



Morgan Offshore Windfarm Generation Assets Case Team
Planning Inspectorate
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(Email only)

MMO Reference: DCO/2022/00003
Planning Inspectorate Reference: EN010136
Identification Number: 20048964

16 January 2025

Dear Susan Hunt,

Planning Act 2008, BP Alternative Energy Investments Ltd, Proposed Morgan Offshore Windfarm Generation Assets Order

Deadline 5

On 30 May 2024 the MMO received notice under Section 56 of the Planning Act 2008 (the PA 2008) that the Planning Inspectorate (PINS) had accepted an application made by bp Alternative Energy Investments Ltd, (the Applicant) for determination of a development consent order (DCO) for the construction, maintenance and operation of the proposed Morgan Generation Offshore Windfarm (the DCO Application) (MMO ref: DCO/2022/00003 PINS ref: EN010136).

The DCO Application seeks authorisation for the construction, operation and maintenance of Morgan Offshore Windfarm Generation Assets (MOWF) located approximately 22 kilometres (km) from the Isle of Man Coastline and approximately 37 km from the Northwest coast of England; comprising of up to 96 wind turbine generators, all associated array area infrastructure and all associated development in an area approximately 280 square kilometres (km²).

Two Deemed Marine Licences (DML) are included in the draft DCO. One in relation to Wind Turbine Generators (WTG) and Associated Infrastructure, and one for Offshore Substation Platforms and Interconnector Cables.

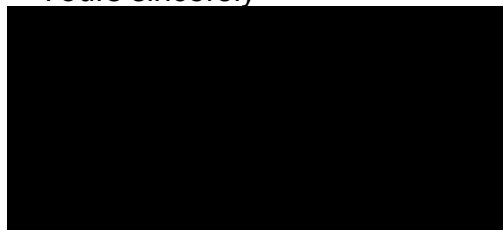
As a marine licence has been deemed within the draft DCO, the MMO is the delivery body responsible for post-consent monitoring, variation, enforcement, and revocation of provisions relating to the marine environment. As such, the MMO has an interest in ensuring that provisions drafted in a deemed marine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

This document comprises the MMO's submission for Deadline 5.

This written representation is submitted without prejudice to any future representation the MMO may make about the DCO Application throughout the examination process. This representation is also submitted without prejudice to any decision the MMO may make on

any associated application for consent, permission, approval or any other type of authorisation submitted to the MMO either for the works in the marine area or for any other authorisation relevant to the proposed development.

Yours sincerely



Liam Woods
Marine Licensing Case Officer

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1. Response to Examiner's Questions 2 (ExQ2)

- 1.1. The MMO has reviewed the questions raised by the ExA contained within ExQ2 and has provided a response in Table 1 below.

Table 1. MMO Response to ExQ2

ExQ2	Question to:	Question:	MMO Response
GEN Cross-Topic, General and Miscellaneous Questions			
GEN 2.5	Maritime & Coastguard Agency Marine Management Organisation	Outline Environmental Management Plan The Maritime and Coastguard Agency (MCA) and Marine Management Organisation (MMO) are asked to confirm satisfaction with the Outline Environmental Management Plan (EMP) [REP4-018] , or if not satisfied, provide comments clarifying why not. This should be included in the respective Statements of Common Ground (SoCG).	The MMO is satisfied with the Outline Offshore Environmental Management Plan and considers that the document appropriate.
GEN 2.9	Applicant Marine Management Organisation Natural England	Monitoring - Adaptive Management At ISH2 the Applicant stated that it continues to engage with Natural England regarding the need for additional ecological monitoring, including that for marine mammals; however, it was highlighted that Regulation 21(3) of the Infrastructure Planning (Environmental Impact Assessment Regulations) 2017 sets out that measures should be proportionate to the nature, location and size of the proposed development and the significance of its effects on the environment, and that this is the approach that the Applicant has taken [REP4-006] . The ExA notes that Regulation 21(3) of the Infrastructure Planning (Environmental Impact Assessment Regulations) 2017 is directed at the Secretary of State when considering whether to impose a monitoring measure if an order is made. The ExA therefore considers that the provisions of	The MMO will respond to the Applicant's response at Deadline 6.

		<p>Regulation 21(3) have been misrepresented. Notwithstanding, the ExA notes the Applicant's response to ExQ1 GEN 1.8, whereby it states adherence to 2014 guidance issued by the MMO that monitoring should be used where there is uncertainty in the significance of an impact which could lead to a potentially significant impact on a sensitive receptor' and 'Monitoring should not be required for impacts where there is already high certainty' [REP3006].</p> <p>The ExA notes that NPS EN-3 states <i>that "should impacts be greater than those predicted, an adaptive management process may need to be implemented and additional mitigation required, to ensure that so far as possible the effects are brought back within the range of those predicted"</i> (paragraph 2.8.222). There is no clear provision in the In-Principle Monitoring Plan (IPMP) for adaptive management should the post-construction monitoring show impacts greater than anticipated.</p> <p>The Applicant should provide amendments to the IPMP to include references to a commitment to adaptive management measures (to be agreed with the MMO and Natural England if required), and if it chooses not to do so, provide an explanation.</p> <p>MMO and Natural England responses on the Applicant's submission are expected at D6.</p>	
CF Commercial Fisheries			
CF 2.2	Applicant	<p>Standalone plan to secure Scallop Mitigation</p> <p>The MMO submission at D4 noted that it has concerns about the proposed SMZ <i>"only being indicative at this stage"</i> and considers that the zone should be finalised before a decision is made on the DCO and that a standalone plan secured by the DCO <i>"could be beneficial"</i>.</p>	<p>The MMO has had a number of discussions with the Applicant in relation to this and understands the Applicant has updated documents and the SMZ requirements to provide assurance that there will be agreement on the size of the SMZ at this stage and that it will only be the location that will be discussed post consent in the</p>

		The ExA notes that a minimum area for the SMZ has been added as a commitment in the outline FLCP but requests the Applicant to submit by D5 a standalone plan sufficient to secure a definitive SMZ, with co-ordinates, subject only to minor refinement post-consent, or to give detailed justification why it is not appropriate to do so, cross-referenced to any response to the MMO if applicable.	discharge of documents. The MMO will review the updates submitted at Deadline 5 and provide any outstanding concerns to the Applicant to try and close out the concerns by Deadline 6 and the MMO will provide confirmation to the ExA at Deadline 6.
CF 2.5	Marine Management Organisation National Federation of Fishermen's Organisations Scottish Fishermen's Federation West Coast Sea Products Any other Interested Parties	Identification of Irish Sea queen scallop fishing grounds Do you have any observations or critique to make about the analysis produced by ERM and submitted by the Applicant as [REP4-011] identifying "Irish Sea queen scallop fishing grounds generated by digitising information provided in Vause et al, 2007, Defra, 2024 and plotter positions provided by WCSP"?	The MMO has no observations or critique to make about the analysis produced by ERM and submitted by the Applicant as (REP4-011) identifying "Irish Sea queen scallop fishing grounds generated by digitising information provided in Vause et al, 2007, Defra, 2024 and plotter positions provided by WCSP"
CE Cumulative Effects			
CE 2.3	Applicant Natural England Natural Resources Wales	Lifetimes of Existing Offshore Wind Farms The Applicant's response to ExQ CE 1.2 [REP3-006] includes a list of offshore wind farms (OWF) nearing the end of their life, according to the expiry date of their relevant licences. i. Natural England and NRW are asked to review the Applicant's answer and provide any additional comments they wish to make regarding the projects nearing the end of their life, and implications for the CEA and in-combination assessment. The Applicant is asked to:	The MMO will maintain a watching brief on this response.

		<p>ii. Provide any relevant corrections further to Ørsted IPs [REP4048] comments on Barrow and Burbo Bank OWFs.</p> <p>iii. Clarify if they are aware if any of the listed OWFs are expected to continue beyond the expiry date of their relevant licences, and whether any consents would be required for such extension of lifetime.</p>	
DCO Draft Development Consent Order			
Parts 1 and 2			
DCO 2.1	Applicant	<p>Part 1 Article 2 Definition of Commence</p> <p>The definition of commence in Article 2 relates to the carrying out of licensed activities rather than any other development. The ExA assumes that this is because the only works authorised by the DCO are works which are licensed activities authorised by the DMLs. If this is the case then the Applicant is asked to include a definition of licensed activities in Part 1, Article 2.</p>	The MMO has seen a draft version of the Applicants DCO submission for Deadline 5 and is content with the updated interpretations to provide clarity but will review the Applicant's written response and confirm at Deadline 6.
DCO 2.2	Applicant	<p>Part 2 Article 7 Benefit of the Order (1)</p> <p>At [REP4-009], Ref. REP3-037.41] the Applicant repeats its argument of precedent for this article in previous made orders and contends that there is no "<i>exceptional reason to depart from well-established precedent in respect of this matter</i>". The ExA notes, however, that the Applicant has not addressed the MMOs point that the Applicant has not identified any reasoned justification in any previous decision which explains why the transfer process which it proposes is justified and to be preferred over the existing statutory mechanism [REP2-029], paragraphs 2.2.18 – 2.2.20]. The ExA acknowledges the precedent point being made by the Applicant but requests the Applicant</p>	The MMO has provided further comments to the Applicant and in Section 4.3 of this response and is continuing discussions outside the written process on this matter. The MMO will review the Applicant's response to this question and provide comment at Deadline 6.

