

MORGAN OFFSHORE WIND PROJECT: GENERATION ASSETS

Statement of Common Ground between Morgan Offshore Wind Limited and the Marine Management Organisation

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Image of an offshore wind farm

MORGAN OFFSHORE WIND PROJECT: GENERATION ASSETS

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Glossary

Term	Meaning
Applicant	Morgan Offshore Wind Limited.
Development Consent Order (DCO)	An order made under the Planning Act 2008 granting development consent for one or more Nationally Significant Infrastructure Project (NSIP).
Marine licence	The Marine and Coastal Access Act 2009 requires a marine licence to be obtained for licensable marine activities. Section 149A of the Planning Act 2008 allows an applicant for a DCO to apply for a 'deemed' marine licence as part of the DCO process.
Morgan Offshore Wind Project	The Morgan Offshore Wind Project is comprised of both the generation assets and offshore and onshore transmission assets, and associated activities.
Morgan Offshore Wind Project: Generation Assets	This is the name given to the Morgan Generation Assets project as a whole (includes all infrastructure and activities associated with the project construction, operations and maintenance, and decommissioning).
The Planning Inspectorate	The agency responsible for operating the planning process for Nationally Significant Infrastructure Projects.

Acronyms

Acronym	Description
ADD	Acoustic Deterrent Devices
AEOI	Adverse Effect on Integrity
CEA	Cumulative Effects Assessment
CF	Commercial Fisheries
DCO	Development Consent Order
dML	Deemed Marine Licence
EDR	Effective Deterrent Range
EIA	Environmental Impact Assessment
EMF	Electromagnetic Fields
ES	Environmental Statement
EWG	Expert Working Group
FLCP	Fisheries Liaison Co-existence Plan
HRA	Habitat Regulation Assessment
INNS	Invasive Non-Native Species
ISAA	Information to Support Appropriate Assessment
iPCoD	Interim Population Consequences of Disturbance
LSE	Likely Significant Effect
MM	Marine Mammals
MMO	Marine Management Organisation

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Acronym	Description
MMMP	Marine Mammal Mitigation Protocol
MMMU	Marine Mammal Management Unit
MCZ	Marine Conservation Zone
MP	Marine Plan
NAS	Noise Abatement Systems
NMFS	Noise Mitigation Systems
NOAA	National Oceanic and Atmospheric Administration
OSP	Offshore Substation Platform
OWF	Offshore Wind Farm
PEIR	Preliminary Environmental Information Report
PSA	Particle Size Analysis
PTS	Permanent Threshold Shift
SAC	Special Area of Conservation
SEL	Sound Exposure Level
SNCB	Statutory Nature Conservation Bodies
SoCG	Statement of Common Ground
SSC	Suspended Sediment Concentration
SPL	Sound Pressure Level
UWN	Underwater Noise
UWSMS	Underwater Sound Management Strategy`
UXO	Unexploded Ordnance

1 STATEMENT OF COMMON GROUND BETWEEN MORGAN OFFSHORE WIND LIMITED AND THE MARINE MANAGEMENT ORGANISATION

1.1 Introduction

1.1.1 Overview

- 1.1.1.1 This draft Statement of Common Ground (SoCG) has been prepared between Morgan Offshore Wind Limited (hereafter referred to as ‘the Applicant’) and the Marine Management Organisation (MMO), hereafter referred to together as the parties. The SoCG sets out the areas of agreement and disagreement between the parties in relation to the proposed Development Consent Order (DCO) application for the Morgan Offshore Wind Project: Generation Assets (hereafter referred to as ‘Morgan Generation Assets’).
- 1.1.1.2 The need for a SoCG between the Applicant and the MMO is set out within the Rule 6 letter that was issued by the Planning Inspectorate on 05 August 2024.
- 1.1.1.3 This document is intended to provide the Examining Authority with an overview of the level of common ground between the parties. The SoCG will facilitate further discussion between the parties and will be updated during the Morgan Generation Assets Examination and submitted at the Deadlines indicated in the Rule 6 letter (PD-001) and updated within the Rule 8 and Rule 9 letter (PD-002).

1.1.2 Morgan Generation Assets Elements under the MMO’s Remit

- 1.1.2.1 The MMO, established by the Marine and Coastal Access Act 2009, is responsible for licensing activities such as construction, deposits, and removals in English waters and Northern Irish offshore waters, and ensures these activities do not adversely impact marine ecosystems or human health. Under the Planning Act 2008, the MMO also advises on projects affecting the marine area, including those deemed under DCOs. The MMO oversees post-consent processes, including monitoring and enforcement, to ensure compliance with marine licence provisions and safeguard the marine environment.
- 1.1.2.2 The elements of the Morgan Generation Assets which may affect the interests of the MMO are detailed in Schedule 1 (Authorised Project), Part 1 (Authorised Development) of the Draft DCO (Document Reference C1).
- 1.1.2.3 This SoCG covers the following topics of relevance to the MMO:
- Assessment of effects and mitigations proposed, including cumulative impacts and effects for:
 - Physical processes
 - Benthic ecology
 - Fish and shellfish ecology
 - Marine mammals
 - Compliance with Marine Policy Statement and North West Marine Plan 2021
 - DCO and Deemed Marine Licence drafting and acceptability of conditions and outline plans
 - Coverage and content of outline plan documents submitted with the Application

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- Time period secured for review and approval of plans post consent
- Principles of proposals for safety zone applications (in relation to commercial fisheries)
- Principles for decommissioning.

1.1.3 Overview of Morgan Generation Assets

1.1.3.1 Morgan Generation Assets is a proposed offshore wind farm located in the east Irish Sea. The Morgan Generation Assets will include offshore infrastructure and consists of:

- Morgan Array Area: This is where the wind turbines, Offshore Substation Platforms (OSPs), foundations (for both wind turbines and OSPs), inter-array cables and interconnector cables will be located.

1.1.4 Approach to SoCG

1.1.4.1 This SoCG was initially developed during the pre-Examination phase and has been progressed during the Examination phase of the Morgan Generation Assets. In accordance with discussions between the parties, the SoCG is focused on those issues raised by the MMO within its response to Scoping, Section 42 consultation and as raised through the Evidence Plan process that has underpinned the pre-application consultation between the parties. This SoCG also includes those issues raised by the MMO during the post-application phase (i.e. relevant representations, written representations, pre-examination meetings and examination meetings).

1.1.4.2 The structure of this SoCG is as follows:

- Section 1.1: Introduction
- Section 1.2: Summary of SoCG
- Section 1.3: Summary of consultation
- Section 1.4: Agreement Log.

1.2 Summary of SoCG

1.2.1 Overview

1.2.1.1 This SoCG outlines the consultation that has taken place between the parties during the pre-application and post-application phase of the Morgan Generation Assets. The agreement logs present the updated position reached on 27 February (Deadline 6), based on MMOs written responses to ExA Q1 at Deadline 3 (REP3-037), ExA Q2 at Deadline 5 (REP5-056a) and ongoing engagement between the Applicant and the MMO.

1.2.2 Summary of Those Matters Agreed, Ongoing Points of Discussion and Not Agreed

1.2.2.1 Table 1.1 provides a summary of those matters agreed, an ongoing point of discussion or not agreed between the parties.

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Table 1.1: Summary of areas agreed, ongoing points of discussion and not agreed between the parties.

Topic	Position
Physical processes	All items agreed .
Benthic ecology	All items agreed .
Fish and shellfish ecology	All items agreed .
Marine mammals	Some items agreed , one item not agreed but not material .
Commercial Fisheries	All items agreed .
Marine policy, draft DCO and deemed Marine Licence	Some items agreed , five points not agreed but not material and five point not agreed .

