Wind and solar are the lowest cost ways of generating electricity, helping reduce costs and providing a clean and secure source of electricity supply (as they are not reliant on fuel for generation). Our analysis shows that a secure, reliable, affordable, net zero consistent system in 2050 is likely to be composed predominantly of wind and solar.'*
24. The National Energy System Operator's (NESO) Clean Power 2030 (CP30 Report) reinforces the role of offshore wind as the 'bedrock' of the UK's clean power system by 2030, providing over half of all electricity generation. The CP30 Report identifies that to achieve clean power by 2030 the UK will need to *'contract as much offshore wind capacity in the coming one to two years as in the last six combined'*.
25. NESO makes its position clear in the CP30 Report that it backs the mass deployment of offshore wind, recognising, *'There is no path to clean power without mass deployment of offshore wind, together with onshore wind and solar. Sustained rollout of offshore wind is needed at over double the highest rate ever achieved in Great Britain. Increased rollout will need to continue through the 2030s. Transparent and comprehensive investment signals, contracting arrangements and delivery environment for these projects will be key to the costs and success of the clean power programme as a whole.'*
26. The Project provides an important strategic opportunity to allow for the transition of oil and gas generation to clean renewable energy generation, co-existing with the decommissioning of oil and gas assets and future re-use of reservoirs for carbon capture and storage.
27. It is clear the Project provides much needed offshore wind generation energy to the UK. The Project provides a clean, reliable and affordable supply of energy to 500,000 UK homes, helping reduce the costs of electricity and stabilise the long-term security of energy in the UK. Without the Project, the UK is open to risks of unstable energy security due to the uncertainty of energy projects coming forward to be operational by 2030 and higher energy prices as a result

of less competition amongst energy providers. It is considered that not granting consent for the Project would be in conflict with EN-1 which seeks to drive competition and reduce costs to UK households (paragraphs 3.2.4 and 3.2.5).

1.3.1.2 Achieving net zero

28. The Project significantly contributes to the UK's ambitious targets to achieve net zero by 2050.
29. In June 2019 the UK Government set ambitious legal requirements for the UK to meet a net zero Greenhouse Gasses (GHG) emissions target by 2050. In December 2020, the UK Government committed to reducing GHG emissions by at least 68 per cent from 1990 levels by 2030. In April 2021, the government legislated requirements for the UK to reduce GHG emissions by 78 per cent by 2035 compared to 1990 levels (paragraph 2.2.1 of EN-1).
30. Paragraph 2.5.6 of EN-1 is clear that renewable energy projects need to be accelerated to meet net zero by 2050: *'The British Energy Security Strategy emphasises the importance of addressing our underlying vulnerability to international energy prices by reducing our dependence on imported oil and gas, improving energy efficiency, remaining open minded about our onshore reserves including shale gas, and accelerating deployment of renewables, nuclear, hydrogen, CCUS, and related network infrastructure, so as to ensure a domestic supply of clean, affordable, and secure power as we transition to net zero.'*
31. EN-1 (paragraph 3.3.1) further confirms that, as part of achieving net zero, the UK would need to see the delivery of 50GW of offshore wind by 2030, including 5GW of floating wind.
32. The Project provides a significant contribution of 480MW to the target of offshore wind generation by 2030 ensuring demand for renewable energy in the future can be met and providing energy for 500,000 UK homes.
33. The Project is a proven and reliable energy source that could significantly contribute to the capacity of wind generation by 2030 and help the UK meet its legal obligations to achieve net zero by 2050. As such the need case for the Project should be provided substantial weight in the SoS decision in accordance with paragraph 3.2.7 of EN-1.

1.4 Marine policy alignment

34. The Marine Policy Statement (MPS) sets out UK-wide high level marine objectives. The MPS is the framework for preparing and formulating Marine Plans (MPs) and taking decisions affecting the marine environment. Any MP must conform to the MPS's objectives and set out how they will be implemented locally in specific locations.
35. The UK-wide high-level marine objectives are: achieving a sustainable marine economy, ensuring a strong, healthy, and just society, living within

environmental limits, promoting good governance and using sound science responsibly.

36. The MPS further recognises the role of offshore wind in meeting renewable energy and carbon emission targets and improving energy security. The MPS has been addressed in the relevant chapters of the ES.
37. Section 3.4 of the Planning, Development Consent and Need Statement (REP3-004) sets out the relevant marine policy for the Project. It notes in particular the UK Marine Policy Statement (MPS) 2011 and the North West Inshore and North West Offshore Marine Plan 2021. The Marine Plan Policy Review (APP-025) sets out how the Project is in accordance with all relevant policies in the North West Inshore and North West Offshore Marine Plan 2021 and in accordance with paragraphs 4.5.8 and 4.5.9 of EN-1.
38. As such, it is considered the Project is in accordance with the relevant MPS and the MP and meets the relevant requirements of the NPS (in particular EN-1, Section 4.5) and the Planning Act 2008 in order for the SoS to have regard to the relevant marine policies in accordance with paragraphs 4.5.10 to 4.5.12 of EN-1.

2 Biodiversity, Ecology and Marine Processes

39. This section covers the following ecological topics assessed in the ES:

- Marine Processes, Sediment and Water Quality, Benthic Ecology
- Fish and Shellfish Ecology
- Marine Mammals
- Offshore Ornithology
- Other Ecology Receptors (bats)

2.1 Marine Processes, Sediment and Water Quality, Benthic Ecology

2.1.1 Position at close of Examination

40. Chapter 7 Marine Geology, Oceanography and Physical Processes (REP5a-015), Chapter 8 Marine Sediment and Water Quality (REP2-010) and Chapter 9 Benthic Ecology (REP5a-017) concluded that there will be no significant effects arising from the Project-alone or cumulatively with other projects.
41. The Marine Conservation Zone Assessment (MCZA) (AS-004) concluded that there would be no significant risk of the Project (alone or with other projects) hindering the achievement of the conservation objectives stated for any Marine Conservation Zones (MCZ) screened into the assessment for benthic features.
42. The Report to Inform Appropriate Assessment (RIAA) (REP5a-009) identified no adverse effect on integrity (AEol) on any European Site, either for the Project alone or in-combination, in relation to benthic features.
43. The Applicant has largely agreed all matters relating to the assessment of potential effects to identified receptors, the assessment conclusions, and proposed mitigation measures and how they are secured. These matters agreed, or not agreed but with no material impacts, with Natural England (NE) and the Marine Management Organisation (MMO) are summarised in **Section 2.1.4**.
44. There are a small number of remaining areas of disagreement, or where matters have not been fully resolved, on Marine Processes, Sediment and Water Quality, Benthic Ecology between the Applicant and NE (as summarised in **Table 2.1**). There are no outstanding areas of material disagreement with any other parties.

2.1.2 Matters agreed or concluded as no material impact

45. The following matters are agreed between the Applicant and the relevant IP:

- **The MMO** (see the SoCG for further detail (Document Reference 9.1)):
 - the EIA methodology, ES conclusions (Project-alone and cumulative) and proposed mitigations for Marine Processes, Sediment and Water Quality, Benthic Ecology
 - the conceptual approach used in the assessment (with bespoke numerical modelling for the physical processes assessment not required)
 - the MCZs that were screened in for benthic ecology and the conclusions of the MCZA assessment
 - there is an area not agreed, with no material impact, in that the MMO requested an outline decommissioning plan during the consenting process, but have agreed there is no material impact on the basis that a commitment has been made by the Applicant in the Commitments Register (Document Reference 9.31) to share the decommissioning programme post-consent before it is submitted to the SoS under the Energy Act 2004 (and that there is provision for approval of the decommissioning programme in Schedule 2, Requirement 10 of the draft DCO (Document Reference 3.1))
- **NE** (see the NE Risk and Issue Log for further detail (REP5a-072) (noting a final risks and issues log will be submitted by NE at Deadline 6))
 - the information to inform the worst case and EIA assessment, and the conclusions of the Project-alone and cumulative assessment in the ES
 - the Project-alone assessment in the MCZA for benthic features
 - that there are no relevant designated Nature Conservation Sites for which an AEoI cannot be ruled out for benthic features (i.e. it is agreed there are no adverse effects on site integrity for benthic features)
 - micrositing requirements included in the dDCO (Document Reference 3.1) for benthic habitats of conservation, ecological or economic importance constituting reef habitat of principal importance

2.1.3 Other key matters raised during Examination

46. There are no other key matters related to this topic raised during Examination.

2.1.4 Area of remaining disagreement and unresolved matters

47. **Table 2.1** sets out the areas of disagreement in relation to Marine Processes, Sediment and Water Quality, Benthic Ecology, the reason that these areas of disagreement remain and the Applicant's position on these areas of disagreement.

Table 2.1 Area of disagreement in relation to Marine Processes, Sediment and Water Quality and Benthic Ecology

Area of disagreement	Signposting document for further detail	Summary of stakeholder(s) position	Summary of Applicant's position
Seabed preparation (boulder clearance) assessment	<ul style="list-style-type: none"> NE D5A Risks and Issues Log – REP5a-072) and Appendix I3 - Responses to the Examining Authority's further written questions and requests for information (ExQ3) (REP5a-071) Applicant's position in ID WR-097-164 of REP2-028 and ID RR-061-248 of PD1-011 and The Applicant's Comments on Natural England's Risk and Actions Log at Deadline 5 (REP5a-060) ES Chapter 9 Benthic Ecology (REP5a-017) ES Chapter 5 Project Description (REP1-022) Commitments Register_Rev 05 (Document Reference 9.31) Chapter 7 Marine Geology, Oceanography and Physical Processes (REP5a-015) Schedule of Mitigation_Rev 07 (Document Reference 5.5) Outline CMS_Rev 04 (Document Reference 9.49) Draft DCO_Rev 07 (Document Reference 3.1) 	Through Examination, NE understand from discussions with the Applicant that boulders will be cleared and deposited within the area assessed in the EIA (the 25m disturbance corridor). NE note this issue can be resolved if the Applicant includes a commitment to deposit boulders in a fashion that avoids aggregating boulders or introducing linear features.	<p>The Applicant notes and has clarified that boulder clearance is encompassed within the seabed disturbance assessments in Sections 9.6 and 9.7 of ES Chapter 9 Benthic Ecology. ES Chapter 5 Project Description also noted the disturbance footprint encompasses boulder clearance.</p> <p>The Applicant has updated the Commitments Register (ID C057) and Table 9.2 in ES Chapter 9 Benthic Ecology to clarify that any boulders removed during seabed preparation works would be relocated within the total disturbance widths, as identified in the draft DCO.</p> <p>Additional text has also been added to Table 7.3 in ES Chapter 7 Marine Geology, Oceanography and Physical Processes, the Schedule of Mitigation (Ref. 7.7) and the Outline CMS (Table 5.1) to clarify that boulders would be relocated in a random pattern to avoid creating any artificial linear features. The Applicant further notes the paucity of boulders found across the site in pre-Application surveys and therefore limited risk of the creation of linear features.</p> <p>The Applicant considers this matter to have been sufficiently addressed and expects matters to be resolved with NE at Deadline 6 (if possible, given resourcing and the short period available after Deadline 5A).</p>

Area of disagreement	Signposting document for further detail	Summary of stakeholder(s) position	Summary of Applicant's position
<p>Details on mitigation and management plans</p>	<ul style="list-style-type: none"> NE Deadline 5 cover letter - REP5-077, NE D5A Risks and Issues Log (REP5a-072) and Appendix I3 - Responses to the Examining Authority's further written questions and requests for information (ExQ3) (REP5a-071) NE D5 Risk and Issues Log (REP5-083) Applicant's position in Response to RI_E14 in REP5-061 Response to 1BEM13 in REP3-068 In Principle Monitoring Plan (IPMP)_Rev 06 (Document Reference 6.5) Draft DCO_Rev 07 (Document Reference 3.1) Commitments Register_Rev 05 (Document Reference 9.31) 	<p>NE have noted the following regarding the methods for delivery of some mitigation measures:</p> <ul style="list-style-type: none"> Micrositing: request pre-construction benthic surveys are undertaken to enable identification and micrositing around reef features if required. Locations of cable crossings: consider that their advice on cable protection to identify the locations of cable crossings has not been followed. However NE acknowledge the Project is outside a designated site, allowing for a risk based decision to be made. This is identified as an item to note in the risks and issues log. Decommissioning programme: Request an Outline Decommissioning Programme to be submitted during the consenting phase. 	<p>Micrositing: The Applicant notes that baseline benthic surveys were completed to inform the DCO Application for the Project and that no reef habitats of conservation interest have yet been identified within the Order Limits. The Applicant has had regard to NE's concerns about micrositing and has added to Condition 9 of the Deemed Marine Licence (dML) in the draft DCO to address this as a precautionary measure (9(1)(a)(v)). The pre-construction geophysical surveys committed to in the IPMP (including drop down video as required, as added to the IPMP at Deadline 5A) will allow identification of any reef habitat with potential micrositing requirements. The consideration of potential impacts on any reef habitat identified around proposed infrastructure locations will require approval from the MMO in consultation with relevant statutory nature conservation bodies (as per Condition 9 of the dML in the draft DCO). It is the Applicant's position that there is an appropriate framework in place post consent to ensure any identified reef habitats are appropriately considered by the relevant authority in consultation with relevant stakeholders and anticipates this matter is resolved with NE at Deadline 6 (if possible, given resourcing and the short period available after Deadline 5A).</p> <p>Locations of cable crossings: The details of cable crossings will be included in the Cable Specification and Installation Plan (CSIP) post consent which is required to be submitted to the MMO for approval as secured in Condition 9(1)(d) of the dML in the draft DCO. The Applicant is not in a position to provide the location of inter-array cable crossings until the layout</p>

Area of disagreement	Signposting document for further detail	Summary of stakeholder(s) position	Summary of Applicant's position
			<p>of the turbines are finalised. The final location of the turbines and associated cable crossings will be agreed with the MMO in consultation with MCA and Trinity House post-consent (as is standard practice with other offshore wind farm consents). The Project is not within a designated site, and has not identified sensitive features during the EIA baseline, so it is unreasonable and impractical to require detailed cable crossing locations pre-consent for inter-array and platform link cables (the export cable is not part of this DCO Application). As the footprint has been assessed for the worst-case number of cable crossings and there is not a high degree of variability of benthic habitat across the site, as well as considering the design plan would be approved in the post consent process, this matter is considered to be sufficiently addressed.</p> <p>Decommissioning Programme: The Applicant does not consider that an outline version of a Decommissioning Programme is required to be submitted pre-consent, given the early stage of design. 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. This is secured in Requirement 10 of the draft DCO which is required to be submitted to the SoS for approval before any part of the authorised development may commence. The Applicant also notes that the requirement for and process for submitting and approving a Decommissioning Programme is governed by the Energy Act 2004 and that a DCO under the 2008 Act should not seek to duplicate other legislative controls. However, the</p>

Area of disagreement	Signposting document for further detail	Summary of stakeholder(s) position	Summary of Applicant's position
			<p>Applicant has added to the Commitments Register at Deadline 5A and is secured by DCO Schedule 1 Part 1 Authorised Project DCO Schedule 6 Part 2 Condition 9(1)(d) - Construction Method Statement, that the recoverability of material and the introduction of plastic would be considered, and further that the Decommissioning Programme would be provided to the MMO (in consultation with NE) prior to submission to the SoS. The Applicant thus considered this item sufficiently addressed.</p>
<p>The requirement for benthic monitoring to be secured in the DCO</p>	<ul style="list-style-type: none"> ▪ NE D5 risks and issues submission - REP5-083 Applicants response to Risks and Issues log (REP5-061) ▪ ES Chapter 9 Benthic Ecology (REP5a-017) ▪ IPMP (REP5a-027) ▪ Draft DCO_Rev 07 (Document Reference 3.1) 	<p>NE consider that benthic monitoring is a standard requirement for pre- and post-construction that should be included in the DCO.</p>	<p>The Project is around 8km from any designated site for benthic features as detailed in Table 9.17 of ES Chapter 9 Benthic Ecology. The Applicant has undertaken benthic surveys as part of its EIA baseline which found the benthic environment within the proposed Order Limits to be dominated by habitats that are widespread across the Irish sea. Sublittoral sand was recorded as the dominant broadscale habitat present with no sensitive features of conservation importance recorded within the Order Limits, see Section 9.5.5 of ES Chapter 9 Benthic Ecology. The baseline environment is unlikely to change significantly as a result of the Project aside from the introduction of hard infrastructure. Despite no significant effects being identified the Applicant has committed to monitoring Invasive Non-Native Species (INNS) in the IPMP. The INNS monitoring will identify whether any species of concern have colonised hard infrastructure installed at WTG locations. This will allow the Project to monitor any potential changes to local ecology where they have potential to occur.</p> <p>Geophysical surveys (alongside drop down video as required) are also committed, pre and post</p>

Area of disagreement	Signposting document for further detail	Summary of stakeholder(s) position	Summary of Applicant's position
			<p>construction (as detailed in the IPMP) which will allow the identification and protection of reef habitat (noting these features have not been identified in the Order Limits to date) as well as identify morphological changes to the seabed. The IPMP was updated at Deadline 5a to clarify that surveys would be undertaken that allow the identification of reef habitat. It is anticipated this update will resolve matters with NE at Deadline 6 (if possible, given resourcing and the short period available after Deadline 5A) and that no further monitoring will be required.</p> <p>The Applicant considers that further benthic monitoring is unnecessary and unjustified because any changes to the benthic environment would be at most a minor significance and it is noted that there is a well established evidence base for the recovery of benthic features to disturbance which has been used in the robust EIA assessments. It is also noted that no further monitoring for benthic features has been requested by the MMO. The Applicant considers that this matter has been sufficiently addressed, with proportionate monitoring provided.</p> <p>The potential for further monitoring is included in the IPMP on a without prejudice basis should this be determined to be required by the SoS, but it is not considered there is a driver for any further monitoring.</p>

2.1.5 Summary outlining accordance with relevant NPS policies

48. The Applicant has assessed the effects to the subtidal environment including loss of habitat, habitat disturbance, increased sediment loads, potential impacts from Electromagnetic Fields (EMF) on benthic fauna, natural ecosystem functioning, protected sites and the potential for INNS introduction in accordance with EN-3 paragraph 2.8.126.
49. As set out in the ES Chapter 4 Site Selection and Assessment of Alternatives (APP-041) and the Schedule of Mitigation (Document Reference 5.5) the Applicant has considered the best ecological outcomes where possible through the site selection process and mitigation measures in accordance with paragraph 2.8.224 of EN-3. It is noted that the Project has been sited outside of any designated site. The Applicant has engaged and consulted relevant statutory consultees to identify appropriate mitigation and monitoring during the construction, operation and maintenance and decommissioning phases, set out in the Schedule of Mitigation (Document Reference 5.5) and IPMP (Document Reference 6.4) and in accordance with 2.8.225 of EN-3.
50. In particular, the Applicant has sought design construction, maintenance and decommissioning methods appropriately to minimise effects on subtidal habitats, taking into account other constraints in accordance with paragraph 2.8.233 of EN-3.
51. The proposed mitigation measures summarised in the Schedule of Mitigation (Document Reference 5.5) are consistent where relevant with those set out in paragraph 2.8.234 of EN-3 to minimise impacts.
52. As set out in **Table 2.1**, the Applicant considers that appropriate monitoring will take place pre- and post-construction.
53. As such it is considered the Applicant has committed to appropriate and proportionate monitoring for the Project to mitigate potential impacts in accordance with paragraphs 2.8.295-296 of EN-3.
54. The Applicant's position on micro-siting and locations of cable crossing is set out in **Table 2.1**. Paragraph 2.8.74 of EN-3 recognises that many of the details of a proposed scheme may be unknown to the Applicant at the time of the application and such aspects like the precise cable route may be unknown. The detailed design and micro-siting of inter-array and platform link cables within the Order Limits allows sufficient space to further reduce potential impacts as required by paragraphs 2.8.292-293 of EN-3.
55. The detailed locations of the cable crossings are required to be submitted for approval to the MMO in consultation with statutory consultees as part of Condition 9 in the draft DCO (Document Reference 3.1).
56. It is considered the SoS can be satisfied that appropriate measures are in place to ensure the cable crossings have sufficient space and flexibility and are subject to detailed design provisions.

57. A decommissioning programme will be submitted to the SoS for approval prior to any part of the Project commencing in accordance with paragraphs 2.8.88 and 2.8.89 of EN-3. It is noted the NPS does not require a decommissioning programme to be submitted at pre-consent stage. A robust decommissioning regime is in place under the Energy Act 2004.
58. It can therefore be seen that all aspects associated with Marine Processes, Sediment and Water Quality, and Benthic Ecology have been sufficiently dealt with in the application (and updated accordingly throughout the Examination), and for those areas where a greater understanding of the Project design, construction and layout are, or may be, required this is secured through post-consent plans.

2.2 Fish and Shellfish Ecology

2.2.1 Position at close of Examination

59. ES Chapter 10 Fish and Shellfish Ecology (REP3-016) concluded that there would be no significant effects arising from the Project-alone or cumulatively with other projects/plans.
60. The MCZA (AS-004) concluded that there would be no significant risk of the Project hindering the achievement of the conservation objectives stated for any MCZ screened into the assessment.
61. The RIAA (REP5a-009) identified no AEoI of any SAC, either for the Project-alone or in-combination, for fish and shellfish qualifying features.
62. The Applicant has largely agreed all matters with IPs relating to the assessment of potential effects to identified receptors, the assessment methodologies, and proposed mitigation measures and how they are secured. The matters agreed or not agreed but with no material impacts with IPs are set out in **Section 2.2.2**.
63. There are remaining areas of disagreement, or where matters have not been resolved on fish and shellfish ecology between the Applicant and the following IPs in **Table 2.2**:
- National Federation of Fishermen's Organisations and the Welsh Fisheries Association - Cymdeithas Pysgotwyr Cymru (NFFO and WFA).

2.2.2 Matters agreed or concluded as no material impact

64. The following matters are agreed between the Applicant and the relevant IP:
- **MMO** (see SoCG for further detail (Document Reference 9.1)):
 - the baseline information and impact assessment methodology used for fish and shellfish ecology
 - the MCZ screening and assessment conclusions

- that a seasonal piling restriction would be appropriately covered by the peak cod spawning season (15 February to 31 March) rather than a wider period
- while the conclusions of the Project-alone and cumulative assessment are not agreed (with the MMO considering there would be significant effects on cod spawning), the MMO agrees that there is no material impact given the mitigation in the Outline Underwater Sound Management Strategy (UWSMS) (REP5a-042), which includes a seasonal restriction for piling. There is also wording included on the face of the DCO in respect of this point (see **Section 7** below)
- **NE** (see risks and issue log for further information (REP5a-072)):
 - the level of detail provided to inform the worst-case scenario and EIA
 - the conclusions of the RIAA (no AEol in respect of fish and shellfish features)
- **NFFO and WFA (joint position)** (see SoCG for further detail (REP5a-034)):
 - the level of detail provided to inform the worst-case scenario and EIA
 - the proposed mitigation and the suitability of the Outline Fisheries Liaison and Co-existence Plan (FLCP) (REP5a-025). The baseline data used to inform the fish EIA assessments is within the framework available to EIA assessments
 - matters not agreed, but with no material impact, are that the NFFO and WFA consider there is insufficient site specific shellfish data (see **Table 2.2**), and as such do not agree with the conclusions of the Project-alone or cumulative assessments, but consider this a non-material matter noting that the proposed mitigation and monitoring is agreed (which will be reviewed during the operation of the Project)

2.2.3 Other key matters raised during Examination

65. There are no other key matters related to this topic raised during Examination.

2.2.4 Areas of disagreement and unresolved matters

66. There is no material disagreement in regard to Fish and Shellfish, however **Table 2.2** sets out in more detail where there is a non-material matter where a decision may be required by the SoS.

Table 2.2 Area of disagreement or unresolved in relation to fish and shellfish ecology

Area of disagreement	Signposting document for further detail	Summary of stakeholder/s position	Summary of Applicant's position
Securing of mitigation for cod spawning	<ul style="list-style-type: none"> MMO SOCG_Rev 03 (Document Reference 9.1) MMO Deadline 5 submission (REP5-075) Outline UWSMS (REP5a-042) draft DCO (Document Reference 3.1) 	<p>The MMO requested seasonal piling restrictions (and/or additional underwater noise mitigation to demonstrate effects are sufficiently reduced) because they do not agree with the conclusions of the Project-alone or cumulative assessments in relation to effects on cod spawning grounds. The MMO requested seasonal restrictions be secured in the DCO, although agree to the mitigation measures in the Outline UWSMS.</p>	<p>The Applicant has agreed to the mitigation measures (a seasonal piling restriction unless noise impacts are sufficiently reduced) advised by the MMO to reduce residual effects in the SoCG. The Applicant has included these measures in the Outline UWSMS. The Applicant has agreed wording with the MMO and included a condition in the draft DCO (para. 20(4) of Schedule 6) in the SoCG. However, the Applicant maintains that the ES conclusions are accurate and the UWSMS is an appropriate mechanism to control any mitigation required for residual effects on cod spawning. It is considered that this condition on the face of the DCO is replication and is not necessary.</p>
Baseline characterisation	<ul style="list-style-type: none"> MMO SOCG_Rev 03 (Document Reference 9.1) NFFO Late Deadline 3 Submission - Response to ExQ1 (REP4-072) Response to NFFO and WFA response to 1BEM25 (REP4-060) ES Chapter 10 Fish and Shellfish Ecology (REP3 -016) The Applicant's Response to Relevant Representations at RR-059-04 (PD1-011) 	<p>The NFFO and WFA do not agree that sufficient site specific shellfish data or any data to characterise population dynamics has been collected.</p> <p>The NFFO and WFA's position is that for baseline characterisation, specific methodologies and gears should be used for different receptors. For example, benthic trawl surveys for demersal species and trap surveys for shellfish species.</p> <p>The NFFO and WFA also do not agree with the conclusions of the Project-alone or cumulative assessment with respect to fish and shellfish</p>	<p>The Applicant maintains that the datasets set out in Table 10.5 of ES Chapter 10 Fish and Shellfish Ecology are sufficient to characterise a robust baseline for fish and shellfish (see RR-059-04 in PD1-011). The Applicant agreed the baseline datasets to be used with the MMO and NE via the Expert Topic Group (ETG) process as an appropriate basis to characterise the fish and shellfish baseline.</p> <p>The Applicant notes that the MMO (REP5a-066) agrees with the characterisation of the fish and shellfish ecology baseline and NE confirms in its Deadline 5 submission (REP5-</p>

Area of disagreement	Signposting document for further detail	Summary of stakeholder/s position	Summary of Applicant's position
	<ul style="list-style-type: none"> MMO Deadline 5 submission (REP5-066) Appendix J: NE's responses to the Examining Authority's further written questions and requests for information (REP5-081) 	<p>ecology, given they do not agree the shellfish baseline is sufficient.</p> <p>In both regards the NFFO and WFA agree with the Applicant that these are considered to be non-material, and fully support the monitoring secured.</p>	<p>081) that the baseline is sufficient to assess impacts on designated sites.</p>

2.2.5 Summary outlining accordance with relevant NPS policies

67. The Applicant has assessed effects on fish and shellfish and considers that the baseline used, which has been discussed with stakeholders through the pre-Application process, allows robust conclusions on the Project's potential impacts to be made. The Applicant has assessed the potential implications of underwater noise from construction (including an assessment of unexploded ordnance clearance) to sensitive fish in ES Chapter 10 Fish and Shellfish Ecology (REP3-016) and in accordance with 2.8.151 of EN-3.
68. In addition, the Applicant has committed to managing noise impacts through the Outline UWSMS (REP5a-042) which provides for seasonal piling restrictions for cod spawning and/or the use of noise reduction methods to decrease impacts on cod spawning as agreed with the MMO and in accordance with 2.8.249 of EN-3.
69. It is considered that despite the alternate views of how the mitigation measure is secured (i.e. the need for the seasonal restriction in the dDCO in addition to the UWSMS), all matters of fish and shellfish have been assessed and mitigated in accordance with paragraphs 2.8.147-151 of EN-3.

2.3 Marine Mammals

2.3.1 Position at close of Examination

70. ES Chapter 11 Marine Mammals (REP5a-019) concluded that, following mitigation, there would be no significant effects arising from the Project-alone or cumulatively with other projects/plans.
71. The RIAA (REP5a-009) identified no AEoI for any SAC, either for the Project-alone or in-combination with other plans or projects for marine mammal qualifying features.
72. The Applicant has worked closely with the MMO, NE and Natural Resources Wales (NRW(A)) during Examination to provide further assessment methodology information and to develop the Draft MMMP (Document Reference 6.5) and Outline UWSMS (REP5a-042) in regard to noise mitigations. The matters agreed or not agreed but with no material impact with the MMO, NE, NRW(A) and JNCC are set out in **Section 2.3.2**.
73. There are remaining areas of disagreement, matters unresolved or non-material matters, where a decision is required by the SoS, on marine mammals with the following IPs in **Table 2.3**:
- NE
 - NRW(A)
 - JNCC

2.3.2 Matters agreed or concluded as no material impact

74. The following matters are agreed or agreed as no material impact between the Applicant and the relevant IP:

- **MMO** (see SoCG for detailed information (Document Reference 9.1)):
 - the EIA baseline, methodology and conclusions
 - the use of Temporary Threshold Shift (TTS) in the indicative UXO assessments has not been resolved, however this is agreed to have no material impact given that the assessment is sufficient for indicative purposes and UXO clearance is not part of the DCO Application
 - the Outline UWSMS (REP5a-042) and Draft MMMP (Document Reference 6.5) are suitable to agree mitigation measures for underwater noise (including breaks in piling)
 - monitoring proposals are sufficient, with agreement of no material impact regarding the number of piles monitored for noise (i.e. there is provision for monitoring the first four piles)
- **NE** (see NE Risk and Issues Log for detailed information (REP5a-072)):
 - the EIA baseline, assessment methodology and assessment conclusions for the worst case scenario
 - the conclusion of no AEoI for English sites
 - the details within the Outline UWSMS (REP5a-042) and MMMP (Document Reference 6.5)) are suitable to agree mitigation measures for the management of underwater noise (including breaks in piling)
- **NRW(A)** (see SoCG for detailed information (Document Reference 9.50)):
 - the assessment conclusions of the ES and RIAA (and conclusion of no AEoI for Welsh Sites), although NRW(A) have outstanding non-material disagreement regarding the CEA and in-combination assessment regarding the assessment of repeat disturbances and methodology limitations (see **Table 2.3** and the NRW(A) D5 submission (REP5-084))
- **JNCC** (see JNCC Response to ExQ1 for detailed information (REP3-082)):
 - there is no anticipated AEoI on the North Anglesey Marine SAC (but have commented on methodology matters as summarised in **Table 2.3**)

2.3.3 Other key matters raised during Examination

75. There are no other key matters related to this topic raised during Examination.

2.3.4 Areas of disagreement and unresolved matters

76. **Table 2.3** sets out the area of disagreement or unresolved matters in relation to Marine Mammals, the reason why these areas of disagreement remain and the Applicant's position. It also signposts to relevant documents for more detailed information.