		to provide specific justification for the inclusion of these provisions in this specific application and why the existing statutory regime set out in s72 of the Marine and Coastal Act 2009 are not suitable.	
DCO 2.3	Marine Management Organisation	<p>Part 2 Article 7 Benefit of the Order (2)</p> <p>Without concluding on the matter but contemplating that the SoS may wish to include transfer of the benefit of the DML within the Order, the ExA invites the MMO to provide a revised draft of Article 7 that it may be able to be satisfied with, and also set out any other associated changes to the dDCO that it feels is necessary.</p>	The MMO strongly disagrees with the inclusion of the Article and is considering this request. If the MMO is minded to provide wording or information we will discuss this with the Applicant in the first instance. The MMO will submit this to the ExA as an additional submission. The MMO notes it is up to the ExA to accept an additional submission and will work with the Applicant if this is not accepted and provide all the information to the ExA in our Deadline 6 response.
Schedule 2 – Requirements			
DCO 2.4	All Interested Parties	<p>Requirement 1: Time Limits – Commencement and Challenge Period (1)</p> <p>IPs are invited to comment on the Applicant's responses to ExQ1 DCO 1.4 and DCO 1.5 (pages 50-51 [REP3-006]), in seeking to justify the seven-year commencement period and the extension to the period should a legal challenge be submitted.</p>	The MMO has no comments to make on this Requirement and defers to NE on the ES validity.
Schedules 3 & 4 – draft Deemed Marine Licences			
DCO 2.6	Marine Management Organisation	<p>Enforceability of Conditions 11 and 12</p> <p>Conditions 11 and 12 in DMLs 1 and 2 seek to ensure that the works constructed under each DML cannot, when combined, exceed those consented by the DCO. Condition 11 states that the total number of offshore substation platforms in both licences cannot exceed 4 and Condition 12 states the total length of the interconnector cables in both licences cannot exceed 60km. However, in the event that the total works were to exceed those parameters, would there be a breach of one or both DMLs? Put another way, how will the MMO understand which works will be</p>	The MMO notes a number of offshore wind Farm DCO's have multiple Schedules and is reviewing this request and will discuss any updates with the Applicant directly aiming to provide an agreed position in the updated DML submitted at Deadline 6.

		constructed under which licence and which licence is breached if the works exceed the parameters in Conditions 11 and 12? This is important for enforcement purposes. The view of the MMO on how best to address this quirk of identical parameter controls is invited. Could some wording be added to Condition 20 (Pre-construction plans and documents) for example, to assist the MMO at approval stage? If so please provide suggested wording.	
DCO 2.8	Marine Management Organisation	<p>Outline Decommissioning Plan</p> <p>The MMO's response to ExQ1 DCO 1.13 [REP3-037] refers to a review of a standard DML condition relating to decommissioning. The Applicant was questioned on this at ISH2. The MMO is asked to:</p> <p>Provide an update on this review.</p> <p>Provide comments on the Applicant's response to the same question [REP3-006] and further comments arising from discussion at ISH2 (pages 25-26 [REP4-006]) and (REP3-049.79 [REP4-009]) regarding the separate legislative regime being in place, therefore no outline decommissioning plan is considered to be necessary.</p>	The MMO is still reviewing these comments in relation to the separate legislative regime and if a condition is required at this stage. The MMO is in discussions with the Applicant on the DML and will provide an update to the Applicant as soon as possible. The MMO will also submit this to the ExA as an additional submission. The MMO notes it is up to the ExA to accept an additional submission and will work with the Applicant if this is not accepted and provide all the information to the ExA in our Deadline 6 response.
DCO 2.9	Applicant	<p>Outline Offshore Construction Method Statement</p> <p>The Applicant is asked to include reference to the outline Offshore Construction Method Statement [REP4-032] in Condition 20(1)(d).</p>	The MMO has seen a draft version of the Applicants DCO submission for Deadline 5 and is content with this update.
DCO 2.11	Applicant	<p>Pre-Construction Plans – Condition 20(1)(a)(v): Micrositing for Reef Habitats</p> <p>Natural England has provided a suggested amendment for the wording of draft DML condition 20 (1)(a)(v), in the Risks and Issues Log at Deadline 4 [REP4-043] - rows A7 and</p>	The MMO has seen a draft version of the Applicants DCO submission for Deadline 5 and welcomes the update although is not clear if the wording meets the five tests. The MMO will discuss this with NE and the Applicant to ensure MMO understanding of the condition and it is

		G17]. Is the Applicant willing to update the draft DML with the wording suggested by Natural England? If not, why not?	clear to all parties what information is to be provided post consent.
DCO 2.12	Applicant Natural England Marine Management Organisation	Pre-construction Plans - Condition 20(1)(c), Condition 21 and Condition 22 Could the Applicant, Natural England and the MMO provide an update on any progress made regarding the timescales included in the DML conditions for approval of pre-construction documentation and agreement of documents, where 4 months can remain and those where 6 months can be accepted.	The MMO has seen a draft version of the Applicants DCO submission for Deadline 5 and understands the timescales for most documents have been updated to six months. We will review the Applicant's written response and confirm at Deadline 6.
DCO 2.13	Natural England Marine Management Organisation	Pre-construction Plans – Condition 23(2) Natural England and the MMO are asked to advise if they are content with a three-month approval period for the UXO Clearance method statement and associated MMM. If not, please advise what period of time would be acceptable with reasons.	The MMO's position is UXO should not be included in the DML. However, the MMO has seen a draft version of the Applicants DCO submission for Deadline 5 and understands the timescales have been updated to six months. We will review the Applicant's written response and confirm at Deadline 6. The MMO would query if the methodologies for the UXO investigation work will be submitted to the MMO for review and if so how is this secured within the DML. The MMO would be content with the investigations document submission being 3 months and this would be prior to the UXO clearance document submission.
Schedule 5			
DCO 2.14	Applicant	Schedule 5: Certified Documents The Applicant is asked to check the documents contained within the certified documents set out in Schedule 5 of the draft DCO and ensure the list is fully updated with the final versions by Deadline 6, including: <ul style="list-style-type: none"> • Outline Environmental Management Plan [REP4-018]. 	The MMO welcomes the inclusion of Schedule 5 and would request that this is split into 3 parts: Part 1 — Documents Forming The Environmental Statement to be Certified Part 2 — Examination Documents Forming Part of the Environmental Statement to be Certified Part 3 — Other Documents to be Certified

		<ul style="list-style-type: none"> • Outline Offshore Construction Method Statement (incorporating Outline Cable Specification and Installation Plan) [REP4-032]. • Greenhouse Gas Reduction Strategy [REP4-023]. • The numerous errata sheets, clarification notes, technical notes and summary tables relating to ornithology and other matters, and/or any updates to the ES and HRA to incorporate such notes. <p>The ExA is also minded to include the Commitments Register [REP4-025] within the list of certified documents. If the Applicant disagrees, provide justification.</p>	This is to ensure it is clear which documents were added during examination.
MFS Marine Fish and Shellfish Ecology			
MFS 2.1	Applicant	<p>Electro-magnetic fields</p> <p>NPS EN-3 paragraph 2.8.247 states <i>'it is unknown whether exposure to multiple cables and larger capacity cables may have a cumulative impact on sensitive species. It is therefore important to monitor EMF emissions which may provide the evidence to inform future EIAs'</i>. Could the Applicant explain how it would satisfy this particular paragraph.</p>	The MMO notes that this question is directed to the Applicant, however, for the purpose of examination, the MMO notes that the Applicant stated at PEIR stage that EMFs from inter array cables will be confined to the area within the boundary of the Morgan Array Area. The Applicant concludes that there are no direct impact pathways to marine conservation zones (MCZs) with designated fish features due to a lack of spatial overlap. The MMO stated at PEIR stage that the MMO is content with this and did not request further monitoring.
MFS 2.2	Applicant Marine Management Organisation	<p>Seasonal Piling Restrictions</p> <p>At ISH2 the Applicant was asked to respond to the MMO's position on the necessity for seasonal piling restrictions during the cod and herring spawning seasons and whether there was a need</p>	<p>The MMO believes the current seasonal restrictions are:</p> <p>1 September to 31 October, inclusive, for the herring spawning season,</p>