1.3 Summary of consultation

1.3.1.1 Table 1.2 below provides a summary of the consultation undertaken by the Applicant with the MMO, relevant to physical processes, benthic ecology, fish and shellfish ecology, and marine mammals during the pre-application phases of the Morgan Generation Assets. Table 1.3 below provides a summary of the consultation undertaken by the Applicant with the MMO, relevant to physical processes, benthic ecology, fish and shellfish ecology, and marine mammals during the post-application phases of the Morgan Generation Assets.

Table 1.2: Summary of pre-application consultation with the MMO.

Date	Form of consultation	Statutory or non-statutory engagement	Summary of consultation
Scoping			
22/07/2022	Scoping Opinion	Statutory	Response included within Scoping Opinion (APP-030).
Statutory (Section 42) consultation			
02/06/2023	Email	Statutory	The MMO welcomes the progress bp Alternative Energy Investments Limited had made to assess the environmental impacts of the Morgan Offshore Wind Farm (Generation Assets) project. However, the MMO required the points raised in the Section 42 consultation to be addressed within the ES.
Evidence Plan Steering Group			
16/11/2021	Meeting	Non-statutory	<ul style="list-style-type: none"> Introduce and gain feedback on Evidence Plan Identify key contacts and roles and responsibilities Discuss establishment of EWGs and key contacts for these.
13/12/2021	Meeting	Non-statutory	<ul style="list-style-type: none"> To produce high level feedback on the Offshore Wind Project cable routing process To identify red flags.
20/07/2022	Meeting	Non-statutory	Approach to HRA Stage 1 Screening.
14/02/2023	Meeting	Non-statutory	HRA Stage 1 Screening and Information to Support Appropriate Assessment (ISAA) methodology.

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Date	Form of consultation	Statutory or non-statutory engagement	Summary of consultation
29/06/2023	Meeting	Non-statutory	Project updates, HRA Stage 1 Screening and ISAA methodology, Section 42 responses and agreement logs.
17/10/2023	Meeting	Non-statutory	Project updates, HRA Stage 1 Screening and ISAA methodology and approach to underwater sound impact management.

Benthic ecology, fish and shellfish and physical processed EWG

17/02/2022	Meeting	Non-statutory	<ul style="list-style-type: none"> Introduce and gain feedback on Evidence Plan Discuss stakeholder comments on the survey scopes to date and any further data required Update on the progress of surveys and data analysis.
01/04/2022	Meeting	Non-statutory	Provision of the benthic survey scope of works.
29/11/2022	Meeting	Non-statutory	<ul style="list-style-type: none"> Key project updates Presentation of the baseline characterisation and modelling approach Initial outputs of impact assessment.
14/03/2023	Meeting	Non-statutory	<ul style="list-style-type: none"> To present the updated baseline characterisation for the Morgan Generation Assets Cumulative assessment approach and initial impact assessment approach to agreement.
11/07/2023	Meeting	Non-statutory	<ul style="list-style-type: none"> Discussion of statutory consultation responses Updates baselines Agreement log.
14/08/2023	Meeting	Non-statutory	Provision of a technical note presenting the approach to physical processes modelling for the application.
12/10/2023	Meeting	Non-statutory	To present the updates to the benthic ecology baseline characterisation to address statutory consultation responses. Physical processes and fish and shellfish ecology were not discussed.
07/12/2023	Meeting	Non-statutory	Presentation of the final impact assessment, final mitigation and monitoring requirements and progress to agreement.

Marine Mammals EWG

17/02/2022	Meeting	Non-statutory	<ul style="list-style-type: none"> Introduce and gain feedback on Evidence Plan Discuss stakeholder comments on the survey scopes to date (i.e. prior to Evidence Plan) and any further data required Update on the progress of surveys and data analysis.
19/07/2022	Meeting	Non-statutory	To agree the marine mammal study areas, approach to baseline characterisation and approach to the EIA, including impact scoping.
17/11/2022	Meeting	Non-statutory	To present the baseline characterisation and discuss and agree the approach to the underwater sound assessment and population modelling approach.

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Date	Form of consultation	Statutory or non-statutory engagement	Summary of consultation
09/02/2023	Meeting	Non-statutory	To present the updated baseline characterisation, underwater sound modelling outputs, and cumulative assessment.
29/06/2023	Meeting	Non-statutory	To present the updated assessment and to discuss statutory consultation responses.
10/10/2023	Meeting	Non-statutory	Provision of technical note with approach to addressing outstanding items for agreement.
05/12/2023	Meeting	Non-statutory	Final impact assessment, final mitigation and monitoring requirements, and progress to agreement.
23/04/2023	Meeting	Non-statutory	To discuss the outline Underwater Sound Management Strategy.

Table 1.3: Summary of post-application consultation with the MMO.

Date	Form of consultation	Statutory or non-statutory engagement	Summary of consultation
12/06/2024	Relevant representations	Statutory	Relevant representations of the MMO.
04/09/2024	Meeting	Non-statutory	Meeting to discuss SoCG template.
23/09/2024	Meeting	Non-statutory	Meeting to discuss relevant representations of the MMO and SoCG.
09/10/2024	Meeting	Non-statutory	Meeting to discuss relevant representations of the MMO.
22/10/2024	Written representations	Statutory	Meeting to discuss Written representations of the MMO.
24/10/2024	Meeting	Non-statutory	Meeting to discuss underwater sound matters and to progress the SoCG.
05/11/2024	Meeting	Non-statutory	Meeting to discuss progress on the SoCG.
03/12/2024	Meeting	Non-statutory	Meeting to discuss progress on the SoCG.
08/01/2025	Meeting	Non-statutory	Meeting to discuss progress on the SoCG.
13/01/2025	Meeting	Non-statutory	Meeting to discuss points related to marine mammals, shellfish, benthic and physical processes and the DCO.
27/01/2025	Meeting	Non-statutory	Meeting to discuss points related to the DCO.
30/01/2025	Meeting	Non-statutory	Meeting to discuss points related to fish and shellfish ecology.
30/01/2025	Meeting	Non-statutory	Meeting to discuss progress on the SoCG.
17/02/2025	Meeting	Non-statutory	Meeting to discuss progress on the SoCG.
24/02/2025	Meeting	Non-statutory	Meeting to finalise the SoCG.

1.4 Agreement log

1.4.1 Overview

1.4.1.1 This section of the SoCG sets out the level of agreement between the parties. For each matter the status is identified as being either agreed, not agreed or an ongoing point of discussion, according to the criteria set out in Table 1.4 below.

Table 1.4: Position definitions and colour coding.

Position and colour coding	Definition of position
Agreed	The matter is considered to be agreed between the parties.
Not agreed, but not material	The matter is not considered to be agreed between the parties, but is not deemed material
Not agreed	The matter is not considered to be agreed between the parties.

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1.4.2 Physical processes

1.4.2.1 Table 1.5 sets out the level of agreement between the parties for each relevant component of the application (as identified in section 1.1.1.3) in relation to physical processes.

Table 1.5: Agreement Log between the parties on physical processes.

Reference Number	Discussion point	Applicant's Position	The MMO's Position	Status
EIA				
MMO.PP.1	Consultation	The Applicant has undertaken adequate consultation with the MMO on potential impacts on physical processes.	The MMO agrees that the Applicant has undertaken adequate consultation with the MMO on potential impacts to physical processes.	Agreed at Deadline 1
MMO.PP.2	Baseline environment	Agreement on broad approach to characterisation for Physical Processes.	Agreement of data gathered for baseline considered acceptable for assessment.	Agreed at Deadline 1
MMO.PP.3	Assessment methodology	Agreement to the scoping of impacts for the EIA for physical processes.	No objections raised with regards to scope of physical processes.	Agreed at Deadline 1
MMO.PP.4	Assessment methodology	Agreement on physical processes modelling strategy.	No comments from physical processes advisor. Agreement on approach from Fisheries, Fish & Shellfish and Benthic Ecology Advisors.	Agreed at Deadline 1

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Reference Number	Discussion point	Applicant's Position	The MMO's Position	Status
MMO.PP.5	Assessment of the effects from the project alone and cumulatively	There will be no significant effects on physical processes in EIA terms for the project alone or cumulatively with other plans and projects.	<p>The MMO considers that the cumulative assessment is typical of those seen in applications of this type, with the conclusion that there are no significant effects from cumulative impacts for physical processes. This is in Section 1.11 of document F2.1.</p> <p>The inter-related impacts for physical processes are provided in Section 15.6 of F2.15, which mainly consist of the impact of sediment pathway changes to benthic and fish receptors. There were no inter-related significant impacts identified.</p> <p>The MMO notes that the Applicant has confirmed 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 MMO considers that has sufficiently addressed concerns regarding coastal processes.</p>	Agreed at Deadline 4
MMO.PP.6	Assessment of the effects from the project cumulatively with other projects	The list of projects screened into the CEA in the EIA are appropriate.	MMO agrees the list of projects screened into the CEA is appropriate.	Agreed at Deadline 1

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1.4.3 Benthic Ecology

1.4.3.1 Table 1.6 sets out the level of agreement between the parties for each relevant component of the application (as identified in section 1.1.1.3) in relation to benthic ecology.

