

National Infrastructure Planning
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By email: morganoffshorewindproject@planninginspectorate.gov.uk

Date: 26/02/2025

For the attention of: Susan Hunt

Dear Susan,

PROPOSED MORGAN OFFSHORE WINDFARM

PLANNING INSPECTORATE REFERENCE: EN010136

OUR REFERENCE: 20049491

RE: NATURAL RESOURCES WALES' DEADLINE 6 SUBMISSIONS

Thank you for your Rule 8 letter, dated 12 September 2024, requesting Natural Resources Wales' (NRW) comments regarding the above.

Please find below NRW's Deadline 6 submission which comprises advice on the submissions produced by the Applicant and received at Deadline 5 on 16 January 2025, comments on the Report on the Implications for European Sites (RIES) and action points raised in Issue Specific Hearing 3.

The documents that we have reviewed for Deadline 6 include:

- PD-011, Report on the Implications for European Sites (RIES), issued by the Examining Authority, dated 6 February 2025.
- REP5-047, S_D5_23 – Measures to minimise disturbance to marine mammals and rafting birds from transiting vessels (Tracked).

- AS-013, Updated Ornithological Clarification Data in relation to Natural Resources Wales Submissions from the Applicant, received on 31 January 2025.
- REP5-003, S_D5_2 – Application Guide (Tracked).
- REP5-009, S_D5_4 – Applicant's Response to IP Submissions Submitted at Deadline 4.
- REP5-015, S_D5_5 – Applicant's Response to Examining Authority's Written Questions (ExAQ2).
- REP5-010, S_D5_5.1 – Annex 5.1 to the Applicant's Response to EXQ2 GEN 2.9: Monitoring – Adaptive.
- REP5-011, S_D5_5.2 – Annex 5.2 to the Applicant's Response to ExA Question GEN2.11 at Deadline 5.
- REP5-012, S_D5_5.2_A – Appendix A to Annex 5.2 to ExQ2 GEN2.11. Applicant's Response to NE Risk and Issues Log.
- REP5-018, S_D5_7 – Draft Development Consent Order (Tracked).
- REP5-019, S_D5_8 – Schedule of Change to the Draft Development Consent Order.
- REP5-023, S_D5_10 – Outline Marine Mammal Mitigation Protocol (Tracked).
- REP5-024, S_D5_11 – Environmental Statement Volume 2, Chapter 14: Marine Mammals (Tracked).
- REP5-026, S_D5_12 – Outline Underwater Sound Management Strategy (Tracked).
- REP5-030, S_D5_14 – Commitments Register (previously titled Mitigation and Monitoring Schedule) (Tracked).
- REP5-038, S_D5_18 – Outline Vessel Traffic Management Plan (Tracked).
- REP5-043, S_D5_21 – Offshore in-principle Monitoring Plan (Tracked).
- S_D5_X – Environmental Statement Volume 2, Chapter 14 : Marine Mammals (Not currently submitted into examination but provided by the Applicant to NRW via email, 11th February 2025 for consideration).
- EV6-011, Issue Specific Hearing 3 (ISH3) – 12 February 2025 – Action Points.

We have provided advice specifically on marine ornithology and marine mammals considering the Applicant's Deadline 5 submissions. Where we have not provided explicit advice, it can be taken that we have no further comments to make at this stage and that the Examining Authority (ExA) should refer to our previous submissions on those matters.

These representations should be read in conjunction with advice previously provided into the examination.

NRW continues to engage extensively and proactively with the Applicant throughout the examination in order to resolve outstanding matters.

The comments provided in this submission, comprise NRW's response as a Statutory Party under the Planning Act 2008 and Infrastructure Planning (Interested Parties) Regulations 2015 and as an 'Interested Party' under S102(1) of the Planning Act 2008.

Our comments are made without prejudice to any further comments we may wish to make in relation to this application and examination whether in relation to the Environmental Statement (ES) and associated documents, provisions of the draft Development Consent Order ('DCO') and its Requirements, or other evidence and documents provided by bpENBW ('the Applicant'), the ExA or other Interested Parties.

Should further clarity be required, we will be pleased to answer these further through the Examining Authority questions and / or a Rule 17 request(s).