Table 2.3 Area of disagreement in relation to Marine Mammals

Area of disagreement	Signposting document for further detail	Summary of stakeholder(s) position	Summary of Applicant's position
Cumulative/in-combination assessment methodology	<ul style="list-style-type: none"> NRW(A) D5 submission (REP5-084) JNCC D3 response (REP3-082) ES Chapter 11 Marine Mammals (REP5a-019) RIAA (REP5a-009) Appendix A of Combined Examination Progress Tracker and Statement of Commonality (Document Reference 8.5) 	<p>NRW(A) note there is a lack of methodology available to quantify the long-term cumulative population effects of:</p> <p>a) All other impact pathways for both the project alone and for all projects together (except piling).</p> <p>b) The additive effects of repeated instances of disturbance for a given impact pathway (except piling).</p> <p>However, NRW(A) are able to agree with the assessment conclusions with acknowledgement of the limitations in methodology available.</p> <p>JNCC also have concerns on some of the information presented to support some of the conclusions as well as the mitigation provided.</p>	<p>The Applicant considers that all available methods and evidence has been used to inform robust conclusions for Chapter 11 Marine Mammals and the RIAA. The Applicant has acknowledged the methodology limitations which has enabled agreement on the assessment conclusions with NRW(A).</p> <p>The Applicant updated Chapter 11 Marine Mammals and the RIAA at Deadline 4 with the aim to resolve JNCC concerns, however as JNCC are only responding to questions directed from the ExA (confirmed via e-mail to the Applicant on 11 March 2025 (see Appendix A in Combined Examination Progress Tracker and Statement of Commonality) the Applicant has not been able to confirm directly if matters have been resolved. However, it is noted that JNCC state they do not anticipate there to be adverse effects on site integrity.</p>
Mitigation – noise abatement measures	<ul style="list-style-type: none"> JNCC D3 response (REP3-082) NE Appendix D2: Natural England's comments on Marine Mammals (REP5-079) 	<p>The MMO strongly advises that Noise Abatement Systems (NAS) will likely be required for all piling in the coming years but considers the Outline UWSMS to be the appropriate mechanism to determine the specific mitigation requirements. The MMO defers to NE in relation to the worst case and commitment to NAS in the Outline UWSMS and in the DCO.</p>	<p>The Applicant is committed to appropriately reducing noise impacts and has committed to NAS as appropriate in the Outline UWSMS, taking account of the worst-case scenario assessed in the ES (and all scenarios to effectively mitigate Permanent Threshold Shift (PTS) and to ensure Acoustic Deterrent Device (ADD) usage is within the maximum recommended time range). The Applicant considers that final mitigation should be agreed for the final design of the Project in consideration of associated impact ranges, as well as in</p>

Area of disagreement	Signposting document for further detail	Summary of stakeholder(s) position	Summary of Applicant's position
	<ul style="list-style-type: none"> NRW(A) D5 submission (REP5-084) Outline UWSMS_Rev 04 (REP5a-042) Draft MMMP_Rev 06 (Document Reference 6.5) Draft DCO_Rev 07 (Document Reference 3.1) 	<p>NE consider that NAS should be used for all piling scenarios and conditioned in the dDCO to reduce noise impacts to marine mammals.</p> <p>NRW(A) consider that a commitment to 'best endeavours' to reduce underwater noise (in the context of European Protected Species licensing) should be included in the Outline UWSMS.</p> <p>JNCC recommend that quieter installation methods and/or NAS are considered early in the project design process to reduce the risk of delay to licence applications.</p>	<p>accordance with the latest guidance at the time (noting a new noise threshold is anticipated). It is not proportionate or reasonable to take a blanket approach that all or any piling should only be undertaken with the use of NAS without understanding the likely noise (and impacts) of the final design.</p> <p>The Outline UWSMS and the Draft MMMP provide the mechanism to secure primary or secondary mitigation (or both) as required. The Applicant has also included a sub-paragraph within the Outline UWSMS condition in the dDCO (the wording of which has been agreed with stakeholders) which provides for details of the noise reduction measures and / or NAS to be included in the final UWSMS (Schedule 6 Part 2 Condition 20(2)). However, it is considered that this sub-paragraph is unnecessary since the mitigation mechanism is effectively secured in the Outline UWSMS and draft MMMP and therefore its inclusion on the face of the DCO would be an unnecessary repetition.</p>
Mitigation – temporal overlap with other projects	<ul style="list-style-type: none"> NRW(A) D5 submission (REP5-084) Outline VTMP (REP5a-031) Outline PEMP (REP5a-023) Outline UWSMS (REP5a-042) The Applicant's Comments on Deadline 5 	<p>NE consider that reduction in temporal phasing noisy activities at the same time as other projects should be considered to reduce cumulative effects.</p>	<p>The Applicant has committed to not undertaking UXO clearance (if clearance is required) at the same time as foundation piling for the Project to reduce interaction between noisy activities and reduce the number of animals disturbed at one time. This is secured in the Outline UWSMS which also provides the mechanisms to agree the final mitigation required for underwater noise. It is not considered that further coordination with other projects to schedule activities is required or proportional to the effects.</p> <p>In regard to effects from vessels, at Deadline 5A the Applicant strengthened commitments to use existing</p>

Area of disagreement	Signposting document for further detail	Summary of stakeholder(s) position	Summary of Applicant's position
	Submissions by Interested Parties and Comments on responses to ExQ2s (REP5a-059)		vessel routes within the Outline VTMP and Outline PEMP and is considered to have resolved this matter but notes that there may be further detail discussed post consent when the port(s) are selected.
Marine mammal monitoring	<ul style="list-style-type: none"> NRW(A) D5 submission (REP5-084) NE Risks and Issues Log at Deadline 5 (REP5-083) The Applicant's Comments on Natural England's Risk and Actions Log at Deadline 4 (REP5-061) IPMP_Rev 06 (Document Reference 6.4) MMMP_Rev 06 (Document Reference 6.5) MMO D5a response (REP5a-066) NE D5a response (REP5a-068) 	<p>NE consider that marine mammal monitoring is a standard requirement and specifically that monitoring for disturbance is required.</p> <p>NE consider that aerial surveys being undertaken for over-wintering red-throated divers (RTD) would only provide limited information in regard to marine mammal observations.</p>	<p>The Applicant has included noise monitoring in the IPMP for the monitoring of the first four piles. The Draft MMMP includes a requirement to submit reports on marine mammal observations in response to active sources of noise during construction including piling or UXO clearance activities to the MMO. This has been clarified in the Deadline 6 submission of the IPMP and is considered to resolve comments from NE in regard of disturbance monitoring during construction.</p> <p>Data on marine mammals would be collected via aerial surveys at the same time these are being flown (if required) to monitor over-wintering RTD. Given this information is considered to provide additional information only it is not considered there is a driver to extend aerial surveys beyond the winter period or to be undertaken for marine mammals alone if not required for RTD (see Section 2.4).</p> <p>Further monitoring is not considered proportionate for the Project in respect of the effects identified and the mitigation that would be applied. It is noted that NRW(A) agree in their Deadline 5 submission that any additional information is welcomed and has not sought additional monitoring.</p> <p>The potential for further monitoring is included in the IPMP should this be determined to be required by the</p>

Area of disagreement	Signposting document for further detail	Summary of stakeholder(s) position	Summary of Applicant's position
			SoS, but it is not considered there is a driver for any further monitoring.

2.3.5 Summary outlining accordance with relevant NPS policy

77. The assessment in ES Chapter 11 Marine Mammals (REP5a-019) for marine mammals has been undertaken in accordance with EN-1 and EN-3 and includes the details set out in paragraph 2.8.131 of EN-3 where relevant. The assessment identified that with mitigation no significant effects arise from the Project alone or cumulatively with other projects/plans.
78. The RIAA (REP5a-009) concludes that there would be no AEol on any site in the National Site Network or European Sites for any designated feature as a result of the Project either alone or in-combination with other plans or projects.
79. The scope, effort and methods required for marine mammal surveys and impact assessments have been discussed with the relevant Statutory Nature Conservation Bodies (SNCBs) in accordance with 2.8.132 of EN-3 and as evidenced throughout the pre-application and Examination of the Project.
80. The Applicant has been working with the MMO, NE and NRW(A), as evidenced in The Applicant's Comments on NE's Risk and Issues Log at Deadline 5 (REP5a-060), the MMO SoCG (Document Reference 9.1) and the NRW(A) SoCG (Document Reference 9.50) to provide suitable approaches to mitigate noisy activities in accordance with paragraph 2.8.133 of EN-3.
81. The Outline UWSMS (REP5a-042) provides an overview of the information that will be detailed within the Final UWSMS, which will be developed post-consent based on further refined Project design information. It provides a mechanism to agree and secure any final additional mitigation measures required for the Project post consent (with approval required by the MMO) in accordance with paragraph 2.8.135 of EN-3. The Final MMMP (see paragraph 81) will be based on and align with the Final UWSMS in relation to marine mammals, with the UWSMS (as secured in the draft DCO Document Reference 3.1, Schedule 6, Part 2, Condition 20) providing further detail, discussion and agreement around mitigation measures. This includes a commitment to NAS for the worst case scenario as a minimum and secures consideration of primary and / or secondary measures alongside the final design of the Project.
82. The Applicant has committed to a range of mitigation measures to reduce or eliminate the risk of injurious effects of underwater sound due to piling on marine mammals as set out in the Draft MMMP (Document Reference 6.5). A Final MMMP will be developed post-consent, in consultation with the licensing authority and SNCBs, in consideration of any refinements to the Project's design. The Applicant's commitment to the Final MMMP is secured within the dML in the draft DCO (Document Reference 3.1, Schedule 6, Part 2, Condition 9(1)(i)).
83. For UXO clearance and geophysical surveys, the Applicant will make separate marine licence applications (where applicable and if required). Appropriate mitigation for these activities would be agreed as part of their marine licence determinations.

84. The mitigation measures set out in the Outline UWSMS (REP5a-042) and draft MMMP (Document Reference 6.5) are considered to meet the requirements of paragraphs 2.8.237 to 2.8.239 of EN-3. It is considered the areas of disagreement in **Table 2.3** above do not detract from the Project being in accordance with the NPS because they are regarding the final form of mitigation required in different design scenarios.
85. As such it is considered the Applicant has taken all reasonable and proportionate steps to minimise impacts on marine mammals during the proposed methods of construction in accordance with paragraph 2.8.321 of EN-3. It is considered also this approach provides a suitable framework for noise mitigation measures and the SoS can be satisfied that these have been provided for in accordance with paragraphs 2.8.313 and 2.8.314 of EN-3.

2.4 Offshore Ornithology

2.4.1 Position at close of Examination

86. ES Chapter 12 Offshore Ornithology (Document Reference 5.1.12) identifies that for the Project alone, there would be no significant adverse effects to ornithology receptors. Cumulatively, a residual significant effect has been identified for great black-backed gull, and the kittiwake feature of the Great Orme's Head Site of Special Scientific Interest (SSSI). Suitable and proportionate mitigation for these effects is proposed in ES Chapter 12 Offshore Ornithology (Document Reference 5.1.12) noting the small contribution of the Project.
87. The Applicant has largely agreed all matters relating to the assessment of potential effects to identified receptors, the assessment conclusions, and proposed mitigation measures and how they are secured. The matters agreed or not agreed but with no material impact with NE, NRW(A), RSPB, JNCC and NatureScot are set out in **Section 2.4.2**.
88. The RIAA (REP5a-009) concludes that there would be no AEol on any European Sites for any designated feature as a result of the Project either alone or in-combination with other plans or projects. HRA related matters are further detailed in **Section 8** of this document.
89. Where there are remaining areas of disagreement in relation to ornithology, or where matters have not been resolved between the Applicant and IPs, these are summarised in **Table 2.4**.

2.4.2 Matters agreed or concluded as no material impact

90. The following matters are agreed between the Applicant and the relevant IP:
- **RSPB, NE and NRW(A):**
 - the cumulative assessment following the updates to the historical gap filling in ES Chapter 12 Offshore Ornithology (Document Reference

5.1.12) have been welcomed by RSPB, NE and NRW(A). See respective SoCGs (RSPB: REP5a-033 and NRW(A): Document Reference 9.50) and the NE Risks and Issues Log (REP5a-072)

- **NE** (see Risks and Issue Log for further detail (REP5a-072)):
 - EIA assessment conclusions
 - all conclusions for English Sites in the RIAA (REP5a-009) for the Project alone and in-combination (with the expectation of Liverpool Bay SPA, at Morecambe Bay and Duddon Estuary and Ribble and Alt Estuaries SPAs for in-combination effects)
- **NRW(A)** (see SoCG for further detail (Document Reference 9.50)):
 - all EIA scale conclusions and mitigation in respect of Welsh designated sites and species
 - all conclusions for Welsh Sites in the RIAA (except for Liverpool Bay SPA where NRW(A) defer to NE)
 - given the additional work undertaken by the Applicant during Examination it has been agreed that the level of pre Application consultation, which NRW(A) suggested could have been more extensive, has no material impact
- **RSPB** (see SoCG for further detail (REP5a-033)):
 - the approach to the assessment at the EIA scale, and the assessment conclusions for the majority of receptors
 - matters not agreed but that have no material impact include how ecosystem effects have been addressed (this is considered to be an industry wide concern) and the consideration of macro-avoidance within the gannet collision assessment (RSPB acknowledges this would not affect assessment outcomes due to the low numbers of this species recorded at the Project site).
- **JNCC** (see The Applicant's Comments to IPs Responses to ExQ1 (REP4-060) for further detail):
 - there would be no AEoI for all SPAs for which JNCC has jurisdiction, aside for some features of the Skomer, Skokholm and the Seas off Pembrokeshire SPA where JNCC have not confirmed no AEoI. It is noted that JNCC has not updated its position since the Applicant has presented updates for this SPA into Examination (REP3-058 and REP5-010) SPA (refer to **Section 8**)
- **NatureScot** (see The Applicant's Comments on Deadline 2 Submissions by IPs (REP3-069) for further detail):
 - there would be no AEoI for all features of Scottish SPAs with the exception of the gannet feature of the Ailsa Craig SPA where NatureScot have not confirmed no AEoI (refer to **Section 8**)

2.4.3 Other key matters raised during Examination

91. There are no other key matters related to this topic raised during Examination.

2.4.4 Areas of disagreement and unresolved matters

92. **Table 2.4** sets out the areas of disagreement (or areas unresolved) in relation to ornithology at the EIA scale, the reason that these areas of disagreement remain and the Applicant's positions on these areas of disagreement. It also signposts to the relevant documents for more detailed information.
93. Disagreement, or unresolved matters in relation to the HRA are provided in **Section 8** of this document.

Table 2.4 Area of disagreement in relation to Ornithology

Area of disagreement	Signposting document for further detail	Summary of stakeholder(s) position	Summary of Applicant's position
Monitoring	<ul style="list-style-type: none"> NE Risks and Issues Log - Deadline 5 (REP5-083; RI_P2 and RI_A5) The Applicant's Comments on NE's Risk and Actions Log at Deadline 4 (REP5-061) IPMP_Rev 06 (Document Reference 6.4) Draft DCO_Rev 07 (Document Reference 3.1) NE Deadline 5a submission (REP5a-068) The Applicant's Comments on Deadline 5A Submissions by Interested Parties and Comments on responses to ExQ3s (Document Reference 9.67) 	<p>NE raised that pre- and post-construction ornithological monitoring should be secured by conditions.</p> <p>NE also have raised that further consideration and analysis of the required pre-construction surveys for RTD need to be established and agreed.</p>	<p>The Applicant has included ornithological monitoring for RTD in the IPMP submitted at Deadline 6. The ornithological monitoring for RTD is provided on the basis that RTD compensation is not required as it is not considered proportionate to provide both compensation and monitoring (which would be used to validate the conclusions of no AEoI). It is noted that the pre-construction survey requirements (i.e. number of years of survey) has not been agreed (see the Applicant response to NE D5A submission) but it is considered that this would be developed and agreed post consent, as set out in their Deadline 5 submission.</p> <p>Further monitoring for other ornithological species is not considered proportionate to the effects identified. The Applicant does not consider that collision monitoring for the Project is justified or would generate meaningful results, noting the very small predicted lesser black-backed gull mortality arising from the Project alone (see REP5-061 at RL_B36) but a contribution to wider monitoring is being considered, as noted in the IPMP.</p> <p>The final monitoring plan (Schedule 6, Part 2, Conditions 9(1)(c), 14, 15 and 16 in the DCO) must be agreed post-consent in line with the IPMP and as such it is considered there are suitable controls within DCO conditions.</p>
Assessment methodology	<ul style="list-style-type: none"> RSPB's Relevant Representations (RR-073) 	<p>RSPB did not agree the assessment conclusions in the ES (or RIAA) for a number of features/receptors (including Manx</p>	<p>The Applicant considers that sufficiently robust assessments have been presented, in accordance with industry good practice. The Offshore</p>

Area of disagreement	Signposting document for further detail	Summary of stakeholder(s) position	Summary of Applicant's position
	<ul style="list-style-type: none"> ▪ Applicant's response to Relevant Representations (PD1-011) ▪ SoCG with RSPB (REP5a-033) ▪ RIAA_05 (REP5a-009) ▪ ES Chapter 12 Offshore Ornithology_Rev 04 (Document Reference 5.1.12) ▪ Additional information to support assessment of Red-throated Diver feature at Liverpool Bay SPA (REP4-054) ▪ Offshore Ornithology Technical Note 1 (EIA)_Rev 02 (REP3-056) ▪ Offshore Ornithology Technical Note 2 (HRA)_Rev 02 (REP3-058) 	<p>shearwater), due to broader, industry-wide concerns on the assessment approach. RSPB considers that assessment of effects on Manx shearwater is limited by the baseline characterisation for this species, which it considers does not fully address its nocturnal activity. It also considers that assessment of collision risk is not appropriately considered for this species. However, RSPB recognises that this is an industry-wide issue, not specific to the Project.</p> <p>RSPB considers that the Applicant has not appropriately considered Highly Pathogenic Avian Influenza (HPAI) in the assessment, but recognises that this is an industry-wide issue, not specific to the Project.</p> <p>RSPB does not agree with the Applicant's approach to 'de minimis' when considering cumulative and in-combination assessment. RSPBs final position is outlined in REP5a-033.</p>	<p>Ornithology submissions to the Examination (including Document Reference 5.1.12, REP5a-009, REP3-056 and REP3-058) and Examination updates (including REP4-054), allow the SoS to reach appropriate conclusions on the ornithological assessment at both the EIA and HRA scales. As recognised by RSPB, these are principally industry-wide issues such that the Applicant is not in a position to resolve to RSPB's satisfaction.</p> <p>The Applicant considers that the Manx shearwater assessment in ES Chapter 12 Offshore Ornithology and the RIAA appropriately considers the effects on this species in accordance with good practice, and that there is no risk that effects on this species would be underestimated (see PD1-011).</p> <p>Applicant considers that all matters have been appropriately addressed within the assessment in accordance with good practice, and notes that no concerns have been raised by NE.</p>

Area of disagreement	Signposting document for further detail	Summary of stakeholder(s) position	Summary of Applicant's position
Measures to mitigate vessel disturbance	<ul style="list-style-type: none"> Outline VTMP_05 (REP5a-031) NE Appendix J: Natural England's responses to the Examining Authority's further written questions and requests for information (ExQ2) (REP5-081) NE Risk and Issues Log at Deadline 5 (REP5-083) The Applicant's Comments on Deadline 5 Submissions by Interested Parties and Comments on responses to ExQ2s (REPa-059) 	NE noted in REP5-081 and REP5-083 that it is not clear that the Outline VTMP is sufficient. Potential ports for construction, operation and maintenance activity should be considered to determine if the best practice measures proposed can be implemented and adhered to. NE suggest that stronger commitment is made to the exclusive use of existing shipping lanes within the Liverpool Bay SPA and to a 2km distance.	The Applicant notes NE's comments on the Outline VTMP, however port(s) for construction, operation and maintenance activities have yet to be selected for the Project. The Applicant considers that the Outline VTMP, which was updated at Deadline 5a in light of NE's recent comments in their Deadline 5 submission provides a sufficient mechanism to secure best practice measures for vessel movements in and around Marine Protected Areas post-consent once port locations are known.

2.4.5 Summary outlining accordance with relevant NPS policy

94. Ornithology was a key consideration of the Applicant's site selection process, as set out in Chapter 4 Site Selection and Assessment of Alternatives (APP-041). The Applicant sought to avoid areas designated for their importance to bird populations, with the Project sitting outside any SPA.
95. The Applicant has assessed the potential effects to ornithology in accordance with the NPSs. The assessment has been undertaken in accordance with the key policies for ornithology including paragraphs 2.8.137 to 2.8.146 of EN-3 as set out in ES Chapter 12 Offshore Ornithology (Document Reference 5.1.12). For paragraph 2.8.138 of EN-3, Condition 18(1)(b) of the DML (Schedule 6 to the DCO) requires the close out report to include installed parameters relevant for ornithology (i.e. to ensure that stakeholders can understand the final implications of the as-built project on ornithology receptors).
96. The assessment includes a collision risk assessment in accordance with paragraph 2.8.144 of EN-3 which found the Project alone impact magnitudes due to collision mortality for gannet, little gull, kittiwake, common gull, herring gull, lesser black-backed gull and great black-backed gull were considered to be negligible. After applying sensitivity to the species, the Project alone assessment resulted in a minor adverse effect in all cases, which is not significant in EIA terms.
97. Overall, as noted above, there are no Project-alone significant effects identified. A cumulative residual significant effect for great black-backed gull, and the kittiwake feature of the Great Orme's Head SSSI has been identified in the assessment, however the contribution made by the Project is very small in comparison to the existing effects. No significant cumulative effects on other ornithology receptors have been identified.
98. In terms of mitigation, the Applicant sought to mitigate potential impacts to ornithology. This was by further increasing the air gap from 22m above Highest Astronomical Tide (HAT) to 25m above HAT (approximately 35m above LAT) for the application. This design change was in response to consultation feedback, providing further reduction of potential collision risk for offshore ornithology receptors and in compliance with paragraph 2.8.241 of EN-3. The increase in air gap is considered proportionate to the effects of the Project on the features identified above (great black-backed gull and the kittiwake feature of Great Orme's Head SSSI), and NE and NRW(A) have agreed that further mitigation would not achieve measurable benefits for these features.
99. For construction vessels and post-construction maintenance vessel traffic, the Outline VTMP (REP5a-031) and Outline PEMP (REP5a-023) set out how the Project proposes to avoid rafting seabirds, particularly during sensitive periods in accordance with paragraph 2.8.242 of EN-3.
100. It is considered the SoS can be satisfied that all collision risk and displacement assessments have been conducted to an appropriate standard having had

regard to the advice from NE and the relevant IPs above. It is clear that all material matters have been agreed regarding ornithology, except where set out in **Table 2.4** and where there is a disagreement on the assessment conclusions of no AEoI for RTD and LBBG which is addressed in **Section 8**. This demonstrates the Applicant's efforts to resolve and address matters raised by relevant statutory bodies in accordance with paragraphs 2.8.315 and 2.8.316 of EN-3.

101. The area of disagreement with NE on monitoring in **Table 2.4** is a matter of proportionality to the effects of the Project. The Applicant's position on this matter is set out above and it considers the proposed measures to monitor or compensate the potentially affected (on a without prejudice base) RTD are proportionate and justified. It is therefore considered that cumulative and in-combination impacts on seabird species have been appropriately addressed because the identified cumulative effects have been agreed with relevant IPs and mitigated as far as possible, which satisfy the SoS in accordance with paragraph 2.8.316 of EN-3.

2.5 Other Ecology Receptors

2.5.1 Position at close of Examination

102. There are remaining areas of disagreement on other ecology receptors (specifically bats) where agreement could not be reached between the Applicant and NE, as set out in **Table 2.5**.
103. The Applicant has set out in the next section how the Project continues to be in accordance with the NPS EN-1 and EN-3.

2.5.2 Other key matters raised during Examination

104. There are no other key matters related to this topic raised during Examination.

2.5.3 Areas of disagreement and unresolved matters

105. **Table 2.5** sets out the areas of disagreement in relation to other ecology receptors, the reason that these areas of disagreement remain and the Applicant's positions of these areas of disagreement. It also signposts to the relevant document for more detailed information.

Table 2.5 Area of disagreement in relation to Other Ecology Receptors

Area of disagreement	Signposting document for further detail	Summary of stakeholder(s) position	Summary of Applicant's position
Impact pathways to bats over the Irish Sea	<ul style="list-style-type: none"> ■ ExQ1 (PD-011) ■ NE Risk and Action Log (REP4-067) ■ Technical Note on the Assessment of Offshore Impacts on Bats over the Irish Sea_Rev 01 (REP4-055) ■ NE's Risk and Issue Log (REP5-083) ■ NE's comments on Bats Offshore (REP5-080) ■ Technical Note on the Assessment of Offshore Impacts on Bats over the Irish Sea_Rev 02 (REP5a-050) 	<p>NE responded to the ExQ1 (1HRA3) that they do not agree with the Applicant's conclusion that there is no impact pathway for bats (REP4-067).</p> <p>NE noted the paucity of evidence available directly related to bat behaviour in relation to offshore infrastructure. They commented that, whilst there are suitable methods available for improving this evidence base, including the deployment of bat detectors and night vision aids at offshore structures, they recognised that implementing this is outside the scope of this Examination, but identified this as a topic for strategic work across the Irish Sea.</p>	<p>The Applicant submitted further information on bats at Deadline 4 (REP4-055). The Technical Note concluded there would be a low potential for likely significant effects whilst acknowledging the lack of certainty due to data gaps.</p> <p>The Applicant provided further evidence from other offshore windfarm ESs which included the role of barotrauma in wind turbine related bat mortality at Deadline 5a (REP5a-050) following NE's request (REP5-080 and REP5-083).</p> <p>The Applicant's position is that monitoring is not considered proportionate to the Project due to the extremely low risk of impact. The Applicant is open to discussions with SNCBs on the potential of a proportionate contribution to a fund for strategic monitoring with other offshore wind farm projects to try and gain more insight into bat migration over the Irish Sea.</p>

2.5.4 Summary outlining accordance with relevant NPS policy

106. The Technical Note on the Assessment of Offshore Impacts on Bats over the Irish Sea (REP5a-050) has assessed the potential impacts to migratory bats from the Project in accordance with 5.4.22 of EN-1 and as requested by NE. The assessment concluded there would be a low potential for likely significant effects for the reasons set out in Section 3.3 of the assessment. As such, the Applicant considers that bats can be excluded from the HRA Screening Report (REP3-006) and impact assessment as there is little evidence that bats would interact with the Project.
107. The Applicant has also proposed wording for a condition in the draft DCO (in response to the ExA's third written questions, Ref. 3DCO2 in REP5a-056) for bat monitoring on a 'without prejudice' basis and added the potential for bat monitoring to the IPMP (Document Reference 6.4), subject to further discussions on an appropriate broad scale strategic monitoring programme, as requested by the ExA. As such, it is considered the Project complies with paragraph 5.4.55 of EN-1 in that there is little existing evidence that bats would interact with the Project.

3 Civil and Military Aviation and Radar

3.1 Position at close of Examination

108. ES Chapter 16 Civil and Military Aviation and Radar (REP3-024) identifies, both Project-alone and cumulatively, with mitigation, there would be no residual significant effects. Mitigation solutions were identified through ongoing engagement with stakeholders.
109. The Applicant has continued to engage with IPs from pre-Application and throughout Examination to resolve safeguarding and operational effects on civil and military aviation and radar with best intentions and efforts.
110. All matters are agreed within the SoCGs for the Defence Infrastructure Organisation (DIO) (for DIO only issues) (REP5a-039) and National Air Traffic Services (NATS) (REP5a-035).
111. The matters agreed with Blackpool Airport, DIO (for Warton Aerodrome issues), BAE Systems Operations (Ltd) and BAE Systems Marine Ltd are set out in **Section 3.2** and the areas of unresolved matters are set out in **Table 3.1**, including:
- Defence Infrastructure Organisation (DIO) and BAE Systems (Operations) Ltd for Warton Aerodrome, with regards to radar mitigation solutions, and Very High Frequency (VHF), Direction Finding (DF) and Ultra High Frequency (UHF) communications effects
 - Blackpool Airport, with regards to VHF and DF radio communications

- BAE Systems Marine Ltd for Walney Airport, with regards to VHF radio communications.

3.2 Matters agreed or concluded as no material impact

112. The following matters are agreed between the Applicant and the relevant IP:

- **Blackpool Airport** (see SoCG for further details (Document Reference 9.11)):
 - the redesigned IFP to maintain necessary obstacle clearance protection above WTGs to mitigate the effects the maximum tip height of the WTGs would have to the IFP at Blackpool Airport (see Appendix 16.2 – Blackpool Instrument Flight Procedure Safeguarding Report (REP3-033))
- **DIO, BAE Systems Operations Ltd and BAE Systems Marine Ltd** (see SoCGs for DIO (REP5a-039), BAE Systems Operations Ltd (Document Reference 9.10) and BAE Systems Marine Ltd (Document Reference 9.13) for further details):
 - amendments to the existing IFPs at Warton Aerodrome and Walney Aerodrome to maintain necessary obstacle clearance protection above WTGs to mitigate the effects of the maximum tip height of the WTGs. For Walney Aerodrome, see the Impact Assessment of Proposed Morecambe Bay Windfarm Against Selected Instrument Flight Procedures (REP3-073). For Warton Aerodrome, refer to ES Chapter 16 Civil and Military Aviation and Radar (REP3-024)
- **Blackpool Airport and BAE Systems Marine Ltd:**
 - proposed mitigation is achievable within the time limit for implementation of the DCO (minimum of 5.5 years from decision)
- **Blackpool Airport, BAE Systems Operations Ltd and BAE Systems Marine Ltd:**
 - requirements 5, 6 and 7 in the draft DCO (Document Reference 3.1) suitably secure the mitigation required for respective IPs
 - there would be no residual significant adverse effects on Civil and Military Aviation and Radar once the agreed mitigation is in place

3.3 Other key matters raised during Examination

113. There are no other key matters related to this topic raised during Examination.

3.4 Areas of unresolved matters

114. **Table 3.1** sets out the areas of ongoing discussion in relation to Civil and Military Aviation and Radar, the reason that these areas of discussion remain and the Applicant's positions of these areas of discussion. It also signposts to the relevant document for more detailed information.