Table 1.6: Agreement Log between the parties on benthic ecology.

Reference Number	Discussion point	Applicant's Position	The MMO's Position	Status
EIA				
MMO.BE.1	Consultation	The Applicant has undertaken adequate consultation with the MMO on potential impacts on benthic ecology.	The MMO agrees that the Applicant has undertaken adequate consultation with the MMO on potential impacts to benthic ecology.	Agreed at Deadline 1
MMO.BE.2	Surveys	There is agreement on the approach to surveys to inform the assessment.	Appropriate data sources have been collated through desktop and site-specific surveys.	Agreed at Deadline 1
MMO.BE.3	Baseline environment	There is agreement on the broad approach to baseline characterisation for Benthic Ecology.	The ES for the Morgan Offshore Wind Farm contains a comprehensive assessment of impacts to benthic ecology receptors and accurate description of the baseline physical and biological environment.	Agreed at Deadline 1
MMO.BE.5	Assessment methodology	There is agreement to the scoping of impacts for the EIA for Benthic Subtidal and Intertidal Ecology.	An assessment of the prevalence / abundance of sediment bound paint flakes pre- and post-construction would further our understanding of this potential impact on benthic ecology. However, the MMO notes that no further assessment of this impact has been proposed. This is in line with other similar developments where Applicants have not been required to undertake additional monitoring or research. There is an agreement to the scoping of impacts for the EIA for Benthic Subtidal and Intertidal Ecology.	Agreed at Deadline 3
MMO.BE.6	Baseline environment	The regional benthic subtidal and intertidal ecology study area that was defined in the PEIR is appropriate for the baseline characterisation.	The regional benthic subtidal and intertidal ecology study area that was defined in the PEIR is appropriate for the baseline characterisation.	Agreed at Deadline 1

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Reference Number	Discussion point	Applicant's Position	The MMO's Position	Status
MMO.BE.7	Baseline environment	Sufficient site-specific and desktop data has been collated to appropriately characterise the baseline benthic subtidal and intertidal ecology environment to inform the EIA.	Appropriate data sources have been collated through desktop and site-specific surveys.	Agreed at Deadline 1
MMO.BE.8	Baseline environment	The correct designated site (i.e. the Menai Strait and Conwy Bay SAC), and appropriate benthic habitat features, have been identified and taken forward for consideration in the EIA and all other designated sites (including MCZs) with benthic features fall outside the ZOI and do not require assessment.	The MMO defers to NE and other relevant Statutory Nature Conservation Bodies regarding the impacts of the proposed Morgan OWF on the conservation features of designated protected areas that may be impacted by the proposed development. However, the MMO notes that the Applicant has identified no potential pathways, and the 10 Marine Conservation Zones considered in the screening report have been screened out with justification (Document Ref E2).	Agreed at Deadline 1
MMO.BE.9	Baseline environment	It is appropriate to scope out accidental pollution from the benthic subtidal and intertidal ecology chapter (noting that effects from the release of bentonite (a chemically inert, natural clay) are assessed in the increased in SSC and sediment deposition impact pathway).	The MMO has no concerns regarding the scoping out of accidental pollution during construction, operations and maintenance and decommissioning due to the Applicant's commitment to implement industry good practice standards (International Convention for the Prevention of Pollution from Ships) and adherence to the plans set out in the Environmental Monitoring Plan and Marine Pollution Contingency Plan. The likelihood of an accidental spill is therefore low, and the measures put in place will act to prevent an increase in the magnitude of any spill.	Agreed at Deadline 1

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Reference Number	Discussion point	Applicant's Position	The MMO's Position	Status
MMO.BE.10	Assessment methodology	<p>Noting the clarification points bulleted below, the potential impacts assessed represent a comprehensive list of potential effects on benthic ecology from the Morgan Offshore Wind Project.</p> <ul style="list-style-type: none"> - Habitat alteration/physical change to another sediment type is fully described and assessed in the assessment of long term habitat loss. - Secondary scour is scoped out of Volume 2, Chapter 1: Physical processes and an assessment is therefore not required in the benthic chapter - Impacts associated with the removal of marine growth from foundations during the maintenance phase spans several impact pathways. As such this impact has been considered within two impact pathway assessments: 1) increased SSC and sediment deposition (i.e. in relation to the deposition and smothering element) and 2) in the assessment of the introduction of artificial structures and the potential for this to extend the reef effect in the vicinity of foundations. 	The ES for the Morgan Offshore Wind Farm contains a comprehensive assessment of impacts to benthic ecology receptors and accurate description of the baseline physical and biological environment.	Agreed at Deadline 1
MMO.BE.11	Assessment of the effects from the project alone	The list of projects screened into the CEA in the EIA are appropriate.	The ES for the Morgan Offshore Wind Farm contains a comprehensive assessment of impacts to benthic ecology receptors and accurate description of the baseline physical and biological environment in relation to the CEA.	Agreed at Deadline 1

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Reference Number	Discussion point	Applicant's Position	The MMO's Position	Status
MMO.BE.12	Assessment of the effects from the project cumulatively with other projects	The impact pathways assessed for benthic subtidal ecology (intertidal detailed separately) will not result in significant effects in EIA terms given the implementation of the measures adopted as part of Morgan Offshore Wind Project.	The ES for the Morgan Offshore Wind Farm contains a comprehensive assessment of impacts to benthic ecology receptors and accurate description of the baseline physical and biological environment.	Agreed at Deadline 1
MMO.BE.13	Assessment of the effects from the project cumulatively with other projects	No cumulative effects that are significant in EIA terms are predicted.	The ES contains an adequate assessment of cumulative effects and inter-related impacts in Section 2.1 and 2.11.	Agreed at Deadline 1
MMO.BE.14	Mitigation	The measures adopted as part of the Morgan Offshore Wind Project are sufficient and no additional measures are necessary as a result of the assessment conclusions.	Mitigation measures are summarised alongside potential environmental effects and monitoring proposals, specific to benthic ecology receptors, in Table 2.36 (Volume 2, Chapter 2: Benthic subtidal ecology) of the ES and the MMO agrees with the measures set out with regard to benthic ecology.	Agreed at Deadline 1

HRA

MMO.BE.15	Assessment methodology	The approach used for determining LSE on European sites with Annex I habitats as features is appropriate and that all sites within the zone of influence of indirect effect from SSC and changes in physical processes have been identified (noting that the Dee Estuary SAC falls outside the Zol and will be screened out of the LSE screening for the final application).	The MMO defers to comments from Natural England and other SNCB's regarding HRA. The MMO will maintain a watching brief of NE and other SNCB response.	Agreed at Deadline 1
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1.4.4 Fish and shellfish ecology

1.4.4.1 Table 1.7 sets out the level of agreement between the parties for each relevant component of the application (as identified in section 1.1.1.3) in relation to fish and shellfish ecology.