Please do not hesitate to contact Paige Minahan and/or Adam Cooper [REDACTED] should you require further advice or information regarding these representations.

Yn gywir / Yours sincerely,

[REDACTED]
Andrea Winterton
Marine Services Manager
Natural Resources Wales

1 Marine Ornithology

1.1 Comments on the Report on the Implications for European Sites (RIES) **[PD-011, dated 06/02/2025]**

1. In general, NRW considers the sections of the Report on the Implications for European Sites (RIES) to provide a comprehensive and balanced account of the key Habitats Regulations Assessment (HRA) issues for offshore ornithology.
2. **Responses to Table 2.5 Questions (2.5.1):** The Applicant's approach to in-combination screening is that where the project alone impact equates to below 0.05% baseline mortality, then it is deemed non-material and within natural fluctuations of the population and is therefore screened out of in-combination assessment. NRW have indicated that the Applicant's approach is sufficient in this case where the impacts from the project alone are very small. Considering this and that the Applicant has considered in AS-013 that where the predicted project impact alone exceeds 0.05% baseline mortality across anywhere within the whole range of Statutory Nature Conservation Body (SNCB) advised assessment rates, then the site and feature combination has been taken through to in-combination assessment. NRW are content that all in-combination Likely Significant Effects (LSEs) for Welsh Special Protection Areas (SPAs)/Ramsars have been identified by the Applicant and are taken through to in-combination assessment, namely:
 - Skomer, Skokholm and seas off Pembrokeshire SPA: Manx shearwater; seabird assemblage, including named components: kittiwake, guillemot and razorbill.
 - Grassholm SPA: Gannet.
 - Aberdaron Coast and Bardsey Island SPA: Manx shearwater.
3. **Responses to Table 3.3 Questions (3.3.1):** As a result of the Applicant's updates at Deadline 5 [REP5-047], NRW can agree that the mitigation measures proposed are appropriate to enable agreement that an Adverse Effect on Site Integrity (AEoSI) can be ruled out for the red-throated diver, common scoter and wintering waterbird assemblage features of the Liverpool Bay SPA.
4. **Responses to Table 3.3 Questions (3.3.8):** NRW can confirm that in the Applicant's updated summary spreadsheet for Welsh SPAs [AS-013], the Applicant has presented impacts for the relevant Welsh SPAs covering the full range of NRW advised % displacement and % mortality rates, namely 30-70% displacement for auks and Manx shearwater and 60-80% displacement for gannet and 1-10% mortality for all species. As noted in NRW's response [AS-012], it has been confirmed that an AEoSI can be ruled out for the project alone and in-combination for all relevant Welsh SPAs. It can also be confirmed that the Applicant's updated summary

spreadsheet for Welsh SPAs [AS-013] contains the same figures/information as the version previously sent to NRW by the Applicant (27/01/2025) and therefore that advice remains the same [AS-012].

5. **Paragraph 1.1.5:** This paragraph states 'This RIES is issued to ensure that Interested Parties (IPs), including Natural England and the Joint Nature Conservation Committee (JNCC) as the Appropriate Nature Conservation Bodies (ANCB), are consulted formally on Habitats Regulations matters.' It is noted that NRW is not listed, and therefore it is recommended that NRW should be included as the ANCB for sites located within Wales.
6. **Table 2.3:** The Irish Sea Front SPA is listed in this table as in Wales. NRW notes the Irish Sea Front SPA is located beyond 12 nautical miles and entirely within offshore waters, therefore JNCC has sole responsibility to provide statutory advice on this SPA.
7. **Table 3.4, ID 3.4.1:** States the following '*NRW requested the in-combination assessment be updated to take into account Morecambe Offshore Windfarm Generation Assets*'. Please note NRW's request was for the Applicant to update the data they had included for the Morecambe Generation Assets Project from the figures from the Preliminary Environmental Information Report (PEIR) for that project to those in the submission documents for the project.
8. **Paragraph 3.4.6:** NRW notes that guillemot is not a qualifying feature of the Skomer, Skokholm and seas off Pembrokeshire SPA in its own right, but it is a named component of the seabird assemblage qualifying feature. It is the seabird assemblage that is the qualifying feature.