Table 3.1 Area of unresolved issues in relation to Civil and Military Aviation and Radar

Area of ongoing discussion	Signposting document for further detail	Summary of stakeholder/s concern held	Summary of Applicant's position
Wind turbine interference with Very High Frequency (VHF), Ultra High Frequency (UHF) and Direction Finding (DF) radio communications at Warton Aerodrome, Blackpool Airport and Walney Aerodrome	<ul style="list-style-type: none"> Statements of Common Ground with BAE Systems Operations Ltd and DIO_Rev 03 (Document Reference 9.10) SoCG with Blackpool Airport_Rev 04 (Document Reference 9.11) SoCG with BAE Systems Marine Ltd (Document Reference 9.13) VHF, UHF, and DF Technical Safeguarding Assessment (Document Reference_Rev 02 9.66). Consultation Report_Rev 02 (REP1-002). BAE Systems (Operations) Ltd RR-006 	<p>The Applicant commissioned a qualified aviation consultancy to conduct project-alone VHF, UHF and DF Technical Safeguarding Assessments for Warton Aerodrome, Blackpool Airport and Walney Aerodrome. The IPs have reviewed the assessments to determine any potential operational impacts.</p> <p>Blackpool Airport has also commissioned a cumulative VHF and DF assessment on the Project with other Round 4 developments to understand any potential cumulative effects. The report on the cumulative assessment is expected after the close of Examination, and the Applicant proposes to hold further discussions with Blackpool Airport once this is received.</p> <p>Through initial discussions with the IPs on the Project-alone assessment, the IPs believe the proposed developed would raise significant effects. Subsequently, a proposed mitigation solution has been identified by the IPs to the Applicant.</p>	<p>During the Examination, the Civil Aviation Authority (CAA) and the Safety and Regulation Group (SARG) raised concerns with Warton Aerodrome, Blackpool Airport and Walney Aerodrome, regarding potential interference to radio communications that had been experienced by another airfield due to other onshore wind farm projects. This issue had not been previously considered in their guidance. The IPs have been instructed to consider these implications when approving any new developments.</p> <p>It is noted the Applicant undertook pre-Application engagement with DIO and BAE Systems (Operations) Ltd, Blackpool Airport and BAE Systems Marine Ltd at the pre-Application stage of the Project and these concerns were not raised in any consultation responses, as set out in the Consultation Report. The Applicant also notes these issues were not raised within the IPs relevant representations (please refer to RR-006, RR-007 and RR-013). As such the Applicant has not been able to address these issues with the IPs until later in the Examination.</p> <p>The VHF, UHF and DF assessments (Document Reference 9.66) identify the potential for localised interference to communications. The IPs are at various stages of conducting their own operational assessments to understand how this localised interference may impact their operations, and some of these are now completed, having identified that there will be the need for mitigation for any adverse effects. The parties are in discussion regarding the technical specification of this mitigation.</p> <p>The Applicant has agreed provisions to reach agreement on the necessary mitigation post-consent with all aviation</p>

Area of ongoing discussion	Signposting document for further detail	Summary of stakeholder/s concern held	Summary of Applicant's position
	<ul style="list-style-type: none"> BAE Systems Marine Limited RR-007 Blackpool Airport Ltd RR-013 	<p>The IPs concerns on interference with radio communications remain in place until the mitigation has been accepted by the Applicant.</p>	<p>stakeholders for any VHF, UHF and DF effects together with effects on air traffic services in Requirements 5, 6, 7 and 9 of the draft DCO (Document Reference 3.1).</p> <p>The Applicant considers that the Secretary of State can be satisfied that there is a suitable requirement which would deliver mitigation, should it be considered required once operational assessments are complete.</p>
<p>Proposed radar mitigation solution for Warton Aerodrome.</p>	<ul style="list-style-type: none"> Statements of Common Ground with DIO and BAE Systems Operations Ltd_Rev 03 (Document Reference 9.10) ES Chapter 16 Civil and Military Aviation and Radar_Rev 03 (REP3-024) 	<p>The Applicant has proposed the Terma SCANTER 4002 X Band PSR to the DIO and BAE Systems (Operations) Ltd as a mitigation solution to radar interference. The solution would be able to be installed with full line of sight of the proposed wind turbines and yet, with its enhanced accuracy and processing, capable of providing compliant aircraft detection without being impacted by wind turbines.</p> <p>Following a technical assessment of the proposed solution, the DIO and BAE Systems (Operations) Ltd have confirmed that this solution is viable.</p> <p>However, as the operational assessment remains ongoing, it has yet to be determined whether this proposed radar mitigation solution meets their operational requirements. As such, this remains an ongoing point of discussion</p>	<p>The Applicant has provided DIO and BAE Systems Operations Ltd with a proposed mitigation solution which is considered technically viable by the IPs, although it still remains subject to ongoing operational assessments. The Applicant notes that, at ISH3, the DIO and BAE Systems (Operations) Ltd indicated that the operational assessments would be complete by Deadline 5; however, this has not yet been completed. The mitigation solution proposed by the Applicant has been used at other UK aerodromes and is therefore considered by the Applicant to be an existing, proven technology which is realistically deliverable.</p> <p>The Applicant has largely agreed the text for a requirement with BAE Systems (Operations) Ltd and DIO (Requirement 8) which secures approval of a radar mitigation scheme prior to turbines becoming operational. There remains one point of drafting that is not agreed which is the proposed addition by BAE Systems (Operations) Ltd of a new clause after Deadline 5A requiring the cessation of operations in the event of any future failure. While the parties remain in discussion on the drafting, the Applicant considers that this drafting is not necessary or justified, and its full position on this is set out in Section 7.</p>

Area of ongoing discussion	Signposting document for further detail	Summary of stakeholder/s concern held	Summary of Applicant's position
		<p>between parties until BAE Systems (Operations) Ltd has concluded their assessment.</p>	<p>Notwithstanding this drafting point, there is a requirement included in the DCO that secures the approval of a radar mitigation scheme post-consent. The Applicant considers that this provides certainty to BAE, DIO that discussions can continue on the operational assessment. It is a standard and reasonable approach for this technical work to continue post-consent.</p> <p>The Applicant considers that the SoS can be satisfied that there is a suitable requirement which would deliver the necessary mitigation and that this Requirement also secures a mechanism by which discussions between the Applicant and BAE Systems (Operations) Limited and DIO can continue post-consent.</p>

3.5 Summary outlining accordance with relevant NPS policy

115. EN-1 recognises that civil and military activities, as well as aviation technical sites, meteorological radars and other types of defence interests (both onshore and offshore), can be affected by new energy development (paragraph 5.5.1) and there is a need to collaborate and co-exist.
116. The Applicant has positively engaged with the Civil and Military Aviation and Defence IPs throughout the pre-Application and engagement process to allow for collaboration and co-existence between aviation and defence in accordance with EN-1 paragraph 5.5.2.
117. EN-1 confirms windfarms are an integral part of the UK's plan to achieve Net Zero, as well as delivering affordable clean energy to consumers. The Offshore Wind Sector Deal confirmed that government will work collaboratively with the energy sector and wider stakeholders to address strategic deployment issues including aviation and surveillance systems including radar (paragraph 5.5.4).
118. The Applicant has assessed the Project's potential effects to the performance of civil or military aviation communications, navigation and surveillance (CNS), meteorological radars and/or other defence assets in ES Chapter 16 Civil and Military Aviation and Radar (REP3-024) in accordance with EN-1 (paragraph 5.5.37). The Applicant has consulted and engaged with the MOD, Met Office, Civil Aviation Authority (CAA), NATS and all relevant aerodrome operators that could be affected by the Project in accordance with EN-1.
119. The assessment includes effects on aviation, meteorological or other defence interests, potential impacts of the Project upon the operation of CNS infrastructure, flight patterns (both civil and military), generation of weather warnings and forecasts, other defence assets (including radar) and aerodrome operational procedures and cumulative effects as required by paragraphs 5.5.39 and 5.5.40 of EN-1.
120. As set out in **Table 3.1**, the Applicant has proposed to introduce commercially viable radar mitigation technology to mitigate potential interference to radar systems at Warton Aerodrome is in accordance with relevant Civil Aviation Authority Guidelines and/or government guidance. This is in the absence of a preferred strategic government-led solution but is also a recognised mitigation solution in EN-1 (paragraph 5.5.46). It is recognised in EN-1 that reducing the scale of the Project is likely to be an unreasonable mitigation approach (paragraph 5.5.47). It is considered this solution is therefore in accordance with paragraph 5.5.57 of EN-1.
121. The Applicant has undertaken appropriate assessments to ensure the Project will not significantly impede or compromise the safe and effective use of civil or military aviation, meteorological radars, defence assets and/or significantly limit military training. The Project does not present any risks to national security and physical safety. This is set out in the VHF, UHF, and DF Technical Safeguarding

Assessment (Document Reference 9.66), Chapter 16 Civil and Military Aviation and Radar (REP3-024) and is evidenced in the relevant SoCGs with respective IPs in **Table 3.1**. The Applicant considers the Project therefore is in accordance with paragraphs 5.5.58, 5.5.59 and 5.5.60 of EN-1.

4 Climate Change

4.1 Position at close of Examination

122. ES Chapter 21 Climate Change (Document Reference 5.1.21) assesses the GHG emissions arising from the construction, operation and decommissioning of the Project, and concludes minor or negligible adverse effects.
123. ES Chapter 21 Climate Change (Document Reference 5.1.21) also identifies the net effects of the Project in regard to GHG savings (compared to a baseline 'Do Nothing' scenario). In making this assessment, noting the difficulties in precisely anticipating and quantifying the future energy generation position, it considers two scenarios: Scenario 1 (displacing fossil fuels) and Scenario 2 (displacing the future anticipated grid mix, which is expected to include a substantial percentage of renewables like the Project). The chapter concludes (on a whole Project basis combined with the Transmission Assets) that, given the Project will enable the provision of renewable energy to the UK electricity grid and contribute positively to the UK's progress in meeting its net zero targets and the climate system, the overall significance of effect is considered to be beneficial which is significant in EIA terms.
124. There are remaining areas of disagreement on climate change where agreement could not be reached between the Applicant and the Ørsted IPs in **Table 4.1**.

4.2 Matters agreed or concluded as no material impact

125. The following matter is agreed between the Applicant and the Ørsted IPs (see SoCG for further detail (Document Reference 9.14):
 - ES Chapter 21 Climate Change (Document Reference 5.1.21) now includes energy loss from potential wake effects. Details of the assessment are not agreed as detailed below

4.3 Other key matters raised during examination

126. Following the ExA's Issue Specific Hearing 3 (ISH3) (REP4-059) and a request in Written Questions 2 (PD-015), the Applicant agreed to update the GHG assessment to account for wake effects on existing windfarms and vessel diversions as well as 50% of the Transmission Assets emission (REP5-016).
127. During Examination at ISH3 the ExA also asked the Applicant whether the High Court's decision on the 'substitution argument' in *Friends of the Earth Ltd v Secretary of State for Levelling Up, Housing and Communities & Ors* [2024] EWHC 2349 (Admin) (13 September 2024) (Friends of the Earth) affects the

validity of Scenario 1. The Applicant's response is contained at Section 3 of REP4-061. In short, the Applicant considers the context of the *Friends of the Earth* case is quite different such that it does not affect the validity of Scenario 1. It is submitted that Scenario 1 represents the more reasonable scenario of the two, given that the emission factor used in Scenario 2 inherently assumes that renewable energy schemes such as the Project are brought forward, but that the balanced approach taken by Chapter 12 Climate Change (REP5-016) in considering both scenarios is appropriate.

4.4 Areas of disagreement and unresolved matters

128. **Table 4.1** sets out the areas of disagreement in relation to Climate Change, the reason that these areas of disagreement remain and the Applicant's positions of these areas of disagreement. It also signposts to the relevant document for more detailed information.

Table 4.1 Area of disagreement in relation to Climate Change

Area of disagreement	Signposting document for further detail	Summary of stakeholder/s position	Summary of Applicant's position
Calculation of the 'net benefits' of the Project	<ul style="list-style-type: none"> Ørsted IPs submissions, REP3-112 and REP5-093 The Applicant's Comments on Deadline 2 Submissions by Interested Parties (REP3-069) The Applicant's Remaining Comments on Deadline 5 Submissions by IPs and Comments on responses to ExQ2s (Document Reference 9.68) ES Chapter 21 Climate Change_Rev 03 (Document Reference 5.1.21) GHG Assessment Technical Note (REP4-062) Wake Impact Assessment report (REP3-112) 	<p>The Ørsted IPs stated the GHG assessment must calculate the 'net' benefit of the Project to account for renewable energy generation losses arising from impacts to other offshore developers. The Ørsted IPs do not consider that the cumulative wake effects have been considered in the greenhouse gas assessment or that the effects on the viability (and loss of associated production) of their operational projects have been reflected.</p>	<p>The GHG Technical Note incorporates the wake effects identified in the Ørsted IPs Wake Impact Assessment report (without prejudice to the Applicant agreeing with these effects or the need for any assessment). The GHG Technical Note does not change the results of the assessment. ES Chapter 21 Climate Change has been updated to incorporate the assessment of indirect effects, including wake loss and diverted vessels, which shows there is still a positive net benefit on GHG emissions with the implementation of the Project. The GHG Technical Note concludes that cumulative effects do not alter this conclusion, since the assessment would also factor in the energy production from all Round 4 Irish Sea projects and thus while the wake effects have been identified to be greater by Ørsted, this would be balanced by the increased energy production from all three projects.</p> <p>In regard to 'future viability', the Applicant does not consider that future viability extends to future decisions about lifetime extensions, as these were not envisaged as part of the original consent applications or assessments (REP5-060). Therefore, it is not accepted that this is an effect attributable to the Project, and the GHG implications of this are not assessed.</p>

Area of disagreement	Signposting document for further detail	Summary of stakeholder/s position	Summary of Applicant's position
	<ul style="list-style-type: none"> ▪ The Applicant's Comments on Deadline 4 Submissions by IPs (REP5-060) 		

4.5 Summary outlining accordance with relevant NPS policy

129. EN-1 recognises the construction, operation and maintenance and decommissioning of energy infrastructure will, in itself, lead to GHG emissions however the energy infrastructure is vital to ensuring the decarbonisation of the UK economy (paragraphs 5.3.1 and 5.3.10).
130. The Applicant has undertaken a GHG Assessment in the ES Chapter 21 Climate Change (Document Reference 5.1.21) in accordance with EN-1 paragraph 5.3.4 and in accordance with the Institute of Environmental Management and Assessment (IEMA) guidance 'Guide: Assessing Greenhouse Gas Emissions and Evaluating their Significance'².
131. The Greenhouse Gas Assessment includes measures to reduce greenhouse gas emissions at each stage of the Project in accordance with paragraphs 5.3.5 and 5.3.7 of EN-1. The measures used to drive down greenhouse gas emissions are in Table 21.3 of ES Chapter 21 Climate Change and include minimising the use of steel and other materials and utilising the latest and most efficient technologies. This commitment is also in the Design Statement (REP5-008, items No. DC18 and DC19) which states '*Measures to reduce greenhouse gas emissions during the lifetime of the Project will be captured through the implementation of standard carbon management processes and best practice measures*', and '*Low-carbon solutions (including technologies, materials and products) will be utilized where possible to minimise resource consumption and embodied carbon during the construction, operation and maintenance, and at end-of life.*'
132. The Outline Construction Method Statement (Document Reference 9.49), secured by the DCO (Schedule 6, Part 2, Condition 9(1)(d)) also confirms the Applicant will consider opportunities for reductions in construction phase emissions of the Project, which can be captured through the implementation of a standard carbon management process. Section 5.4 of the Outline Construction Method Statement (Document Reference 9.49) includes management measures that reduce emissions during construction.
133. The Applicant has assessed the GHG emissions of all stages of the Project as far as possible including construction, operation and maintenance and decommissioning to meet the requirements of paragraph 5.3.8 of the EN-1. The Applicant has also taken steps to reduce GHG emissions of the construction and decommissioning stage of the development through design in accordance with paragraph 5.3.9 of EN-1 as set out above.
134. ES Chapter 21 Climate Change (Document Reference 5.1.21) identifies a significant beneficial GHG effect of the Project, based on the consideration of

² IEMA (2022). Institute of Environmental Management & Assessment (IEMA) Guide: Assessing Greenhouse Gas Emissions and Evaluating their Significance.

two credible scenarios for future emissions. EN-1 and EN-3 continue to strongly support the need for low carbon electricity generation and indeed set out a “critical national priority” for nationally significant low carbon infrastructure (paragraph 4.2.5 of EN-1). The Project is low carbon infrastructure and so provides substantial benefits whatever the generation scenario against which GHG benefits are considered. Low carbon infrastructure is defined by its contrast to high carbon infrastructure – fossil fuels (which give rise to GHG emissions and contribute to climate change). As such, it is an inherent – and reasonable – assumption of the NPSs that low carbon infrastructure has GHG benefits and equally inherent and reasonable that the strength of the need established by the NPS is not in any way caveated by a requirement for corroboration by any particular level of GHG emissions saved.

135. The need for the Project, as low carbon infrastructure established by the NPSs and reinforced by the Climate Change assessment, is beyond doubt and should be provided significant weight in the overall decision of the Project.

5 Commercial Fisheries

5.1 Position at close of Examination

136. ES Chapter 13 Commercial Fisheries (REP3-018) identifies that for the Project alone, following mitigation, there would be no significant adverse effects on commercial fisheries. Cumulatively, a residual significant effect has been identified, noting the small contribution the Project would have to this effect.
137. The Applicant has largely agreed all matters relating to the assessment of potential effects to identified receptors, the assessment conclusions, and proposed mitigation measures and how they are secured. The matters agreed or not agreed but with no material impact with IPs are set out in **Section 5.2**.
138. There are remaining areas of disagreement, or where matters have not been resolved, on commercial fisheries where agreement could not be reached between the Applicant and the following IPs in **Table 5.1**:
- Bodorgan Marine Ltd (BML)³
 - The Traditional & Sustainable Commercial Fishing Association
 - The Flemish agency of Agriculture and Fisheries

5.2 Matters agreed or concluded as no material impact

139. The following matters are agreed between the Applicant and the relevant IP:
- **Isle of Man Territorial Sea Committee (IoM TSC)** (see SoCG for further detail (REP5a-037)):
 - EIA conclusions and proposed mitigations and monitoring

³ The ExA has confirmed that BML is not registered as an IP for the Examination.

- there are remaining comments around the EIA baseline related to Isle of Man waters. These were agreed to have no material impact on the assessment.
- **NFFO and the WFA - Cymdeithas Pysgotwyr Cymru** (see SoCG for further detail (REP5a-034)):
 - the cumulative EIA conclusions and proposed mitigations and monitoring
 - there were matters raised regarding the EIA methodology and assessment conclusions for the Project alone that were not agreed but are considered to have no material impact. It was acknowledged by the NFFO and the WFA that the assessments were undertaken within the available EIA framework but methods across the industry should be developed further to more accurately capture the socioeconomic and cultural effects on commercial fishers
- **IoM TSC, NFFO and WFA:**
 - during Examination, questions were raised by the ExA (ExQ1, PD-011) on the proposed monitoring for commercial fisheries and the timescale over which to carry out this monitoring. Agreement was reached with IPs on a five-year period post-construction monitoring period, and this is reflected in the Outline FLCP (REP5a-025), as agreed with IoM TSC and NFFO (REP5a-034 and REP5a-037). The requirement for the monitoring was established following the identification of moderate cumulative effects in the EIA, while noting the Project's contribution to these effects is low. The requirement to approve an FLCP, in accordance with the Outline FLCP (REP5a-025), is secured in paragraph 9(1)(k) of Schedule 6 to the draft DCO (Document Reference 3.1)

5.3 Other key matters raised during Examination

140. There are no other key matters related to this topic raised during Examination.

5.4 Area of disagreement and unresolved matters

141. **Table 5.1** sets out the areas of disagreement in relation to Commercial Fisheries, the reason that these areas of disagreement remain and the Applicant's positions of these areas of disagreement. It also signposts to the relevant document for more detailed information.

Table 5.1 Area of disagreement or unresolved in relation to Commercial Fisheries

Area of disagreement / unresolved matter	Signposting document for further detail	Summary of stakeholder/s position	Summary of Applicant's position
Consideration of co-existence with aquaculture	<ul style="list-style-type: none"> ■ BML Comments on any other submissions received at Deadline 2 (REP3-098) ■ The Applicant's Comments on Deadline 3 Submissions by Interested Parties (REP4-058) ■ Response to ExQ2 and Deadline 5 Submission (REP5-088) ■ BML Additional Submission accepted at the discretion of the Examining Authority regarding the Examining Authority's Written Questions (AS-013) ■ Consultation Report (REP1-002) 	<p>BML raised concerns in its comments at Deadline 2 and in additional submissions regarding the ExA's Written Questions that the Project does not include provisions for the co-location of offshore mussel farms and therefore does not comply with EN-1 (particularly paragraph 4.5.3) and EN-3 (paragraphs 2.5.2, 2.8.19, 2.8.47–2.8.48, 2.8.158 and 2.8.250–2.4.8.251).</p> <p>BML consider that the Applicant has not undertaken sufficient consultation with the aquaculture industry.</p>	<p>The Applicant has provided a detailed position to respond to BML (Section 2.5 of REP4-058). The Applicant considers that it has demonstrated how the Project complies with the relevant policies of the NPS and Marine Plan regarding co-location, noting no environmental assessment work has been done, or is expected to be done in the near future, in respect of BML's proposals.</p> <p>The Applicant has demonstrated how it has met the requirements of the Planning Act 2008 regarding consultation in the Consultation Report. The Applicant is not aware that BML's plans or proposals have been publicly available with any level of precision. Similarly, the Applicant does not consider BML's proposals, at this stage, to be "reasonably foreseeable" as it is not readily apparent whether BML would obtain consent or seabed rights for its proposals at all, let alone whether such proposals would come forward within or near to the Order limits and within a proximate timeframe to the construction or operation of the Generation Assets.</p> <p>In consideration of the above, the Applicant considers that it has demonstrated compliance with the NPS, Marine Policies and the Planning Act and that no further action is required.</p>

Area of disagreement / unresolved matter	Signposting document for further detail	Summary of stakeholder/s position	Summary of Applicant's position
Construction noise effects to sea bass	<ul style="list-style-type: none"> ▪ The Traditional & Sustainable Commercial Fishing Association position on noise effects is found in RR-083, PD1-022 ▪ The Applicant's Response to Relevant Representations Applicants response is found in (PD1-011) ▪ ES Chapter 10 Fish and Shellfish_Rev 03 (REP3-016) ▪ ES Chapter 13 Commercial Fisheries_Rev 02 (REP3-018) ▪ Outline UWSMS (REP5a-042) 	The Traditional & Sustainable Commercial Fishing Association had concerns around about the noise effects of the construction of the wind farm impacting the migration routes of Sea Bass at the RR stage at RR-083. They have not participated in the Examination since the RR stage.	<p>The Applicant clarified that the assessments undertaken in the Fish and Shellfish Chapter did include consideration of migratory fish including bass, and that the specific Cefas study mentioned by The Traditional & Sustainable Commercial Fishing Association was considered within the evidence base (REP3-016 at Table 10.5, Section 10.5 and 10.6). Effects on inshore fisheries such as the bass fishery, have also been assessed within the Commercial Fisheries Chapter, and effects on fish resources, such as noise, have been assessed in the Fish and Shellfish Chapter (PD1-011 at Table 4.21).</p> <p>The Applicant has prepared an Outline UWSMS to manage underwater noise that would reduce effects to fish, which is secured in the DCO (Schedule 6, Part 2, Condition 20).</p> <p>During Examination, the Applicant received one piece of correspondence from the Traditional & Sustainable Commercial Fishing Association, providing catch data from one of their commercial fishing vessel. The Applicant made attempts to engage with Traditional & Sustainable Commercial Fishing Association but has not received further response or engagement with the Traditional & Sustainable Commercial Fishing Association to resolve matters.</p>
Assessment of Belgium fleets	<ul style="list-style-type: none"> ▪ Additional Submission accepted at the 	The Flemish agency of Agriculture and Fisheries made comments raised in their RR	The Applicant provided a longer time set of data, and presentation of this data in

Area of disagreement / unresolved matter	Signposting document for further detail	Summary of stakeholder/s position	Summary of Applicant's position
	<p>discretion of the Examining Authority - Comments on the Transboundary Consultation (AS-011)</p> <ul style="list-style-type: none"> ▪ The Applicants Response to Relevant Representations (PD1-011) ▪ Appendix 13.1 Commercial Fisheries Technical Report (REP2-014) 	<p>that the EIA baseline data for transboundary effects were not considered to reflect the importance of the area for the Belgian fisheries and the impact of Brexit.</p>	<p>Appendix 13.1 Commercial Fisheries Technical Report and responded to the Flemish agency of Agriculture and Fisheries RR. The conclusions of the assessment remain unchanged, with no significant effects identified for Belgium fleets.</p> <p>The Applicant has not received further response or engagement from with the IP to resolve matters, despite making attempts to engage.</p>

5.5 Summary outlining accordance with relevant NPS policy

142. In regard to the matter on co-existence with aquaculture, the Applicant has carried out a detailed policy assessment in its NPS Accordance Tables (REP3-010), which sets out how the Applicant has satisfied the policy tests under EN-1 and EN-3, including the paragraphs cited by BML. The Applicant has also undertaken an assessment of the Project in accordance with the relevant North West Inshore and North West Offshore Marine Plan, documented in the Marine Plan Policy Review (APP-025), in accordance with EN-1 paragraphs 4.5.8, 4.5.9, 4.5.10 and 4.5.11, EN-3 paragraph 2.8.46 and s104(aa) of the PA2008. The Applicant further considers paragraphs 2.8.250 and 2.8.251 of EN-3 are not relevant to BML's submission at Deadline 3 because there are no identified impacts to BML's activities (which are, in turn, not defined or advanced enough to allow for a robust assessment).
143. The Applicant has worked collaboratively with other identified developers and sea users on co-existence/co-location opportunities as set out in the Report on Interrelationships with Other Infrastructure Projects (Document Reference 9.20) and in compliance with paragraph 2.8.48 of EN-3. The Applicant has made considerable progress with all affected developers and sea users to resolve issues as set out in the Combined Examination Progress Tracker and Statement of Commonality (Document Reference 8.5) and each respective SoCG. The process for identifying developers and sea users is in the Consultation Report (REP1-002). The Applicant is satisfied that all reasonable efforts through engagement and consultation to identify developers and sea users.
144. As set out in the Applicant's Response to ExA's Written Questions 3 (REP5a-056), the Applicant has updated the Design Statement (REP5a-007) to include the commitment to consider enhancement measures as part of the design of mitigation measures in due course where reasonably possible. This allows for opportunities to be considered at the detailed design phase of the Project, post-consent, when further specific details about the mitigation design are known in accordance with paragraph 2.8.251 of EN-3.
145. In regard to commercial fisheries, ES Chapter 4 Site Selection and Assessment of Alternatives (APP-041) sets out that commercial fisheries including fishing activity was considered as a key factor in the site selection process in accordance with 2.8.318 of EN-3. It is noted, through the reduction in the site boundary between PEIR and ES, the area of effects was decreased and noise impacts to herring spawning were reduced, with noise impacts not overlapping with sensitive spawning ground for herring. Further information on fish and shellfish ecology, which is linked to commercial fisheries is outlined in **Section 2.2**.
146. The Applicant has monitoring and mitigation commitments in the Outline FLCP (REP5a-025, secured by paragraph 9(1)(k) of Schedule 6 to the draft DCO). It facilitates co-existence and reflects the Schedule of Mitigation (Document

Reference 5.5, References 13.1 to 13.5) to mitigate moderate adverse effects identified for the Project alone. This includes disturbance payments to the UK potting fleet as required during construction and for cumulative effects monitoring and participation as required in a commercial fisheries working group. It is noted that while the residual cumulative effects are still considered to be moderate, the Applicant has demonstrated that the Project has minimal contribution to cumulative effects to commercial fisheries and the Applicant remains committed to monitoring and maintaining engagement as set out in the Outline FLCP (REP5a-025). As such, the Applicant has taken all reasonable steps required by the NPS to mitigate potential impacts on commercial fisheries and implement reasonable mitigation in accordance with paragraph 2.8.323 of EN-3. The mitigation measures are set out in Section 3.2 of the Outline FLCP (REP5a-025).

147. The Project is not considered to be located in a recognised important fishing ground and is not considered to significantly impede on any fishing activity in accordance with 2.8.319 and 2.8.320 of EN-3, with the secured mitigations in place. The Applicant has engaged the commercial fishing industry, including the IoMTSC, the MMO and NFFO to agree arrangements, including the provision of monitoring (to inform the measures within the FLCP, which is required to be maintained throughout the lifetime of the Project) to allow for co-existence in accordance with paragraph 2.8.322 of EN-3. The Applicant considers any disruption to commercial fisheries has been reduced ALARP through mitigation as demonstrated through the steps taken to agree all material matters with respective IPs and in accordance with EN-3 paragraph 2.8.322.

6 Cultural Heritage (including Marine Archaeology)

6.1 Position at close of Examination

148. ES Chapter 15 Marine Archaeology and Cultural Heritage (REP3-022) concludes that with the implementation of mitigation there will be no significant adverse effects on marine archaeology or on designated historic assets. In terms of impacts to the setting of coastal heritage assets, no change to the significance of designated heritage assets through changes to their setting would occur.

6.2 Matters agree or concluded as no material impact

149. All matters have been agreed with Historic England (see the SoCG, REP5a-044) including the baseline, EIA methodology, assessment conclusions and mitigations.

6.3 Other key matters raised during Examination

150. There are no other key matters related to this topic raised during Examination.

6.4 Area of disagreement and unresolved matters

151. There are no remaining areas of disagreement on marine archaeology and cultural heritage.

6.5 Summary outlining accordance with relevant NPS policy

152. The Applicant consulted with Historic England at the early stages of the Project on the potential impacts on marine archaeology and cultural heritage in accordance with 2.8.168 of EN-3, section 5.9 of EN-1 and as set out in the SoCG with Historic England (REP5a-044).
153. The Applicant has characterised the existing environment for offshore archaeology and cultural heritage based on both pre-existing and site-specific geophysical survey data as set out in ES Chapter 15 Marine Archaeology and Cultural Heritage (REP3-022) and in accordance with paragraphs 2.8.170 and 2.8.271 of EN-3. This has considered the submerged prehistoric landscape and seabed features of archaeological interest, such as wrecks of either maritime or aviation origin.
154. The Applicant has also undertaken a full Setting Assessment (REP3-030) in accordance with paragraph 5.9.10 of EN-1. The assessment concludes there would be no impact to the heritage significance of any heritage asset, due to either there being no change to setting, or the change being negligible.
155. A number of seabed features have been identified within the windfarm site that are of low and medium archaeological potential, and exclusion zones would be used as required as set out in ES Chapter 15 Marine Archaeology and Cultural Heritage (REP3-022) and as secured in the Outline Offshore Written Scheme of Investigation (WSI) (REP5-028) and paragraphs 9(1)(f) and 9(2) of Schedule 6 to the draft DCO. There is also potential for further archaeological material to be present (potential heritage assets) which have not been identified by surveys undertaken to date. This is recognised by paragraph 2.8.172 of EN-3.
156. It is not possible to avoid heritage assets that have not yet been discovered (potential heritage assets), and as such, the significance of effect has the potential to be of major adverse and significance without proposed mitigation. The Outline Offshore WSI (REP5-038, paragraphs 9(1)(f) and 9(2) of Schedule 6 to the draft DCO) sets out how any known heritage assets might best be avoided as well as an appropriate approach to further investigation, post-consent in accordance with paragraphs 2.8.174, 2.8.175 and 2.8.257 of EN-3. This will implement the appropriate application of mitigation measures inclusive of in-situ avoidance. Through this commitment to further archaeological works, the Project also has the potential to contribute to the body of data available for the study of marine archaeology within the Irish Sea as part of wider regional research initiatives.