Table 1.7: Agreement Log between the parties on fish and shellfish ecology

Reference Number	Discussion point	Applicant's Position	The MMO's Position	Status
EIA				
MMO.FSF.1	Consultation	The Applicant has undertaken adequate consultation with the MMO on potential impacts on fish and shellfish ecology	The MMO agrees that the Applicant has undertaken adequate consultation with the MMO on potential impacts to fish and shellfish ecology.	Agreed at Deadline 1
MMO.FSF.2	Baseline environment	There is agreement on the broad approach to characterisation for Fish and Shellfish Ecology.	The Applicant's broad approach to characterisation of the baseline environment for fish and shellfish is appropriate (RR-020.67).	Agreed at Deadline 3
MMO.FSF.3	Assessment methodology	There is agreement to the scoping of impacts for the EIA for Fish and Shellfish Ecology.	The MMO is generally content with the impacts which have been scoped out of further assessment. The MMO does not consider that the Applicant has omitted to assess an impact which they should have.	Agreed at Deadline 1
MMO.FSF.4	Assessment methodology	There is agreement on the approach to noise modelling and approach to assessment following clarifications provided in EWG.	The MMO is content that the MDS for impacts to fish receptors from UWN as a result of piling is appropriate (RR-020.48-54). Clarifications were requested with regard to the UWN assessment which is necessary for determining the severity and range of impact to spawning herring and cod from piling noise produced by the project. These were highlighted in RR-020. The required clarifications of the MDS have now been provided.	Agreed at Deadline 3
MMO.FSF.5	Assessment methodology	Cod and herring should be considered of high sensitivity to underwater sound.	The MMO maintains that cod should be classed as high sensitivity to underwater sound.	Agreed at Deadline 1
MMO.FSF.6	Baseline environment	The fish and shellfish ecology study area that was defined in the PEIR is appropriate for the baseline characterisation.	The MMO requested that for shellfish species mapped scallop grounds are included in spawning maps for the characterisation of the baseline environment. These were submitted by the Applicant at Deadline 4 (REP4-011), the MMO had no observations or critique to make about the	Agreed at Deadline 6

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Reference Number	Discussion point	Applicant's Position	The MMO's Position	Status
			analysis produced by ERM and submitted by the Applicant.	
MMO.FSF.7	Baseline environment	The characterisation of herring spawning potential is sufficient to inform the EIA, with the caveat that additional heat mapping of herring larval data is presented for the Environmental Statement, that PSA data is presented for the Environmental Statement to allow for data cross-checking by stakeholders and that additional PSA sample data is extracted from the Cefas OneBenthic tool for the project region to provide a wider context regarding substrate suitability.	The MMO is content with the Applicant's conclusion that seabed sediments within the Morgan Array area are generally not high-value as herring spawning habitat, and that the area to the north of the Morgan boundary has been appropriately recognised by the Applicant as a herring spawning ground. The MMO does not consider that further action is necessary (RR-022.66).	Agreed at Deadline 3
MMO.FSF.8	Baseline environment	The characterisation of sandeel potential is sufficient to inform the EIA with the caveat that PSA data is presented for the Environmental Statement to allow for data cross-checking by stakeholders and that additional PSA sample data is extracted from the Cefas OneBenthic tool for the project region to provide a wider context regarding substrate suitability.	<p>The MMO agrees that the characterisation of sandeel potential habitat is sufficient to inform the EIA. Effects of temporary habitat loss and physical disturbance to sandeel habitat may occur during construction of the wind farm, although this will likely be limited to the area where suitable sediments are located. Although the evidence presented thus far shows that the Morgan Array area overlies a matrix of preferred, marginal, as well as some unsuitable sediment types for sandeel, given the wider availability of seabed substrates that are suitable as sandeel habitat outside the array area, the MMO is content that the magnitude of temporary habitat loss and physical disturbance during construction of the wind farm is unlikely to result in significant adverse effects on sandeels in the area.</p> <p>The Applicant's broad approach to characterisation of the baseline environment for fish and shellfish is appropriate (RR-022.67).</p>	Agreed at Deadline 3
MMO.FSF.9	Baseline environment	The correct designated sites and appropriate fish and shellfish ecology features have been identified within the baseline characterisation and considered where appropriate in the EIA.	No objections raised regarding the designated sites presented with relevant fish features within the PEIR and prior/subsequent Expert Working Group meetings.	Agreed at Deadline 1

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Reference Number	Discussion point	Applicant's Position	The MMO's Position	Status
MMO.FSF.10	Assessment of the effects from the project alone and cumulatively	There will be no adverse effects on integrity for SACs designated for fish features for any impacts for the project alone or in combination.	<p>The mapped noise contours of between 120dB and 150dB overlap the SACs in the vicinity of the project. Whilst I appreciate that these values fall below the 186dB SEL_{cum} threshold for TTS in fish, given that there is considerable uncertainty with the UWN modelling provided at this stage, SACs with fish as designated features should not be screened out of further assessment until the necessary clarifications with the UWN modelling, and assessment have been resolved.</p> <p>The MMO is generally content that the Applicant's CEA is sufficiently precautionarily and supports their conclusion of a predicted moderate adverse effect for sound-sensitive species, cod and herring, which is significant in EIA terms and requiring mitigation (RR-022.64).</p>	Agreed at Deadline 3
MMO.FSF.11	Assessment of the effects from the project alone and cumulatively	On the basis that there is no direct overlap with fish features of MCZs of sound contours with the potential to cause injury or behavioural responses, there will be no risk of hindering conservation objectives of any MCZs with fish features (from underwater sound or any other impacts).	<p>The mapped noise contours of between 120dB and 150dB appear to overlap the Wyre Lune and Ribble Estuary MCZs. Whilst I appreciate that these values fall below the 186dB SEL_{cum} threshold for TTS in fish, given that there is considerable uncertainty with the UWN modelling provided at this stage, MCZs with fish as designated features should not be screened out of further assessment until the necessary clarifications with the UWN modelling, and assessment have been resolved.</p> <p>The MMO is generally content that the Applicant's CEA is sufficiently precautionarily and supports their conclusion of a predicted moderate adverse effect for sound-sensitive species, cod and herring, which is significant in EIA terms and requiring mitigation (RR-022.64).</p>	Agreed at Deadline 3
MMO.FSF.12	Assessment of the effects from the project alone and cumulatively	For all impacts, other than underwater sound, no significant effects on fish and shellfish receptors are predicted for the project alone and cumulatively.	<p>Agreed, other than UWN we would not expect significant impacts to fish receptors. The impacts of UWN on cod and herring should form the focus of the assessment along with designated Annex II fish species. The MMO will provide an update in due course.</p> <p>The MMO is generally content that the Applicant's CEA is sufficiently precautionarily and supports their conclusion of a predicted moderate adverse effect for sound-</p>	Agreed at Deadline 3

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Reference Number	Discussion point	Applicant's Position	The MMO's Position	Status
			sensitive species, cod and herring, which is significant in EIA terms and requiring mitigation (RR-022.64).	
MMO.FSF.13	Assessment of the effects from the project cumulatively with other projects	The list of projects screened into the CEA in the EIA are appropriate.	The MMO is content with this.	Agreed at Deadline 1
MMO.FSF.14	Assessment of the effects from the project alone and cumulatively	For piling impacts, no significant effects are predicted on fish and shellfish receptors, other than cod and herring during the spawning period. Any such effects on cod and herring will be managed and avoided through measures set out in the Underwater Sound Management Strategy (UWSMS) (including the commitment to comply with the Defra Reducing marine noise policy if percussive piling is undertaken), which will be agreed with stakeholders post consent.	<p>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.</p> <p>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 UWSMS.</p>	Agreed at Deadline 6
MMO.FSF.15	Mitigation - Shellfish	<p>Measures adopted as part of the project are appropriate and agreed to ensure significant effects are avoided, other than underwater sound.</p> <p>The approach to underwater sound modelling is based on presentation of both static receptors and those moving away from the source. The inclusion of soft starts and ramp ups is appropriate for reducing injury effects on some shellfish receptors (not applicable to behavioural effects). Noting that these will not be effective for all shellfish receptors</p>	<p>Yes, the tertiary mitigation measures presented by the Applicant seem sufficient to prevent significant effects on fisheries receptors and are as follows:</p> <ul style="list-style-type: none"> • Development and adherence to a Cable Specification and Installation Plan to minimise the impacts of EMF to fish receptors, • a minimum cable burial depth of 1.5m. 	Agreed at Deadline 6.