		<p>for a condition in the DMLs to explicitly control piling periods. Despite acknowledging that a seasonal piling restriction was included in the Walney Extension DCO (SI 2014 No. 2950) the Applicant stated it was not necessary to put forward a without prejudice position as it considers the Underwater Sound Management Strategy (UWSMS) the appropriate mechanism to deal with this matter. Following on from ExQ1 MFS 1.2 [PD-004], which asked the MMO whether any changes are necessary to the draft DCO/DMLs to reflect seasonal piling restrictions as a fallback position, the MMO advised that it would provide the Applicant with condition wording and also provide this to the ExA at D4.</p> <p>Can the MMO direct the ExA to the part of its submission that contains the draft DML condition wording? If this was not submitted at D4, please submit at D5 with additional commentary on the Applicant's D4 submission [REP4-010] which suggests that any piling restriction in relation to cod should be limited to February to March (and not January to April inclusive) and that the UWSMS is the appropriate mechanism to capture potential mitigation requirements.</p> <p>The Applicant is asked to provide a response to the MMO's draft condition at D6, setting out any revisions to the suggested wording (and why), and setting out in detail the effects of the MMO's condition(s) on the construction phase.</p>	<p>15 February to 31 March, inclusive, for the 'peak' of the cod spawning season.</p> <p>The MMO is still in discussion with the Applicant alongside our scientific advisors on the herring spawning season.</p> <p>The MMO highlights that the information contained in (REP4-010) relates exclusively to cod and defines the 'peak' cod spawning season. Revisions to the updated UWSMS should also include updating the herring spawning period to between the 01 September to 31 October (inclusive).</p> <p>In relation to the specific condition the MMO has not agreed on this wording however the main aim is to ensure the seasonal restrictions are on the face of the DML. The MMO understands that if these were stand-alone conditions then a variation would be required therefore is looking at the flexibility of linking these conditions to the UWSMS. A sample condition is below however this is not the final agreed MMO wording and we have not discussed this with the Applicant. Therefore, changes to this condition will be required.</p> <p><i>Underwater Sound Management Strategy</i></p> <p><i>1.—(1) No piling associated with the authorised development may be undertaken between 01 September to 31 October inclusive or 15 February to 31 March inclusive, unless otherwise agreed in writing by the MMO.</i></p> <p><i>(2) If activities are deemed necessary in this period and to confirm any additional mitigation</i></p>
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			<p>requirements an underwater sound management strategy for those activities, which accords with the outline underwater sound management strategy, must be submitted to and approved in writing by the MMO in consultation with the relevant statutory nature conservation body.</p> <p>(3) The underwater sound management strategy must be submitted to the MMO no later than six months prior to the commencement of the relevant activities unless otherwise agreed in writing by the MMO.</p> <p>(4) The piling activities must be carried out in accordance with the approved underwater sound management strategy, unless otherwise agreed in writing by the MMO.</p> <p>The MMO is meeting with the Applicant to discuss this further in the coming weeks. The MMO will also submit any update to the position and/or condition to the ExA as an additional submission. The MMO notes it is up to the ExA to accept an additional submission and will work with the Applicant if this is not accepted and provide all the information to the ExA in our Deadline 6 response.</p>
MFS 2.3	Marine Management Organisation	<p>Piling Impacts and Scallop Larvae</p> <p>At ISH2 the Applicant was asked to respond to the MMO's suggestion in [REP3-037] that scallop larvae should be considered within the Applicant's UWSMS. The Applicant's submission was that if piling is employed it would never occur continuously over a period of 90 hours and taking account of water movements within the Irish Sea, the scallop larvae would never be within a particular impact range for even a full piling sequence, such that it is not necessary to include</p>	<p>The MMO is in agreement with the proposed scallop monitoring commitments. The Applicant recognised that this is a key concern for fisheries stakeholders and considered monitoring to be justified and understands scallop to envelope both King and Queen scallop (<i>Pecten maximus</i> and <i>Aequipecten opercularis</i>) species. The MMO considers this point to be resolved.</p> <p>Regarding the Applicant's response to REP3-037.80 (REP4-009) response to Annex 3.3. The</p>

		<p>mitigation to reduce piling noise effects on scallop larvae within the UWSMS.</p> <p>The MMO is asked to review the Applicant's submissions [EV5-012, REP4-006 and REP4-009] and confirm if it is satisfied with the Applicant's rebuttal, or provide a summary of reasons if disagreement remains and further detail on what the MMO would like to see included in the outline UWSMS to address its concerns.</p>	<p>MMO notes the specific consideration for Shellfish and the conclusion of limited and non-significant impact on larvae due to limited time frame of continuous piling noise and assumed movement of larvae within the impact range.</p> <p>In response to REP3-037.81 (REP4-009), the MMO notes that the Applicant has highlighted that the Scallop Mitigation Zone will ensure there is a significant reduction in the number of foundations within the core scallop grounds. Therefore, the MMO considers this mitigation should reduce further potential of noise effects on larvae when they are in proximity to spawning locations.</p> <p>In reviewing the Applicant's response to REP3-037.82 (REP4-009), the MMO agrees that the applicant's assessment that '<i>there may be some effects on scallops due to construction operations, including effects on scallops adults and larvae from piling operations, these will not be significant and therefore not appropriate to include scallops in the UWSMS</i>'. Within the remit of the limited time frame of piling noise, larval movement, protracted and intermittent spawning periodicity and mitigation of the scallop zone for the core fishery area, the MMO considers that current data does not require the inclusion of shellfish larvae into the Underwater Sound Management Strategy (UWSMS).</p> <p>The MMO has reviewed Annex 6.2 to the Applicant's response to Written Representations from MMO at Deadline 3: Queen Scallop (REP4-011). The MMO considers that the information presented is suitable and that the data sources</p>
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			<p>referenced support the ‘commercially important Queen scallop fishing grounds’ and have timely data sources included (2024 Defra). The MMO confirms that the provided mapping greatly enhances the shellfish information presented and this is welcomed.</p> <p>The MMO agrees that the data provided in Annex 6.2 (REP3-037.83) does not change the conclusions for both King and Queen scallops (<i>Pecten maximus</i> and <i>Aequipecten opercularis</i>). The MMO therefore agrees with the comments raised by the Applicant at Deadline 4 (REP3-037.82).</p> <p>The MMO looks forward to seeing both species included in the in-principle monitoring, which includes the commitment to monitoring scallop populations pre- and post-construction through dredge survey and a Fisheries Liaison and Coexistence Plan as part of an Offshore Environmental Management Plan secured through the deemed marine licences.</p> <p>The MMO agrees with the current mitigation and rationale to not include shellfish larval stages in the UWSMS at this time.</p> <p>Please see section 3.5 of this submission for further details surrounding the MMO’s position on shellfisheries.</p>
MM Marine Mammals			
MM 2.1	Applicant Marine Management Organisation	Masking in Marine Mammals At ExQ1 MM 1.5 the ExA asked the MMO, NRW and Natural England whether they agreed with the Applicant’s statement in Paragraph 4.9.1.2 of ES Volume 2, Chapter 4 [AS-010] that there is	The MMO will review the Applicant’s response to this question and will provide a response at Deadline 6 as requested by the ExA.

		<p>insufficient evidence to properly evaluate masking. Whilst NRW and Natural England raised no issue with the Applicant's position, the MMO disagreed [REP4-041] and requested a submission from the Applicant discussing the relevant peer-reviewed literature (for instance, Erbe et al. (2016) and Erbe et al. (2019)).</p> <p>The Applicant is asked to submit a response to the MMO's request at D5.</p> <p>The MMO is requested to comment on the Applicant's submission at D6.</p>	
MM 2.2	Applicant Natural England	<p>Monitoring the Mitigation for Marine Mammals</p> <p>The ExA notes that there is an outstanding concern from NE in the Risk and Issues Log at Deadline 4 [REP4-043, rows C8 & C32] that proposed post-consent monitoring does not include monitoring the effectiveness of the mitigation measures in reducing the impacts on marine mammals to acceptable levels. The ExA notes the Applicant's position [REP4-009, Ref REP3-049.41] that monitoring is not warranted, proportionate to the scale of the effects and was not required for Awel y Mor even though that project had predicted a larger magnitude effect on bottlenose dolphin.</p> <p>Natural England is requested to:</p> <ol style="list-style-type: none"> Provide an example of a DCO/DML in which the level of monitoring sought in this case is specified and justify why it should be implemented in this case. If this is a novel case, then NE should set out the terms of the monitoring that it is seeking for marine mammals and explain why. <p>The ExA notes that NE has previously referred the Applicant to Best Practice Advice for monitoring in: <i>'Offshore Wind Marine Environmental Assessments: Best Practice Advice for Evidence</i></p>	The MMO will maintain a watching brief on any changes that may be required to the DML.

		<p><i>and Data Standards Phase IV: Expectations for monitoring and environmental requirements at the post-consent phase</i>'. However, the ExA notes that the advice documents are currently stored on a SharePoint Online site, which requires non-Defra staff to request consent for access.</p> <p>ii. NE are asked to submit into the examination any documents contained on that SharePoint site which NE seeks to rely upon to sustain its concerns around the lack of marine mammal monitoring and how monitoring should be developed.</p> <p>The Applicant is asked to:</p> <p>iii. Confirm that it has reviewed the aforementioned NE Best Practice Advice and to explain how it complies with it, or why it diverges from it.</p> <p>iv. Provide an update on NE's suggestion in [REP3-047] that post-consent monitoring for marine mammals would ideally be a collaborative assessment across the Mona and Morgan Generation projects with a focus on filling evidence gaps for marine mammals in the Irish Sea.</p>	
MM 2.4	Applicant Marine Management Organisation Natural England	<p>Underwater Sound Management Strategy – Arbitration</p> <p>The ExA notes that the MMO and Natural England remain concerned about the Applicant's lack of firm commitment to the use of Noise Abatement Systems (NAS). The ExA also notes the Applicant's position that the deployment of NAS is not standard industry practice within the UK and at present there is no statutory requirement for NAS to be deployed, although the Applicant's UWSMS includes NAS as one of a number of mitigation options if required. The ExA also notes the</p>	<p>The MMO's position is that NAS should be used as a priority for mitigation at this stage if a seasonal restriction is not on the face of the DML and if NAS is used this should be clear within the project and on the face of the DML but understands the Applicant's position.</p> <p>For the purposes of clarity, the MMO notes that a seasonal piling restriction is not the same as 'temporal phasing' as described in the UWSMS. A seasonal piling restriction refers to a window of time within which piling is not permitted in an</p>