157. Condition 9(1)(a)(v) of the dML in the DCO (Document Reference 3.1) sets out the requirements for micro-siting and the requirements for mitigating impacts to marine archaeology to allow for changes to be made to the precise location of infrastructure during the construction phase so that account can be taken of unforeseen circumstances. This approach is in accordance with the Outline Offshore WSI (REP5-038) and paragraphs 2.8.256 and 2.8.257 of EN-3.
158. Historic England agrees with all matters related to marine archaeology and cultural heritage as set out in the SoCG with Historic England (REP5a-044).
159. As such the Applicant considers the SoS can be satisfied that the Project has appropriately considered, and secured its commitment to the delivery of further investigation and mitigation, for any impacts to the historic environment, including both known heritage assets, and discoveries that may be made during the course of development.

7 Draft Development Consent Order

7.1 Position at close of Examination

160. The Applicant has engaged with IPs pre-Application and throughout Examination to consider comments on the draft DCO and to seek to agree the drafting with best intentions and efforts.
161. There are remaining areas of disagreement on the drafting of the DCO with the following IPs:
- NE
 - MMO
 - Spirit Energy
 - Harbour Energy
 - The Ørsted IPs
 - BAE Systems (Operations) Limited.

7.2 Matters agreed or concluded as no material impact

162. The following matters are agreed between the Applicant and the relevant IP:
- **Aviation Stakeholders (NATS, Blackpool Airport, Defence Infrastructure Organisation, BAE Systems (Operations) Limited, BAE Systems (Marine) Limited and Isle of Man Airport):**
 - the draft DCO includes requirements which secure the appropriate mitigation for impacts from the Project on civil and military aviation and radar (Schedule 2, paras. 3, 4, 5, 6, 7 and 9) and this wording has been agreed with the respective IPs. Further detail on civil and military radar and aviation matters, including cross-references to SoCGs and other Examination documents, is set out in Section 3 above

- **Offshore Cable Operators** (EXA Infrastructure Express UK Limited and Vodafone Group PLC):
 - the protective provisions included in the draft DCO (Schedule 3 Part 1 (For the protection of offshore cables)) are sufficient to protect and mitigate for the impacts of the Project on known cables within the Order Limits. No offshore cable operators participated in the Examination
- **NE** (see the Applicant's Comments on NE Risk and Issue Log for further details (REP5a-060)):
 - as noted in **Section 8**, the Applicant's position throughout Examination is that there will be no AEol on any protected sites as a result of the Project alone or in-combination with other projects. NE disagrees with that position. However, compensatory measures have been proposed on a without prejudice basis and included within the draft DCO (Schedule 7) should the SoS consider that NE's position is correct. The wording of Schedule 7 has been agreed with NE
- **MMO** (see SoCG for further details (Document Reference 9.1)):
 - the dML (Schedule 6) contains conditions that have been approved by the MMO (save for the small number of points noted in **Table 7.1**)
 - there are several points that are not agreed but have been concluded to have no material impact, including a request for additional monitoring (beyond the installation of the first four piles), the inclusion of an operational lifetime within the consent, inclusion of adaptive management and identifying the disposal site licence number
- **Navigation Statutory Bodies (Trinity House and the Maritime Coastguard Agency):**
 - the draft DCO includes DML conditions (Schedule 6 Part 2) which secure the appropriate mitigation for impacts from the Project on shipping and navigation matters and the wording of these conditions has been agreed with the respective IPs. Further detail on navigation matters, including cross-references to SoCGs and other Examination documents, is set out in **Section 11**.
- **Stena Line** (see SoCG for further details (Document Reference 9.3)):
 - the draft DCO includes protective provisions (Schedule 3 Part 4) for the benefit of Stena Line and the wording of these protective provisions has been substantially agreed between the Applicant and Stena Line, pending discussions on a commercial agreement.

7.3 Other key matters raised during Examination

163. During the course of Examination, the Application revised the draft DCO to reflect matters raised by the ExA in the Rule 6 letter (PD-007 at Appendix F(i)), in Written Questions (ExQ1, ExQ2 and ExQ3) and in the Schedule of ExA's recommended amendments to the DCO (PD-019). The Applicant's Schedule of Changes to the draft DCO submitted at Deadline 6 (Document Reference 3.4) narrates all substantive changes made to the draft DCO during the course of Examination and the corresponding rationale for these changes.

7.4 Areas of disagreement and unresolved matters

164. **Table 7.1** sets out the areas of material disagreement in relation to the draft DCO, the reason that these areas of disagreement remain and the Applicant's positions of these areas of disagreement. It also signposts to the relevant document for more detailed information.

Table 7.1 Areas of disagreement in relation to Draft Development Consent Order

Area of disagreement	Signposting document for further detail	Summary of stakeholder(s) position	Summary of Applicant's position
Article 7 (Benefit of the Order)	SoCG with the MMO_Rev 03 (Document Reference 9.1)	<p>The provisions under article 7 Benefit of the Order are of concern to the MMO. The MMO requests that any reference to the MMO and DML should be removed from this article for transfer of the benefit of the DCO.</p> <p>This is an objection that the MMO has maintained throughout the Examination and which it has taken in respect of other offshore wind farm projects to date.</p>	<p>The Applicant considers that the wording of Article 7, Transfer of Benefit, is appropriate and adequate. It reflects recent precedent wording, including amendments to a similar article made by the Secretary of State in the Rampion 2 Offshore Wind Farm Order 2025.</p> <p>It is important that transfers of powers under the DCO and the DML are aligned to ensure that any statutory transfer (i.e. to an offshore transmission owner) can take place efficiently and to prevent a scenario where the Order and DML are held by different parties.</p>
Schedule 2, Requirement 8 (Warton Aerodrome Primary Surveillance Radar)	SoCG with BAE Systems (Operations) Limited and Defence Infrastructure Organisation _Rev 03 (Document Reference 9.1)	<p>While largely satisfied with the current drafting of Requirement 8, BAE Systems (Operations) Limited raised, after Deadline 5A, that this requirement should also include additional wording requiring the authorised development to cease operation should the approved radar mitigation scheme fail in future regardless of the reason for such failure. This wording is not currently included in the draft DCO.</p>	<p>The Applicant considers that the requirement, as currently drafted, secures the necessary mitigation for impacts on Warton PSR and that this wording is appropriate and aligns with previous precedents. It is not precise or reasonable for the authorised development to cease should the approved radar fail due to reasons entirely within BAE's control, such as negligence. EN-1 (para. 5.5.27) obliges communications, navigation and surveillance (CNS) infrastructure (which includes radar operations) to seek to futureproof their aerodromes against turbine installations in order to maintain or enhance aviation safety, and so there must be a balance between obligations on a windfarm developer and on the operator.</p>

Area of disagreement	Signposting document for further detail	Summary of stakeholder(s) position	Summary of Applicant's position
			<p>The wording proposed for Requirement 8 is substantially more detailed than that included for other PSRs in previous orders. The Applicant also notes that this additional wording was not suggested by BAE Systems (Operations) Limited in the final form of its preferred DCO requirement submitted at the close of Examination in respect of the Morgan Offshore Wind Project Generation Assets.</p> <p>It would be contrary to EN-1 (as well as relevant NPPF and Planning Practice Guidance) to include BAE's additional wording. In addition, such an onerous revision to the current requirement could be expected to cause issues for reaching financial close for the Project, as the risk is open-ended and controlled by a third party.</p> <p>The Applicant considers that the Secretary of State can be satisfied that the requirement should be included in the terms proposed by the Applicant.</p>
Schedule 3 (Protective Provisions)	<ul style="list-style-type: none"> ▪ The Applicant's Comments on Deadline 5A Submissions by Spirit Energy and Harbour Energy (Document Reference 9.71) ▪ The Applicant's Response to Spirit Energy's Deadline 4 	Throughout Examination, Spirit Energy have objected to the proposed development on the grounds that it would have a significant adverse effect on the safety of their operations and maintained that the Applicant's proposed protective provisions were inadequate. At Deadline 5A, Spirit Energy submitted for the first time its preferred protective provisions (REP5a-076). Spirit's full position is set out in Section 9 .	<p>As detailed in Section 9, the Applicant has been cognisant of impacts on neighbouring oil and gas platforms since site selection and had sought to proactively include protective provisions for the benefit of those platforms on the face of its DCO from the outset.</p> <p>Notwithstanding continued requests for engagement throughout Examination by both the Applicant and the ExA, the Applicant only</p>

Area of disagreement	Signposting document for further detail	Summary of stakeholder(s) position	Summary of Applicant's position
	<p>Submission (REP5-062)</p> <ul style="list-style-type: none"> SoCG with Harbour Energy_Rev 02 (Document Reference 9.15) SoCG with Spirit Energy_Rev 02 (Document Reference 9.16) The Applicant's Response to ExA's Written Questions 2 (REP5-070) 	<p>Harbour Energy also maintained an objection to the proposed development throughout Examination on the grounds that it would have a commercial effect on their operations which the Applicant's proposed protective provisions did not adequately mitigate. At Deadline 5A, Harbour Energy submitted, also for the first time, its preferred protective provisions (REP5a-078 to REP5a-081) which revised the Applicant's suggested version. Harbour's full position is set out in Section 9.</p>	<p>received proposed protective provisions from Spirit and Harbour at Deadline 5A.</p> <p>At the close of Examination, the Applicant included revised protective provisions for the benefit of Spirit and Harbour which were based, insofar as possible, on the revisions that Harbour had proposed, as these included a full justification/comparison and, in Harbour's own words, had been revised "in the interests of co-existence".</p> <p>The Applicant considers that its protective provisions – which accept its previous without prejudice position and seek to prioritise and protect oil and gas operations for the next few years (pre-2029) as they transition to decommissioning before shifting the priority to CNP infrastructure – should be preferred to those of Spirit and Harbour, as these make the development unviable and sterilise an area of seabed that is critical for the UK to meet its net zero targets.</p> <p>The Applicant has annotated its protective provisions to explain its position, and to identify the specific areas of difference between the parties (Document Reference 9.71). These can be summarised as:</p> <ul style="list-style-type: none"> Distance for the "WTG and OSP aviation enduring buffer zone" (the Applicant considers 1.5nm, Harbour 1.9nm, Spirit 3.76nm)

Area of disagreement	Signposting document for further detail	Summary of stakeholder(s) position	Summary of Applicant's position
			<ul style="list-style-type: none"> Distance for the "WTG aviation interim buffer zone" (the Applicant can accept 3.76nm subject to the points below, Harbour 3.76nm, Spirit 3.76nm) Definition of decommissioning date (the Applicant and Harbour consider it should be COP, Spirit consider it should be final OPRED approval) What should be excluded from the "WTG aviation interim buffer zone" (the Applicant considered only the erection of WTG should be excluded, Spirit consider everything should be excluded) A fixed backstop date for switching from the interim to enduring buffer zones (the Applicant considers this is necessary and should be 1 January 2029, based on Spirit's submissions on COP for CPC). Value for the aggregate of the undertaker's gross liability (noting Spirit considers liability should be unlimited)
Wake Loss	<ul style="list-style-type: none"> SoCG with Ørsted IPs_Rev 02 (Document Reference 9.14) The Applicant's Response to ExA's Written Questions 1 (REP3-068) 	As detailed in Section 9 , the Ørsted IPs have taken the position that potential wake loss impacts should be assessed and secured by a DCO requirement.	The Applicant has set out its position on potential wake loss impacts in Section 9 . For the reasons set out in that section (and as set out in response to ExQ1 100I5), the Applicant considers it wholly unnecessary and unreasonable for any requirement or protective provisions to be included within the draft DCO.
Schedule 6 (Deemed Marine Licence), Part 2	<ul style="list-style-type: none"> The Applicant's Response to ExA's 	As detailed in Section 2 , NE has maintained that additional monitoring is required for the	The Applicant does not consider any such additional monitoring to be justified by the

Area of disagreement	Signposting document for further detail	Summary of stakeholder(s) position	Summary of Applicant's position
Monitoring Conditions	<p>Written Questions 3 (REP5a-056)</p> <ul style="list-style-type: none"> In Principle Monitoring Plan_Rev 06 (Document Reference 6.4). 	effects of the proposed development on benthic, bats, marine mammal and ornithology features.	<p>conclusions of its ES and that all necessary monitoring is robustly provided for within the In Principle Monitoring Plan and secured by the DCO (Conditions 9(1)(c), 14, 15 and 16).</p> <p>In response to ExQ3 (3DCO2 and 3DCO6), the Applicant proposed drafting on a without prejudice basis should the ExA or Secretary of State consider that additional monitoring was required.</p>
Schedule 6 (Deemed Marine Licence), Part 2 Timescales for submission and approval of condition documents	<ul style="list-style-type: none"> SoCG with the MMO_Rev 03 (Document Reference 9.1) The Applicant's Comments on NE's Risk and Actions Log (REP5a-060, Table 2.4). 	<p>Regarding submission timescales the MMO and NE consider that the timescales for submission of all documents required under the dML should be six months prior to commencement of development as standard, although they have sought to agree circumstances where some conditions could be submitted no less than four months prior.</p> <p>Regarding determination, the MMO's position is that it remains that there should not be a requirement for the MMO to respond within a time period. The MMO notes the ExA has presented a potential of 56 days to determine the documents submitted, the MMO strongly disagrees (although note this as a non-material matter) with this timescale as this is less than the dates agreed with the Applicant and interested parties</p>	<p>The Applicant notes that the ExA has suggested during Examination that a shorter window (56 days) is being considered for approval.</p> <p>The Applicant is cognisant that the resourcing pressures facing statutory bodies, when combined with the number of major developments at the post-consent/pre-construction stage, can create difficulties in engaging with and responding to condition discharge documents timeously. It is important that sufficient time is provided for the MMO, and other consultees, to critically engage with materials submitted to ensure they robustly provide the necessary mitigation measures.</p> <p>However, this must be balanced against the need to meet challenging construction programmes and to deliver CNP infrastructure quickly to meet legal emission and net zero targets.</p>

Area of disagreement	Signposting document for further detail	Summary of stakeholder(s) position	Summary of Applicant's position
			The Applicant considers that the timescales it has presented in the draft DCO (Document Reference 3.1) are appropriate.
Schedule 6 (Deemed Marine Licence), Part 2, Condition 8 (Force majeure)	<ul style="list-style-type: none"> SoCG with the MMO_Rev 03 (Document Reference 9.1) 	The MMO has set out that it does not consider this provision necessary for inclusion within the DML and that the condition should be removed, as the defence (within section 86 of the Marine and Coastal Access Act 2009) will apply if the Applicant or vessel masters needs to make a deposit for a Force Majeure reason.	<p>The Applicant's position is that this condition and section 86 serve different purpose, as detailed in its submissions to the Examination and narrated in its Explanatory Memorandum (Document Reference 3.2).</p> <p>The Applicant considers that the wording of this condition is appropriate and adequate. It reflects recent precedent wording, as recently reaffirmed by the SoS in the Rampion 2 Offshore Wind Farm Order 2025 (Schedule 12, Part 2, Condition 12).</p>
Schedule 6 (Deemed Marine Licence), Part 2, Condition 20 (Underwater Sound Management Strategy)	<ul style="list-style-type: none"> SoCG with the MMO_Rev 03 (Document Reference 9.1) The Applicant's Comments on NE's Risk and Actions Log (REP5a-060, Table 2.4) The Applicant's Comments on Deadline 5 Submissions by Interested Parties and Comments on 	While the Applicant, NE and the MMO are in agreement that suitable underwater sound management measures (including noise abatement/noise reduction measures and a seasonal restriction on piling) are secured by the Applicant within its application documents (REP5a-042), NE and the MMO consider that these must also be secured on the face of the DCO.	The Applicant has proposed wording (which has been agreed with NE and the MMO) regarding these measures and this is currently included within the draft DCO (sub-paragraphs (2) and (4)). The Applicant does not consider these need to be included on the face of the DCO as they are already committed to in the Outline UWSMS (REP5a-042) which is secured by sub-paragraph (1) of this condition.

Area of disagreement	Signposting document for further detail	Summary of stakeholder(s) position	Summary of Applicant's position
	responses to ExQ2s (REP5a-059) <ul style="list-style-type: none"> Outline UWSMS_Rev 04 (REP5a-042). 		

7.5 Summary outlining accordance with relevant NPS policies

165. EN-1 is clear that drafting in a DCO, including its requirements and any dML conditions, should be precise and appropriately justified. Requirements and conditions should only be imposed where they are necessary, relevant to planning, relevant to the development to be consented, enforceable, precise, and reasonable in all other respects (para. 4.1.16 of EN-1).
166. The Draft DCO (Document Reference 3.1) provides for all the necessary rights and powers for the delivery of the Project, including within the dML, as is more fully explained in the Applicant's Explanatory Memorandum (Document Reference 3.2). The Draft DCO (Document Reference 3.1) provides for suitable controls and constraints on those rights and powers, as set out in the DCO Requirements (Schedule 2 to the draft DCO) and the Conditions of the dML (Part 2 of Schedule 6 to the draft DCO).
167. The form of the draft DCO (Document Reference 3.1) has had regard to comparable precedent orders, including those for other offshore windfarms, and has had regard to the final draft orders submitted into examination for the other Irish Sea projects (Mona and Morgan) to ensure that a consistent approach has been taken on drafting where possible.
168. The Applicant therefore considers that the draft DCO is appropriate.

8 Habitats Regulations Assessment (HRA) and 'Without Prejudice' Derogation Case and Compensation Proposals

8.1 Position at close of Examination

169. The RIAA (REP5a-009) concludes that there would be no AEoI on European Sites for any designated feature as a result of the Project either alone or in combination with other plans or projects.
170. The Applicant has continued to engage with IPs from pre-Application and throughout Examination to resolve HRA matters with best intentions and efforts. **Sections 2.1, 2.2, 2.3 and 2.4** (benthic ecology, fish and shellfish, marine mammals, and ornithology) identify any areas of disagreement regarding the RIAA conclusions.
171. There is no disagreement with any IP on the conclusions of the RIAA in regard to fish and shellfish and benthic ecology (as set out in **Section 2.1** and **Section 2.2**). The conclusions of the RIAA in respect to marine mammals are agreed with NRW(A) and NE (for sites within their jurisdiction), with matters unresolved with JNCC (see **Section 2.3**). There remains disagreement with NE and the RSPB on the conclusions of the RIAA for ornithology and there are matters that have not been resolved with JNCC and Nature Scot regarding ornithology (as highlighted in **Section 2.4**) noting JNCC and Nature Scot have not participated in Examination unless in direct response to ExA questions.
172. This section therefore focuses on the HRA matters relating to ornithology, including where 'without prejudice' derogation cases have been made where disagreement on conclusions remain.
173. There are remaining areas of disagreement, or matters unresolved on the RIAA conclusions and compensation measures for ornithology where agreement could not be reached between the Applicant and the following IPs in **Table 8.1**:
- NE
 - RSPB
 - JNCC
 - Nature Scot.

8.2 Matters agreed or concluded as no material impact

174. The following matters are agreed between the Applicant and the relevant IP:
- **NE** (see Risks And Issue Log for further detail (REP5a-072), noting a final version will be submitted by NE at Deadline 6):
 - conclusions of no AEoI for all English sites for the Project alone

- conclusions of no AEol for all English sites for the Project in-combination with other projects with the exception of in-combination effects on lesser black-backed gull at Morecambe Bay and Duddon Estuary and Ribble and Alt Estuaries SPAs, and RTD at Liverpool Bay SPA
- the without prejudice LBBG Derogation Case (REP3-008) technical merit for proposed measures to deliver compensation, technical feasibility of the site, delivery timing, location of measure, compensation level (noting further details in **Table 8.1**), long term implementation, success criteria and suitability as a measure for the target species
- the without prejudice RTD Derogation Case (REP5-054) the principle of strategic compensation as a potential measure, compensation level (subject to further development and refinement), benefit of proposed measures to the National Site Network for this feature, technical feasibility of breeding rafts measure, evidence-based criteria for site selection, delivery timetable
- **NRW(A)** (see the SoCG for further detail (Document Reference 9.50)):
 - all conclusions of no AEol in respect of Welsh designated sites and species, with the exception of Liverpool Bay SPA where NRW(A) defer to NE
- **JNCC** (see JNCC Responses to ExQ1 – Ornithology (REP3-083)):
 - conclusions of no AEol for the Project alone and in-combination over which it has jurisdiction aside from Skomer, Skokholm and Seas off Pembrokeshire SPA, with some methodological concerns raised (see REP3-083). The Applicant has responded (REP4-060) and provided updates to the assessment for this SPA (REP5-011), but JNCC has not engaged further on this matter (and have confirmed no further examination engagement unless directly questioned by the ExA to the Applicant via e mail on 11 March 2025)
- **NatureScot:**
 - conclusions of AEol for all Scottish SPAs with the exception of the gannet feature of Ailsa Craig SPA. NatureScot has not engaged further on this matter since its Deadline 2 submission (REP2-039, which the Applicant responded to at Deadline 3 (REP3-069)), as reiterated in their Deadline 5 submission REP5-086)
- **RSPB** (see the SoCG for further detail (REP5a-033)):
 - the approach to the assessment, and the assessment conclusions for the majority of receptors
 - matters not agreed but are considered to be non material include how ecosystem effects have been addressed, which is considered to be an industry wide concern. Additionally, the consideration of macro-avoidance for the gannet collision assessment is not agreed but determined as no material impact. RSPB acknowledges this would not affect assessment outcomes due to the low numbers of this species recorded at the Project

- the without prejudice LBBG Derogation Case measure proposed for Steep Holm island, subject to agreement with NE on compensation level (noting current position with NE set out in **Table 8.1**)

8.3 Other key matters raised during Examination

175. There are no other key matters related to this topic raised during Examination.

8.4 Areas of disagreement and unresolved matters

176. **Table 8.1** sets out the areas of disagreement in relation to the conclusions of the RIAA for ornithology, and associated compensation measures, the reason that these areas of disagreement remain and the Applicant's positions of these areas of disagreement. It also signposts to the relevant document for more detailed information.

Table 8.1 Area of disagreement in relation to conclusions of the RIAA and associated compensation

Area of disagreement	Signposting document for further detail	Summary of stakeholder(s) position	Summary of Applicant's position
HRA assessment			
Displacement effects on RTD at Liverpool Bay SPA – RIAA in-combination conclusions	<ul style="list-style-type: none"> NE Risks and Issues Log - (REP5a-072) RIAA Rev 05 (REP5a-009) Natural England Relevant Representation (RR-061) Offshore Ornithology Technical Note 3 (Red-Throated Diver at Liverpool Bay SPA Update Assessment) (REP1-082) Additional information to support assessment of Red-throated Diver feature at Liverpool Bay SPA (REP4-054) HRA Without Prejudice Derogation Case – Red-Throated Diver at Liverpool Bay / Bae Lerpwl SPA_Rev 03 (REP5a-046) Appendix B10: NE's comments on Offshore Ornithology (REP5-078) Appendix J: Natural England's responses to the Examining Authority's further written questions 	<p>NE: Do not agree that an AEol on RTD can be ruled out for Liverpool Bay SPA for in-combination effects. NE maintains that there would be potential for AEol for the Project in combination with other plans and projects (see NE submissions at REP5-078, REP5-081, REP5a-072). NE advise to increase the distance between the Project and original SPA to mitigate the impact on RTD displacement within the original SPA boundary area.</p> <p>NE considers that the without prejudice derogation case and compensation measures for RTD (REP3-064) are capable of delivering appropriate compensation for this species, noting the mismatch between the impact (effects on the wintering distribution of RTD in Liverpool Bay SPA) and compensation proposed (enhancement to breeding habitat).</p> <p>NRW (A): Defer comment/advice to NE regarding predicted impacts and integrity judgements of the project alone and in-combination for all</p>	<p>The Applicant considers that it has presented a scientifically robust case to demonstrate no AEol for RTD at Liverpool Bay SPA. The Applicant draws attention to the distance separating the Project and the SPA (original boundary) and the very low density of RTD in the potentially affected area (REP1-082).</p> <p>The SoS's previous conclusions on this topic for the Plan Level Round 4 HRA align with the Applicant's. The Applicant is not aware of any reason for a change in position, noting the SoS concluded no AEol for this feature within the Round 4 HRA, based on identical parameters for the Project.</p> <p>In addition, Section 2.5.1 of REP1-082 demonstrates unequivocally that the effect of the Project alone on the RTD feature of Liverpool Bay SPA would be substantially less than would be the case for the Awel y Môr project. The SoS was able to conclude that there would be no AEol for this feature in respect of the Awel y Môr OWF (both alone and in-combination), and there is no justification for a different conclusion in respect of the Project alone or in-combination.</p> <p>The Applicant has been open to discussions with NE on the separation sought between the windfarm site and the SPA but to date it has not been considered there would be a level – other than 10km – upon which NE would accept there was no AEol, nor has the Applicant seen any evidence that such mitigation would have any beneficial effect.</p>

Area of disagreement	Signposting document for further detail	Summary of stakeholder(s) position	Summary of Applicant's position
	<p>and requests for information (ExQ2) (REP5-081)</p> <ul style="list-style-type: none"> Annex B4: Comments on Red Throated Diver Compensation (REP5-082) NRW Deadline 3 Submission (REP3-094) RSPB SoCG (REP5a-033) 	<p>qualifying features of the Liverpool Bay SPA. NRW(A) clarified in regard to Awel y Môr there was considered to be no effect on RTD habitat loss from Awel y Môr project alone and as such there would be no additional habitat loss to add from the Project to an in-combination total.</p> <p>RSPB have concluded that they do not have capacity to fully review the proposed compensation measures for RTD prior to the close of examination and as such have not provided further comments.</p>	<p>It is expected that NE will, at Deadline 6, submit where they consider the contribution to in-combination effects would allow no AEol to be concluded. The Applicant will not have had the benefit of this submission when preparing this document.</p> <p>The Applicant has in REP5a-057 set out the position regarding boundary changes and loss of capacity, and why it is not an alternative solution in HRA terms to impose an additional buffer for RTD (the range from 7km – 10km is considered).</p> <p>Notwithstanding its clear primary position of no AEol and no further mitigation needed, the Applicant has provided a without prejudice derogation case, as requested by the ExA, should the SoS not be able to conclude no AEol. It concludes there are no alternative solutions for delivery of the Project objectives which would appreciably reduce the (already small) impact (as noted above, this includes consideration of additional RTD buffers from 7km - 10km), and that there are imperative reasons of overriding public interest for delivery of the Project. The preferred compensation option is well advanced and is discussed below.</p>
Collision risk effects on Lesser Black Backed Gull (LBBG) at Morecambe Bay and Duddon Estuary SPA and Ribble and Alt Estuaries SPA – RIAA in-combination conclusions	<ul style="list-style-type: none"> NE Risks and Issues Log - (REP5a-072) RIAA_Rev 05 (REP5a-009) RSPB SoCG (REP5a-033) HRAWithout Prejudice Derogation Case_Rev 04 (REP5a-012) 	<p>NE have confirmed that they do not agree that AEol on LBBG can be ruled out for at Morecambe Bay and Duddon Estuary SPA and Ribble and Alt Estuary SPA in respect to an in-combination collision risk. NE acknowledge that the Project's contribution to in-combination collision impacts is small.</p>	<p>The Applicant maintains the position that there is no risk of AEol due to the very small contribution of the Project. The Applicant draws attention to the level of collision risk predicted being below a threshold that is considered to contribute to in-combination effects.</p> <p>Notwithstanding this view, the Applicant has provided a without prejudice derogation case (REP5a-012) should the SoS not be able to conclude no AEol. This derogation case concludes there are no alternative</p>

Area of disagreement	Signposting document for further detail	Summary of stakeholder(s) position	Summary of Applicant's position
	<ul style="list-style-type: none"> Outline CIMP_Rev 02 (REP5a-013) 	<p>RSPB also do not agree that AEol can be ruled out for the LBBG features of these SPAs.</p> <p>NE are confident that the measures proposed within the without prejudice derogation will be effective to compensate LBBG and have engaged on the specific detail of the measures.</p> <p>RSPB supports the Applicant's preference to deliver compensation measures at Steep Holm but has concerns regarding potential additionality issues for alternative options (Banks Marsh and South Walney).</p>	<p>solutions which would meet the Project objectives, or which would appreciably reduce the (already small) impact, and that there are imperative reasons of overriding public interest for delivery of the Project. The preferred compensation option (Steep Holm), which has not raised any concerns regarding potential additionality issues, is well advanced (as shown in the Outline CIMP REP5a-013) and is discussed below.</p> <p>The Applicant has retained predator exclusion measures (Banks Marsh and South Walney) as contingency within the LBBG Derogation Case (REP5a-012), noting that additionality concerns from the RSPB would need to be addressed through further development of a predator exclusion measure. The Applicant notes that similar additionality concerns to those raised by RSPB have not been raised by NE in relation to the proposed predator exclusion measures.</p>
<p>Conclusions for Skomer, Skokholm and the Seas off Pembrokeshire SPA.</p>	<ul style="list-style-type: none"> JNCC Responses to ExQ1 – Ornithology (REP3-083; 1HRA1)) The Applicant's Comments to Interested Parties Responses to ExQ1 (REP4-060) RIAA_Rev 05 (REP5a-009) 	<p>JNCC agree with the conclusion that AEol from the Project alone can be ruled out for all qualifying features but do not agree with elements of the in-combination assessment for Skomer, Skokholm and the Seas off Pembrokeshire SPA. However, JNCC noted that for the Mona and Morgan Generation Offshore Wind Projects they were able to conclude no AEol from those projects in-combination with other plans and projects once all the required evidence was submitted. Given the proximity of Morecambe to those two projects, JNCC see no reason that</p>	<p>The Applicant has provided additional information in the RIAA at (with final version submitted at Deadline 5a) to address remaining comments. It is noted that JNCC has not engaged, despite attempts of engagement by the Applicant, further since its Responses to ExQ1. However, NRW(A) (who share responsibility for the SPA) have agreed that there would be no AEol for Skomer, Skokholm and the Seas off Pembrokeshire SPA, based on the updated RIAA submissions by the Applicant. The Applicant does not consider that displacement assessment is required for kittiwake, a position also supported by NRW(A). The Applicant has followed the assessment approach advised by NE and NRW(A), which was agreed with NE during pre-submission Expert Topic Group (ETG) meetings, that collision assessment only is required for</p>