2. Marine Mammals

2.1 Comments on Applicant's Response to Examining Authority's Written Questions 2 (ExAQ2) [REP5-015 – MM 2.6]

9. NRW note the Applicant's response to ExAQ2 MM2.6. Whilst this question was not posed to NRW by the ExA, NRW have responded for clarity. NRW provided comments on the robustness of the interrelated effects assessment in terms of aggregate noise exposure [REP1-056, paragraph 78]. In response to the Applicant's Deadline 2 submissions [REP2-005], NRW provided comment to REP2-005, section REP1-056.75 and PD1-009 [REP3-050]. As ExQ1 MM1.10 was posed to the Applicant rather than NRW, NRW did not provide a response at this time.
10. NRW continues to maintain the position that '...given the mitigation measures planned...we anticipate being able to agree with the overall conclusion...provided agreement is reached on mitigation measures post-consent, secured through conditions.' [REP3-050].

2.2 Comments on the Report on the Implications for European Sites (RIES) [PD-011, dated 06/02/2025]

11. NRW agree with the conclusions pertaining to marine mammals (sections 3.4.4 and 3.4.5).

2.3 Comments on the Examining Authority's Issue Specific Hearing 3 (ISH3) Action Points (12/02/2025)

12. **Issue No 11 Compliance With Noise Policy & Guidance (DEFRA):** NRW defer to Natural England and JNCC on compliance with the DEFRA noise policy papers (Reducing Marine Noise Policy & The Joint Position Statement on the use of quieter piling methods and noise abatement systems when installing offshore wind turbine foundations).
13. **Issue No 11 (Marine Environment: Unexploded Ordnance Clearance):** With respect to 'The Marine Environment: unexploded ordnance clearance (UXO) Joint Position Statement', as the Applicant has removed high-order methods from the Development Consent Order (DCO), and committed to using low-order methods wherever possible. Based on the changes in the draft Underwater Sound Management Strategy (UWSMS) [REP5-025 and amended version emailed by the Applicant to NRW on 11/02/2025], NRW would consider the broad approach to align with the position statement should this document be submitted at Deadline 6.
14. Precise compliance with the statement and associated 'JNCC guidelines for minimising the risk of injury to marine mammals from UXO clearance in the marine environment' will be established post-consent, when the MMMP, UWSMS and precise approach to mitigation and UXO clearance are finalised. As finalisation and agreement of these documents is secured via a condition, NRW anticipate that the approach will be considered compliant. NRW highlight comments below pertaining to development and consultation of these documents post consent.
15. **Issue No 12 Estimation of Number of Animals Disturbed by Vessels:** NRW are aware of the Applicant submitting an updated Environmental Statement (ES) Chapter for Marine Mammals at Deadline 6 (received via email 14/02/2025) that confirms the following amendments: '*...The numbers presented represent a single point in time during vessel activity noting that there is no accepted method of modelling cumulative disturbance from vessels. However, given that the numbers in Table 4.44 have been estimated for disturbance out to 7km this provides a precautionary buffer against the modelled ranges of up to 3.6km*' (paragraph 4.9.4.22) and '*Table 4.44 Potential number of animals predicted to be disturbed at a single point in time per vessel...*' Provided this same document is submitted into the examination and considering the proposed mitigation to be secured via the UWSMS and MMMP, NRW would expect to agree the matter is sufficiently resolved. NRW do however maintain the previously stated position, that presenting numbers of animals disturbed based on a static radius to be a significant underestimate compared to a methodology that in some way captures the movement of vessels [REP5-083].

2.4 Comments on Draft Outline Underwater Sound Management Strategy, Version F03 [revised from REP5-025, to be submitted at Deadline 6]

16. Section 1.1.2.2 states 'The UWSMS will be the mechanism for agreeing the final requirements of mitigation before the commencement of construction. The Final UWSMS will be agreed with the MMO in accordance with the DCO.' NRW recommend that the UWSMS, MMMP and general approach to mitigation be developed in consultation and agreement with all the SNCBs, and then agreed with the MMO as appropriate, and this statement be revised as such.