		<p>Applicant's submissions at ISH2 [REP4-006] that through the process of discharging conditions of the DMLs and approving the final plans, the MMO has fundamental control.</p> <p>Can the Applicant, the MMO and NE advise what would happen if agreement on the final UWSMS cannot be reached, and if so how would the matter be arbitrated/ resolved.</p>	<p>explicit, legally binding and enforceable condition attached to the Applicant's deemed marine licence, with which they must comply. 'Temporal phasing' on the other hand does not carry the same level of legality as a specific licence conditions and refers more to the voluntary scheduling of activities around defined periods in time.</p> <p>The MMO notes plans such as the UWSMS are legally enforceable when certified and referenced explicitly within the consent but maintains the position that adding specific conditions to the DML is the best approach for managing significant commitments and worst-case figures.</p> <p>The MMO notes the trend towards major issues raised in examination being included within plans that aim to be resolved post consent, this results in increasingly longer issue resolution and decision making at the post-consent stage. The MMO makes decisions using the best available evidence and the ExA recommendation report and SoS decision, and so regardless, it is imperative that major issues are discussed in detail within the examination stage of the decision-making process.</p> <p>Using the Rochdale envelope allows flexibility for the Applicant and certainty that the worst-case scenarios have been considered. However, the MMO highlights that this approach can lead to concerns regarding the level of confidence that can be had, due to the level of detail being discussed at the time of the Examination. This is to say that flexibility and the widened scope of</p>
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			<p>scenarios can result in lack of specificity and detail.</p> <p>In principle the MMO is content with the projects proposal to use the UWSMS alongside seasonal restrictions being on the face of the DML and subject to the UWSMS becoming a certified document and secured through a condition. However, does have concerns in line with the above, regarding major issue resolution being postponed to post-consent management. Which will be the case if the SoS decided to consent this project as currently proposed.</p> <p>As the regulator for the deemed marine licence following the DCO consent decision, the MMO need to determine discharges for any conditions or plans. As part of this, the MMO may review Examination and decision information, to ensure the document and information presented at post-consent is still in line with the agreed approach and undertake consultations to obtain the best available evidence. Consultation includes but is not limited to SNCB's and our scientific advisors. The Applicant also has opportunity to respond to information provided by the consultees, as such resolving issues and assessing further evidence presented at this stage can result in the timely review of documents and attendance at meetings. The MMO could need to reject initial submissions under this process, to allow for the required updates to take place, to then be resubmitted and assessed. Whilst arbitration processes regarding post-consent decisions differ in that there is an internal formal path to challenging decision making, it will still add to timing delays for the project.</p>
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MM 2.5	Applicant	Construction Monitoring – Piling As part of the construction monitoring of the first four piled foundations (Condition 28 of the draft DMLs [REP4-013] , Table 1.6 of the In	i) The MMO notes this question is directed to the Applicant but has been in discussion with the Applicant on this topic and has seen a draft version of the Applicants DCO submission for Deadline 5. The MMO is largely content with the

		<p>Principle Monitoring Plan [REP2-013] and Co57, Co60, Co63 and Co92 of the Commitments Register [REP4-025]) the MMO has requested that at least two of the first four piles of each foundation are the worst-case scenario piles and that this is updated within the aforementioned documents. The MMO also noted that the objective of the noise monitoring is to test the validity of the predictions made in the ES. If the monitoring suggests that the noise levels may exceed those predicted, then the MMO may take remedial action. The MMO requests that an underwater sound monitoring plan or scope of works is to be developed which sets out further details of the proposed monitoring and methodologies.</p> <p>The Applicant is asked to:</p> <ul style="list-style-type: none"> i. Make the requested change to the aforementioned documents or explain why not. ii. Advise how it intends to address the potential requirement for adaptive management if piling noise is found to be greater than the predictions made in the ES. 	<p>update to the condition wording and is awaiting confirmation from NE on this.</p> <p>There is still some discussion on the overall wording and layout of the condition, but the MMO this is minor and the MMO is confident this will be resolved prior to Deadline 6.</p>
MM 2.7	Marine Management Organisation Natural England Natural Resources Wales	<p>Outline Marine Mammal Mitigation Protocol (MMMP) – draft DML</p> <p>Can the MMO, NE and NRW confirm whether they are content with the Applicant’s response to ExQ1 MM 1.3 [REP3-006] – specifically, that it is not necessary for geophysical activities to be referenced in the draft DML Conditions [REP4-013].</p>	<p>The MMO has reviewed the Applicant’s MMMP and requested a minor edit with respect to the ranges within which there is a potential of injury (Permanent Threshold Shift (PTS)) occurring to marine mammals as a result of geophysical investigation activities. PTS is predicted to occur out to a maximum of 254 m for harbour porpoise due to Sub Bottom Profiler (SBP) (Table 1.12), not 54 m as suggested in the document.</p>

			The MMO is content that geophysical activities are not necessary to be referenced in the draft DML conditions as they are covered within the MMMP.
MP Marine Physical Processes and Benthic Ecology			
MP 2.1	Applicant	<p>Monitoring of Invasive Non-Native Species (INNS)</p> <p>The ExA notes that monitoring to detect the presence of INNS is now included as a commitment in the In Principle Monitoring Plan (IPMP) [REP2-013] and that the Applicant states in its SoCG with the MMO that it will commit to considering the feasibility of collecting samples of the communities colonising the seabed infrastructure for further analysis of INNS. The ExA notes that this is a matter that was agreed at D3 in the SoCG with the MMO, however, neither the IPMP [REP2-013] nor the Commitments Register [REP4-025] capture the commitment to undertake sampling.</p> <p>The Applicant is requested to update those documents to include the sampling commitment as an adaptive management measure, as outlined in the Applicant's D3 submission [REP3004]. If the Applicant considers it would be inappropriate to do so, then explain why.</p>	The MMO notes that this question is directed to the Applicant and will review the Applicant's response to the question

2. The MMO's Updated Response to Deadline 4 Submission

2.1. At Deadline 4 the MMO delayed a complete response on several issues and stated in table 3 of REP4-041 that an update will be provided at Deadline 5. Please see table 2 below for the MMO's updated response to these points.

Table 2. The MMO's updated response to the deadline 4 submission

Ref	MMO Comments at Deadline 2	Applicant's Response	MMO Updated Response
REP2-029.34	<p>Coastal Processes</p> <p>The Applicant's response to the request for extent estimations is reasonable: the scour protection will depend on the foundation type that has not been agreed on yet.</p> <p>The MMO requests that the Applicant explicitly states that the comment RR-020.36 will be addressed or please refer to a relevant document that already addresses it.</p>	<p>The Applicant can confirm that the detail of design and construction will be outlined within the Offshore Construction Method Statement (CMS) developed in consultation with MMO. This will include an assessment of the magnitude of scour in comparison to the volumes of scour protection at the locations where it is proposed. This is secured within the DCO dMLs (REP2-011, S_D2_7) under Schedules 3 and 4, Part 2, condition 20(1)(d)(ii).</p> <p>The Applicant considers that this provides clarity that comment RR-020.36 will be addressed in the Offshore CMS and that this matter is now closed.</p>	<p>The MMO considers this response and course of action to be acceptable and considers this issue has been sufficiently addressed.</p>
REP2-029.37	<p>Dredge and Disposal</p> <p>The MMO notes that the Applicant will provide a draft decommissioning plan for the Morgan Generation Assets to be submitted with the decommissioning programme prior to construction commencing. The MMO is content with this provided that the decommissioning programme is updated during the Morgan Generation Assets lifespan to take account of changing good practice and new technologies and that the scope of the decommissioning works are determined by the relevant legislation and guidance at the time of decommissioning</p>	<p>The Applicant welcomes the MMO's Written Submission that the draft decommissioning plan should be submitted prior to commencing construction, and can confirm that the decommissioning programme will be updated during the Morgan Generation Assets lifespan to take account of changing good practice and new technologies and that the scope of the decommissioning works are determined by the relevant legislation and guidance</p>	<p>The MMO notes that decommissioning will not be consented as part of the DCO and a new marine licence will be required but to assist with the holistic review of the project and understanding of the conclusions within the Environmental Statement believe that an outline plan would be beneficial at this stage.</p> <p>The MMO is still reviewing these comments in relation to the separate</p>

		at the time of decommissioning.	legislative regime and if a condition is required at this stage. The MMO is in discussions with the Applicant on the DML and will provide a position to the Applicant as soon as possible. The MMO will also submit this to the ExA as an additional submission. The MMO notes it is up to the ExA to accept an additional submission and will work with the Applicant if this is not accepted and provide all the information to the ExA in our Deadline 6 response.
REP2-029.39	The MMO notes the Applicant's response and further states that, in line with OSPAR guidance, properties of the chemicals paints and coatings used should be notified to the MMO for approval prior to use. This request was incorporated into the MMOs Relevant Representation RR-020.41 regarding the Mitigation and Monitoring Schedule	Schedules 3 and 4, Part 2, Condition 18(2) of the dMLs within the draft DCO (REP2-011) require that any coatings and treatments are suitable for use in the marine environment and are used in accordance with guidelines approved by the Health and Safety Executive and the Environment Agency Pollution Prevention Control Guidelines. Condition 20(1)(e)(ii) further requires the offshore Environmental Management Plan to include details of a chemical risk assessment, including information regarding how and when chemicals are to be used, stored and transported in accordance with recognised best practice guidance.	<p>The MMO welcomes the confirmation. The MMO is currently reviewing Condition 18(2) to ensure it aligns with the current chemical assessment approach and requests that condition 18 is amended to read as the following:</p> <p><i>18. (1) Unless otherwise agreed in writing by the MMO, all chemicals and substances, including paints and coatings, used below MHWS for the undertaking of the licensed activities must be approved in writing by the MMO prior to use. Submission for approval to the MMO must take place no later than ten weeks prior to use, unless otherwise agreed by the MMO in writing.</i></p> <p>The MMO has discussed this with the Applicant and is aware that they have concerns on this wording.</p>