Area of disagreement	Signposting document for further detail	Summary of stakeholder(s) position	Summary of Applicant's position
		they would be unable to come to the same conclusion for Morecambe. JNCC commented that they consider a displacement assessment for kittiwake should be provided.	kittiwake. The Applicant considers that this approach is suitable and sufficient when considering likely effects on this species.
Assessment methodologies and conclusions for Manx Shearwater and GBBG.	<ul style="list-style-type: none"> ▪ RSPB's Relevant Representations (RR-073) ▪ RIAA_Rev 05 (REP5a-009) ▪ ES Chapter 12 Offshore Ornithology_Rev 04 (Document Reference 5.1.12) ▪ The Applicant's Response to Relevant Representations (PD1-011) ▪ RSPB SoCG (REP5a-033) 	<p>As noted in Section 2.4 RSPB did not agree with the assessment conclusions in the RIAA for a number of features/receptors (including Manx shearwater and GBBG), due to broader, industry-wide concerns on the assessment approach.</p> <p>As such RSPB do not agree with the conclusions for Manx Shearwater feature of Copeland Islands SPA, Aberdaron Coast and Bardsey Island SPA, Skomer, Skokholm and the Seas off Pembrokeshire SPA, Rum SPA, Isles of Scilly SPA, St Kilda SPA and the GBBG feature of Isles of Scilly SPA.</p>	<p>The Applicant considers that sufficiently robust assessments have been presented, in accordance with industry best practice. The submission documents and Examination updates (now incorporated into the RIAA) allow the SoS to reach appropriate conclusions on the ornithological assessment at the HRA scale. As recognised by RSPB, these are principally industry-wide issues that the Applicant is not in a position to resolve to RSPB's satisfaction.</p> <p>The Applicant considers that all matters have been appropriately addressed within the assessment in accordance with best practice.</p> <p>It is noted that the relevant SNCBs (NE, NRW(A) and NatureScot) have agreed no AEoI for the corresponding sites/features over which they have jurisdiction where RSPB do not agree with the conclusions.</p>
RIAA conclusions for gannet at Ailsa Craig	<ul style="list-style-type: none"> ▪ NatureScot Comments on Morecambe Wind Offshore Generation Assets (REP2-039) ▪ The Applicant's Comments on Deadline 2 Submissions by Interested Parties (REP3-069) 	<p>NatureScot is unable to conclude no AEoI for gannet at Ailsa Craig as it is noted the assessment does not follow their recommended guidance.</p> <p>NatureScot has also commented on various methodological issues, but noted none is likely to affect assessment outcomes.</p>	<p>As the Project is located within an area under English jurisdiction, the assessment has been presented in accordance with NE's guidelines which do not align with NatureScot's recommended approach. The approach taken by the Applicant ensures consistency across the assessment, and it is noted that NE has not raised any concerns regarding the general approach to the assessment within its representations to the Examination.</p>

Area of disagreement	Signposting document for further detail	Summary of stakeholder(s) position	Summary of Applicant's position
	<ul style="list-style-type: none"> RIAA_Rev 05 (REP5a-009) 		The Applicant considers that the information provided within the RIAA provides the ExA with sufficient robust information to enable it to advise the Secretary of State that there would be no risk of AEoI on Ailsa Craig SPA.
HRA compensation			
Offshore Ornithology compensation – Proposed measure for LBBG: Option - Exclusion of mammalian predators at colonies using fencing to improve breeding success of LBBG	<ul style="list-style-type: none"> HRA Without Prejudice Derogation Case Rev 04 (REP5a-011) Outline CIMP_Rev 02 (REP5a-013) Update on Without Prejudice Compensation Measures (REP1-093) NE Risks and Issues Log - (REP5a-072) RSPB SoCG (REP5a-033) Appendix B12 - Comments on Lesser Black Backed Gull Compensation Quantum (REP5a-070) 	<p>NE considers the proposed measure is likely to be effective. However, they do not agree that the method used to calculate the scale of the measure. NE considers that the Project alone impacts are currently underestimated as outlined in Section 2.4 and therefore the proposed compensation level is likely to be inadequate once the impact values are updated following their advice.</p> <p>However, NE acknowledge that the size of the fenced areas required would likely be adequate to deliver the required compensation level, irrespective of the method by which the requirement is calculated.</p> <p>NE provided advice on the calculation method to calculate the scale (quantum) at Deadline 5a.</p>	<p>The Applicant has reviewed the calculation for the level of compensation provided by NE at Deadline 5a (REP5a-070). While the general approach advised by NE is considered appropriate, the Applicant is concerned that the combined use of both the upper 95% confidence limit (CL) in the assessment and a 3:1 compensation ratio risks over-compensation. However, it is noted that NE agrees that the size of the fenced areas would likely be adequate to secure sufficient compensation for any potential Project impacts on the LBBG feature (REP5-083), irrespective of the method by which the required quantum is calculated.</p> <p>The detail of the compensation measure (including the required compensation e.g. how many nesting LBBG are required to provide compensation) would be approved by the SoS, in consultation with NE, post consent (based on the Outline CIMP, as secured in Schedule 7, Part 1, paras. 7 and 8 of the DCO (Document Reference 3.1)). Importantly, NE agree that there would be sufficient area for the Project's compensation requirements (even though this number is still to be agreed). This also includes details of the monitoring plan and adaptive management measures.</p> <p>Following advice from NE and the RSPB, the Applicant has made considerable progress towards delivering an alternative measure for habitat management at Steep Holm island (see below) as a clearly preferred</p>

Area of disagreement	Signposting document for further detail	Summary of stakeholder(s) position	Summary of Applicant's position
			<p>measure after stakeholder review. NE have stated that they are confident that this measure will be effective, subject to agreement on scale and extent.</p> <p>The Applicant considers that the compensation measures will provide an effective and sufficient level of compensation.</p>
		<p>RSPB consider there are 'additionality'⁴ concerns where they consider the measures are already part of SPA management measures and so they cannot be used as compensation for exclusion of mammalian predators at Banks Marsh and South Walney.</p>	<p>The Applicant has noted RSPB's concerns regarding additionality for the proposed exclusion of mammalian predators measure, which would need to be addressed should this option be taken forward. However, the Applicant considers that the proposed measures, due to their location and scale, are clearly additional to current management within the SPA.</p> <p>The Applicant has retained predator exclusion fencing as contingency for LBBG compensation, noting that agreement on the location of the measure is a matter for the Compensation Steering Group and SoS to approve via the final CIMP post-consent, once a decision has been made on the need to provide compensation that the Applicant has presented and developed on a 'without prejudice' basis.</p> <p>It is also noteworthy that NE (who jointly manage the reserves) have not raised similar concerns to RSPB on additionality for the proposed predator exclusion fencing options.</p>
Offshore Ornithology compensation – Proposed measure for	<ul style="list-style-type: none"> HRA Without Prejudice Derogation Case Rev 04 (REP5a-011) 	NE are confident that this measure will be effective. However, they do not agree that the proposed	The Applicant has reviewed the calculation for the level of compensation provided by NE at Deadline 5a (REP5a-070), which indicated a recommended

⁴ Compensatory measures for relevant sites that comprise the National Site Network must be 'additional' to measures normally taken to manage or conserve such sites. While this is not explicit in the Habitats Regulations, it is a longstanding principle and is specifically referenced in other guidance related to interpretation of the Habitats Regulations.

Area of disagreement	Signposting document for further detail	Summary of stakeholder(s) position	Summary of Applicant's position
<p>LBBG: Scrub clearance and habitat management on Steep Holm to improve breeding success of LBBG.</p>	<ul style="list-style-type: none"> ■ Outline Compensation Implementation and Monitoring Plan (CIMP) Rev 02 (REP5a-013) ■ Update on Without Prejudice Compensation Measures (REP1-093) ■ NE Risks and Issues Log - (REP5a-072) ■ RSPB SoCG (REP5a-033) ■ Appendix B12 - Comments on Lesser Black Backed Gull Compensation Quantum (REP5a-070) 	<p>compensation level or extent is appropriate. NE advise that a greater extent for this measure than currently proposed should be considered. NE provided advice on the calculation method to calculate the scale (quantum) at Deadline 5a.</p> <p>The proposed monitoring measure is proposed for the first three years following implementation only. This would not allow sufficient time to see whether juveniles fledging from the compensation site(s) were being recruited into the breeding population after 4 years.</p>	<p>clearance area of 0.21 hectare for 100 nesting pairs of LBBG. While the general approach advised by NE is considered appropriate, the Applicant is concerned that the combined use of both the upper 95% CL and a 3:1 compensation ratio risks over-compensation. However, the Applicant notes that the proposal to clear over a hectare of scrub for habitat management at Steep Holm island would significantly overcompensate for any potential impacts on LBBG resulting from the Project, irrespective of the method by which the required quantum is calculated.</p> <p>The monitoring for LBBG proposed in the Derogation Case (REP3-008) sets out that <i>'Surveys may be more numerous in the first three years following implementation of the compensation measure and then reduced in later years on the understanding that the quality of data collection is not compromised'</i>. More intensive monitoring is planned for the first three years following implementation; however, it is anticipated that monitoring of the effectiveness of the measure would continue beyond the first three years. It is further noted in the Derogation Case that <i>'Additional monitoring will be considered during the operational phase of the Project, subject to discussions and agreement with the LBBGCSG'</i>. The Applicant notes that NE are core members of the LBBGCSG and would therefore have input into the operational monitoring of the LBBG measure post-consent.</p> <p>The detail of the compensation measure would be approved by the SoS, in consultation with NE, post consent (based on the Outline CIMP, as secured in Schedule 7, Part 1, paras. 7 and 8 of the DCO (Document Reference 3.1)). This also include details</p>

Area of disagreement	Signposting document for further detail	Summary of stakeholder(s) position	Summary of Applicant's position
			of the monitoring plan and adaptive management measures. As such NE's residual concerns (including the quantum of the measure) are considered to be matters for the detailed approval stage, given their confidence the measure can be effective.
Ornithology Compensation – Proposed measure for RTD	<ul style="list-style-type: none"> ▪ HRA Without Prejudice Derogation Case – Red-Throated Diver at Liverpool Bay / Bae Lerpwl SPA_Rev 03 (REP5a-046) ▪ Outline CIMP Red-throated diver Rev 02 (REP3-065 and REP5a-048) ▪ NE Risks and Issues Log - Deadline 5 (REP5a-072) ▪ Annex B4: Comments on Red Throated Diver Compensation (REP5-082) 	<p>NE agrees that the proposed compensation measures for RTD are technically feasible, subject to the identification of suitable sites. NE considers that there is a lack of detail in the Outline CIMP (REP3-065).</p> <p>Further information including the rationale for site selection should be provided along with any risk of unintended consequences (e.g. drawing RTD away from protected areas to breed), predation risk and potential negative consequences of inappropriate habitat management.</p>	<p>The Applicant's proposed compensation measures to install breeding rafts on known RTD breeding waterbodies in Scotland, together with secondary measures such as habitat management and the rationale for site selection have been presented in the Applicant's RTD Derogation Case (REP5a-046). Letters of support have been provided for landholdings in suitable locations to demonstrate that the measure is securable. The Applicant maintains that this is sufficient to give comfort to the SoS that, if required, compensation could be delivered by the Project at a level which NE have agreed would be adequate (REP5-082).</p> <p>Further work to develop the proposed RTD compensation measures will continue post-examination with site visits to supporting landowners to confirm RTD breeding presence and discuss the practicalities of delivering the measure at appropriate locations. Further discussions with landowners would be required to agree commercial terms prior to implementation; however, given the Applicant's sustained position that there is no AEoI on RTD as a result of the Project (alone or in-combination), this stage would follow a decision of the SoS on whether compensation is required.</p> <p>The Applicant has provided an updated Outline CIMP as requested by NE at Deadline 5a (REP5a-048),</p>

Area of disagreement	Signposting document for further detail	Summary of stakeholder(s) position	Summary of Applicant's position
			<p>where further detail has been provided on the scale and location, design, management, monitoring and adaptive management of the proposed measures since the original document was submitted.</p> <p>The Applicant is confident that, given the extent of the landholdings where support has been offered to deliver the proposed measures, suitable locations can be selected to balance any unintended or negative consequences from RTD breeding success improvements, in consultation with relevant local experts and specialists.</p> <p>The Applicant has had an initial on-line meeting with NatureScot on 18 March 2025 to discuss the RTD compensation proposals. It is anticipated that further consultation with NatureScot would be required to address site selection issues such as habitat management concerns, American mink predation and potential impacts on Scottish SPAs as development work continues.</p> <p>The Applicant welcomes the on-going engagement with NE in the development of potential RTD compensation measures, noting again that this is expected to continue beyond the end of examination.</p> <p>The Applicant maintains that reasonable and proportionate compensation measures, as provided in the RTD Derogation Case (REP5a-046) are able to be secured through the draft DCO (Document Reference 3.1) and Outline CIMP (REP5a-048). Further development work on the measures to address residual SNCB concerns will continue post-examination.</p>

8.5 Summary outlining accordance with relevant NPS policies

177. The Applicant maintains that the Project will not have adverse effects on site integrity (AEol) in respect of any European sites, as concluded in the RIAA (REP5a-009) in accordance with paragraphs 5.4.26 and 5.4.28 of EN-1. However, there is disagreement on the in-combination conclusion on Red Throated Diver (RTD) and Lesser Black Backed Gull (LBBG) ornithology features of three designated sites.
178. Following engagement with the appropriate SNCBs at the pre-Application stage, the Applicant became aware that NE and RSPB would be unable to rule out AEol on the LBBG features of the Morecambe Bay and Duddon Estuary Special Protection Area (SPA) and Ramsar site and the Ribble and Alt Estuaries SPA and Ramsar site. Following NE's first written representation into Examination (RR-061) and a request at the first set of Examiner's Questions, the Applicant has also presented a 'without prejudice' Derogation Case for the RTD feature of Liverpool Bay / Bae Lerpwl SPA.
179. In the event that the Secretary of State does not agree with the Applicant's conclusions of no AEol, the Applicant has considered (on a without prejudice basis) the need for compensation early in the pre-Application process for LBBG and early in the Examination process for RTD, working with SNCBs and relevant stakeholders to develop an appropriate and proportional compensation plan in accordance with paragraphs 5.4.29 and 5.4.30 of EN-1.
180. The HRA Without Prejudice Derogation Case – Red-Throated Diver at Liverpool Bay / Bae Lerpwl SPA (REP5a-046) and the HRA Without Prejudice Derogation Case (REP5a-011) (Derogation Cases) provide information to the SoS on derogation cases, if required. The Derogation Cases both demonstrate there is no deliverable alternative solutions for the Project and that the benefits the Project delivers are Imperative Reasons of Overriding Reasons of Public Interest (IROPI). In relation to RTD, any alternative solution to reduce the scale of the Project as requested by NE would materially risk achieving the Project objectives and is not considered a reasonable alternative in accordance with paragraph 4.2.21 of EN-1 which requires a significant number of deliverable locations for CNP Infrastructure and for each location to maximise its capacity. The Project demonstrates in its Derogation Cases that there are IROPI, no deliverable alternative solutions and that it has provided for securable compensatory measures on a without prejudice basis in accordance with paragraphs 4.2.21, 4.2.22 of EN-1.
181. For LBBG, the proposed compensation is set out in Appendices 1 and 2 of the HRA Without Prejudice Derogation Case (REP5a-011). The Derogation Case identifies a number of potential sites to take forward appropriate compensation measures to mitigate the potential effects to LBBG. The preferred site is Steep Holm island, which is agreed by NE and RSPB. As set out in **Table 2.4**, there are some areas of disagreement regarding the scale and extent of habitat area

the exclusion fencing for mammalian predators at colonies and the scrub clearance and habitat management would provide. NE has provided advice on the scale (quantum) of compensation that would be required at Steep Holm. While the Applicant does not fully agree with the method that NE has proposed, it is agreed between the Applicant and NE that the scale and extent of this measure can provide appropriate compensation to mitigate the minor effects of the Project to LBBG, irrespective of the method by which the quantum is calculated. The compensation measures are secured by the Outline CIMP in paragraphs 7 and 8, Part 1 to Schedule 7 of the draft DCO (Document Reference 3.1), with the detailed CIMP to be approved by the SoS in consultation with relevant SNCBs.

182. In regard to RTD, the proposed compensation measures set out in the HRA Without Prejudice Derogation Case – Red-Throated Diver at Liverpool Bay / Bae Lerpwl SPA (REP5-054) are under discussion with NE, who state “*Natural England is satisfied that the measure is technically capable of delivering appropriate compensation*” in their Deadline 5 response (REP5-082). The areas of disagreement, as set out in **Table 2.4**, are around the level of detail provided into Examination for the CIMP (REP5a-048) and when this should be provided, ensuring the site selection process appropriately considers predators that may compromise breeding, potential negative impacts of habitat management and on breeding birds in protected areas. NE have requested more detailed information during Examination and the Applicant has updated CIMPs for both RTD and LBBG and submitted these into examination at Deadline 5a. Further detailed information will be provided post-consent, and this is consistent with the Applicant’s approach that the compensation measures will be subject to further development work beyond the end of Examination, in consultation with NE and NatureScot as required.
183. The Applicant considers there is an appropriate sufficient mechanism in the draft DCO (Document Reference 3.1) to ensure the detailed information will be subject to consultation and approvals post consent. This is considered reasonable and proportionate to satisfy the NPS and legal requirements for this Project.
184. The Applicant has demonstrated in the Derogation Cases on a ‘without prejudice’ basis that there are no deliverable alternative solutions, there is a case for Imperative Reasons of Overriding Public Interest and proposed compensatory measures can be secured to offset the adverse effects in accordance with paragraph 4.2.22 of EN-1 and to satisfy the requirements for the SoS’s decision.

9 Other Offshore Infrastructure and Other Sea Users

9.1 Position at close of Examination

185. ES Chapter 17 Infrastructure and Other Users (REP1-038) assesses the potential impacts of the Project on Infrastructure and Other Users. It was concluded that, following the implementation of embedded and additional mitigation, there will be no significant effects arising from the Project during the construction, operations and maintenance or decommissioning phases as a result of the project alone or cumulatively with other projects/plans.
186. **Table 9.1** sets out those areas of disagreement on Other Offshore Infrastructure and Other Sea Users where agreement could not be reached between the Applicant and the following IPs:
- Spirit Energy
 - Harbour Energy
 - Ørsted IPs.

9.1.1 Spirit Energy and Harbour Energy

187. As far back as 2019, Spirit Energy wrote to the Applicant acknowledging the proposed Project in proximity to its gas field infrastructure and confirming an intent to collaborate (as evidenced in The Applicant's Response to Spirit Energy's Deadline 4 Submission Annex 1 (REP5-062)). The Applicant continued to engage with Spirit Energy during the pre-application process to provide regular updates on the development of the Project as set out in the Consultation Report (REP1-002). This provided Spirit Energy with multiple opportunities to raise concerns with the Applicant prior to statutory consultation.
188. During the Examination, Spirit Energy has conducted itself as an in-principle objector and has not sought to work with the Applicant to explore possible solutions to its objections. Despite Spirit Energy committing to prepare and share revised protective provisions at Issue Specific Hearing 1 (Action Points from Issue Specific Hearing 1 (EV3-009)) in October 2024, nothing was shared by Spirit Energy until the submission at Deadline 5A. This gave the Applicant three business days to consider the revised protective provisions before the final deadline, and no suggestion was given that Spirit Energy were open to any discussion on their proposed protective provisions, despite Spirit Energy being well aware their proposal contains extensive buffer zones sterilising most of the site and leaving the Project unviable (as well as significant new commercial terms such as wide-ranging one-sided indemnities). During the course of Examination, Spirit Energy cancelled the programmed meetings between their legal team and the Applicant's legal team.

189. In contrast, the Applicant first provided a draft co-existence agreement to Spirit for discussion on 11 April 2024 (prior to submission of the Application) and included full protective provisions in favour of Spirit in the draft DCO on Application. As noted above, the first substantive engagement on protective provisions was at Deadline 5A. Even then, the format of these Protective Provisions was unsuited to allow the Applicant to thoroughly engage with them (as demonstrated by question R17.2.9 within Rule 17 – Request for further information letter (PD-020)). The Applicant recognises the importance and significance of Spirit's current operations and decommissioning obligations and future CCUS proposals: the Applicant is not looking to displace or prevent, but to co-exist as a neighbour.
190. For the Calder platform, Harbour Energy, as the owner, have deferred to Spirit Energy, as the duty holder and operator, for all matters relating to the operation of the Calder Field (REP1-102). In response to ExQ1DCO5 (PD-011) Spirit Energy and Harbour Energy confirmed that they would be liaising with each other with regards to the drafting and agreeing of protective provisions in relation to the Calder field facilities (REP3-101 & REP3-105). Harbour Energy confirmed to the Applicant during the Examination that it was their intention to await feedback following engagement between Spirit Energy and the Applicant on the drafting of the protective provisions before engaging further with the Applicant (as set out in in the SoCG with Harbour Energy (Document Reference 9.15). As noted above, despite commitments to draft and share protective provisions at ISH1 nothing was forthcoming from Spirit Energy until Deadline 5a. It is however noted that at Deadline 5A Harbour also submitted draft protective provisions (see REP5a-081 for Harbour Energy's Protective Provisions). Unlike Spirit Energy, these were issued as a markup of the protective provisions in the DCO, with clearer explanations for the changes and a recognition of the need to co-exist. Harbour also recognise key points, such as that vessel use can be a substitute for helicopter use and there may also be other alternative arrangements that would avoid or mitigate impaired helicopter access.
191. The Applicant has updated its Protective Provisions at Deadline 6 to broadly follow the approach proposed by Harbour Energy, which align in many ways with the Applicant's 'without prejudice' draft protective provisions submitted in response to ExQ2 2DCO2 (REP5-071). Harbour proposes an approach where there is a larger 'interim' buffer until Cessation of Production (COP) and smaller 'enduring' buffer (sufficient to allow day VMC access only) post COP. The Applicant can confirm it is able to accept this approach in principle, subject to certain key points set out below necessary to ensure the deliverability of the Project (set out in **Table 9.1**). The Applicant has proposed a similar approach to Spirit, given the overlap and need for consistency between the two sets of Protective Provisions, incorporating additional points from Spirit where possible (and also noting that Spirit and Harbour did not liaise on their drafting).
192. All parties recognise that both the Central Processing Platform 1 (CPP1) and the Calder Platforms are coming to the end of their operational life. Spirit Energy has stated at Examination (REP4-070) the imminent intended cessation of

production for the Central Processing Complex (CPC) of 2027 plus or minus two years. The Applicant was informed by Spirit Energy on 13 February 2025 that Spirit Energy has commissioned a decommissioning readiness project which is on track for completion by 2027 (see Appendix A of Comments on any other submissions received at Deadline 3 (REP4-069)). For Calder, the Decommissioning Programme, produced by Harbour, is published on the Offshore Petroleum Regulator for Environment and Decommissioning (OPRED) website and the current understanding for well plug and abandonment activities is in the range of 2027-2030 (see REP5-062 for further information on the Applicant's understanding of the approach to decommissioning). Ultimately, therefore, there is very little overlap potential with the operation of the Project. In the Applicant's view, it would be unreasonable for 3 years of decommissioning works to prejudice the opportunity for the Project to provide 35 years of clean power.

193. The Applicant has, from the outset of the Project, acknowledged that a consequence of the Project is residual restricted helicopter access during night and instrument meteorological conditions (IMC) conditions. The Applicant has submitted peer-reviewed expert evidence which demonstrates that the loss of IMC and night access is an operational and logistical impact, and not a safety concern (and was assessed as not significant in EIA terms). Ultimately, it is accepted that the Project would be a new neighbour to Spirit Energy and the Affected Assets⁵. The NPS accepts that there is going to be more infrastructure in the marine environment and that it may be close together (para 2.8.196 of EN-3).
194. However, what the Applicant does not and cannot accept is that Spirit is entitled to unilaterally dictate the terms for new neighbouring developments, in effect exercising a veto (see further detail in the Applicant's Response to Spirit Energy's Deadline 4 Submission (REP5-062)). Spirit's position appears to be that it should not have to consider accommodating any changes resulting from emerging neighbouring infrastructure and so is entitled to the current status quo to remain in its entirety. This position is not supported by Spirit Energy's rights or the NPS. As the Applicant has previously explained, and Spirit Energy has not refuted (REP5-062), Spirit Energy is not asserting (and does not hold) any legal rights over the windfarm site or its airspace which allows them to reject a neighbour and leave the sea and airspace clear for their unfettered use as means of accessing their assets. Spirit Energy and Harbour Energy are entitled to 500m safety zones around their platforms (and 1.5nm buffers have been incorporated into the Project design), but it is the Applicant who holds an

⁵ Spirit define their Affected Assets as:

1. "South Morecambe Central Processing Complex (CPC) comprises of the Accommodation Platform 1 (AP-1), Central Processing Platform 1 (CPP-1) and Drilling Platform 1 (DP-1). There are two helidecks within the Central Processing Complex – one at AP-1 and one at DP-1.

2. Calder CA1 (Calder) remote drilling and production platform with helideck which (as set out in paragraph 1.4) Spirit is designated duty holder, and therefore operator, under licence from Harbour.

3. South Morecambe DP6 NUI (with helideck). South Morecambe DP8 NUI (with helideck). North Morecambe DPPA NUI (with helideck)."

Agreement for Lease with The Crown Estate (TCE) in respect of the site. Similarly, this entitlement is not supported by the NPSs, which instead seek to promote co-existence in an increasingly busy marine environment as we transition to net zero. The appropriate balance between the parties' interests must be made in light of EN-3 paragraph 2.8.203.

195. The Applicant's clear conclusion is that the NPSs are supportive of the balance struck between the Project and the Affected Assets proposed in the Application and as mitigated by the draft Protective Provisions, which ensures safety but allows for co-existence.
196. The draft Protective Provisions also address the concerns raised in relation to Morecambe Net Zero (MNZ). Paragraph 9.3.2 of the Applicant's Response to Spirit Energy's Deadline 4 Submission (REP5-062) identifies all of Spirit Energy's requests for co-existence with MNZ which have been secured in the draft protective provisions. Although it is noted, in so far as can be determined from them, that in their draft protective provisions submitted at Deadline 5a (REP5a-076) Spirit Energy are seeking to secure additional restrictions on the Project in relation to MNZ that go far beyond anything that can be considered reasonable, especially given the early stage and uncertain future of MNZ. The restrictions that they are seeking go even further than what is being sought for in relation to the current operational gas field and assets. With regards to distances around legacy wells, the Applicant has provided 100m around the wells inside the Agreement for Lease Area.
197. The Applicant considers that the two developments, the Project and MNZ, can successfully coexist and is committed to engaging further with Spirit Energy in that regard. Despite the early stage and lack of funding pathway for MNZ, and consequent inherent uncertainty, the Applicant reiterates that it considers that the two developments, the Project and MNZ, can successfully coexist and is committed to engaging further with Spirit Energy in that regard. The Applicant intends to enter into agreements with Spirit Energy to manage simultaneous operations, including survey and preparatory works, as well as agreements to manage crossings of infrastructure. The Applicant intends to maintain dialogue with Spirit Energy on the final design and layout of the Project so that it may optimise MNZ accordingly.

9.1.2 Ørsted IPs

198. The Ørsted IPs have raised matters related to financial effects to their operations throughout the Examination (in addition to environmental matters addressed separately above). The core of this disagreement is whether pre-existing projects should receive compensation for wake effects from proposed offshore wind projects. The Ørsted IPs maintain the opinion that compensation is required to be paid to them. The Applicant's clear position throughout Examination has been that the NPSs do not entitle the Ørsted IPs to be paid compensation. The Applicant considers that a holistic and consistent approach, considered by Government and all industry stakeholders outside of the DCO

process would be the most appropriate forum for the Ørsted IPs to raise these matters, rather than an individual project Examination.

9.2 Matters agreed or concluded as no material impact

199. There has been limited agreement of matters between the Applicant and the relevant IPs. Those limited areas of agreement are outlined below (where material) and within the following SoCGs:

- **Ørsted IPs** (see SoCG (Document Reference 9.14) for further details)
- **Harbour Energy** (see SoCG (Document Reference 9.15) for further details – note, this has not been submitted at Deadline 6 but will be submitted prior to close of Examination)
 - subject to securing appropriate protective provisions in the draft DCO (Document Reference 3.1) in relation to shipping and navigation during the decommissioning phase, the Project would not significantly increase the marine safety risk to operations at the Calder Field
 - the protective provisions as drafted in its Protective Provisions submitted at Deadline D5A could prevent significant disruption and safety risk to mutually exclusive simultaneous operations at the Calder Field during the decommissioning phase. The parties agree that measures could be addressed through a commercial agreement
- **Spirit Energy** (see SoCG (Document Reference 9.16) for further details):
 - the Updated REWS Technical Report incorporated all concerns raised in Spirit Energy's Relevant Representation and Written Representation including setting up Spirit Energy CPA/TCPA alarms and further modelling of passing traffic through the wind farm array.
- **Harbour Energy and Spirit Energy** (see Section 6.3.2 of The Applicant's Response to Spirit Energy's Deadline 4 Submission (REP5-062) for further detail):
 - the provision of marine buffer zones (other than those requested for Morecombe Net Zero) for ongoing operation, maintenance and decommissioning of the Affected Assets within the protective provisions at Schedule 3 Parts 2 and 3 of the draft DCO Rev 06 the draft DCO (Document Reference 3.1). This is agreed by Spirit in Spirit Energy Reponse to ExQ3 (REP5a-076)

9.3 Other key matters raised during Examination

200. There are no other key matters related to this topic raised during Examination.

9.4 Areas of disagreement and unresolved matters

201. **Table 9.1** sets out the areas of disagreement in relation to Other Offshore Infrastructure and Other Sea Users, the reason that these areas of

disagreement remain and the Applicant's positions of these areas of disagreement. It also signposts to the relevant documents for further detail.