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Reference Number	Discussion point	Applicant's Position	The MMO's Position	Status
		and that this mitigation is not necessary to rule out significant injury effects on shellfish receptors. The Underwater Sound Management Strategy (UWSMS) has been updated to include the commitment to comply with the Defra Reducing marine noise policy if percussive piling is undertaken.	<ul style="list-style-type: none"> Development of, and adherence to, an offshore Environmental Management Plan to reduce the potential impacts of any pollution events. Actions to minimise Invasive Non-Native Species (INNS), including a biosecurity plan to limit spread and introduction of INNS. 	
MMO.FSF.16	Mitigation – Herring	<p>Measures adopted as part of the project are appropriate and agreed to ensure significant effects are avoided, other than underwater sound.</p> <p>The approach to underwater sound modelling is based on presentation of both static receptors and those moving away from the source. The inclusion of soft starts and ramp ups is appropriate for reducing injury effects on some fish receptors (not applicable to behavioural effects). Noting that these will not be effective for all fish receptors and that this mitigation is not necessary to rule out significant injury effects on fish receptors.</p> <p>The Underwater Sound Management Strategy (UWSMS) has been updated to include the commitment to comply with the Defra Reducing marine noise policy if percussive piling is undertaken.</p>	<p>Yes, the tertiary mitigation measures presented by the Applicant seem sufficient to prevent significant effects on fisheries receptors and are as follows:</p> <ul style="list-style-type: none"> Development and adherence to a Cable Specification and Installation Plan to minimise the impacts of EMF to fish receptors, a minimum cable burial depth of 1.5m. Development of, and adherence to, an offshore Environmental Management Plan to reduce the potential impacts of any pollution events. Actions to minimise Invasive Non-Native Species (INNS), including a biosecurity plan to limit spread and introduction of INNS, Offshore Environmental Management Plan will be issued to all Project vessel operators to prevent collisions with megafauna. It should be noted that for the impacts of UWN the use of piling soft-start and ramp-up measures will likely not be sufficient to avoid all significant impacts to fish receptors. <p>The MMO does not support the use of a fleeing receptors. Modelling for fish should be based on a static receptor. The Applicant is welcome to model both, however only the impacts to the static receptor will be seen as relevant.</p> <p>In light of the Applicant's commitment to the use of two noise reduction systems (noise mitigation systems (NMS)</p>	Agreed at Deadline 6

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			<p>and noise abatement systems (NAS)) for driven piling, during the herring spawning season, unless, through the UWSMS and following design refinement, the Applicant can demonstrate that a sufficient reduced overlap with the herring spawning grounds can be achieved through the application of a single noise reduction system to ensure no significant effects, the MMO is content that a temporal piling restriction for herring is no longer required on the DML.</p> <p>As part of their UWSMS, the Applicant proposed the inclusion of secondary mitigation measures of spatial and temporal phasing of piling. With this in mind, the MMO requests that the Applicant implements spatial and temporal phasing of piling into their piling schedule so that piling in the westernmost part of the array takes place outside the Manx herring spawning season (01 September to 31 October (inclusive)).</p> <p>The MMO is content that with the commitment to comply with the Defra Reducing marine noise policy no seasonal restrictions are required for herring.</p>	
MMO.FSF.17	Mitigation - Cod	<p>Measures adopted as part of the project are appropriate and agreed to ensure significant effects are avoided, other than underwater sound.</p> <p>The approach to underwater sound modelling is based on presentation of both static receptors and those moving away from the source. The inclusion of soft starts and ramp ups is appropriate for reducing injury effects on some fish receptors (not applicable to behavioural effects). Noting that these will not be effective for all fish receptors and that this mitigation is not necessary to rule out significant injury effects on fish receptors.</p> <p>The Underwater Sound Management Strategy (UWSMS) has been updated to include the commitment to comply with the Defra Reducing</p>	<p>Yes, the tertiary mitigation measures presented by the Applicant seem sufficient to prevent significant effects on fisheries receptors and are as follows:</p> <ul style="list-style-type: none"> • Development and adherence to a Cable Specification and Installation Plan to minimise the impacts of EMF to fish receptors, • a minimum cable burial depth of 1.5m. • Development of, and adherence to, an offshore Environmental Management Plan to reduce the potential impacts of any pollution events. • Actions to minimise Invasive Non-Native Species (INNS), including a biosecurity plan to limit spread and introduction of INNS, 	Agreed at Deadline 6 - noting line MMO.MP.17 on the capturing of the piling restriction.

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Reference Number	Discussion point	Applicant's Position	The MMO's Position	Status
		marine noise policy if percussive piling is undertaken.	<ul style="list-style-type: none"> Offshore Environmental Management Plan will be issued to all Project vessel operators to prevent collisions with megafauna. It should be noted that for the impacts of UWN the use of piling soft-start and ramp-up measures will likely not be sufficient to avoid all significant impacts to fish receptors. <p>The MMO does not support the use of a fleeing receptors. Modelling for fish should be based on a static receptor. The Applicant is welcome to model both, however only the impacts to the static receptor will be seen as relevant.</p> <p>As there are still uncertainties in the UWN modelling and assessment presented in the ES, the MMO has requested that seasonal piling restrictions be implemented to prevent significant disruption to spawning cod, their eggs and larvae, during their sensitive spawning seasons.</p> <p>The MMO notes that the UWSMS has been updated to include NMS and NAS and welcomes this commitment.</p> <p>The MMO is content with the information within the UWSMS in relation to the mechanism to provide the information to reduce or remove the piling restriction post consent. However, there is still a disagreement in relation to where the piling restriction is captured as part of the DML. Please see line MMO.MP.17.</p>	
HRA				
MMO.FSF.18	Assessment methodology	The approach used for determining LSE on European sites with Annex II diadromous fish as features is appropriate and that all the relevant sites have been identified.	The MMO defers to Natural England regarding HRA, who have confirmed no or negligible impacts to Annex II fish species.	Agreed at Deadline 3

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1.4.5 Marine mammals

1.4.5.1 Table 1.8 sets out the level of agreement between the parties for each relevant component of the application (as identified in section 1.1.1.3) in relation to marine mammals.

Table 1.8: Agreement Log between the parties on marine mammals.