			<p>The MMO will continue to liaise with Applicant between deadlines to reach an agreement on the proposed wording. The MMO will potentially include this as part of an additional submission. The MMO notes it is up to the ExA to accept an additional submission and will work with the Applicant if this is not accepted and provide all the information to the ExA in our Deadline 6 response.</p> <p>The MMO has reviewed the Offshore Environmental Management Plan (EMP) and finds the document suitable for the Applicant's aims and has no further comments regarding the EMP.</p>
REP2-029.53	<p>The Applicant's response has not resolved the issue. In Figures 3.8, 3.9, 3.10 and 3.11 of the fish ecology chapter of the ES, thresholds for mortality and potential mortal injury, recoverable injury, and TTS are presented which were not consistent with the pile driving threshold guidelines described by Popper et al. (2014). The Applicant justifies this by outlining that the contours modelled "are derived from the contours generated for the single strike sound exposure level (SELss) metric to provide a representation of the relevant cumulative sound exposure level (SELcum) thresholds". However, this approach is unnecessary and departs from normal practice. Popper et al. (2014) clearly defines evidence-based thresholds for mortality and potential mortal injury, recoverable injury, and TTS effects in fish, based on the SELcum metric so there is no need for the Applicant to infer new thresholds from the SELss metric. Further, it appears that different thresholds for the same effect have</p>	<p>Please refer to the Applicant's response to REP2-029.3</p>	<p>The MMO notes that the MMO delayed response to this point until Deadline 5 in its Deadline 4 submission. This was in error.</p> <p>The MMO thanks the Applicant for the provision of the information contained within Annex 3.1, which was provided by the Applicant at Deadline 3. The MMO is content with the Applicant's response and has no further comments to make.</p>

	<p>been inferred in the different figures; for example, Figure 3.10 displays a TTS contour of 145 dB for a static receptor whereas Figure 3.11 displays noise contours of 142 dB for TTS for a static receptor. The MMO requests that the modelling outputs presented in Figures 3.8, 3.9, 3.10 and 3.11 of the fish ecology chapter be amended. The MMO requests that the Applicant presents the range of impact from UWN based on the thresholds for Group 3 fish with high hearing sensitivity for mortality and potential mortal injury (207 cumulative sound exposure level (SELcum)), recoverable injury (203 SELcum), and TTS (186 SELcum) as per the pile driving threshold guidelines described by Popper et al. (2014).</p>		
REP2-029.90	<p>Outline Marine Mammal Mitigation Protocol (MMMP)</p> <p>The MMO notes that the UWSMS is a live document which will be updated through discussions with stakeholders, and, if NAS is required, will include this detail clearly in the final MMMP and UWSMS. As per MMO's original comment, the MMO requests that NAS (bubble curtain) is required for ALL high order clearance, and it is in the interest of the Applicant to plan for this at the earliest opportunity. The MMO would also highlight that this is consistent with the standard requirements within the conditions for all 2024 and 2025 UXO marine licences.</p>	<p>The Applicant notes the MMO's Written Submission. The Applicant re-iterates that the Applicant will follow any published guidelines on noise abatement at the time the UWSMS (APP-068) is finalised. As highlighted by the MMO, the UWSMS (APP-068) is a live document which will be updated through discussions with stakeholders, and if there is a requirement to use NAS, the Applicant will include this detail clearly in the final UWSMS (and the final MMMP), which will be discussed with stakeholders and agreed with MMO prior to commencement of construction. The Applicant highlights the discussion held with the Applicant, the MMO, Cefas and Natural England (24/10/2024) in which REP2-029.90 was raised. Following this discussion, it is the Applicant's understanding that the MMO consider that the development and finalisation of the MMMP and UWSMS (APP-068) are considered sufficient to manage</p>	<p>The MMO notes the Applicant's response. The MMO is content that the discussions will continue in the development of the UWSMS & MMMP. However, at this stage the MMO notes that some of the mitigation is known. As per the Defra interim position statement low order should be standard mitigation on UXO. It is the MMO's position that for high order UXO clearances bubble curtains must be used regardless of the size, and this should be reflected within the plans at this stage. The MMO also notes that JNCC and NE have concerns on UXO being included in the DML.</p> <p>The MMO delayed a further response on this point until Deadline 5 following a discussion with interested parties these concerns.</p>

		<p>appropriate mitigation for UXO clearance, and that the development and finalisation of these documents, in consultation with relevant stakeholders should be sufficient to allow this point to be closed.</p>	<p>The MMO has seen a draft version of the Applicants DCO submission for Deadline 5 and understands high order clearance has been removed from the DML and a separate Marine Licence will be applied for if high order is required. The MMO's position is UXO should not be within the DML but notes if the SoS is minded to include UXO clearance, this is a welcomed decision by the Applicant and notes the Applicant has accepted the risk of the timescale for a new licence for high order clearances at the time if required.</p> <p>The MMO has provided further information in section 3.4.</p>
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3. The MMO's Position

3.1. The MMO has been in constant contact with the Applicant and the MMO's technical advisors, the Centre for Environment Fisheries and Aquaculture science (Cefas) throughout the examining process. Comments relating to ecological matters have been provided in tables in previous deadlines. However, as the majority of concerns have been addressed, the MMO will now provide the MMO's position on the remaining ecological concerns in this section.

3.2. **Benthic Ecology**

3.2.1. The MMO considers that all concerns regarding impacts to benthic ecology have been suitably addressed by the Applicant.

3.2.2. The MMO considers the approach to invasive non-native species (INNS) has been agreed and that adaptive management measures will be discussed post consent as part of the monitoring plan.

3.2.3. All points relating to benthic ecology within the Applicant's statement of common ground have now been agreed, and assuming the scour is localised and minimal, the MMO considers the associated impacts benthic receptors is negligible.

3.3. **Coastal Processes**

3.3.1. The MMO has reviewed comments made by the Applicant in REP3-004 with regards to coastal processes and based on the understanding of the concerns raised, considers the Applicant's responses to be reasonable and has no further comments to make.

3.3.2. The MMO has also reviewed the Applicant's Response to Examining Authority's Written Questions (ExAQ1) (REP3-006) based on the understanding of the concerns raised, find the applicant responses to be reasonable. Specifically, in Table 2.11 the MMO considers that the applicant provides reasonable answers for:

- MP1.1 foundation choice for the worst case scenario;
- MP1.2 the gravity base ballast amounts and the reviewer's suspended sediment concerns;
- MP1.3 the ballast material disposal plans;
- MP1.4 the sandwave recharge and subtidal habitat recovery, and;
- MP1.5 possibility of secondary scour

3.3.3. The MMO considers that all concerns regarding coastal processes have been addressed by the Applicant and thanks the Applicant for their resolution.

3.4. Underwater Noise

- 3.4.1. The MMO thanks the Applicant for their response to REP3-037.58 regarding Noise Abatement Systems (NAS) and the Underwater Sound Management Strategy (UWSMS). The MMO appreciates that it is possible to implement other measures to mitigate UXO clearance up to a size of approximately 130 kilograms (kg) (most likely scenario), however the MMO strongly requests that a bubble curtain is deployed for all high-order detonations. The deployment of a bubble curtain is a well-established mitigation measure that can reduce underwater noise and its impact on marine life. This approach not only aligns with best practices but also ensures a consistent standard across developments. It would also demonstrate that the Project is taking all possible steps to minimise the potential impact of underwater noise on marine species. The MMO further requests that this is made clear within the UWSMS and MMMP.
- 3.4.2. The MMO has seen a draft version of the Applicants DCO submission for Deadline 5 and understands high order clearance has been removed from the DML and a separate Marine Licence will be applied for if high order is required. The MMO's position is UXO should not be within the DML but notes if the SoS is minded to include UXO clearance, this is a welcomed decision by the Applicant and notes the Applicant has accepted the risk of the timescale for a new licence at the time if required.
- 3.4.3. The MMO has noted that the Applicant has included NAS as a mitigation strategy within the UWSMS (APP-068), alongside other measures including spatial and temporal phasing of piling operations. The MMO has also reviewed the Applicant's response to REP3-037.60 which states "*the Applicant reiterates commitment to consider NAS as part of the strategy to mitigate effects of underwater noise on fish and the Applicant agrees with the MMO that the available NAS technologies would offer effective mitigation to reduce the magnitude of piling noise on sensitive fish populations, should these be required*". The MMO thanks the Applicant for their response and has nothing further to add at this time but notes there is still underwater noise concerns in relation to fisheries and these have been discussed in Section 3.6.

3.5. Shellfisheries

- 3.5.1. The MMO acknowledges the utility of the Scallop Mitigation Zone (S_D3_12 Outline Fisheries Liaison Co-existence Plan) and cable configuration to minimise impact and facilitate fisheries returns.
- 3.5.2. The MMO acknowledges the inclusion of King Scallop (*Pecten maximus*) within the monitoring plan for baseline and post construction monitoring to ascertain any



notable impact on populations or fisheries. The MMO considers that this concern has been addressed by the Applicant.