Table 9.1 Area of disagreement in relation to Other Offshore Infrastructure and Other Sea Users

Area of disagreement	Signposting document for further detail	Summary of stakeholder(s) position	Summary of Applicant's position
Cumulative effects assessment for ornithology	<ul style="list-style-type: none"> ▪ SoCG with Ørsted Interest Parties_Rev 02 (Document Reference 9.14) ▪ NE Written Representation (RR-061) and Deadline 5A submission (REP5a-069) ▪ The Applicant's Comments on Written Representations (REP2-027) ▪ NRW(A) Deadline 5 submission (REP5-084) ▪ NE Deadline 5A submission Appendix B11 - Comments on Offshore Ornithology (REP5a-069) 	The Ørsted IPs maintain that the Barrow OWF should be included within the cumulative and in-combination effects assessment for the Project.	<p>As set out in the SoCG with the Ørsted IPs, it is acknowledged that the extensions to existing operational projects could lead to overlap, and that NE and NRW have recommended that assessments should include projects nearing their end of life. However, as stated by NRW in their Deadline 5 submission, and by NE in their Deadline 5A submission, it is not considered that their inclusion materially affects the cumulative / in-combination assessment or conclusion.</p> <p>The Applicant considers that the assessment is precautionary because it includes a wide number of projects that do not have an operational life over the full duration of the Project, and there is no ability within assessments to account for the reduction in effect as these projects are decommissioned. It is considered that the conclusions of the assessments would not be altered by the inclusion of Barrow, and there remains uncertainty of the expected extension and licensing process required, particularly as there are no consent applications or other information in the public domain about an extension of life proposal. NE, in its pre-application advice, and also in its written representations (RR-061), confirmed that consideration should be given to excluding projects with limited or no temporal overlap with the Project from the cumulative/in-combination assessment. It was and remains reasonable and proportionate for the Applicant to follow the initial advice of NE (RR-061), as the statutory body, given the information within the public domain at the time of submission, and that subsequent SNCB comments confirm the conclusions would not materially changed with inclusion of Barrow (REP5a-069 and REP5-084).</p>

Area of disagreement	Signposting document for further detail	Summary of stakeholder(s) position	Summary of Applicant's position
Assessment of wake effects on other offshore wind projects	<ul style="list-style-type: none"> ▪ SoCG with Ørsted Interest Parties_Rev 02 (Document Reference 9.14). ▪ ID WR-112-04 of The Applicant's Comments on Written Representations (REP2-027) ▪ ExQ2 ID 20012 of the Applicant's Response to ExA's Written Questions 2 (REPO5-070) ▪ Section 2.8 of the Applicant's Comments on Deadline 4 Submissions by Interested Parties (REP5-060) ▪ Chapter 21 Climate Change_Rev 03 (Document Reference 5.1.21). 	The Ørsted IPs' position is that there is a policy requirement in the NPS for the assessment to include and mitigate the wake effects of the Project on Ørsted IP assets.	<p>The Applicant's position is detailed in The Applicant's Comments on Written Representations and summarised as follows:</p> <ul style="list-style-type: none"> ▪ The Applicant has given due consideration to wake effects in accordance with EN-3 which outlines the expectation that the Applicant should work with the impacted sector to minimise negative impacts and reduce risks to as low as reasonably practicable (para. 2.8.344). ▪ The Project's boundary requirements comply with The Crown Estate's Round 4 Information Memorandum. This specified that no offshore wind projects could be located within 7.5km of an existing offshore wind farm. ▪ The Project is not close enough in terms of NPS EN-3 2.8.197 to require an assessment of wake effects on any existing offshore wind farm. ▪ Notwithstanding the above bullet, the Applicant has now considered wake effects in the Applicant's updated Greenhouse Gas Assessment (REP5-016) and found it does not affect its conclusions, or the significant net carbon benefits of the Project. Please see Section 21.7.1.5 of this document for further information. ▪ There is no mitigation available to minimise wake effects to the Ørsted IPs that does not impact on the viability of the Project – the mitigation is simply to reduce the Project's scale. The alternative is compensation, which the Ørsted IPs have stated within their written submissions (REP5-092). The Applicant's position is that the NPSs do not provide for compensation to be paid, and only refer to issues of viability. The Applicant does

Area of disagreement	Signposting document for further detail	Summary of stakeholder(s) position	Summary of Applicant's position
			<p>not consider it has been demonstrated by the Ørsted IPs that the Project individually and cumulatively would be likely to affect the viability of any existing wind farm and would simply point to the fact that how much commercial impact, if any, remains uncertain and is subject to various factors beyond the scope of the Project alone.</p>
<p>Radar interference at Warton Aerodrome</p>	<ul style="list-style-type: none"> ▪ SoCG with Ørsted Interest Parties_Rev 02 (Document Reference 9.14) ▪ ID WR-112-15 of The Applicant's Comments on Written Representations (REP2-027) ▪ Draft DCO_Rev 07 (Document Reference 3.1) 	<p>Ørsted IPs (Burbo Extension Ltd and Walney Extension Limited) require assurance that the Morecambe Generation Assets will not adversely affect or increase the cost of mitigation being implemented by its projects to the Warton Airfield Primary Surveillance Radar and that, in the event that MOWL makes use of this mitigation, MOWL will contribute to the purchase, installation and maintenance costs.</p>	<p>The Applicant considers that any arrangements Burbo Extension Ltd and Walney Extension Limited have in place are primarily a matter between them and the DIO and BAE Systems (Operations). The Applicant notes that these agreements are not in the public domain and are not disclosable. Therefore, the Applicant is unable to comment further on this matter as set out in The Applicant's Comments on Written Representations.</p> <p>At this time the nature of the Ørsted IPs' mitigation deployed at BAE Warton, and whether its application would extend to the Morecambe Offshore Windfarm, is unknown to the Applicant. The Applicant is also unaware as to whether such mitigation is contractually underpinned between DIO and BAE Systems (Operations), and Ørsted IPs by cost sharing principles or similar.</p> <p>Similarly, any mitigation solution required as a result of the Project would also primarily be a matter between the Applicant and the DIO and BAE Systems (Operations). As noted above in Section 3, the Applicant has submitted a mitigation solution to the DIO and BAE Systems (Operations), which is currently undergoing technical review. Discussions between the Applicant and BAE Systems (Operations) will continue during the post-consent phase to agree on the final mitigation solution and technology required to ensure that both mitigation schemes work together.</p>

Area of disagreement	Signposting document for further detail	Summary of stakeholder(s) position	Summary of Applicant's position
			The Applicant has included a requirement to mitigate any impact to the Warton PSR within its update to the Draft DCO (Document Reference 3.1).
Commitment to sharing the Vessel Traffic Management Plan (VTMP) with Ørsted IPs for review pre-submission to the MMO, Trinity House and MCA	<ul style="list-style-type: none"> SoCG with Ørsted Interest Parties_Rev 02 (Document Reference 9.14). Outline VTMP (REP5a-031) draft DCO_Rev 06 (Document Reference 3.1) 	Ørsted IPs request a formal commitment to ensure they have the opportunity to review the VTMP pre-submission to the MMO in the interests of navigational safety within the vicinity of the Ørsted IPs assets, as a named consultee in the VTMP.	The Applicant considers that the Ørsted IPs request is not necessary or proportionate. There are adequate measures secured with Schedule 6 Condition 9 of the draft DCO_Rev 06 to address shipping and navigation concerns. Schedule 6 Condition 9 includes the production of a VTMP and Emergency Response Cooperation Plan. The Applicant is also committed to maintaining the Marine Navigation Engagement Forum (which includes the Ørsted IPs) for a minimum of five years post-consent. The MMO will determine the relevant stakeholders that will be consulted in relation to the approval of pre-construction plans. Schedule 6 Condition 9 is worded to ensure this list is not exhaustive.
Spirit Energy Production UK Ltd and Harbour Energy Ltd			
Shorter Term Co-Existence – Operational Phase – Aviation related to access during Visual Meteorological Conditions (VMC)	<ul style="list-style-type: none"> The Applicant's Response to Spirit Energy's Deadline 4 Submission – Revision 01 (Volume 9) (REP5-062) The Applicant's Response to Spirit Energy's Deadline 4 Submission Appendix A: Helicopter Access - Revision 01 (Volume 9) (REP5-063) 	<p>Spirit request a VMC buffer access distance of 1.9 nm be provided within the red line boundary (see Section 8.3 of Appendix A of REP1-116).</p> <p>Spirit maintain that they cannot accept a restriction to day VMC for the safety of its operations.</p> <p>Harbour calculate that VMC access would require an aviation buffer zone of 1.9nm, (REP3-104). Harbour have</p>	<p>The Applicant's position, as advised by aviation experts Anatec, is that the approach distance required for full and safe VMC access is 1.26nm and the take-off distance is 1.44 nm. Both of these distances are within the 1.5 nm aviation buffer the Applicant has provided for in the Protective Provisions in favour of Spirit and Harbour, which ensures operations can continue safely. See further detail in The Applicant's Response to Spirit Energy's Deadline 4 Submission Appendix A: Helicopter Access - Revision 01.</p> <p>The Applicant's clear position, evidenced in the report referred to in the preceding paragraph, is that day VMC access will not be impaired by the presence of the Project.</p>

Area of disagreement	Signposting document for further detail	Summary of stakeholder(s) position	Summary of Applicant's position
	<ul style="list-style-type: none"> ▪ Spirit Energy Relevant Representation (REP1-116) ▪ Harbour Energy Comments on the Applicant's Deadline 2 Submissions (REP3-104) 	also included this as the enduring buffer in their draft protective provisions provided at Deadline 5A.	
Sufficient access for night and Instrument Meteorological Conditions (IMC)	As above.	<p>Spirit maintains a position that an aviation buffer zone of 3.76nm around CPC-1 and Calder is required. This buffer would provide for unrestricted access in IMC. Spirit initially set out a requirement for a 3.3 nm buffer zone in their Relevant Representation (REP-077). This was revised to 3.9nm in their Written Representation (REP1-116). This was revised further to 3.76nm in the Deadline 3 Response (REP3-102).</p> <p>As noted above, Harbour has confirmed in its protective provisions at Deadline 5A that it is content with a buffer which allows for day VMC access from COP during its decommissioning activities.</p>	<p>Notwithstanding the Applicant's position that day VMC access is sufficient to enable safe and sufficient access to the Affected Assets, the Applicant has also calculated the required distances to enable IMC access at both platforms.</p> <p>With regards to take-off in IMC conditions, the Applicant sets out its calculations at Section 4.2 of REP5-063. The Applicant concludes that a conservative calculation would require a take-off distance of 3.28nm at maximum take-off mass of 4,800kg, and that a more realistic take-off distance accounting for a take-off mass of 4,400kg would be 2.81nm.</p> <p>The Applicant refers the ExA to Section 5.3.2 and Table 5.1 of REP5-062 for full detail of its position on the night and IMC access.</p>

Area of disagreement	Signposting document for further detail	Summary of stakeholder(s) position	Summary of Applicant's position
IMC Take-Off Corridor	<p>As Above.</p> <ul style="list-style-type: none"> ▪ Spirit Energy Response to the Applicant's Deadline 2 Submissions (REP3-102) 	<p>Within REP3-102 Spirit consider the proposed aviation corridor mitigation is not suitable. This is for reasons such that it is based on wind direction, and would not alleviate all of their concerns.</p>	<p>The IMC Take-off Corridor is positioned into the prevailing wind and Anatec's analysis (Section 7.1.2⁶ of REP5-063), demonstrates that it would enable a significant number of IMC and night flights to continue. Table 7.1⁷ concludes that with day VMC access and the take-off corridor in place 96% of flights would proceed at CPC-1 (in other words, it reduces the impact by around half). This is summarised at 5.3.3 – 5.3.6 of REP5-062.</p> <p>DNV estimate the corridor would substantially reduce total hours lost (going from 1.5-3% down to 1-2%) (summarised at Section 7.1.8 of REP5-062 and see also Section 4.3 of REP5-064).</p> <p>The Applicant notes two further points:</p> <ul style="list-style-type: none"> ▪ under the present aviation AMC this mitigation would be available immediately ▪ this proposed mitigation is considered helpful to reduce the operational impacts and additional costs for the Applicant but is not considered necessary for the continued safe operation, maintenance and decommissioning of the Affected Assets. <p>The Applicant refers to Section 7 of REP5-063 for a fuller explanation by Anatec of the IMC take-off corridor.</p>
Proposed Civil Aviation Authority (CAA) AMC Change emerging flight	<ul style="list-style-type: none"> ▪ The Applicant's Response to Spirit Energy's Deadline 4 Submission Appendix 	<p>If the Proposed Acceptable Means of Compliance (AMC) change is brought in (noting it is currently only a proposal</p>	<p>The Applicant has responded to the CAA's Response to ExQ3s at IDs 3CAR2 and 3CAR3 regarding the AMC change in The Applicant's Comments on Deadline 5A Submissions by Interested Parties and Comments on responses to ExQ3s.</p>

⁶ Note: paragraph 162 of the REP5-062 referred to paragraph 6.12, but should refer to paragraph 7.1.2 due to a cross-referencing error.

⁷ Note: paragraph 162 of the REP5-062 referred to table 6.3, but should refer to table 7.3 due to a cross-referencing error.

Area of disagreement	Signposting document for further detail	Summary of stakeholder(s) position	Summary of Applicant's position
restriction rule within 3nm of offshore wind turbines	<p>A: Helicopter Access - Revision 01 (REP5-063).</p> <ul style="list-style-type: none"> CAA Response to ExQ3 (REP5a-064) The Applicant's Comments on Deadline 5A Submissions by Interested Parties and Comments on responses to ExQ3s (Document Reference 9.67). 	<p>which has not been consulted on), the use of the IMC Take-Off Corridor would require a dispensation from the CAA under the Alternative Means of Compliance (AltMoC) process.</p>	<p>The Applicant agrees that any IMC or night operations within the distance specified in the new AMC would require an AltMoc (which requires demonstrating equivalent levels of safety). The Applicant considers all parties (the Applicant, Spirit and the CAA) agree on this matter. Day VMC access would remain unchanged.</p> <p>Sections 1.4 and 7.2.1 of REP5-063 explain why the Applicant considers that obtaining an AltMoc for continued IMC and Night VMC approaches and take-offs from helidecks adjacent to the Morecambe Windfarm is feasible for Spirit Energy because the safety position is the same within the corridor as within a full buffer zone of equivalent length.</p>
Requirement for annual collision frequency evaluation in relation to Greater Increase in Vessels in the Vicinity of the Oil and Gas Platforms in relation to Shorter Term Co-Existence – Operational Phase – Shipping and Navigation –	<ul style="list-style-type: none"> SoCG with MCA_Rev 03 (REP5a-038) Spirit Energy Written Representation (REP1-116) The Applicant's Response to Spirit Energy's Deadline 4 Submission (REP5-062) The Applicant's Response to Spirit Energy's Deadline 4 submission Appendix D: Shipping and 	<p>Spirit Energy state in its Written Representation (REP1-116) that there is no annual collision frequency evaluation similar to that found in the VCRA within the Project's DCO Application, and as such, given the traffic patterns in the East Irish Sea are expected to change as a result of the Project, an updated analysis will be required at the expense of the Applicant.</p>	<p>The Applicant has submitted a Navigation Risk Assessment and Cumulative Regional Navigation Risk Assessment. The NRA and CRNRA found the likelihood of collision and allision for all vessels, including those of oil and gas operators, identified a limited increase in risk. However, mitigation has been identified to reduce the risk to as low as reasonably possible and not significant in EIA terms. This assessment of allision risk undertaken within the NRA is in accordance with guidance, in compliance with MGN 654 and has been agreed with the Maritime and Coastguard Agency (MCA), in the SoCG submitted at Deadline 4. Spirit were attendees for the hazard workshop, see NRA (REP3-028) where the Applicant engaged on the development of the NRA. As such, it is considered the Applicant is not required to undertake an annual collision frequency evaluation, nor would further assessment be useful, because the assessment carried out is</p>

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	<p>Navigation (REP5-067)</p> <ul style="list-style-type: none"> ES Chapter 14 Shipping and Navigation_Rev 02 (REP3-051) Navigation Risk Assessment_Rev 02 (REP3-028) Cumulative Regional Navigation Risk Assessment (APP-074) The Applicant's Response Spirit Energy Deadline 1 Submissions (REP2-030). 		<p>compliant with regulations, approved with the necessary regulators, and is comprehensive and accurate.</p> <p>The Applicant refers to Section 6.3.1 of REP5-062 for further details on the Applicant's position.</p> <p>See below in relation to the marine buffer zones secured.</p>
Implementation of mitigation for Radar Early Warning Systems (REWS)	<p>As above.</p> <ul style="list-style-type: none"> Spirit Energy's Relevant Representation (RR-077) Spirit Energy Written Representation (REP1-116) Spirit Energy Reponse to ExQ3 (REP5a-076) 	<p>Spirit Energy is of the opinion that their REWS system that will be in place by commencement of construction of the wind farm (2029) should have the software and hardware equipment including a new AIS system and radar tracker (ARTS) that processes real-time data from radar rotations to mitigate the identified impacts in the</p>	<p>The Applicant provided a revised REWS Technical Report (REP3-034) at Deadline 3 in response to a request from Spirit Energy. The Updated Technical Report notes the impact of the Project on detection performance of nearby REWS installation (including Spirit Energy's) is expected to be low and will be manageable without the need for further mitigation measures. These effects will be largely resolved by the built-in advanced tracking techniques within Spirit's Energy's REWS. Additionally, the integration of the available AIS data with the REWS coverage will provide an alternative source of vessel information and location within the zones where the REWS may lose detection. Therefore it is considered the Applicant has provided adequate assessment and</p>

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	<ul style="list-style-type: none"> ES Appendix 17.2 Radar Early Warning System Technical Report - Revision 02 (REP3-034). 	<p>Updated REWS Technical Report.</p> <p>Spirit Energy however cannot confirm whether the REWS system on CPC platform at the commencement of wind farm construction will be capable of compensating and maintaining the tracking of vessels travelling through the wind farm array.</p>	<p>consideration of mitigation measures to address this issue and no further action is required.</p>								
Vessels or surface infrastructure in transit by or attributable to the Applicant	<ul style="list-style-type: none"> Spirit Energy Response to ExQ3 (REP5a-076). 	<p>Spirit Energy included within their draft Protective Provisions submitted at Deadline 5a (REP5a-076) that no vessel or surface infrastructure in transit by or attributable to the undertaker or its agents or contractors in exercising the power of this Order shall pass within one nautical mile (1 nm) of any of the helidecks at any time nor within five hundred metres (500 m) of any of the legacy wells (whilst any rig or other vessel owned, controlled or instructed by the licensee, is present at this location) unless otherwise agreed in writing</p>	<p>The Applicant has provided a response to this point in its response to Spirit Energy's Deadline 5a Response (Document Reference 9.71) within the comments section of the revised Protective Provisions in favour of Spirit Energy (Clean). The Applicant holds that this requirement is both unreasonable and unjustified.</p> <p>The Applicant notes that, at present, ferries and commercial vessels pass within 1nm of key O&G infrastructure within the Irish Sea. The table below presents a breakdown of the percentage of ferry transits during 2022 that pass within 1nm of key O&G infrastructure, with high proportions of both Stena and IoMSPC vessels passing within 1nm of either Millom or North Morecambe DPPA. This has not been raised as a concern by Spirit Energy to date.</p> <table border="1"> <thead> <tr> <th>Vessel Route</th><th>Total Number of Transits (2022)</th><th>Number of Transits within 1nm of O&G Infrastructure</th><th>Percentage of Transits within 1nm of O&G Infrastructure</th></tr> </thead> <tbody> <tr> <td colspan="4">Ferries</td></tr> </tbody> </table>	Vessel Route	Total Number of Transits (2022)	Number of Transits within 1nm of O&G Infrastructure	Percentage of Transits within 1nm of O&G Infrastructure	Ferries			
Vessel Route	Total Number of Transits (2022)	Number of Transits within 1nm of O&G Infrastructure	Percentage of Transits within 1nm of O&G Infrastructure								
Ferries											

Area of disagreement	Signposting document for further detail	Summary of stakeholder(s) position	Summary of Applicant's position								
		between the licensee and the undertaker.	<table border="1"> <tr> <td>Stena Line Liv – Bel E (E of Calder)</td><td>196</td><td>90</td><td>46%</td></tr> <tr> <td>IoMSPC Heysham - Douglas</td><td>1,451</td><td>1,038</td><td>72%</td></tr> </table> <p>The Applicant refers to the remainder of the response in Document Reference 9.71.</p>	Stena Line Liv – Bel E (E of Calder)	196	90	46%	IoMSPC Heysham - Douglas	1,451	1,038	72%
Stena Line Liv – Bel E (E of Calder)	196	90	46%								
IoMSPC Heysham - Douglas	1,451	1,038	72%								
Shorter Term Co-Existence – Operational Phase – Safety Considerations	<ul style="list-style-type: none"> The Applicant's Response to Spirit Energy's Deadline 4 Submission – Revision 01 (Volume 9) (REP5-062) The Applicant's Response to Spirit Energy's Deadline 4 Submission Appendix B: Effect of Proposed Morecambe Offshore Windfarm on Offshore Oil and Gas Operations (REP5-064) The Applicant's Response to Spirit Energy's Deadline 4 Submission Appendix 	<u>Emergency Response</u> Spirit maintain that Commercial Aviation Transport (CAT) helicopters remains the preferred method of evacuation.	<u>Emergency Response</u> The Applicant's safety experts DNV have provided peer-reviewed evidence that CAT helicopters will not be preferred in emergency evacuation situations, and instead evacuation will most likely be completed by SAR helicopters and lifeboats. This is due to limitations in CAT helicopters – they are limited in size (a CAT helicopter has a maximum capacity of 8 passengers and it would therefore take 18 hours to evacuate CPC-1) and cannot accept a stretcher. Both SAR helicopters and lifeboats remain unaffected by the Project. Spirit also conflate emergency evacuation with precautionary downmanning, for example if there an issue with potable water system. The Applicant's safety experts note this process would take days and be only slightly affected by any flying restrictions. The Applicant refers to Section 5 of REP5-064, Section 2.1.2 of Appendix G (REP5-069) which set in more detail DNV's analysis on emergency response.								
		<u>Maintenance</u>	<u>Maintenance</u>								

Area of disagreement	Signposting document for further detail	Summary of stakeholder(s) position	Summary of Applicant's position
	<p>F: Third Party Review of Safety Case by ERM - Revision 01 (REP5-068)</p> <p>■ The Applicant's Response to Spirit Energy's Deadline 4 Submission Appendix G: Third Party Review of Safety Case by CityPort Oil and Gas Services Limited - Revision 01 (REP5-069)</p>	<p>Spirit states that should safety critical maintenance become overdue, this will result in shut down of their assets. This will not be acceptable.</p>	<p>The Applicant has provided evidence that postponement of maintenance does not create a significant safety risk. In addition, workable solutions to mitigating the potential build-up of maintenance have been proposed by the Applicant and supported by its Safety advisors, DNV, CPOGS and ERM. Spirit have not engaged with the possibility of mitigation or operational accommodations. This is in contrast to the recent position by Harbour who explain <i>"The inclusion of vessel use as a substitute for helicopter use in the Applicant's drafting is an example of an alternative arrangement to support decommissioning. Harbour Energy believes that there may be other such alternative arrangements that would avoid or mitigate impaired helicopter access."</i> (REP5a-080). Spirit, however, has simply repeated a demand for sterilisation of the windfarm site to the full extent required so that it can continue its current operations in the current way – the Applicant does not consider this approach, nor Spirit's demands are supported by the NPSs – see [10.5.2] below. The Applicant refers to REP5-064, Section 2.1.3 of REP5-069, and page 23 of REP5-068.</p>
		<p><u><i>Increased Helicopter Transport – Risk to Individuals, Safety Case</i></u></p> <p>Spirit state that should access be restricted to VMC access only that a significant number of additional flights would be required. This would have a significant impact on the Individual Risk Per Annum</p>	<p><u><i>Increased Helicopter Transport – Risk to Individuals</i></u></p> <p>The Applicant, as advised by DNV, maintains that any increased helicopter transportation risk is not material – DNV explain that the tolerability risk limit would only be threatened if an individual took an extra 764 return flights, and the increase could only be material if an individual doubled their flights.</p> <p>The Applicant refers to Section 3 of REP5-064. The Applicant refers to 2.1.4 of REP5-068 and 5.2 of REP5-069.</p>
			<p><u><i>Safety Case</i></u></p>

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		(IRPA) and require a material change to the safety case.	<p>The Applicant, as advised by DNV in its assessment of the effect of the Project on offshore oil and gas operations (REP5-064), considers that Spirit's safety case will not require to be materially amended in light of the Project.</p> <p>Notwithstanding that position, the Applicant considers that given the expert evidence that material amendments are not required, were Spirit to opt to submit an updated safety case to the Health and Safety Executive (HSE) then there is no reason why it would not be accepted. The experts at DNV are not aware of any safety case that has ever been rejected.</p> <p>The Applicant considers that if Spirit sought to co-exist in good faith with the Project, rather than resist it, it is that such concerns would not be a material issue for Spirit.</p> <p>The Applicant refers to Section 6 of REP5-064 which sets out DNV's analysis in full. The Applicant also refers to the peer reviewed reports at REP5-068 and REP5-069. In particular REP5-068 (ERM) concludes "<i>it is considered likely and reasonable that the Affected Asset Operator could find a way to continue safe operation if they were inclined to do so</i>" and REP5-069 (CPOGS) concludes "<i>We would also stress to the Examining Authority that whilst CPOGS do not believe the scenarios described by Spirit Energy will necessitate a Material Change submission of their Safety Cases, the fact that an update may ultimately be prepared by Spirit Energy for their own benefit is not a reason for curtailing or preventing the planned development of the windfarm.</i>"</p> <p>The Applicant also refers generally to REP5-062 and REP5a-061.</p>
		<u>Interim aviation buffer zone</u> Harbour proposed in its D5A draft protective provisions a	The Applicant can confirm it is able to accept this approach in principle, subject to certain key points set out below

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		larger 'interim' buffer until Cessation of Production (COP) and smaller 'enduring' buffer (sufficient to allow day VMC access only) post COP.	necessary to ensure the deliverability of the Project (set out the final row below).
Medium Term Co-Existence – Decommissioning Phase	<ul style="list-style-type: none"> ▪ The Applicant's Response to Spirit Energy's Deadline 4 Submission – Revision 01 (Volume 9) (REP5-062) ▪ The Applicant's Response to Spirit Energy's Deadline 4 Submission Appendix D: Impact on Decommissioning of Gas Production Facilities - Revision 01 (Volume 9) (REP5-072) ▪ Spirit Energy Written Representation (REP1-116) ▪ Harbour Energy Written Representation (REP1-102) 	<p><u><i>Spirit</i></u></p> <p>Spirit considers that restricting flights to VMC access only would result in an extension to the overall decommissioning schedule and associated knock-on impacts on operations (delays, cancelled flights), presenting an overall increase in risk to the decommissioning activities to be carried out.</p> <p>They set out a number of requests to accommodate vessels in the vicinity of Spirit's offshore installations as a result of the decommissioning activities, and state in their Written Representation (REP1-116) at paragraph 5.7 that they anticipate the additional costs associated with the flight restrictions to be in excess of £10 million.</p> <p>The Applicant refers to Section 8.1 of REP5-062.</p>	<p>The Applicant has provided detailed expert evidence that with a 1.5nm aviation buffer zone around each of CPC-1 and Calder, day VMC flights can be safely operated to and from the platforms as set out in REP5-062 (in particular Appendix A, REP5-063). On that basis, the only issue to remain would be an operational, logistical issue, caused by the reduction in available flights. To that end, the Applicant has provided for a commitment to pay additional costs within the Protective Provisions in favour of both Spirit and Harbour (within the DCO submitted at Deadline 6) which would include increased decommissioning costs. The Protective Provisions are discussed in more detail in the final row of this table below.</p> <p>The Applicant refers to REP5-072 and the calculations provided by Xodus on decommissioning costs which concludes that the costs provided by Spirit and Harbour for the project's impacts on decommissioning are "<i>gross over-estimates</i>". The Applicant's figure therefore for its liability cap is a more appropriate level, particularly as updated in the Protective Provisions submitted at Deadline 6 (see Document 9.71).</p> <p>The Applicant also notes that the maintenance burden and pressure on helicopter access reduces following cessation of production. This supports the Applicant's approach to a decommissioning date in its without prejudice alternative protective provisions, and now in the DCO at Deadline 6</p>

Area of disagreement	Signposting document for further detail	Summary of stakeholder(s) position	Summary of Applicant's position
		<p><u>Harbour</u></p> <p>Harbour state that the location of the Project would impact on the aviation operations in support of the decommissioning of Calder. Harbour notes that the proximity of the Project “will not reduce the safety of these flights but will result in a reduction of times when flights can be made.” Harbour calculates that the above disruption would result in an economic loss of £3m to £8m in relation to decommissioning costs. The Applicant refers to Section 8.2 of REP5-062.</p>	<p>(Document 9.71). The Applicant refers to Section 2.2.1 of REP5a-061 and the Xodus report appended where this evidence is set out in full, and its response to ExQ2 2DCO2, REP5-070. The submission of Harbour Energy at Deadline 5A (REP5a-080) agrees that COP is an appropriate pivot point from a larger interim buffer (enough for IMC and night helicopter access) to an enduring buffer (enough for VMC access).</p> <p>The Applicant refers to Section 8.3 of REP5-062 and Document 9.71.</p>
Long Term Co-Existence – MNZ	<ul style="list-style-type: none"> ▪ The Applicant's Response to Spirit Energy's Deadline 4 Submission – Revision 01 (Volume 9) (REP5-062) ▪ The Applicant's Response to Spirit Energy's Deadline 4 Submission Appendix C: Morecambe Offshore Windfarm / Morecambe Net Zero 	<p>[Spirit request that a minimum distance of 500m is kept clear around legacy exploration and appraisal wells within the Project red line boundary to enable sampling of the seabed at those locations.] Spirit also make requests for vessel access in case of well interventions, such as leakage of CO2. (REP1-116 and REP3-102).</p>	<p>The Applicant considers that the Project and MNZ can successfully coexist. The Applicant considers that sufficient access has been provided for in the Protective Provisions to enable monitoring (within the draft DCO, Document Reference 3.1).</p> <p>The Applicant has not provided Spirit with the full requested distances for all vessel and rig accesses but as explained at para. 278 of REP5-062 there are at least two access/egress corridors to allow safety access and evacuation of the supply vessel and an emergency response and rescue vessels (ERRV). The Applicant considers that the Project layout would comfortably enable safe access of these vessels</p>