Reference Number	Discussion point	Applicant's Position	The MMO's Position	Status
EIA				
MMO.MM.1	Consultation	The Applicant has undertaken adequate consultation with the MMO on potential impacts on marine mammals.	The MMO agrees that the Applicant has undertaken adequate consultation with the MMO on potential impacts to marine mammals.	Agreed at Deadline 1
MMO.MM.2	Baseline environment	There is agreement on the aerial surveys with respect to marine mammals; in particular use of an appropriate buffer around the Morgan Array Area.	This meeting took place before the MMO had a DCO in place, so the MMO cannot retrospectively agree. No further action required.	Not agreed, but not material
MMO.MM.3	Baseline environment	The approach to the baseline characterisation is appropriate.	The MMO defers to Natural England and the other relevant SNCBs.	Agreed at Deadline 1
MMO.MM.4	Assessment methodology	Agreement on approach to noise modelling following clarifications provided in EWG.	The MMO supports the dual metric approach for assessing auditory injury in marine mammals. Both the peak sound pressure level (peak SPL) and the cumulative sound exposure level (SEL _{cum}) ranges should be presented. For the assessment of UXO clearance, the peak SPL, as in the NOAA (NMFS, 2018) and Southall et al. (2019) guidance, is the correct metric to use for instantaneous PTS.	Agreed at Deadline 1
MMO.MM.5	Assessment methodology	Agreement that the Celtic and Irish Sea (HP MMMU) is an appropriate study area for dolphin and minke whale.	The MMO defers to Natural England and the other relevant SNCBs.	Agreed at Deadline 1
MMO.MM.6	Assessment methodology	Agreement on approach to densities and reference populations - harbour porpoise.	The MMO defers to Natural England and the other relevant SNCBs.	Agreed at Deadline 1
MMO.MM.7	Assessment methodology	Agreement on approach to densities and reference populations - grey seal.	The MMO defers to Natural England and the other relevant SNCBs.	Agreed at Deadline 1

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Reference Number	Discussion point	Applicant's Position	The MMO's Position	Status
MMO.MM.8	Assessment methodology	Agreement on approach to densities and reference populations - bottlenose dolphin.	The MMO defers to Natural England and the other relevant SNCBs.	Agreed at Deadline 1
MMO.MM.9	Assessment methodology	Agreement on approach to densities and reference populations - Risso's dolphin, short beaked dolphin, minke whale.	The MMO defers to Natural England and the other relevant SNCBs.	Agreed at Deadline 1
MMO.MM.10 & 11	Assessment of the effects from the project alone and cumulatively	Other than piling and UXO impacts, there will be no significant effects on marine mammal receptors in EIA terms for the project alone and cumulatively.	<p>Full details of the updated noise modelling and proposed mitigation will need to be reviewed before agreement is reached.</p> <p>The MMO has reviewed the responses from the following IP's at Deadline 5, Natural England, NRW and JNCC which all agreed that AEoI alone and in-combination can be excluded for the marine mammal qualifying features of the SACs within their remit. The MMO considers that measures in the outline (o) MMMP and oUWSMS are sufficient to mitigate the potential impacts.</p>	Agreed at Deadline 6
MMO.MM.12	Assessment of the effects from the project cumulatively with other projects	Other than piling impacts, there will be no adverse effects on integrity on SACs with marine mammal features for the project in-combination with other plans and projects.	The MMO defers to Natural England and the other relevant SNCBs.	Agreed at Deadline 1
MMO.MM.13	Mitigation	For UXO impacts, although a significant effect (injury) on harbour porpoise was predicted in Volume 2, Chapter 4: marine mammals (REP5-024) for high order clearance of the maximum size of UXO, the Applicant has removed high-order UXO clearance from the draft DCO. The Applicant updated the Outline MMMP (REP5-021) and UWSMS (REP5-025) at Deadline 5 in light of feedback from SNCBs during the Examination process. The MMMP states that if high order clearance is required after following the mitigation hierarchy, a separate licence will be required and secondary measures (including noise abatement systems) will be applied if required. The	<p>Full details of the updated / finalised noise modelling and proposed mitigation will need to be reviewed.</p> <p>The MMO notes that there is an outstanding disagreement between Natural England and the applicant over mitigation and monitoring for harbour porpoise in relation to prolonged impacts of Sub-bottom profile (SBP) surveys leading to behavioural disturbance. The MMO notes however that NE has amended their position to not material.</p>	Agreed at Deadline 6.

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Reference Number	Discussion point	Applicant's Position	The MMO's Position	Status
		MMMP and UWSMS will be agreed with stakeholders post consent.	The MMO agrees with the mitigation strategy set out by the Applicant with regard to marine mammals.	
MMO.MM.14	Mitigation	For piling impacts, although a significant cumulative effect (in EIA terms) is predicted on bottlenose dolphin, any such effects will be managed and avoided through measures set out in the Underwater Sound Management Strategy, which will be agreed with stakeholders post consent.	The MMO defers to Natural England and the other relevant SNCBs. As the Underwater Sound Management Strategy has a separate line in Table 1.10 of this document, this has been agreed for bottlenose dolphins.	Agreed at Deadline 1
MMO.MM.15	Mitigation	<p>The mitigation and management measures are appropriate to ensure all other significant effects and AEOL are avoided for marine mammal receptors, including the Measures to Minimise Impacts to Marine Mammals and Rafting Birds.</p> <p>SNCBs have confirmed no AEOL alone and in-combination and an Offshore Environmental Management plan was submitted at Deadline 4 (REP4-018).</p>	<p>The MMO has reviewed the responses from the following IP's at Deadline 5, Natural England, NRW and JNCC which all agreed that AEOL alone and in-combination can be excluded for the marine mammal qualifying features of the SACs within their remit. The MMO considers that measures in the outline (o) MMMP and oUWSMS are sufficient to mitigate the potential impacts.</p> <p>Measures to minimise disturbance to marine mammals (and rafting birds) from transiting vessels are included in the Offshore EMP, which is secured through the draft DMLs (Condition 20).</p>	Agreed at Deadline 6
MMO.MM.16	Assessment of the effects from the project cumulatively with other projects	Agreement on the CEA screening area for site investigation surveys and use of a maximum number of site investigation surveys occurring concurrently.	The MMO defers to Natural England and the other relevant SNCBs.	Agreed at Deadline 1
MMO.MM.17	Assessment of the effects from the project cumulatively with other projects	Agreement on presenting a 6-year time step in the iPCoD model, assessing temporal maximum design scenario and to add in additional cumulative projects.	The MMO defers to Natural England and the other relevant SNCBs.	Agreed at Deadline 1
MMO.MM.18	Assessment methodology	Approach to present both with and without ADD and to base the conclusions of the assessment on the	Content for the assessment to present the benefits of using an ADD, as long as the worst-case ranges (i.e., no ADD) are clearly presented and considered. This will be managed through	Agreed at Deadline 1

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Reference Number	Discussion point	Applicant's Position	The MMO's Position	Status
		impacts which take into account any designed-in measures, including the use of ADDs.	the MMMP. A line in Table 1.10 is opened for the information within the MMMP so this line can be closed.	
HRA				
MMO.MM.19	Assessment methodology	Agreement on the use of the area-based approach for HRA based on Effective Deterrent Range (EDR) and 143 dB threshold.	The use of an unweighted threshold of 143 dB re 1µPa relates to harbour porpoise only. For all other marine mammal species considered in HRA the NMFS level-B harassment threshold of 160 dB SPL _{rms} will be applied for piling alongside the relevant EDR (NMFS, 2005). Please note that thresholds based on the SPL _{rms} are not appropriate for impulsive sources such as percussive pile driving – the appropriate metric is the SEL _{ss} (single strike Sound Exposure Level).	Agreed at Deadline 1
MMO.MM.20	Assessment methodology	Agreement on approach to LSE Screening for Marine Mammals.	The MMO defers to Natural England and the other relevant SNCBs.	Agreed at Deadline 1

1.4.6 Commercial fisheries

Table 1.9 Agreement Log between the parties on commercial fisheries

Reference Number	Discussion point	Applicant's Position	The MMO's Position	Status
EIA				
MMO.CF.1	Consultation	The Applicant has undertaken adequate consultation with commercial fisheries operators on potential impacts on commercial fisheries.	The MMO defers to the National Federation of Fishermen's Organisations along with standalone representatives on matters of commercial fisheries.	Agreed at Deadline 1

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1.4.7 Marine policy, draft DCO and deemed Marine Licence