- 3.5.3. Regarding the Applicant's response to Examining Authority's Written Questions (ExAQ1) (REP3-006) CF 1.1. The MMO welcomes the alignment with regional monitoring programmes and access to longer time series of stock information as this is essential to build the picture of populations, spawning and fisheries within the area. The MMO considers this response to be reasonable.
- 3.5.4. In relation to the technical aspect on scallops the MMO confirms agreement with the Scallop Mitigation Zone (SMZ) secured through the Outline Fisheries Liaison Co-existence Plan (APP-065) which will be enforced by the MMO as a condition contained within the DML's. Please see our response to CF 2.2 in Section 1 of this document for how this will be implemented through the DML. Fisheries liaison and monitoring is important to ensure dialogue throughout the project duration and monitor any changes to expected or existing shellfish populations.
- 3.5.5. The MMO is in agreement with the proposed scallop monitoring commitments. The Applicant recognised that this is a key concern for fisheries stakeholders and considered monitoring to be justified and understands scallop to envelope both King and Queen scallop (*Pecten maximus* and *Aequipecten opercularis*) species. The MMO considers this point to be resolved.
- 3.5.6. Regarding the Applicant's response to REP3-037.80 (REP4-009) response to Annex 3.3. The MMO notes the specific consideration for Shellfish and the conclusion of limited and non-significant impact on larvae due to limited time frame of continuous piling noise and assumed movement of larvae within the impact range.
- 3.5.7. In response to REP3-037.81 (REP4-009), the MMO notes that the Applicant has highlighted that the Scallop Mitigation Zone will ensure there is a significant reduction in the number of foundations within the core scallop grounds. Therefore, the MMO considers this mitigation should reduce further potential of noise effects on larvae when they are in proximity to spawning locations.
- 3.5.8. In reviewing the Applicant's response to REP3-037.82 (REP4-009), the MMO agrees that the applicant's assessment that '*there may be some effects on scallops due to construction operations, including effects on scallops adults and larvae from piling operations, these will not be significant and therefore not appropriate to include scallops in the UWSMS*'. Within the remit of the limited time frame of piling noise, larval movement, protracted and intermittent spawning periodicity and mitigation of the scallop zone for the core fishery area, the MMO considers that current data does not require the inclusion of shellfish larvae into the Underwater Sound Management Strategy (UWSMS).



- 3.5.9. The MMO has reviewed Annex 6.2 to the Applicant's response to Written Representations from MMO at Deadline 3: Queen Scallop (REP4-011). The MMO considers that the information presented is suitable and that the data sources referenced support the 'commercially important Queen scallop fishing grounds' and have timely data sources included (2024 Defra). The MMO confirms that the provided mapping greatly enhances the shellfish information presented and this is welcomed.
- 3.5.10. The MMO agrees that the data provided in Annex 6.2 (REP3-037.83) does not change the conclusions for both King and Queen scallops (*Pecten maximus* and *Aequipecten opercularis*). The MMO therefore agrees with the comments raised by the Applicant at Deadline 4 (REP3-037.82).
- 3.5.11. The MMO looks forward to seeing both species included in the In-principle monitoring, which includes the commitment to monitoring scallop populations pre- and post-construction through dredge survey and a Fisheries Liaison and Coexistence Plan as part of an Offshore Environmental Management Plan secured through the deemed marine licences.
- 3.5.12. The MMO agrees with the current mitigation and rationale to not include shellfish larval stages in the UWSMS unless more reliable data becomes available and adaptive management is required.

3.6. Fisheries

Seasonal Piling Restrictions and Annex 6.1

- 3.6.1. The MMO has reviewed the additional information provided by the Applicant in Annex 6.1 to the Applicant's response to Written Representations from MMO at Deadline 3: Cod spawning period (REP4-010) which refers to appropriate sources and evidence (studies by Maxwell *et al.*, (2012) and Armstrong *et al.*, (2012), as well as additional data from the Northern Irish Groundfish Survey (NIGFS)) to support refinement of the 'peak' cod spawning period.
- 3.6.2. The MMO thanks the Applicant for reviewing the recommended studies and acquiring the additional data presented in REP4-010. The MMO considers that The Applicant has correctly identified the studies by Maxwell *et al.*, (2012) and Armstrong *et al.*, (2012) highlight February and March as the key months of spawning activity for Irish Sea cod. The Applicant has also appropriately discussed that, although there are some minor discrepancies between these studies, both studies highlight that the mid- to late-February and the whole of March period forms the 'peak' cod spawning period. Maxwell *et al.*, (2012) concluded 'peak' spawning activity occurred between late February and early



March, whereas the Armstrong *et al.*, (2012) study concluded that peak cod spawning occurred in the mid-February to mid-March period during the 2006-2010 study period. This is in line with other studies such as Ellis *et al.*, (2012), which highlight the 'peak' spawning months for cod as being February and March.

- 3.6.3. The MMO agrees with the Applicant's proposal that mid- to late- February should be included within the refined 'peak' cod spawning period as the academic and direct data sources examined above indicate that there is potential for spawning activity to occur in the later stages of this month. Further, including the mid- to late- February period within the refined 'peak' cod spawning and amended piling restriction period, will provide a period of time free from disturbance by piling noise in which maturing and spawning-capable adult cod would be able to gather within the spawning grounds prior to actively spawning.
- 3.6.4. The proposed period of the 15 February to 31 March (inclusive) as the 'peak' cod spawning period is therefore evidentially sound, proportionate to the scale of the proposed piling works and in line with the seasonal piling restrictions implemented at other offshore wind developments in the region. The MMO therefore considers that, based on the evidence available, the refined 'peak' cod spawning period and amended piling restriction period can be defined as the 15 February to 31 March (inclusive). The MMO requests that this is captured as a condition on the face of the DML. As set out in Table 1 Section MFS 2.2 this wording is still being discussed.
- 3.6.5. For the purposes of clarity, the MMO notes that a seasonal piling restriction is not the same as 'temporal phasing' as described in the UWSMS, in that a seasonal piling restriction refers to an explicit, legally binding and enforceable condition attached to the Applicant's DML with which they must comply. 'Temporal phasing' on the other hand does not carry the same level of binding requirement as specific licence conditions and refers more to voluntarily considerate scheduling of activities around defined periods in time.
- 3.6.6. The MMO is largely content with the principle of the Morgan UWSMS approach but still considers that, unless project design refinements can significantly reduce or remove the pathway for a significant effect to cod from UWN from piling, then the MMO considers additional secondary mitigation measures (likely in the form of noise abatement systems (NAS)) will be needed before the MMO can consider not having a temporal piling restriction in place. The request for piling restrictions seeks to provide a safeguard for spawning cod by removing the pathway for a significant effect to occur from the Morgan project alone and cumulatively with other projects in the Irish Sea. To clarify if seasonal restrictions are on the face of the DML the UWSMS approach can be used to remove or reduce this requirement when more evidence and information is available at the post consent stage.



3.6.7. The MMO points out that the information contained in (REP4-010) relates exclusively to cod and defines the 'peak' cod spawning season. Revisions to the updated UWSMS should also include updating the herring spawning period to between the 01 September to 31 October (inclusive).

Underwater Sound Management Strategy

3.6.8. In between Deadline 4 and Deadline 5, the Applicant asked the MMO if the approach taken for the Mona UWSMS for potential cod spawning impacts should be adopted by the Applicant and whether this would resolve the concerns surrounding project alone effects. The MMO has reviewed Monas UWSMS and considers that this updated report contains a good overview of the Primary and Tertiary mitigation measures being incorporated into the project's design and construction plans, as well as a detailed discussion of possible Secondary mitigation measures which *could* be implemented as required post-consent. The Primary mitigation measures included in the Mona UWSMS for piling and for UXO detonation are appropriate standard industry practices for these activities.

3.6.9. Having reviewed the information that temporal phasing is a possible mitigation option with respect to fisheries receptors within the Mona OWF UWSMS document, it seems that the Applicant is discussing the same principles using different language, and there may be further implications around this. For example, 'temporal phasing' and 'piling restrictions' are very similar mechanisms of avoiding a significant disturbance to a sensitive receptor during a period of sensitivity. However, there are key differences between these things. The MMO is still discussing this topic with the Applicant and is aiming to submit an additional submission week commencing 27 January to assist in the discussions in the Issue Specific Hearings.

3.6.10. The MMO however, remains broadly supportive of updating the Morgan UWSMS based on the amendments made to the Mona UWSMS and would request that the following points please also be included in the updated version for completeness:

- The statement in Table 1.4 of the Morgan UWSMS which states "*there were no significant effects on cod due to piling activities for the Project alone*" should be updated to reflect that there is potential for adult spawning cod to be disturbed by UWN from piling activities at the Morgan OWF alone and cumulatively with other projects piling at the same time.
- The spawning periods discussed in the UWSMS should be captured as:
 - a. 1 September to 31 October, inclusive, for the herring spawning season, (to note, the MMO is discussing these dates with the Applicant. Anything captured during the discussions will be submitted into examination)



b. 15 February to 31 March, inclusive, for the 'peak' of the cod spawning season.

- The MMO advises the addition of a short paragraph under the noise abatement part of Section 1.8, for completeness which states that where NAS may be required to reduce significant noise disturbances with respect to spawning cod and herring, the appropriate investigations will be undertaken which will include UWN modelling to demonstrate the achievable noise reductions relative to the technologies available with respect to the cod high and low intensity spawning grounds, and the herring spawning ground near the Isle of Man.

3.6.11. The MMO is supportive of the Applicant exploring secondary mitigation options (including the use of NAS) post-consent when there is time to fully investigate the application of each option with supporting documentation and evidence.

3.6.12. The MMO notes from the Applicant's Response to IP submissions submitted at Deadline 3 (REP4-009), the Applicant has stated that they are confident that it will be possible to acquire noise abatement systems post-consent, prior to construction which provides some reassurance. The Applicant has also committed to the MMO being consulted throughout the development of the final Morgan UWSMS, and that approval from MMO will be required to discharge the consent condition related to the UWSMS. The MMO is satisfied that this commitment ensures ongoing collaboration between the MMO and the Applicant to finalise an UWN mitigation approach which is acceptable and robust and applies appropriate measures.