Area of disagreement	Signposting document for further detail	Summary of stakeholder(s) position	Summary of Applicant's position
	<p>Interactions Report - Revision 01 (Volume 9) (REP5-066)</p> <ul style="list-style-type: none"> ▪ Spirit Energy Written Representation (REP1-116) ▪ Spirit Energy Response to the Applicant's Deadline 2 Submissions (REP3-102) 	<p>The Applicant refers to Section 9.2 of REP5-062 for the Applicant's explanation of Spirit's position.</p>	<p>throughout the windfarm site, and as such, designated corridors are not necessary. The Applicant will be manoeuvring vessels through the windfarm site without issue, and considers Spirit will do the same. The request from Spirit is excessive and unnecessary and would be a further significant encroachment into the remaining unconstrained area.</p> <p>With regards to distances around legacy wells, the Applicant has provided 100m around the wells inside the Agreement for Lease Area. As shown on NSTA database⁸, all of these wells have been Abandoned to Phase 3- meaning that as per the NSTA regs., the <i>'Well is considered fully abandoned after removing the wellhead and conductor. The well origin at surface is removed. The well will never be used or re-entered again. The well will be removed from the well examination scheme. Phase 3 may include installing near-surface cement if required.'</i> Therefore, the Applicant understands that these wells will never be reused or re-entered again.</p> <p>In relation to the proposed set back from these legacy wells, the Applicant would not want to install a WTG within a 100m of these, to avoid any technical and engineering concerns. A 100m buffer would also allow Spirit to carry out any ongoing decommissioning monitoring requirements. A buffer greater than this does not make sense for sustainable and efficient use of the seabed, and unduly sterilises areas, especially when they will never be accessed again.</p>

⁸ [NSTA Wells Database](#)

Area of disagreement	Signposting document for further detail	Summary of stakeholder(s) position	Summary of Applicant's position
			<p>In relation to well 110/8A-7 specifically (which is not one of the previously mentioned legacy wells), the Applicant refers to REP5-066. This well is outside of the gas field and drilled into the aquifer, and therefore should not pose risks of leakage. The Applicant does not consider it credible that Spirit would need access to this well as part of the monitoring for MNZ. As such, the Applicant has not agreed to a buffer zone or a 1nm access corridor around this well, again on the basis this is disproportionate and unnecessary. The Applicant refers to Section 9.3 of REP5-062.</p> <p>In relation to Spirit's future aspirations of CCUS it is understood that technically Spirit would not seek to access the exact wellhead location, but create a new drill for monitoring any future CCUS operations. Clearly as this CCUS project is currently at the initial exploration and testing stage, with only a CS licence awarded, it would only be reasonable that Spirit consider the Applicant's development as they progress through the development stages beyond this initial exploration phase.</p> <p>With regards to wellhead platforms for CO² injection and monitor wells, the Applicant's expert Xodus considers that these can be located outside of the windfarm site, and as such the monitoring requirements for these wells will not be impacted by the Project (see paragraph 75 of REP5a-061).</p> <p>As outlined in REP5a-061 at paragraph 77 onwards, Spirit has not explained why it would need an equivalent level of helicopter access to the injection platform for MNZ to that currently needed for access to CPC and the NUIs. It is also noted in their submission at Deadline 5 (REP5-089) para 4.3 that Spirit Energy state the options being considered include <i>"both normally unmanned and manned solutions, which are</i></p>

Area of disagreement	Signposting document for further detail	Summary of stakeholder(s) position	Summary of Applicant's position
			<i>likely to be serviced by walk to work (ship) access and also helicopter access."</i> Therefore, given that the design of the offshore infrastructure for MNZ is at an early stage it would be possible for Spirit Energy to design these facilities such that access is not impacted by the presence of the Project.
Protective Provisions	<ul style="list-style-type: none"> ■ Schedule 3 Parts 2 and 3 of the draft DCO_Rev 06 Document Reference 3.1 ■ Appendix B – A report prepared by DNV Services UK Ltd on the Effect of Proposed Morecambe Offshore Windfarm on Offshore Oil and Gas Operations (REP5-064) ■ Impact on Decommissioning of Gas Production Facilities (REP5-072) ■ The Applicant's Comments on Deadline 5A Submissions by Spirit Energy and Harbour Energy (Document Reference 9.71) 	As noted in more detail above, both Spirit and Harbour submitted their preferred protective provisions at Deadline 5A. In the case of Harbour, these utilised the Applicant's draft protective provisions (including its without prejudice alternative wording submitted in response to ExQ2) as a starting point to suggest revisions in the spirit of co-existence. In the case of Spirit, these were not presented as revisions and only limited rationale for their substantial departures from the Applicant's drafting was given.	<p>The Applicant has provided for Protective Provisions in favour of both Spirit and Harbour within the DCO (updated at Deadline 6). The Protective Provisions provide for a 1.5nm enduring aviation buffer zone, free of WTGs and OSPs around each of CPC-1 and Calder. This will secure day VMC access from all directions for helicopters at both platforms. A separate distinct marine buffer is also provided for.</p> <p>In addition to these buffer zones, the Applicant has also provided further mitigation by way of the IMC Take-off Corridor, see Section 5.3.3 of REP5-062.</p> <p>The Applicant has provided a compensation mechanism which would provide adequate compensation for any operational accommodations needed in light of residual lost flights in conditions in which the IMC Take-off Corridor could not be utilised.</p> <p>The Applicant has demonstrated through submissions of commercial analysis that the proposed limitations on liability are more than sufficient for the quantum of financial impact which Spirit and Harbour may incur. The Applicant refers to REP5-064 and REP5-072.</p> <p>At Deadline 5A Harbour proposed an approach where there is a larger 'interim' buffer until Cessation of Production (COP) and smaller 'enduring' buffer (sufficient to allow day VMC access only) post COP. The Applicant can confirm it is able to</p>

Area of disagreement	Signposting document for further detail	Summary of stakeholder(s) position	Summary of Applicant's position
			<p>accept this approach in principle, subject to the following key points set out below necessary to ensure the deliverability of the Project:</p> <ul style="list-style-type: none"> ▪ A 'backstop' date for the change from the interim to the enduring buffer. Harbour considers COP is an appropriate point to switch from an interim to an enduring buffer, which aligns with the Applicant, subject to the need for a backstop date. Spirit considers there should only be one buffer at the maximum size until all decommissioning is fully signed off following seabed over trawl (potentially years after the heli decks have been removed). However, the Applicant reiterates it is critical that there is a defined backstop date for the switch from the interim to an enduring buffer to give sufficient certainty for the Project to reach financial close and deliver to a viable timeline. The date of 1 January 2029 is proposed based on Spirit's stated position on COP and its explanation that CPC would be the last of the Affected Assets to reach COP (see REP5a-061). Importantly, this date does not force decommissioning to occur on that date, it's just that the wind farm with the enduring buffer would become part of the baseline to be factored in at that date (including to ongoing MER considerations). The date provides certainty for all parties (and a substantial notice period of several years). ▪ Value for the aggregate of the undertaker's gross liability under the Protective Provisions. For Harbour, the Applicant proposes £3M and Harbour £8M proposes (£22M inclusive of a tax position). For Spirit the Applicant proposes £10M and Spirit considers the Applicant's

Area of disagreement	Signposting document for further detail	Summary of stakeholder(s) position	Summary of Applicant's position
			<p>liability should be unlimited. See REP5-062 for an evidenced explanation of the Applicant's approach to liability caps. See also commentary on the protective provisions in Document 9.71.</p> <ul style="list-style-type: none"> ▪ What should be excluded from the interim buffer. This point is only relevant to Spirit, who consider everything should be excluded. The Applicant considers WTGs only. See 2.2.4 of REP5a-061 for an explanation of why it is appropriate and necessary to only restrict WTGs from the interim buffer zone. ▪ Distance of the enduring buffer zone. Both the Applicant and Harbour agree day VMC only is required for decommissioning following COP. The Applicant considers 1.5nm is sufficient for day VCM access around both Calder and CPC (See REP5-062 for evidence on VMC access requirements). Harbour considers 1.9nm is required. Spirit considers IMC and night VMC is needed for decommissioning and considers 3.76nm is required. Noting the ExA's previous request to have multiple permutations of plans, the Applicant has provided versions of the Spirit and Harbour Protective Provisions Plan with the "WTG and OSP aviation enduring buffer zone" set at both 1.5nm and 1.9nm (and also with or without the WTG aviation corridor, as neither Spirit nor Harbour are actively endorsing this corridor). <p>See further the Applicant's Comments on Deadline 5A Submissions by Spirit Energy and Harbour Energy (Document Reference 9.71) submitted at Deadline 6.</p>

9.5 Summary outlining accordance with relevant NPS policies

202. The Project proposes to generate clean green energy to help the United Kingdom (UK) reach its net zero target by 2050. The Crown Estate's Round 4 offshore wind portfolio across the UK seeks to deliver around 8GW of new offshore wind projects by the end of the decade. This is enough to power more than seven million homes with clean energy and deliver the step-change in the UK's journey to net zero by 2050.
203. EN-1 recognises that this target will need a dramatic increase in the volume of new large-scale energy development, which will not be possible without some level of residual impacts (paragraphs 3.1.1 and 3.1.2). For Critical National Priority Infrastructure, such as the Morecambe Generation Assets, the starting point is a presumption that the need outweighs the residual effects in all but the most exceptional cases (paragraph 4.1.7).

9.5.1 Wake effects

204. EN-3 encourages developers to maximise the capacity of new large-scale energy development within technological, environmental and other constraints (EN-3 paragraph 2.8.2). To the extent that new large-scale energy development results in some minimal wake loss for operational projects, the Applicant submits that the considerable net benefit delivered by the new development should be afforded very great weight in the planning balance. The Applicant considers that this issue must be viewed and balanced in terms of the significant positive contribution of the Morecambe Generation Assets to support the net zero target by 2050.
205. EN-3 recognises the nature of offshore infrastructure is that development has occurred, and will continue to occur, in or close to areas where there is other offshore infrastructure (paragraph 2.8.196). As set out in ID WR-112-04 of The Applicant's Comments on Written Representations (REP2-027), the Applicant considers the Project is not 'close' to Orsted IPs assets as required by paragraph 2.8.197 of EN-3 to require the Applicant to undertake an assessment of the wake effects.
206. The Project also does not affect activities for which a licence has been issued by government to other existing offshore infrastructure in accordance with paragraph 2.8.197 of EN-3. Importantly (notwithstanding the Applicant's position that no assessment is required pursuant to paragraph 2.8.197 of EN-3) the Applicant has considered wake effects in the updated Climate Change ES chapter (Document Reference 5.1.21) and found it does not affect its conclusions, or the significant net carbon benefits of the Project.
207. Paragraph 2.8.347 of EN-3 requires the SoS when making a decision to give future viability or safety of an existing or approved/licensed offshore infrastructure or activity substantial weight. The Ørsted IPs have not evidenced

safety concerns. The Ørsted IPs have provided a Financial Note (REP5-093) considering the theoretical financial impact of the Project which is “heavily predicated on underlying assumptions”. The assumptions, calculations and conclusions of the Financial Note are not agreed by the Applicant (as set out in REP5-092-09 of The Applicant’s Remaining Comments on Deadline 5 Submissions by Interested Parties and Comments on responses to ExQ2s (Document Reference 9.68)) and the Applicant does not consider that this is evidence that the future viability of other existing windfarm is in any way impacted by wake effects from the Project. Additionally, the Applicant has demonstrated through the TCE Round 4 leasing process and as explained in the site selection process in ES Chapter 4 Site Selection and Assessment of Alternatives (APP - 041) that it complies with paragraph 2.8.345 of EN-3 by minimising effects on other users ‘...the SoS should be satisfied that the site selection and site design of a proposed offshore wind farm and offshore transmission has been made with a view to avoiding or minimising disruption or economic loss or any adverse effect on safety to other offshore industries. Applicants will be required to demonstrate that risks to safety will be reduced to as low as reasonably practicable.’

208. Ultimately, there is no mitigation available or that would be effective to minimise wake effects to the Ørsted IPs that does not impact on the viability of the Project – the mitigation is simply to reduce the Project’s scale. The alternative approach to Ørsted IPs’ agreeing a resolution of this matter is compensation, which the Ørsted IPs have stated within their written submissions (REP5-092). The Applicant’s position is that the NPSs do not provide for compensation to be paid, and only refer to issues of viability.
209. If it is not possible to mitigate significant adverse impacts, proposals must state the case for proceeding. The Environmental Impact Assessment (EIA) did not identify any significant adverse impacts on, nor did the Project displace existing activities, in relation to Ørsted IPs’ assets. The Applicant has demonstrated in its assessment and in the DCO Application its willingness to incorporate opportunities for co-existence and co-operation with existing activities. In accordance with the paragraphs 2.8.344 and 2.8.345 of EN-3, the Applicant does not consider Ørsted IPs’ assets to be significantly adversely affected by the Project.
210. Further detail on the Applicant’s position is set out in (in particular paragraph 17) of The Applicant’s Comments on Deadline 4 Submissions by Interested Parties (REP5-060).

9.5.2 Oil and gas assets

211. The Applicant considers that it has demonstrated compliance with all necessary policies within the relevant NPSs.
212. The Applicant considers that, taking account of the siting and design mitigation secured by Protective Provisions, the potential ‘disruption and economic loss’ to Spirit Energy and Harbour assets and operations (set out in **Table 9.1**) has been

minimised as far as possible within the viability of the Project. In addition, any potential ‘adverse effects on safety’ (aviation and marine) have been minimised and avoided. In terms of economic loss, this is considered avoided, taking into the obligation to pay any additional costs incurred by Spirit Energy and Harbour in relation to reduced helicopter access also secured by the Protective Provisions. These outcomes are in accordance with paragraphs 2.8.345 and 2.8.346 of EN-3.

213. It is acknowledged that there is a scenario where some changes to operation and maintenance arrangements may be required by Spirit Energy if they continue to operate after the proposed ‘backstop date’ of 1 January 2029 (when the 3.76nm interim buffer changes to the enduring buffer) until actual cessation of production (COP), and then to a lesser extent by both Spirit and Harbour until decommissioning is completed. It is considered however that even if this effect amounted to “disruption”, the disruption is in accordance with the NPSs. EN-1 (paragraph 3.1.2) provides that it will not be possible to develop the necessary amounts of such infrastructure without some significant residual adverse impacts. It is also recognised that infrastructure may be located close together (EN-3 paragraph 2.8.199), co-existence is the goal (EN-3 paragraph 2.8.203) and that a pragmatic approach is needed to decision making (EN-3 paragraph 2.8.342). Offshore wind is considered CNP infrastructure under the NPS.
214. The Applicant has demonstrated that safety risks are ALARP by ensuring that there are no material safety implications as set out in the DNV Report at Appendix B at REP5-062 and in accordance with paragraph 2.8.345 of EN-3. As such the Applicant is certain the Project is not considered to pose risks to safety in accordance with EN-3 paragraph 2.8.346.
215. The Applicant considers that Secretary of State can be satisfied with the evidence submitted as part of this DCO Application and at Examination that neither future viability nor safety of Spirit Energy’s operations at the Affected Installations is in any way likely to be affected by the presence of the Project. This conclusion is underpinned by the design mitigation and commitment to pay additional costs secured in the proposed protective provisions, and further reinforced by the Aviation Corridor. The Applicant has done all it reasonably can to work with the affected parties, and despite the absence of any genuine engagement, has taken its own expert advice and tailored appropriate mitigation secured by protective provisions.
216. Spirit Energy (and until D5A Harbour) appear entrenched in their position, and not motivated to work on solutions which might allow for the removal of their objection, or seek to co-operate. The Applicant respectfully invites the ExA and the Secretary of State to see their objections as in-principle objections which present a distorted position, perhaps due to a reluctance to be seen to acquiesce to any development which raises safety issues (even if the concerns do not stand up to expert scrutiny), or perhaps because it would be operationally more convenient not to have a new neighbour. It is hoped that an improved ongoing relationship can be achieved in an effort to meet net zero targets in

accordance with Section 2.3 of EN-1 and paragraph 2.8.200 of EN-3. The Applicant remains firmly open to such an approach, whether before or after the close of Examination, or in the longer term.

217. The Applicant welcomes the more pragmatic approach adopted by Harbour in its D5A submissions, and its approach to draft protective provisions, and has sought to accept as much as possible of the approach proposed by Harbour.
218. The Applicant considers the updated Protective Provisions it has submitted at Deadline 6 have narrowed the disagreement between the parties (see the final row of **Table 9.1**) and that its proposed position on the relatively small number (at least with Harbour) of remaining issues is an appropriate response to ensuring the Project can co-exist with existing oil and gas infrastructure in accordance with the NPSs.
219. The Applicant's overall conclusion remains unchanged - taking into account the mitigation secured in the protective provisions within Schedule 3 in the draft DCO, the Applicant has provided clear expert evidence that the presence of the Project will not materially or adversely affect the future viability, or adversely affect safety, of Spirit Energy or Harbour's operation, maintenance and decommissioning of the Affected Assets, or impact Spirit Energy's long term MNZ ambitions. The Applicant submits that the NPSs are supportive of the balance between the Project and the Affected Assets proposed in the Application and mitigated by the draft Protective Provisions (see Section 10 of REP5-062), which ensures safety but allows for co-existence (paragraphs 2.5.2 and 2.8.48 of EN-3).

10 Seascape, Landscape and Visual

10.1 Position at close of Examination

220. The Seascape, Landscape and Visual Impact Assessment (SLVIA) has been carried out in relation to both the seascape character and landscape character as environmental resources in their own right, and on people's views and visual amenity. ES Chapter 18 SLVIA (REP3-026) identifies some significant visual effects within the areas of the Fylde and Sefton coasts. Although there are localised significant effects on views from this section of coast, these visual effects do not translate into significant effects on the perceived character. Chapter 18 SLVIA (REP3-026) identifies that the Project would have no significant effects on seascape character or internationally or nationally designated landscapes or their statutory purposes.

10.2 Matters agreed or concluded as no material impact

221. No material concerns have been raised by IPs on the conclusions of the SLVIA.

10.3 Other key matters raised during examination

222. The Applicant set out its position on the applicability of section 245 of the Levelling Up and Regeneration Act 2023 and section 85 of the Countryside and Rights of Way Act 2000 in its response to ExQ1 (REP3-068, question 1SLV9). At Deadline 5, the Applicant provided its position on this matter in relation to the minded-to Gatwick decision in its response to ExQ2 (REP5-070, question 2SLV1). The Applicant does not consider this decision to materially alter its position, which remains that the obligation to 'seek to further the purpose of conserving and enhancing' must be read proportionately.

10.4 Areas of disagreement and unresolved matters

223. There are no remaining areas of disagreement on SLVIA with any IP. No matters of concern were raised by Lancashire County Council in relation to SLVIA (SoCG REP5a-045), and NE have also stated there are no comments to raise in relation to SLVIA (Risks and Issues Log REP5a-072).

10.5 Summary outlining accordance with relevant NPS policies

224. The Applicant has assessed the potential seascape, landscape and visual impacts in Chapter 18 SLVIA (REP3-026) in accordance with EN-1 and EN-3.
225. EN-3 (paragraph 2.8.263) recognises that neither the design nor scale of individual wind turbines can be changed without significantly affecting the electricity generating output of the wind turbines and therefore, the SoS should expect it to be unlikely that mitigation in the form of reduction in scale will be feasible. It is noted however that seascape and visual effects were considered in the two-stage regional refinement process of the TCE Round 4 bidding process. This included discounting seabed areas within 13km of the shore due to visual sensitivity as set out in the Introducing Offshore Wind Leasing Round 4 (REP1-091).
226. During the pre-Application stage the Applicant reduced the height of the blade tip from 345m to 310m as set out in the Design Statement (REP5-008), and the order limits were refined (reducing the footprint and therefore lateral spread) which reduced the visual effects of the Project. This design decision aligns with what is required in the NPS to minimise impacts within the reasonable limits of the feasibility of the Project.
227. The Project is identified as CNP Infrastructure. Section 4.2 of EN-1 sets out that residual impacts are unlikely to outweigh the urgent need for this type of infrastructure. Therefore, in all but the most exceptional circumstances, it is unlikely that consent will be refused on the basis of these residual impacts.
228. The Applicant considers the Project to be in accordance with paragraph 2.8.351 of EN-3 which sets out the SoS should not refuse to grant consent for a

development solely on the ground of an adverse effect on the seascape or visual amenity unless:

- it considers that an alternative layout within the identified site could be reasonably proposed which would minimise any harm; or
- it takes account of the sensitivity of the receptor(s) and impacts on the statutory purposes of designated landscapes as set out in Section 5.10 of EN-1; and decides that the harmful effects outweigh the benefits of the proposed scheme.

229. As demonstrated in the notional array layout (see The Applicant's Response to ExA's Written Questions 1, REP3-068) and in ES Chapter 4 Site Selection and Assessment of Alternatives (APP-041), the site is highly constrained and the Applicant has sought to manage these constraints in accordance with the mitigation hierarchy and in consultation with relevant stakeholders as set out in Chapter 18 SLVIA (REP3-026). The layout of the Project provides for two lines of orientation in accordance with MGN654 as set out in the Design Statement (REP5-008). The Applicant considers, with the constraints and the layout approach, there is no available alternative layout to minimise visual effects. There are also no significant effects to any statutory designated landscapes.
230. As such the Project is considered to be in accordance with paragraph 2.8.351 of EN-3.
231. Any adverse effects could not be reasonably mitigated without fundamentally changing the scale and nature of the Project. The benefits of the Project are considered to substantially outweigh the residual effects to the identified seascape and visual receptors and the special qualities of designated landscapes. The Applicant considers this should be provided considerable weight in the SoS decision, noting the Project is CNP Infrastructure and these residual effects are considered to not outweigh the urgent need for this type of infrastructure, and the effects are reversible following decommissioning of the Project, in accordance with 2.8.352 of EN-3.

11 Shipping and Navigation

11.1 Position at close of Examination

232. ES Chapter 14 Shipping and Navigation (REP3-020) identifies that for the Project alone, following mitigation, there are no significant adverse effects on shipping and navigation receptors. Cumulatively, a residual significant effect to ferry routeing between Liverpool and Belfast (east of Isle of Man) in adverse weather conditions has been identified, however (and accounting for boundary changes made between PEIR and ES) the Cumulative Regional Navigation Risk Assessment (CRNRA) (APP-074) has concluded that all identified navigational safety hazards are acceptable. It is also noted that only one ferry passage plan transits directly through the Project (the Stena Line East of IoM (East of Calder) route between Liverpool and Belfast) which is one of the multiple routes operated by Stena Line between Great Britain and Northern Ireland, and that adverse weather routes largely pass west of Calder, and are unaffected by the Project.
233. The Applicant has undertaken extensive pre-Application consultation and continued to engage IPs throughout Examination to resolve shipping and navigation matters with best intentions and efforts. The matters agreed with the IPs are set out in **Section 11.2**.
234. There are remaining areas of disagreement on commercial matters and marine radar where agreement could not be reached between the Applicant and the following IPs in **Table 11.1**:
- UK Chamber of Shipping
 - Stena Line

11.2 Matters agreed or concluded as no material impact

235. The following matters are agreed or not agreed with no material impact between the Applicant and the relevant Interested Party:
- **UK Chamber of Shipping** (see the SoCG for further details (Document Reference 9.12)):
 - the baseline, including vessel traffic surveys, and assessment methodologies
 - the Project alone does not have a significant impact on recognised sea lanes (such as Traffic Separation Schemes (TSS)) essential for international travel, strategic routes or lifeline ferry services and that Project alone effects on ferry services are not considered to have significant operational impacts
 - the Project does not cumulatively with other projects interfere with the use of recognised sea lane (such as TSS) essential to international travel

- the mitigation measures identified within the NRA (REP3-028) and CRNRA (APP-074) (as secured with the draft DCO (Document Reference 3.1 and VTMP (REP5a-031)) are proportionate and appropriate, except for matters around additional emergency towing capability which are considered to be still in discussion as will develop post consent (see **Table 11.1**)
- there are no unacceptable safety hazards (Project alone or cumulatively (with the Project not materially causing or increasing and risks between the Morgan and Mooir Vannin Scoping boundary)) and there are no likely significant transboundary effects as a result of the Project
- **Stena Line** (SoCG for further details (Document Reference 9.3) – note, this has not been submitted at Deadline 6 but will be submitted prior to close of Examination):
 - the Project-alone hazards have been assessed as either Broadly Acceptable or Tolerable (ALARP)
 - cumulative navigational safety hazards for Morecambe, Mona and Morgan projects (including Transmission Assets) have been suitably assessed and are acceptable
- **Trinity House** (see SoCG for further details (REP5a-036)):
 - the baseline, assessment methodology and the ES and NRA conclusions
 - the mitigation and monitoring measures identified within the NRA (REP3-028) and CRNRA (APP-074) (noting these are secured in the draft DCO (Document Reference 3.1), the VTMP (REP5a-031) and IPMP)
 - the wording of the requirements in the draft DCO (Document Reference 3.1)
- **Maritime Coastguard Agency (MCA)** (see the SoCG for further details (REP5a-038)):
 - the baseline, assessment methodology and the ES and NRA conclusions
 - all identified Project alone impacts and navigational safety hazards are assessed as not significant and ALARP
 - all identified cumulative navigational safety hazards are assessed as ALARP
 - the Project cumulatively with other projects could have infrequent potential significant effects on ferry services between Liverpool and Belfast (east of Isle of Man) in adverse weather conditions. The contribution of the Project is not considered material to the level of significance assigned, with impacts driven by the other cumulative projects. All other cumulative impacts and transboundary effects are agreed as not significant
 - the mitigation measures identified within the NRA (REP3-028) and CRNRA (REP3-028) (noting these are secured within the draft DCO (Document Reference 3.1) and VTMP (REP5a-031))

- the wording of the requirements in the draft DCO (Document Reference 3.1)
- **Isle of Man Steam Packet Company (IoMSPC)** (see the SoCG for further details (Document Reference 9.8)):
 - the assessments within ES Chapter 14 Shipping and Navigation (REP3-020), the NRA (REP3-028) and CRNRA (APP-074) are agreed, however the IoMSPC considers that the corridor between Mona and Morecambe could potentially affect safety of navigation with other vessels and safety of navigation in adverse weather and increase economic disruption but does not consider this a material impact given the contribution of the Project to cumulative effects to routes to the IoM and that appropriate monitoring has been committed to
 - all identified hazards and impacts, both alone and cumulatively, have been assessed as ALARP, and that hazards associated with the Moor Vannin project are not materially caused (or risk increased) by the Project
 - mitigations secured are noted as not agreed but no material impact (given the contribution of the Project to cumulative effects). The IoMSPC consider reasonable consideration and response measures to power loss circumstances must be included within the MCA approved emergency plan. Emergency Towing Vessel (ETV) provision was discussed at the hazard workshops in October 2022 however not adopted as was disproportionate given the level of risk identified. The VTMP has been updated (REP5a-031) to consider towage capability of project vessels following detailed design. The Applicant, when preparing the Emergency Response Co-operation Plan (ERCoP) post-consent/pre-construction, will also undertake analysis into suitability and availability of project and third-party towage vessels to assist in an incident or emergency. See **Table 11.1**, where this matter is also in discussion with the Chamber of Shipping
- **IoMTSC** (see SoCG for further details (REP5a-037)):
 - the Project-alone would not have significant effects on lifeline ferry services and all Project-alone effects on ferry services are not considered to have significant operational impacts
 - it is acknowledged that the Project has minimal contribution to cumulative effects

11.3 Areas of disagreement and unresolved matters

236. **Table 11.1** sets out the areas of disagreement in relation to Shipping and Navigation, the reason that these areas of disagreement remain and the Applicant's positions on these areas of disagreement. It also signposts to relevant application documents for further detail.