Table 1.10 Agreement Log between the parties on marine policy, draft DCO and dML

Reference Number	Discussion point	Applicant's Position	The MMO's Position	Status
EIA				
MMO.MP.1	Assessment methodology	<p>The Planning Statement (APP-074) has regard to the relevant policies of the North West Offshore Marine Plan and how the proposed development accords with it.</p> <p>The Applicant has provided the requested table at Deadline 2 (REP2-006).</p>	The MMO notes that the Applicant has reviewed policies throughout the ES. The MMO thanks the Applicant for providing a separate document (REP2-006) which shows compliance with all policies contained within the North West Inshore and North West Offshore Marine Plan Policy. The MMO now considers this point resolved.	Agreed at Deadline 4
MMO.MP.2	Consenting – DCO/DML Unexploded Ordnance – investigations and clearance	<p>The Applicant considers the content of the draft DCO and deemed Marine Licence to be appropriate.</p> <p>The Applicant has updated the dMLS within the draft DCO to separate out UXO clearance as a specific authorised activity under paragraph 2 and removed high order clearance.</p>	<p>The MMO's general position is that UXO activities are sought within a separate marine licence due to the nature of the impacts.</p> <p>The MMO notes the removal of high order from the DCO and welcomes the updates to the relevant documents. The MMO is content that should the SoS decide that low order UXO clearance remains within the DML that the MMO would be able to manage the mitigation and impacts post consent.</p>	Not agreed-material – noting Applicant has provided enough information should Low order clearance remain within the project.
MMO.MP.3	Consenting – DCO/DML Arbitration	The Applicant considers the content of the draft DCO and deemed Marine Licence to be appropriate and Article 13 does not need to be included within the draft DCO for the Proposed Development.	The MMO welcomes the update to the draft DCO (RR-020.6-8).	Agreed at Deadline 3

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Reference Number	Discussion point	Applicant's Position	The MMO's Position	Status
MMO.MP.4	Consenting – DCO/DML Transfer of Benefit of the Order	<p>The Applicant considers the content of the draft DCO and deemed Marine Licence to be appropriate.</p> <p>The Applicant's position is set out in detail in response to the Examining Authority's question DCO 2.2 (within REP5-015) and in its response to RR-020.9 in PD1-017.</p> <p>The Applicant considers the powers justified and well-precedented.</p>	<p>The MMO objects to the provisions relating to the process of transferring and/or granting the deemed marine licences set out in the draft DCO at Article 7 (justification is provided in RR-020.9-16 and section 2 of REP2-029, section 4.2 of REP5-056a).</p> <p>No change in MMO position – even with ExA addition from ISH3 AP20.</p>	Not agreed
MMO.MP.5	<u>Consenting – DCO/DML</u> <u>Use of 'Maintain' and 'Materially'</u>	The Applicant considers the content of the draft DCO and deemed Marine Licence to be appropriate.	The MMO welcomes the update to the draft DCO (REP3-014).	Agreed at Deadline 6
MMO.MP.6	Consenting – DCO/DML Paragraph 7 of each DML – disapplication of section 72 of the Marine and Coastal Access Act 2009	For the reasons set out in MMO.MP.5, the Applicant considers the content of the draft DCO and deemed Marine Licence to be appropriate.	<p>Please see Section 2 of the MMO Deadline 2 submission regarding the provisions of section 72. The MMO does not agree with the Applicant's response (RR-020.24-25 and section 2 of REP2-029).</p> <p>The MMO notes that this point relates to Transfer of the Benefit of the Order which the MMO has raised comments on. Overall, the MMO continues to raise objection to ToB.</p> <p>The MMO understands that the Applicant will not be providing a response to the additional points and this remains an area of disagreement.</p>	Not agreed – material impact

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Reference Number	Discussion point	Applicant's Position	The MMO's Position	Status
MMO.MP.7	Consenting – DCO/DML Determination Dates	The Applicant considers the content of the draft DCO and deemed Marine Licence to be appropriate.	The MMO welcomes the update to the draft DCO (REP5-018). The MMO welcomes the update to all documents being submitted at six months by the Applicant and considers this matter closed.	Agreed at Deadline 6
MMO.MP.8	Consenting – DCO/DML Determination Dates	The Applicant has updated the determination period to 6 months for all plans.	The MMO also welcomes the update to Condition 21(2) of six months however, does not agree with the inclusion. The MMO strongly considers that it is inappropriate to put timeframes on complex technical decisions of this nature.	Not agreed - material
MMO.MP.9	Consenting – DCO/DML Condition 13(3)	The Applicant considers the content of the draft DCO and deemed Marine Licence to be appropriate. The Applicant confirms that it updated each dML at Deadline 2 to reflect the MMO's preferred wording.	The MMO requests that the word 'substantially' is removed from this condition as it is not required. The MMO notes this request to amend condition wording has been actioned (RR-020.28).	Agreed at Deadline 3.
MMO.MP.10	Consenting – DCO/DML Condition 13(4)	The Applicant considers the content of the draft DCO and deemed Marine Licence to be appropriate.	The MMO is content with the updated text in the draft DCO regarding Condition 13(4) (RR-020.29).	Agreed at Deadline 3
MMO.MP.11	Consenting – DCO/DML Condition 15(11)	The Applicant considers the content of the draft DCO and deemed Marine Licence to be appropriate.	The MMO is content with the updated wording for condition 15(11) (RR-020.30).	Agreed at Deadline 3
MMO.MP.12	Consenting – DCO/DML Adaptive Management	The Applicant considers the content of the draft DCO and deemed Marine Licence to be appropriate.	The MMO has noted the Applicant's comments and although the condition was included due to 'the impact of that project on sensitive habitats and species.', if any monitoring shows an impact higher than predicted within the Environmental statement the MMO may require additional monitoring or mitigation/remediation at the post consent stage. See RR-020.31 for condition wording. The MMO has noted the Applicants additional response but still believes this condition is required to ensure the process is clear on what happens post consent.	Not agreed – material impact

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Reference Number	Discussion point	Applicant's Position	The MMO's Position	Status
MMO.MP.13	Consenting – DCO/DML Provisions on Variations and Approvals	The Applicant considers the content of the draft DCO and paragraph 9 of the deemed Marine Licence to be appropriate.	The MMO has noted the Applicants response, and agrees at Deadline 6.	Agreed at Deadline 6
MMO.MP.14	Consenting – DCO/DML Force Majeure	<p>The Applicant considers the content of the draft DCO and deemed Marine Licence to be appropriate.</p> <p>The Applicant has set out within item RR-020.33 in document reference PD1-017 that this condition and section 86 of the Marine and Coastal Access Act 2009 serve different purposes. This condition imposes a duty on the undertaker to notify the MMO of the circumstances of such a deposit.</p> <p>Whilst the Applicant considers that the condition does serve a useful purpose, it does not consider it essential for inclusion in the dMLs if the Examining Authority and Secretary of State are minded to remove it.</p>	<p>The MMO welcomes the applicant's comments regarding Force Majeure in point RR-020.33 of document PD1-017 regarding the Applicant's response to Relevant Representations.</p> <p>The MMO's position is that the Condition should be removed and has no further additional comments.</p> <p>No change in position – even with ExA addition from ISH3 AP20.</p>	Not agreed Material Impact