Comments on the Written Summaries - Issue Specific Hearing 2 (REP4-006)

3.6.13. The MMO disagrees with the Applicant's comment in Rep 79 that "*Both seasonal piling and NAS serve the same objective of reducing sound from piling for fish species (i.e. cod and herring), and as such the Applicant does not consider it ecologically necessary nor appropriate to employ the use of both measures*". Not carrying out piling during spawning seasons removes the sound source, whereas NAS reduces the sound level. Whilst both measures are appropriate forms of mitigation for reducing impacts to fish, the use of NAS alone does not always remove the need to implement temporal piling restrictions. The MMO maintains the position that a seasonal piling restriction covering the cod and herring spawning season is required as a licence condition on the DML. The MMO considers that whilst the UWSMS sets out the decision-making process on how steps will be taken to mitigate UWN during construction, it does not provide any evidence that a piling restriction is not required, and therefore the MMO must apply the precautionary principle and requests that piling restrictions are included as licence conditions when the DML is granted.



- 3.6.14. On the Applicant's comment in Rep 81, the MMO does not agree that a seasonal piling restriction covering the cod and herring spawning season is not required as a formal condition, but will be included in the UWSMS, subject to some revisions to the wording. As above seasonal restriction should be on the face of the DML.

Comments on Applicant's Response to IP submissions submitted at Deadline 3 (REP4-009)

- 3.6.15. With regards to Representations REP3-037.57, REP3-037.60, REP3-037.63, REP3-037.67, REP3-037.68, REP3-037.69, and REP3-037.72, the MMO is content with the Applicant's response.
- 3.6.16. With regards to REP3-037.70, REP3-037.71, REP3-037.74, REP3-037.75, REP3-037.76, and REP3-037.77, the MMO has reviewed the Applicant's supporting evidence-based assessment of cod spawning activity periods in order to aid refinement of the sensitive period for cod, during which mitigation will be targeted and agree the proposed dates the 15 February to the 31 March, inclusive, as being the 'peak' spawning period for Irish Sea cod.
- 3.6.17. With regards to REP3-037.73, the Applicant has provided the requested UWN modelling of the range of impact for physiological effects as per the pile driving threshold guidelines described by Popper et al. (2014)) with regard to cod. The MMO considers this point closed.
- 3.6.18. With regards to REP3-037.59, REP3-037.61, REP3-037.62, REP3-037.66 the MMO remains in disagreement with the conclusion that the project alone will not result in significant effects on cod spawning. The MMO highlights that the Applicant presented modelling which showed the range of effect for TTS in cod extends over a larger portion of the cod spawning grounds to be a source of concern regarding impacts to cod from piling noise from the project alone. The MMO requests that the UWSMS is updated as per the points discussed in 3.6.10.
- 3.6.19. With regards to REP3-037.64 and REP3-037.65, the MMO appreciates that the project design envelope has changed from that originally presented in the PEIR (monopiles as an option for turbine foundations was removed between the PEIR and ES stages). However, the MMO cannot accept a mitigation strategy based on changes to the project design envelope which may or may not happen post-consent, and the comment to which this representation relates highlights that piling as a method of turbine foundation installation is required for 2 or 3 remaining foundation type options. No action is required on this point as the UWSMS does include mitigation for piling if this is used.



4. Comments on the Draft DCO and DML (REP4-013)

4.1. The MMO has reviewed the draft DCO and has been provided a draft DCO that will be submitted at Deadline 5 (in response to our and other interested parties Deadline 4 response) to assist in closing outstanding issues within this response and enable a more refined discussion at the Issue Specific Hearing.

4.2. UXO and piling

4.2.1. The MMO maintains the position that UXO should not be included in the DML but welcomed the removal of high order. The MMO is still reviewing the draft DCO to be submitted by the Applicant at Deadline 5 but welcomes the separation of UXO and piling conditions and the updates made in relation to high order. If the MMO has any comments in relation to this, the MMO will work with the applicant to get to agreement by Deadline 6.

4.3. Transfer of the benefit of the order

4.3.1. The MMO provided comments in Section 2 of the MMO's Deadline 4 submission (REP4-041). The MMO will review the Applicant's response submitted to these comments at Deadline 5 and respond in due course.

4.3.2. The MMO does not believe there is any new reasoning why the DML should be included within this Article and requests the DML is updated to remove this provision.

4.3.3. Please see comments 2.2.13 - 2.2.20 of REP2-029 in relation to previous DCOs. The MMO would highlight that even if this Article has been included in previous DCOs it doesn't mean that these provisions should continue to be included, the drafting process is iterative, it has to be appropriate both generally and in the particular order in which it is to be included.

4.3.4. The MMO questions why it is ok to require the SoS to consult with the MMO? If the SoS fails to do this they commit an offence under s161(1)(b) of the Planning Act if the SoS does not have a reasonable excuse. This is another unintended consequence if the inclusion of the DML in this Article.

4.3.5. The reason that the DCOs only deem the Marine Licence to be granted, rather than bringing the ML into the DCO as it does for other permissions under s33 of the Planning Act 2008 is because the MMO was considered to be the expert in this area (see PINS advice note Annex 11 - MMO). The MMO questions why now is the SoS best placed to consider the implications of the marine licence being transferred and what might need to change?



- 4.3.6. Therefore, the provision in paragraph (4) should not extend to the DML. The Order and the DML are not the same thing and so this provision does not extend to the DML, and references to the undertaker in the DML will stay as is.
- 4.3.7. Whilst the mechanism is different, what falls out of the DCO process is a marine licence granted under MCAA which is distinct and separate to the DCO itself. The DML falls back to the MMO to further manage/regulate under the provisions of MCAA once the DCO is granted, to be regulated alongside and consistently with all the other marine licences we might issue. This is in part why s149A(4) says a person who fails to comply with a condition of the DML does not commit an offence under the s161 of the Planning 2008 Act and why 149A(5) disapplies the notification of application and representations provisions of MCAA from the DCO process.
- 4.3.8. The MMO would also highlight that even for granted offshore windfarm orders that include a form of the Benefit of the Order Article, the MMO has done multiple variations alongside the transfer of benefit to ensure the DML variation is issued as close to the approval from the SoS to ensure the correct undertaker is on the face of the DML and so that updates to the Marine Case Management system can be completed enabling compliance to continue to be monitored.
- 4.3.9. With the addition of Article 7 (8) current wording this causes the MMO concern as this is just a notice of the transfer and does not include an official variation request to the MMO as required under Section 72 of the Marine and Coastal Access Act 2009. The MMO does not believe the SoS cannot amend the DML once consented. Therefore, the MMO would have to use their regulatory power to conduct a variation and vary the licence to ensure the correct undertaker is on the schedule, this could cause a potential delay the project as if the transferring of unvaried licence impacted on our ability to enforce during this time, the MMO may have to suspend the licence while the MMO conducted the variation.
- 4.3.10. This process could be delayed without the direct contact to the MMO to vary the DML. In addition to this the MMO has statute to charge for any variations and this is not covered by the current Article. This is an issue for two reasons, the Applicant would be getting work at a different rate as the consultation would be a statutory request from the SoS and this is not aligning with other marine licences as per PINS advice note Annex 11 - MMO and two this puts the emphasise for the MMO to vary the licence once notified so there would still be an additional step for the MMO to take.
- 4.3.11. The MMO strongly disagrees with the inclusion of the Article and the fundamental impact and change to the process and is considering the request by the ExA (DCO 2.3) in relation to providing something that we may be content with. If the



MMO is minded to provide wording or information we will discuss this with the Applicant in the first instance. The MMO will submit this to the ExA as an additional submission. The MMO notes it is up to the ExA to accept an additional submission and will work with the Applicant if this is not accepted and provide all the information to the ExA in our Deadline 6 response.

4.4. Materiality & Provisions on variations and Approvals

- 4.4.1. Materiality is still being discussed directly with the Applicant. The MMO does not believe this is a major issue and will be resolved by Deadline 6. Any update will be provided in an additional submission to assist with the hearings where required.

4.5. Disposal

- 4.5.1. A disposal site has been designated. The MMO requests that the disposal site reference (IS155) is now added to Schedule 3 and 4, Part 1(2) and Condition 18(5):

***Part 1, 2(h)** the disposal of up to 15,694,606 cubic metres of inert material of natural origin within the Order limits produced during construction drilling or seabed preparation for foundation works, cable works and boulder clearance works at disposal site reference IS155 within the extent of the Order limits seaward of MHWS, unless otherwise agreed in writing with the MMO.*

***18(5)** The undertaker must ensure that only inert material of natural origin, produced during the drilling installation of or seabed preparation for foundations, and drilling mud is disposed of within disposal site reference IS155 within the extent of the Order limits seaward of MHWS. Any other materials must be screened out before disposal of the inert material at this site.*

- 4.5.2. The MMO requests it is made clear if drill arisings are also part of the disposal figures in Part 1, 2(h).

4.6. Notifications and Inspections

- 4.6.1. The MMO notes that the Applicant has added the requested wording to paragraph 13 of DML condition 15 regarding Notifications and Inspections. The wording reads “*The undertaker must ensure that the MMO, the MMO Local Office, local fishermen’s organisations, and the Source Data Receipt Team at the UKHO Taunton, Somerset, TA1 2DN (sdr@ukho.gov.uk) are notified within five days of each instance of cable repair, replacement or protection replenishment activity*”. The MMO thanks the Applicant for the amendment to the DML condition and considers this point closed.