Table 11.1 Area of disagreement in relation to Shipping and Navigation

Area of disagreement	Signposting document for further detail	Summary of stakeholder(s) position	Summary of Applicant's position
Interference to recognised sea lanes essential to international navigation	<ul style="list-style-type: none"> ▪ SoCG with Stena Line_Rev 03 (Document Reference 9.3) ▪ SoCG with the MCA_Rev 04 (REP5a-038) MCA 12 & MCA 19 ▪ Section 7.2 of the Cumulative Regional Navigation Risk Assessment (APP-074) ▪ ES Chapter 14 Shipping and Navigation_Rev 02 (REP3-020) ▪ Navigation Risk Assessment_Rev 02 (REP3-028) ▪ Chapter 4 – Site Selection and Alternatives (APP-041) 	<p>Stena Line consider that proposals to construct on sea lanes will create an “interference” with shipping services.</p> <p>Stena Line accepts that the MCA’s view is that Stena’s Liverpool to Belfast route is not a route essential to international navigation in the context of paragraphs 2.8.316 and 2.8.317 of EN-3. Whilst Stena Line accept that no Traffic Separation Schemes (TSS) are impacted by the proposed Project alone it should however still be noted that there is a distinction between International Maritime Organization (IMO) recognised Traffic Separation Schemes and sea lanes.</p> <p>United Nations Convention on the Law of the Sea (UNCLOS) refers to both separately and furthermore states in Article 60.7: <i>“Artificial islands, installations and structures and the safety zones around them may not be established where interference may be caused to the use of recognized sea lanes essential to international navigation.”</i></p> <p>Regular shipping services between the two ports have existed since 1824 and proposals to construct on those sea lanes represents an “interference” with those shipping services, in respect of which the Applicant and Stena are in the process of agreeing draft protective provisions for inclusion in the draft DCO supported by a commercial side</p>	<p>The MCA, in the final SoCG (REP5a-038) agreed that the Project, either alone or in combination with cumulative projects, would not interfere with the use of recognised sea lanes (such as Traffic Separation Schemes (TSS)) essential to international navigation.</p> <p>The MCA in its response to the Morgan Generation project ExQ1 (Morgan OWF, REP3-038), state that <i>‘in the context of paragraphs 2.8.316 and 2.8.317 in the National Policy Statement (NPS) for Renewable Energy Infrastructure (EN-3), ‘sea lanes essential to international navigation’ is understood to mean IMO-adopted Traffic Separation Schemes.’</i></p> <p>These paragraphs tie the understanding of sea lanes essential to international navigation to Article 60(7) of UNCLOS. Therefore, the MCA, when understanding Article 60(7) of UNCLOS and paragraphs 2.8.326 and 7 on EN-3 take this reference to sea lanes, with the additional qualifications of being sea lanes which are recognised and essential to international navigation, to be referring to TSS. Paragraph 2.8.334 of EN-3 expressly states that the SoS should make use of advice from the MCA.</p> <p>The Applicant therefore considers the Stena Line regular shipping routes, not being Traffic Separation Schemes, to fall under EN-3 Paragraph 2.8.328 as ‘strategic routes essential to regional, national and international trade’. According to EN-3 strategic routes can be</p>

Area of disagreement	Signposting document for further detail	Summary of stakeholder(s) position	Summary of Applicant's position
		agreement to provide mitigation for residual operating impacts.	<p>disrupted, provided 'the site selection has been made with a view to avoid or minimise' the disruption (for example boundary changes post PEIR).</p> <p>Section 4.4 of ES Chapter 4 Site Selection and Alternatives (APP-041) sets out how the site was selected and factored in shipping traffic to locate the most suitable development site. Cumulative effects with other projects were identified in the PEIR. In response to feedback and the PEIR the Round 4 project boundaries were reduced to mitigate impacts to existing ferry and other shipping in the Irish Sea area. The overall effect (including reduction in risk of collision) of the revisions to the boundary are in Chapter 14 Shipping and Navigation (REP3-020).</p>
Impact to the operation of strategic routes and lifeline ferry services	<ul style="list-style-type: none"> ▪ SoCG with Stena Line_Rev 03 (Document Reference 9.3), ID SL11 & SL18 ▪ SoCG with the UK Chamber of Shipping (Document Reference 9.12) ID CoS 15 & 23b ▪ Section 8.2 of the NRA_Rev 02 (REP3-028) ▪ Section 7.3 of the CRNRA (APP-074) ▪ Section 14.5.2 of Chapter 14 Shipping 	<p>Stena Line consider that there would be a significant Project alone and cumulative operational impact to their routes due to an increase in transit times and additional bunkers consumed. They also note there is the additional carbon tax liability which will be incurred under the UK's Emissions Trading Scheme. Maintenance and associated other running costs will also be increased.</p> <p>Stena Line has agreed to the wording of protective provisions included within the draft DCO (REP5a-002) and is engaging with the Applicant on the detail of a commercial side agreement. It has not been possible to reach agreement within the</p>	<p>The Applicant notes the only route potentially impacted by the Project is one of several used by Stena Line and is one of the least used routes on the Liverpool to Belfast passage (153 of 1,795 passages in 2019 and 196 of 1,488 in 2022). The Project alone deviation is 1.6nm on a 114nm passage which would increase journey times by five minutes on a baseline journey time of 480 minutes (8 hours).</p> <p>The Applicant has assessed that the impact of the Project alone on this route is not significant.</p> <p>The cumulative effect with the other Round 4 Irish Sea offshore windfarms (Mona and Morgan) on this single route would be a deviation of 5nm on a 114nm passage which would increase journey times by up to 16 minutes on a baseline</p>

Area of disagreement	Signposting document for further detail	Summary of stakeholder(s) position	Summary of Applicant's position
	and Navigation_Rev 02 (REP3-020)	<p>timeframe of the examination, but the parties are committed to continuing this dialogue with the view to reaching an agreement post-examination.</p> <p>The CoS accepts that the Project alone does not have a significant effect on lifeline ferry services or strategic routes but considers that the significant operational impact on lifeline ferry services between Liverpool and Belfast is contributed by Morecambe OWF in conjunction with the other developments and the contribution of the Project cannot be exempted. The Chamber considers it is for the Applicant's and Examining Authority to determine an equitable means to mitigate the operational impact between them, not for the impacted party to propose the solution.</p>	<p>journey time of 480 minutes (8 hours). Journey time is further increased in adverse weather, however adverse weather routes typically run west of the Project.</p> <p>The Applicant has assessed that cumulatively there could be infrequent potential significant effects on ferry services between Liverpool and Belfast (east of Isle of Man route), considering adverse weather conditions. The contribution of the Project is considered to be small given the Project has only a minor effect on the Stena Line Liverpool-Belfast (east of IoM (east of Calder)) route, with the remaining normal and adverse weather routes largely unaffected by the Project itself. It is, therefore, considered that the Project is not materially contributing to the significance of this impact, and no further mitigation is identified or required.</p> <p>The Applicant, while maintaining the position that further mitigation is not required for consent to be granted, has included protective provisions in the draft DCO (Document Reference 3.1) (with a view they would be supplemented with or replaced by a commercial side agreement).</p> <p>It has not been possible to reach agreement within the timeframe of the examination but the parties are committed to continuing this dialogue with the view to reaching an agreement post-examination. As noted above, given that the compensation to be provided in a commercial agreement is not considered to be required by the NPS policy, the Applicant does not consider that the progress of this agreement is a matter</p>

Area of disagreement	Signposting document for further detail	Summary of stakeholder(s) position	Summary of Applicant's position
			which should be determinative or indeed relevant in the DCO decision.
Effects to marine vessel radar	<ul style="list-style-type: none"> SoCG with Stena Line (Document Reference 9.3) SL12 & SL20 NRA (REP3-028) CRNRA (APP-074) Assessment of the Impact of Morecambe Offshore Generation Assets on Marine Navigational Radar (REP5-059) 	<p>Stena Line have noted concern about potential interference impacts to Marine Vessel Radar particularly when passing close to or between two offshore renewable energy (ORE) projects.</p> <p>While the position was made by the Applicant during the Simulation exercises that Marine Radar is not significantly affected by the proximity of wind turbines, the National Academies of Sciences, Engineering, and Medicine, 2022 paper Wind Turbine Generator Impacts to Marine Vessel Radar gives us cause for concern that such interference is not fully evaluated in particular when passing close to or between two ORE projects.</p> <p>Stena Line continue to believe that there is an element of uncertainty as to the level of interference which can be expected.</p>	<p>The Applicant has undertaken an assessment of the potential effects of the Project on marine navigational radar (REP5-059) in response to Stena Line's concerns. This review focuses on the impact of WTG placement (i.e. distance between the WTG and future routes used by Stena Line) and WTG separation (i.e. the minimum distances between WTG as set out in the draft DCO). This review concludes that given the separation distances between the Project and the future routes and the WTG separation there will be no significant impact on marine navigational safety from a radar interference perspective.</p> <p>It also highlights that WTG placement and separation distances between the Project and the routes that are used by Stena Line would be greater than those currently experienced near existing wind farms that are already operating in the Irish Sea; therefore, this suggests that any radar interference effects would be less severe than what operators successfully manage in current operations.</p>
Emergency towing vessels	<ul style="list-style-type: none"> SoCG with CoS (Document Reference 9.12), ID CoS 27 IoMSPC SoCG (Document Reference 9.8) ID IoMSPC 19 	<p>When considering the additional risk from cumulative projects in the Irish Sea over the period of operation, the CoS view is that additional towing capability or resource may be required.</p> <p>The IoMSPC notes that recognition must be given to the Morecambe project in isolation</p>	<p>The Applicant notes that ETV provision was assessed and discussed at the hazard workshops undertaken in the pre-Application period where vessel allisions were scored as a Medium Risk (CRNRA Table 46 RCO 10), however it considered that it was</p>

Area of disagreement	Signposting document for further detail	Summary of stakeholder(s) position	Summary of Applicant's position
	<ul style="list-style-type: none"> ▪ Section 8.7 of CRNRA (APP-074) ▪ Outline VTMP (REP5a-031) ▪ MCA SoCG (REP5a-038) 	<p>or cumulatively with other proposed windfarm projects and existing structures in the vicinity, that there exists a risk whereby a vessel suffering complete power loss may subsequently drift or drag anchor in the direction of the windfarm array.</p> <p>The IoMSPC opine reasonable consideration and response measures to such circumstances must be included within the MCA approved emergency plan.</p>	<p>disproportionate given the level of risk identified and thus not adopted.</p> <p>The MCA in their SoCG (REP5a-038) have agreed that all identified navigation safety hazards, for both the project alone (MCA 11) and in combination with the cumulative projects (MCA 17), are acceptable; and that the mitigation measures are appropriate. Therefore, all medium risk hazards can be considered ALARP without the need for additional risk control measures (MCA 23).</p> <p>The Outline VTMP (REP5a-031) has been updated to consider towage capability of project vessels following detailed design. The Applicant, when preparing the Emergency Response Co-operation Plan (ERCoP) post-consent/pre-construction, will also undertake analysis into suitability and availability of project and third-party towage vessels to assist in an incident or emergency.</p>

11.4 Summary outlining accordance with relevant NPS policies

237. ES Chapter 14 Shipping and Navigation (REP3-021) concludes that based on baseline and future case data analysis, there are no significant impacts for the Project-alone and that any risks on navigational safety are ALARP as per section 2.8.179, 2.8.331 and 2.8.334 of EN-3. Cumulatively, all risks on navigational safety that are influenced by the Project are ALARP. The ES does identify significant cumulative effects in regards to ferry diversions for the route between Liverpool and Belfast (east of Isle of Man) in adverse weather conditions, but it is not considered the Project materially contributes to the level of significance.
238. The Applicant has undertaken significant positive engagement with IPs from pre-submission and throughout the NSIP process. The Marine Navigation Engagement Forum (MNEF) was established to facilitate engagement between stakeholders and the Round 4 Irish Sea projects (Mona Offshore Wind Project, Morgan Offshore Wind Project Generation Assets and the Morgan and Morecambe Offshore Wind Farms Transmission Assets). There has also been an extensive cumulative assessment with a Cumulative Regional Navigation Risk assessment (CRNRA) delivered through the MNEF as well as hazard workshops and navigational simulations, as reflected in Section 9.3 of the NRA and Section 14.8 of the CRNRA. There is a commitment to continue the MNEF pre-construction through the construction phase, and for a minimum of five years into the operational and maintenance phase. This and further mitigations secured within the VTMP, including the described promulgation of information during construction and operation (REP5a-031) as well as necessary engagement with IPs in the navigational sector through the decommissioning programme (as secured in Requirement 10 of the draft DCO) satisfy sections 2.8.184-2.8.185 of EN-3.
239. Potential interference on marine radar performance has been assessed as per section 2.8.186 of EN-3 and the Applicant provided additional assessment at Deadline 5 (REP5-059) which supported the initial assessment discussed within the ES chapter Shipping and Navigation (REP3-020). The assessments demonstrate that the Project would not present significant impacts.
240. There has been discussion regarding potential impacts on sea lanes with the MCA, CoS, TH, IoMSPC and Stena Line, with all parties reaching agreement that the Project is not located close to, or impacts TSS's. All parties except for Stena Line agree with TSS being the accepted definition for a sea lane essential to international navigation for the purpose of Article 60(7) of the United Nations Convention on the Law of the Sea 1982. And all IPs, with the exception of Stena Line, agreeing that the Project is therefore not within the vicinity of sea lanes essential to international navigation, thereby satisfying the requirements set out in section 2.8.326-227 of EN-3.

241. In contrast to the position taken by all other IPs, including the MCA as agreed in their SoCG (REP5a-38) MCA 12 & MCA 19, Stena Line maintain the definition of a recognised sea lane essential to international navigation is broader and should encompass routes other than those using TSS. The Applicant does not consider that this accords with the wording in section 2.8.326-227 of EN-3.
242. ES Chapter 4 Site Selection and Assessment of Alternatives (APP-041) sets out through the site selection process the Applicant avoided International Maritime Organisation (IMO) shipping traffic separation schemes (and so accords with 2.8.326 and 2.8.327 of EN-3) and thereby minimised effects to shipping and navigation and contribution to regional effects on shipping and navigation. In addition, the Applicant reduced the site boundary following the findings of the Cumulative Regional Navigation Risk Assessment (CRNRA) after statutory consultation. Following the boundary changes by all projects, no significant effects on navigational safety were concluded in accordance with paragraph 2.8.328 of EN-3.
243. As set out in the Navigation Risk Assessment (REP3-028) and Chapter 14 Shipping and Navigation of the ES (REP3-020) the Project could potentially affect Stena Line's Liverpool/Belfast (East of IoM route) during normal and adverse weather conditions by approximately 5 minutes in regard to paragraph 2.8.330. Given the length of the diversion in comparison to the total crossing duration of 480 minutes (8 hours), this is not considered to amount to "causing appreciably longer transit times" in terms of paragraph 2.8.329 of EN-3. In regard to paragraph 2.8.330 it is considered the SoS can consider these effects minimal and the Applicant has sought to minimise negative impacts to as ALARP.
244. EN-3 paragraph 2.8.178 recognises it is inevitable that there will be an impact from offshore wind farms on navigation in and around the area of the site. However, EN-3 does not provide that compensation must be paid by an Applicant to all operators who claim that routing of their commercial ferry services may increase in length as a result of developing new infrastructure in the marine environment. Nonetheless, the Applicant has proposed a commercial arrangement in goodwill (see Section 11.3 and in the SoCG (Document Reference 9.3) with Stena Line. The Applicant is committed to continuing this dialogue with the view to reaching an agreement post-examination but the Applicant does not consider that the conclusion of a commercial agreement between the Applicant and Stena Line should carry weight in the DCO decision.
245. The Applicant also notes paragraph 2.8.185 of EN-3 which refers to engagement seeking solutions which allow offshore wind and shipping users of the sea to co-exist successfully. The Applicant has also agreed to Protective Provisions in favour of Stena Line, as requested by Stena Line, to give further comfort and assurance on future co-existence as set out in the SoCG (Document Reference 9.3)). Although it is the Applicant's view that should a commercial agreement with Stena Line be reached then the Protective

Provisions would no longer be required, as all matters relating to future co-existence would be addressed there.

246. Impacts to recreational vessels have been considered within the NRA (REP3-027) and within the impact assessment contained in Section 14.7 of ES Chapter 14 Shipping and Navigation (REP3-021) and in ES Chapter 17 Infrastructure and Other Users (REP1-038). There is little recreational activity in and surrounding the windfarm site with recreational activity greatest to the southeast of the study area with recreational activity greatest along the coast. As such it is considered the SoS can be satisfied that the scheme has been designed to minimise the effects on recreational craft in accordance with paragraph 2.8.332.
247. The Applicant also considers that considering the above, additional requirements (to those set out in the draft DCO (REP5a-002)) in accordance with paragraph 2.8.335 of EN-3 are not necessary or appropriate because interference to the ferry routeing has been minimised as far as possible and all identified navigational hazards have been assessed as ALARP.
248. The Applicant therefore considers that matters are satisfied in accordance with EN-1 and EN-3.

12 Socio-Economics, Tourism and Recreation, and Human Health

12.1 Position at close of Examination

249. The ES identifies that there are no significant adverse effects in regard to socio-economics, tourism and recreation (APP-057) and human health (Document Reference 5.1.19). Beneficial effects ranging from negligible to moderate, have been identified such as supporting employment and wider societal benefits. Benefits are also supported by the measures within the Outline Skills and Employment Plan (REP5-040), which sets out, for example, opportunities for engagement to enable local workers and training providers to prepare for anticipated employment opportunities associated with the Project.
250. It is noted that no material matters were directly raised by IPs during examination on socio-economics, tourism and recreation, and human health, however matters with regard to indirect effects via ferry routeing have been discussed with relevant IPs (Stena Line, the IoMTSC and the UK Chamber of Shipping) which cut across the Shipping and Navigation topic.
251. There are remaining areas unresolved on socio-economics (relating to shipping and navigation) where agreement could not be reached between the Applicant and the following IPs:
- Stena Line
252. **Table 11.1** sets out those areas not resolved, the Applicant's position on each area and the relevant document for more detailed information.

12.2 Matters agreed or concluded as no material impact

253. The following matters are agreed between the Applicant and the relevant Interested Party (and it is also noted no concerns have been raised by Lancashire County Council (see the SoCG, REP5a-045)):

- **IoMTSC** (see SoCG for further detail (REP5a-037)):
 - the Project does not contribute to any significant socio economic or human health effects on the Isle of Man (as outlined in the SoCG (REP5a-037))
- **Chamber of Shipping** (see SoCG for further detail (Document Reference 9.2)):
 - the considered lack of detail in the socio-economic Chapter (APP-057) does not materially impact the assessment conclusions, however as noted in **Table 11.1**, for cumulative effects this is caveated on the resolution of discussions between the Applicant and Stena Line

12.3 Other matters resolved during examination

254. Through the Examination process, the Applicant responded to ExA questions, both through ExQ1 (REP3-068), ExQ2 (REP5-070) and at Issue Specific Hearing 2. These are set out in REP4-059 and it is particularly noted that the methodology for the human health chapter was reviewed and approved by regulatory bodies (see ES Human Health Chapter, REP1-040, Section 19.2).

12.4 Areas of disagreement and unresolved matters

255. **Table 11.1** sets out the unresolved areas in relation to socio-economics, tourism and recreation (noting these related to shipping and navigation), the reason that these matters remain and the Applicant's position. There are no matters of disagreement in regards to human health.

Table 12.1 Area of disagreement in relation to Socio-Economics, Tourism and Recreation

Area of disagreement / unresolved matter	Signposting document for further detail	Summary of stakeholder Position	Summary of Applicant's position
Socio economics effect in relation to disruption to ferry services	<ul style="list-style-type: none"> Stena Line SoCG (Document Reference 9.3) UK CoS SoCG (Document Reference 9.12). 	<p>Stena Line maintain, as identified in Section 11, that there are economic effects to their operations that should be mitigated.</p> <p>The UKCoS consider the socio economic assessment in the ES did not provide sufficient detail on a cumulative basis in regards to economic effects on the shipping industry and considers that resolution with operators is required before the matter can be concluded.</p>	<p>The Applicant maintains that there are no significant adverse effects to ferry services as a result of the Project alone and that the Project does not materially contribute to cumulative effects. It is noted the only ferry route directly disrupted by the Project is the Liverpool to Belfast (to the east of Calder) which had only 16 observed transits per month (< 1 per day) in 2022, and that Stena Line currently operate several other routes between Great Britain and Northern Ireland which are unaffected by the Project</p> <p>Commercial arrangements between the Applicant and Stena Line are presented in Shipping and Navigation Section 11. It is not considered that the measures are required to conclude no significant socio economic effects but note that Stena Line and UKCoS are not willing to agree matters until final commercial arrangements are finalised.</p>

12.5 Summary outlining accordance with relevant NPS policies

256. ES Chapter 20 Socio-economics, Tourism and Recreation (APP-057) assessed the potential socio-economic effects of the Project in accordance with EN-1 paragraphs 5.13.2 to 5.13.6. The ES Chapter 19 Human Health (Document Reference 5.1.19) assesses impacts to human health including links with socio-economics. The assessment found a minor benefit for workforce upskilling and a minor benefit and minor adverse effect (not significant) for employment and investment. Wider societal benefits were found to have a moderate beneficial (significant) protective effect on public health nationally because the Project provides a critical supply of electricity to support daily activities that support good health and facilitate healthcare services.
257. ES Chapter 20 Socio-economics, Tourism and Recreation (APP-057) demonstrates the Applicant has had appropriate consideration of the potential socio-economic impacts that may be linked to other impacts such as Shipping and Navigation in accordance with EN-1 paragraph 5.13.6. Overall, the assessments found the Project across all phases is expected to have no significant adverse effects upon the receptors considered, including on those located on the Isle of Man.
258. ES Chapter 20 Socio-economics, Tourism and Recreation (APP-057) found there were no significant adverse effects with regard to socio-economics and as such the Applicant considers measures are not necessary to mitigate from a socio-economic perspective, any adverse impacts of the Project as per paragraph 5.13.8 of EN-1. As noted above and detailed in the Planning, Development Consent and Need Statement (REP3-005), Chapter 20 Socio-economics, Tourism and Recreation (APP-057) and Chapter 19 Human Health (Document Reference 5.1.19) the Project delivers a number of beneficial effects.
259. The Applicant understands Stena Line's (and mirrored by the Chamber of Shipping) primary concern is the commercial effects to one of its operational routes that is deviated by the Project. The Applicant understands that the Chamber of Shipping expected to see further information within ES Chapter 20 Socio-economics, Tourism and Recreation (APP-057). The Applicant considers that extensive pre-Application consultation, particularly through the MNEF, was established to allow full appreciation and understanding of the effects of the Project. The Applicant considers that the ES is based on sufficient information to conclude there are no significant effects at a receptor level
260. **Section 11** of this document sets out how the Applicant has addressed the effects to Stena Line's commercial operations.

13 Traffic and Transport

13.1 Position at close of Examination

- 261. No detailed assessment of terrestrial traffic and transport effects from the offshore construction and operation of the Project is presented in ES Chapter 22 Traffic and Transport (APP-059), noting the only onshore effects would be associated with the port(s) servicing the offshore works.
- 262. The rationale for this approach recognises that it is not possible to confirm which port(s) would be used for each of the Project phases until post-consent and therefore no further meaningful assessment of traffic and transport impacts can be presented at this stage (pre-determination).
- 263. To secure the future assessment of traffic and transport effects as required, ES Chapter 22 Traffic and Transport (APP-059) outlines a commitment to a DCO Requirement (Requirement 11 of the draft DCO (Document Reference 3.1)) to develop a Port Access and Transport Plan (PATP) to secure the future assessment and ensure there are no significant effects.
- 264. The Outline PATP (REP5-032) provides a framework of measures and commitments to be implemented in the detailed PATP, to be established as required in consultation with the relevant planning authority for the selected construction port(s) or operation port(s) in accordance with paragraph 5.14.11 of EN-1.
- 265. The final PATP(s) would be specific to the construction port(s) and operation port(s) selected and would provide details on the construction and operation and maintenance traffic demand and related effects associated with these phases of the Project. The final PATP would include an evaluation of potential traffic and transport impacts associated with landside construction and operational movements.
- 266. Prior to submission of the DCO application, the proposed approach to scoping out the assessment of traffic and transport and securing any future assessment through a PATP Requirement was discussed and agreed with both National Highways and Lancashire County Council Highways Department (as detailed in ES Chapter 22 Traffic and Transport (APP-059)).
- 267. Following submission of the DCO Application, no RRs were received from National Highways or Lancashire County Council on traffic and transport while West Morland and Furness Council responded positively in their Relevant Representation (RR-091) welcoming the inclusion of a PATP requirement.

13.2 Other matters resolved during examination

- 268. Throughout the Examination, the ExA questioned the Applicant on the rationale and appropriateness of deferring the assessment of traffic matters to a PATP, and the PATP wording through both ExQ1 and at Issue Specific Hearing 2 (ISH2). In response to ExQ1 and ISH2 (REP3-068 and REP4-059),

the Applicant confirmed the latest position in relation to port selection, how the potential for significant effects could be mitigated, and provided examples of comparable offshore windfarm projects where a similar approach and DCO Requirement wording had been accepted by the SoS. This captures a framework to consider impacts, and any required measures, on the road network, should the need for a further assessment be established.

13.3 Matters agree or concluded as no material impact

269. Following the clarifications set out in **Section 13.2**, no further questions (e.g. at ExQ2) were raised by the ExA or other IPs on this topic.

13.4 Area of disagreement and unresolved matters

270. The Applicant considers that at the close of the examination there are no areas of disagreement on traffic and transport matters.

13.5 Summary outlining accordance with relevant NPS policies

271. The Applicant has outlined a strategy to secure (via Outline PATP (REP5-032) and DCO Requirement (Document Reference 3.1)) the assessment of terrestrial traffic and transport effects post determination through the development of a final PATP in accordance with paragraph 5.14.5 of EN-1.
272. In accordance with EN-1 and other relevant national and local policy, the final PATP would include an evaluation of the potential for traffic and transport effects (including cumulative effects) and detail any requirements for mitigation to ensure compliance with the relevant national and local policy and that residual effects are not significant.
273. As such it is considered an appropriate and proportional framework for mitigating transport impacts is secured through the DCO in accordance with paragraph 5.14.18 of EN-1. This is considered sufficient for the SoS's decision.

14 Applicant's Conclusion with respect to s104

274. The application for development consent for the Project must be determined in accordance with section 104 of the Planning Act 2008. The SoS must have regard to:
- EN-1, EN-3 and EN-5, being the national policy statements which have effect in relation to offshore wind farm development. For the reasons summarised in this Summary and Signposting document and as detailed in the application and submissions throughout the Examination, the Project accords with the NPS
 - The UK Marine Policy Statement 2011 (MPS) and the North West Inshore and North West Offshore Marine Plan 2021, as the appropriate

marine policy documents. The Applicant has demonstrated that the Project accords with those policy documents

- Any matters prescribed in relation to development of the description to which the application relates
- Any other matters which the SoS thinks are both important and relevant to the SoS's decision. The Applicant submits that there are no matters that would outweigh the considerable benefits of the Morecambe Generation Assets, or otherwise indicate that consent should not be granted

275. The Applicant submits that the SoS can and should conclude that the proposed Project:

- Accords with the requirements of section 104 of the Planning Act 2008
- Complies with national and marine policy
- Would make a significant contribution to UK renewable energy targets, making a substantial contribution to meeting UK Government's legally binding targets to achieve net zero, and to achieving greater energy security
- Should be delivered as a critical national priority

276. To the extent that the Project would give rise to residual adverse effects, those have been mitigated as far as practicable and in accordance with the mitigation hierarchy. There are no residual effects that would outweigh the considerable benefits of the Morecambe Generation Assets.

15 Overall Conclusion

277. The Project is for nationally significant low carbon infrastructure to provide 35 years of clean renewable energy, which is recognised as CNP Infrastructure in section 4.2 of EN-1. There is urgent need for CNP Infrastructure to achieving UK energy objectives, together with the national security, economic, commercial, and net zero benefits. EN-1 recognises that CNP Infrastructure will in general outweigh any other residual impacts not capable of being addressed by application of the mitigation hierarchy (paragraph 3.3.63 of EN-1 and paragraph 2.8.1 of EN-1).

278. The Applicant considers that all residual impacts have been appropriately mitigated in accordance with the mitigation hierarchy as set out in the ES. The Project meets the government's ambition to deliver up to 50GW of offshore wind by 2030 and the Committee on Climate Change's 6th Carbon Budget views offshore wind as the backbone of electricity generation across all its scenarios. Significantly for this Project, EN-3 urges that there is a need to speed up and reduce delays in the consenting process (paragraphs 4.2.2, 4.2.3 of EN-1 and 2.8.8 of EN-3).

279. The NPS accepts that the scale of offshore wind means that it is inevitable there will be impacts and there is a need to promote co-existence around the area of the site (paragraphs 5.5.2 of EN-1 and 2.8.178 of EN-3).
280. The Project (which is for the generating assets only) has engaged in co-ordination with other Round 4 windfarm developers, promoting a joint DCO for the transmission assets to minimise the overall environmental impacts through the Holistic Network Design process in accordance with paragraphs 3.3.71 to 3.3.75 of EN-1, paragraphs 2.8.34-2.8.43 of EN-3 and section 2.12-2.15 of EN-5.
281. This document, alongside the iterations of and final Combined Examination Progress Tracker and Statement of Commonality (Document Reference 8.5), demonstrates there has been considerable progression to resolve the areas of disagreement with IPs.
282. Through Examination, additional commitments (as demonstrated in the Commitments Register, Document Reference 9.31) have been made by the Applicant including:
- Production of the UWSMS to manage underwater noise effects, including a seasonal piling restriction, as required
 - Further ecological commitments including a micrositing condition included within the draft DCO in regard to the protection of reef habitat and the commitment to avoid the creation of artificial linear features during boulder clearance
 - Commitments made to consider the use of more readily removable infrastructure and consider plastic alternatives for scour and cable protection
 - Increase in submission timescales for a number of pre-construction plans from 4 to 6 months and to share the decommissioning programmes with SNCB's before submission to the SoS
 - Production of an outline Construction Method Statement to secure required commitments
 - Further commitments around monitoring requirements for fish and shellfish, marine mammals, benthic and ornithological receptors; and
 - Commitments to continued engagement with shipping and navigation stakeholders through the MNEF, particularly regarding emergency procedures
283. Table 5.2 of the Combined Examination Progress Tracker and Statement of Commonality (Document Reference 8.5) includes a summary of agreed and not agreed matters with each IP covered in this document. This includes securing in the DCO and through agreements mitigation to appropriately co-exist with a range of other sea users and infrastructure in the vicinity of the Project, including fisheries, shipping, and military and civilian radar. This shows

a majority of matters with most IPs are either now agreed or have no material impact on the Project.

284. At the close of the Examination, there are a small number of matters where agreement has not yet been reached. The main unresolved issues are summarised below:

- **HRA:** there is an area of disagreement with NE and the Applicant regarding the in-combination conclusions of no AEoI for Liverpool Bay SPA (for RTD) and Morecambe Bay and Duddon Estuary and Ribble and Alt Estuaries SPAs (for LBBG), or whether a derogation case and compensation is needed (which the Applicant has provided on a without prejudice basis). See **Section 8** of this document for further information
- **Oil and gas:** there is an area of disagreement from Oil and Gas operators Spirit and Harbour. The Project has presented clear expert evidence that the Project can safely co-exist during the limited overlap period of approximately 3 years before these assets are decommissioned. Spirit has not engaged meaningfully to find co-existence solutions and has instead asserted demands which it considers should be accommodated in full. Harbour has started to engage on co-existence at Deadline 5A, and this has allowed protective provisions to be tailored to Harbour's position on many matters (contained in the DCO submitted at D6), with a small number of outstanding points which the Project requires to ensure deliverability (see final row of **Table 9.1** of this document). A similar approach has been offered to Spirit in the protective provisions in the DCO submitted at D6. It is submitted that Spirit (and until recently Harbour too) has misunderstood the requirements of the NPSs and the need for parties to engage constructively and has proceeded as if it has an absolute legal right to the airspace over the Applicant's site (in respect of which the Applicant holds an AfL). As such, it is further submitted that the ExA should accept the balanced position based on expert evidence presented by the Applicant. See **Section 9** of this document for further information
- **Wake effects:** there is an area of disagreement with the Ørsted IPs regarding the assessment and consideration of wake effects to the Ørsted IPs' existing assets as set out in **Section 9** of this document. The Applicant considers that ultimately the Ørsted IPs are seeking compensation, which the Applicant does not consider is supported or required by the NPSs
- **MMO:** for the remaining material areas of disagreement with the MMO relate solely to drafting points within the DCO, specifically the inclusion of the dML within Article 7 (Transfer of Benefit), the inclusion of a force majeure condition, and timescales for approval of documentation. The Applicant notes that these points are not bespoke to the Project but are instead points that the MMO raises in-principle on all other offshore wind farm applications. See **Section 7** of this document for further information
- **Stena Line:** there is an area of disagreement with Stena Line regarding cumulative a residual significant effect identified to the ferry services routing between Liverpool and Belfast (east of Isle of Man) in adverse weather conditions. The Applicant is negotiating a commercial

agreement with Stena Line to compensate for the potential disruption to the route between Liverpool and Belfast (east of Isle of Man) during adverse weather conditions as set out in **Section 11**. The Applicant considers that the negotiations are well progressed and that areas of disagreement are likely to be resolved post Examination

285. The impacts of the Morecambe Windfarm Generation Assets are limited and have been mitigated or compensated where required, and successful co-existence has been achieved to maximise the renewable energy contribution possible from this area of seabed. The Applicant has sought to achieve resolution with all IPs as far as practicably possible within reason and proportionality to the Project. Whilst a small number of outstanding areas of disagreement remain at the close of the Examination, the Applicant maintains that these are outliers to the achievements of resolving all other matters and Project benefits. As such the Applicant contends that there are no specific matters that would prevent the Project complying with NPS EN-1 para 4.1.3 which provides a presumption in favour of granting consent to applications for energy NSIPs.