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MMO.MP.15	Consenting – DCO/DML Chemicals	<p>The Applicant considers the content of the draft DCO and deemed Marine Licence to be appropriate.</p>	<p>The MMO has continued discussions with the Applicant in relation to the update of this condition and understands there is no agreement on the wording as the Applicant has a number of concerns on the practicalities of the condition and agree with their current wording.</p> <p>The MMO has requested the Applicant to remove Condition 18 (1) and update Condition 20(1)(e) to include the following:</p> <p>(ii) a chemical risk assessment, including information regarding how and when chemicals are to be used, stored and transported in accordance with recognised best practice guidance and standards;</p> <p>(X) a chemical risk assessment for all chemicals that have a pathway to the marine environment used for the marine licensed activities, outside the course of normal navigation, and are not present on the OSPAR List of Substances Used and Discharged Offshore which Are Considered to Pose Little or No Risk to the Environment (PLONOR) including;</p> <p>(i) the function of the chemical,</p> <p>(ii) the quantities being used and the frequency of use,</p> <p>(iii) the physical, chemical, and ecotoxicological properties.</p> <p>Submissions for approval must take place no later than ten weeks prior to use.</p> <p>This would also include the following interpretations:</p> <p>"pathway to the marine environment" open systems or closed systems that require top up.</p> <p>"chemicals" comprise both substances and preparations.</p> <p>"preparation" means a mixture or solution composed of two or more substances</p> <p>"substance" means a chemical element and its compounds in the natural state or obtained by any manufacturing process, including any additive necessary to preserve its stability and any impurity deriving from the process used, but excluding any solvent which may be separated without affecting the stability of the substance or changing its composition;</p>	<p>Not agreed - Material</p>
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Reference Number	Discussion point	Applicant's Position	The MMO's Position	Status
MMO.MP.16	Consenting – DCO/DML Decommissioning	The Applicant considers the content of the draft DCO and deemed Marine Licence to be appropriate and set out its own position in response to Examining Authority question GEN 1.21 (REP3-006). In summary, a separate legislative regime is in place under the Energy Act 2004 to control the decommissioning process for offshore renewable energy installation farms. It is not considered necessary or appropriate to duplicate this through consents issued under the Planning Act 2008 and therefore no plan securing this should be included within the dMLs.	<p>The MMO has continued discussions with the Applicant providing the below via email and this is not agreed with the Applicant.</p> <ul style="list-style-type: none"> Decommissioning activities have not been fully considered and the MMO requests an outline decommissioning plan to be part of the consenting process. The recently published guidelines by Offshore Energies UK (OEUK, 2024) for 'Designing for Decommissioning of Offshore Wind' states that: "Assets should be designed to be decommissioned with a technology available at the time of commissioning" The MMO notes Examining Authority for Five Estuaries Offshore Wind Farm Limited (project EN010115) has requested from the Applicant that: "Decommissioning is required to be assessed in order that the Examining Authority (ExA) and Secretary of State can have regard to the likely significant effects of the whole project over its lifecycle in making a recommendation and determination." This can be achieved by following the OEUK 'Designing for Decommissioning of Offshore Wind' guidelines and assessing decommissioning based on available technologies now and not in the future. The MMO understands that there is a requirement for a decommissioning programme to be submitted to the SoS in Schedule 2, Requirement 10 however believes that this information should be provided at this stage. However, in noting the stage in Examination the MMO would welcome a commitment within the commitment register to review the decommissioning programme and all updated programmes prior to the SoS. The MMO notes the SoS does consult the MMO on the initial programme but would welcome earlier engagement. 	Not agreed, but not material

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Reference Number	Discussion point	Applicant's Position	The MMO's Position	Status
MMO.MP.17	Consenting – DCO/DML Cod spawning restriction	The Applicant considers the content of the draft DCO and deemed Marine Licence to be appropriate.	The MMO is not satisfied that the report details the effectiveness of NAS to support the removal of the seasonal restriction on the DCO/DML for cod. Whilst the MMO agrees that NAS can reduce the spread of noise, the report does not provide adequate evidence to demonstrate the scale of the reduction in the context of the cod spawning ground. The MMO must maintain the request for a temporal piling restriction during the peak of Atlantic cod spawning season from 15 February to 31 March (inclusive).	Not agreed
MMO.MP.15	Consenting - Plans	Outline fisheries liaison and co-existence plan. The Applicant will ensure the Final FLCP makes it clear the MMO will not act as an arbitrator.	The MMO notes that the Applicant has now made it clear that the MMO will not act as arbitrator in regard to compensation and will not be involved in discussions on the need for or amount compensation being issued. 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 DMLs	Agreed at Deadline 6
MMO.MP.16	Consenting - Plans	Offshore in-principle monitoring plan. The Applicant can confirm that, should the monitoring related to INNS as outlined in the Offshore in-principle monitoring plan (REP2-013) detect the presence of INNS, the Applicant will commit to considering the feasibility of collecting samples of the communities colonising the seabed infrastructure for further analysis of INNS.	The MMO welcomes the Applicant's commitment to review suitable imagery acquired during monitoring related to maintenance activities for the presence of Invasive Non-Native Species (INNS). The MMO requests that the Applicant reconsiders the collection of samples to: 1) confirm species identification; 2) understand the fouling assemblage more fully to include cryptic INNS.	Agreed at Deadline 3
MMO.MP.17	Consenting - Plans	Morgan Array Area site characterisation report.	The MMO is content with the site characterisation report. 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)	Agreed at Deadline 6

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Reference Number	Discussion point	Applicant's Position	The MMO's Position	Status
MMO.MP.18	Consenting - Plans	Outline offshore written scheme of investigation for archaeology.	The MMO defers to Historic England on the information within this plan.	Agreed at Deadline 1
MMO.MP.19	Consenting - Plans	Measures to minimise disturbance.	The MMO defers to Natural England and the other relevant SNCBs.	Agreed at Deadline 6
MMO.MP.20	Consenting - Plans	Outline vessel traffic management plan.	MCA have agreed therefore MCA are content.	Agreed at deadline 6.
MMO.MP.21	Consenting - Plans	Outline offshore operations and maintenance plan.	<p>The MMO has reviewed the updated the MDS table 1.13 in the physical processes chapter</p> <p>F2.1_Morgan_Gen_ES_Physical processes</p> <p>Which states:</p> <p>Project lifetime of 35-years.</p> <ul style="list-style-type: none"> • Inter-array cables: repair of up 8 km of cable in one event every three years. Reburial of up to 20 km of cable in one event every five years. • Interconnector cables: repair of up to 19.6 km of cable in each of three events every 10 years. Reburial of up to 3 km of cable in one event every five years. <p>The MMO agrees with the updated O&M plan and information regarding timeframes. Repairs must be within the EIA parameters.</p>	Agreed at deadline 6

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Reference Number	Discussion point	Applicant's Position	The MMO's Position	Status
MMO.MP.22	Consenting	Coverage and content of mitigation measures within the outline Marine Mammal Mitigation Protocol (MMMP) is appropriate.	<p>The MMO has reviewed the Outline 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.</p> <p>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.</p> <p>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), not 54 m as suggested in the document.</p> <p>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. As there are still outstanding comments in relation to noise abatement this point remains open.</p>	Agreed at deadline 6

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Reference Number	Discussion point	Applicant's Position	The MMO's Position	Status
MMO.MP.23	Consenting	The Underwater Sound Management Strategy, in principle, is an appropriate mechanism to mitigate underwater sound for fish and marine mammals from UXO clearance.	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.	Agreed at deadline 6
MMO.MP.24	Consenting	Coverage and content of mitigation measures within the Underwater Sound Management Strategy is appropriate.	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.	Agreed at deadline 6

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Reference Number	Discussion point	Applicant's Position	The MMO's Position	Status
MMO.MP.25	Consenting	The principles of proposals for decommissioning are appropriate.	<p>Decommissioning activities have not been fully considered. The recently published guidelines by Offshore Energies UK (OEUK, 2024) for 'Designing for Decommissioning of Offshore Wind' states that:</p> <p>"Assets should be designed to be decommissioned with a technology available at the time of commissioning"</p> <p>The MMO notes Examining Authority for Five Estuaries Offshore Wind Farm Limited (project EN010115) has requested from the Applicant that:</p> <p>"Decommissioning is required to be assessed in order that the Examining Authority (ExA) and Secretary of State can have regard to the likely significant effects of the whole project over its lifecycle in making a recommendation and determination."</p> <p>This can be achieved by following the OEUK 'Designing for Decommissioning of Offshore Wind' guidelines and assessing decommissioning based on available technologies now and not in the future.</p> <p>The MMO understands that there is a requirement for a decommissioning programme to be submitted to the SoS in Schedule 2, Requirement 10 however believes that this information should be provided at this stage.</p> <p>However, in noting the stage in Examination the MMO would welcome a commitment within the commitment register to review the decommissioning programme and all updated programmes prior to the SoS. The MMO notes the SoS does consult on the initial programme but would welcome earlier engagement.</p>	Not agreed, but not material.