4.7. Maintenance

- 4.7.1. The MMO requested that the plan should be submitted at least six months prior to commencement of the operation of licensed activities.
- 4.7.2. Reporting of Maintenance is requested to be included the DML conditions using the following wording:

***XX(1)** An annual maintenance report must be submitted to the MMO in writing within one month following the first anniversary of the date of commencement of operations, and every year thereafter until the permanent cessation of operation.*

***(2)** The report must provide a record of the licensed activities as set out in condition 4 during the preceding year, the timing of activities and methodologies used.*

***(3)** Every fifth year, the undertaker must submit to the MMO in writing, within one month of that date, a consolidated maintenance report, which will—*

(a) include a review of licensed activities undertaken during the preceding five years with reference to the reports submitted in accordance with condition XX(1) of this licence;

(b) reconfirm the applicability of the methodologies and frequencies of the licensable activities permitted by this licence for the remaining duration of this licence.

- 4.7.3. The MMO notes the Applicant has updated both these points within their draft DCO to be submitted at Deadline 5 and welcomes this inclusion and if this remains as seen is confident this matter is closed.

4.8. Determination dates

- 4.8.1. The MMO is reviewing these and will discuss with the Applicant and provide any further information as an additional submission or at Deadline 6.
- 4.8.2. The MMO is reviewing these and will discuss with the Applicant and provide any further information as an additional submission or at Deadline 6.

4.9. Dropped Objects Condition 18 (11)

- 4.10. The MMO is current discussing an update to the dropped object condition with MCA and will provide wording to the Applicant as soon as possible to get agreement on including an updated condition for Deadline 6.



4.11. Force Majeure

4.11.1. The MMO maintains its position regarding Force Majeure, as it is not necessary to be included within the DMLs. It is not something that the MMO would include in standalone marine licences. PINS advice note Annex 11 - MMO says that DMLs should be broadly consistent with standalone marine licences.

4.11.2. The MMO understands that Force Majeure is about events, situations and circumstances that arise which are outside of a person's control.

4.11.3. Currently the condition wording used is drafted to apply for stress of weather or any other cause which is very broad. It could cover anything, including causes which are entirely within the master's control such as negligence matters. Currently the MMO believes Condition 19 in Schedules 3 and 4 does not meet the five tests as set out in the National Planning Policy Framework for a number of reasons:

- necessary;
- relevant to planning;
- relevant to the development to be permitted;
- enforceable;
- precise; and
- reasonable in all other respects.

Necessary

4.11.4. If you read Section 86(1)(b) and 86(2) of Marine and Coastal Access Act 2009 (MCAA), for the defence to be relied on the person relying on it must inform the MMO that the act was carried out, tell it where it was carried out, the circumstances in which it was carried out, and what articles/objects were concerned. The inclusion of Condition 19 in Schedule 3 and 4 removes this defence and replaces it with a wider and less stringently controlled authorisation to deposit articles/substances and the MMO does not believe this is necessary.

Enforceable

4.11.5. The condition as it stands is too subjective and therefore unenforceable and this due to the fact that it is down to the master to determine whether it is necessary to make the deposit and there are no defined criteria.

Precise

4.11.6. The condition is also not restricted to Force Majeure situations or 'no fault situations', due to the inclusion of 'for any other cause'. The MMO questions this wording and why this has been included?



4.11.7. In effect the only obligation the master would have if Condition 19 in Schedules 3 and 4 are included, is to notify the MMO within 48 hours that the deposits have been made. The MMO questions if this notification would be enough to allow enforceability and if it was to remain should there not be further requirements to then remove the items.

Reasonable

4.11.8. The test set in Condition 19 in Schedules 3 and 4 which must be met to allow these deposits to be made is a much lower threshold test to that set in Section 86 of MCAA. This is because the safety of human life and/or the vessel is threatened is not the same as for the purpose of saving life or securing the safety of the vessel. The MMO questions why these masters and vessels be treated more favourably than others in this situation?

4.11.9. The MMO also notes that '*any other cause*' is the wording used in precedent licences, including the 2024 Sheringham and Dudgeon order and there is precedent set in other licences.

4.11.10. The MMO is reviewing the ExA's Recommendation Report and SoS decision to understand if any reasoning or further information was included on the inclusion of this and may provide an update at Deadline 6.

4.11.11. To summarise the MMO does not agree with the Applicant's reasons for including this provision. The condition should be removed, as the defence (Section 86 of MCAA) will apply if the Applicant or vessel masters needs to make a deposit for a Force Majeure reason.

4.11. Reporting of impact pile driving/ Marine Noise Registry (MNR)

4.11.1. The MMO notes Condition 24 includes a previous standard condition, however due to updates to the MNR system and reporting the MMO requests that the following condition is included in the DMLs for both piling and any UXO detonations (including low order):

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

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



(b) within two weeks after commencement of each stage of construction of the licensed activities, information on the location, start and end dates of impact pile driving to satisfy the Marine Noise Registry's Forward Look requirements;
(c) at six month intervals following the commencement of pile driving, information on the locations and dates of impact pile driving to satisfy the Marine Noise Registry's Close Out requirements by 7 April for winter season October to March inclusive and 7 October for summer season April to September inclusive, or within 12 weeks of completion of impact pile driving whichever is earlier.

4.12. **Reporting of engaged agents, contractors and vessels**

- 4.12.1. The MMO has contacted the Applicant about this point and has included it in the Deadline 5 submission for the benefit of the ExA. The MMO requests that the Applicant adds the text marked in 'bold' to DML condition 26(1).

*"26(1) The undertaker must provide the following information to the MMO, **unless otherwise agreed in writing by the MMO**"*

- 4.12.2. This will allow post consent grouping or arrangements of submission to streamline the process for the Applicant and the MMO case team. This update has been included in the draft DCO to be submitted at Deadline 5 and this is welcomed by the MMO.

4.13. **Construction Monitoring Condition 28**

- 4.13.1. Noise monitoring should be specifically stated on the face of the DML. The MMO has shared wording with the Applicant and this has been updated on the draft DCO to be submitted at Deadline 5, the MMO welcomes the agreement with the Applicant and is discussing some minor changes to the wording, however this will be resolved prior to Deadline 6.



5. Comments on the Outline Marine Mammal Mitigation Protocol (REP4-019)

- 5.1. The MMO has reviewed the Outline Marine Mammal Mitigation Protocol (MMMP). The MMO's previous comments related to the fact that Noise Abatement Systems (NAS) will be required for all high order clearance events regardless of the Unexploded Ordnance (UXO) size. The MMO requested that that this was clear within the MMMP. The MMO notes that no relevant changes have been made to the latest version of the MMMP. For instance, Figure 1.3 still stipulates that NAS will be considered for UXOs larger than 130 kg. This comment has however been acknowledged by the Applicant within the following document: 'Applicant's Response to IP submissions submitted at Deadline 3 (REP4-019)' and is addressed in section 3.4. The MMO now understands high order has been removed from the project and welcomes this.
- 5.2. The MMO requests a minor edit to Section 1.4.4.4 of the MMMP. With respect to the ranges within which there is a potential of injury (Permanent Threshold Shift (PTS)) occurring to marine mammals as a result of geophysical investigation activities, PTS is predicted to occur out to a maximum of 254 m for harbour porpoise due to Sub Bottom Profiler (SBP) (Table 1.12), not 54 m as suggested in the document.
- 5.3. The MMO is supportive of the removal of 'fish scare charges' as the MMO does not support their use due to the lack of evidence as to their efficacy and the potential for additional harm to fish receptors. This is a positive step forwards and the MMO thanks the Applicant for making these changes.

6. Comments on the Outline Offshore Environmental Management Plan (REP4-018)

- 6.1. The MMO considers that the Outline Offshore Environmental Management Plan (OOEMP) is content with the document.

7. Comments on the Outline Offshore Construction Method Statement (REP4-032)

- 7.1. The MMO has reviewed the Outline Offshore Construction Method Statement (CMS) and confirms that the CMS is content with the document.



8. Comments on Offshore In-Principle Monitoring Plan (REP2-013)

- 8.1. In addition to the comments regarding the In-Principle Monitoring Plan (IPMP) provided at Deadline 4, the MMO would like further information included within the IPMP.
- 8.2. The MMO is currently undertaking a project on the standardisation of offshore wind post-consent monitoring data. This project aims to standardise the collecting and reporting of offshore wind environmental monitoring data in English waters, for receptors/monitoring techniques where a widely recognised standard for monitoring already exists, and to implement this approach in post-consent monitoring for wind farms in English waters.
- 8.3. The MMO has engaged a range of stakeholders, including SNCB's, industry, and Renewable UK to identify standards, and are currently finalising a list of agreed standards across 6 receptors: marine mammals, underwater noise, ornithology, fish and shellfish, benthic and geophysical monitoring.
- 8.4. This will make it easier to compare and collate monitoring data from different projects, and ensure we get the most value out of monitoring. It will also ensure that developers know what is expected of them in terms of monitoring and add weight to previously agreed standards (e.g. Natural England's Best Practice Guidance). Standardisation will only be applied where an agreed standard already exists, and standardisation will deliver benefits.
- 8.5. The final list of standards is expected to be agreed in 2025. These will then become the default approach to post-consent monitoring of these receptors. We request that the IPMP be updated to reference this project, where any of these 6 receptors are applicable. The project can be referenced as (MMO Standardisation of Offshore Wind Post-Consent Monitoring, forthcoming). The MMO also requests that the IPMP include a general commitment to ensuring that any standards or best practice adhered to during monitoring, is outlined clearly within the relevant monitoring reports.
- 8.6. The MMO will engage with the Applicant to ensure that this reference is included, and agreement can be made prior to Deadline 6.



9. Major Outstanding Issues

9.1. As the MMO will not be attending any Issue Specific Hearings, the MMO has included the major outstanding issues below. Please review the information regarding these issues in the above sections:

- Transfer of Benefit
- Force Majeure
- Decommissioning
- Chemicals
- Piling Restrictions
- UWSMS
- UXO



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