

MORGAN OFFSHORE WIND PROJECT: GENERATION ASSETS

Comments on the Report on the Implications for European Sites

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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.
European site	A Special Area of Conservation (SAC), possible SAC (pSAC), or candidate SAC, (cSAC), a Special Protection Area (SPA) or potential SPA (pSPA), a site listed as a site of community importance (SCI).
Habitats Regulations	The Conservation (Natural Habitats, &c.) Regulations 1994, the Conservation of Habitats and Species Regulations 2017 and the Conservation of Offshore Marine Habitats and Species 2017.
In-combination Effects	The combined effect of the Morgan Generation Assets in-combination with the effects from a number of different plans or projects on the same feature/receptor.
Morgan Array Area	The area within which the wind turbines, foundations, inter-array cables, interconnector cables, scour protection, cable protection and offshore substation platforms (OSPs) forming part of the Morgan Offshore Wind Project: Generation Assets will be located.
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).
Ramsar site	A wetland site designated to be of international importance under the Ramsar Convention. The Convention on Wetlands, known as the Ramsar Convention.
Special Protection Area (SPA)	Special Protection Areas (SPAs) are sites classified under the EU Birds Directive 2009/147/EC of the European Parliament and of the Council on the conservation of wild birds to protect rare or vulnerable birds (as listed on Annex I of the Directive), as well as regularly occurring migratory species.
Species	A group of living organisms consisting of similar individuals capable of exchanging genes or interbreeding.

Acronyms

Acronym	Description
EWG	Expert Working Group
ExA	Examining Authority
HRA	Habitats Regulations Assessment
IPMP	In-Principle Monitoring Plan
IPs	Interested Parties
ISAA	Information to Support an Appropriate Assessment
JNCC	Joint Nature Conservation Committee
MMO	Marine Management Organisation
MMMP	Marine Mammal Mitigation Protocol
NRW	Natural Resources Wales
RIES	Report on the implications for European
SBP	Sub-Bottom Profiler

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Acronym	Description
SNCB	Statutory Nature Conservation Body
SPA	Special Protection Area
UK	United Kingdom
UWSMS	Underwater Sound Management System

1.1 COMMENTS ON THE REPORT ON THE IMPLICATIONS FOR EUROPEAN SITES

1.2 Introduction

- 1.2.1.1 The Report on the Implications for European Sites (RIES) (PD-011) was published by the Examining authority on 6th February 2025. This document has been prepared in order to provide comments from the Applicant and responses to the questions in the RIES (PD-011). The Applicant's comments on this document are provided below.

1.3 Comments on the report on the implications for European sites (RIES)

Table 1.1: Comments on the report on the implications for European sites (RIES)

Reference	Issue and ExA Observation/ Question	Applicant's response
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Table 3.2: Marine mammals – key issues raised in the examination to date by the ExA and IPs in relation to the applicant's assessment of effects on integrity (alone and in-combination)

3.2.3	<p>Issue: Sites and features listed in Table 1.49 of [APP-097] – disturbance from elevated underwater sound during preconstruction site investigation surveys</p> <p>Details of issue: Natural England [RR-026, REP1-053] did not agree with the conclusion regarding pre-construction site surveys, presented in paragraph 1.6.4.220 of the HRA Stage 2 SAC Report [APP097]: "...all geotechnical and geophysical surveys will be of a very short duration (over a period of several months), activities are likely to be intermittent and animals are expected to recover quickly after cessation of the survey activities." Natural England did not agree that a period of several months could be considered a "very short duration". The applicant subsequently clarified in its Errata Sheet [REP3-011] that this should read "medium term duration". In addition, Natural England referenced new data collected in Wales which showed that Sub-Bottom Profiler (SBP) surveys cause marked and prolonged reduction in acoustic porpoise detection [RR026, REP1-053]. Natural England advised that appropriate mitigation should be considered for these surveys within the MMMP and UWSMP [RR-026, REP1-053] and at D3 advised that the applicant should follow the JNCC guidelines for minimising the risk of injury to marine mammals from geophysical surveys (JNCC, 2017) for mitigation, as a minimum [REP3-049]. The ExA pursued this matter in ExQ MM 1.23 [PD-004] which asked the applicant to identify appropriate mitigation measures that could be included in a future iteration of the oMMMP. In response, the applicant [REP3-006] highlighted that for SBP surveys, the only appropriate mitigation measures which are currently available are Marine Mammal Observers and Passive Acoustic Monitoring, which align with the JNCC guidelines and had already been included in the oMMMP. At D4, Natural England acknowledged that there are currently no other mitigation options available for SBP surveys (besides those outlined in the JNCC guidelines) and instead advised that monitoring should be considered with the aim to collect data before, during and after SBP surveys to examine changes in the baseline [REP4-043]. Natural England stated that inclusion of this monitoring in the IPMP would resolve this issue. The ExA asked the applicant whether it was willing to include the monitoring in the IPMP [ExQ MM 2.10, PD-009]. The applicant responded that there was no potential for significant effects as a result of</p>	<p>The Applicant notes that this question is directed to the MMO and Natural England. The Applicant would like to highlight to the ExA that the issue of monitoring has been further discussed with Natural England since Deadline 5 and prior to Deadline 6. The Applicant maintains their position (see Applicant's response to REP4-043.34 at Deadline 5; REP5-009) that monitoring of the behavioural responses of marine mammals in response to noise from SBPs is not proportionate and not required (based on the findings of the impact assessment). The Applicant reiterates that to fully understand the effect of SBP on marine mammals and fill a knowledge gap in the industry, would involve an experimental design that focusses solely on SBP, removing other noise sources as confounding factors (i.e. other site investigation survey equipment or even the vessel itself). To remove other site investigation survey equipment is not practical for the project which would typically use different survey equipment during the same transect. Therefore, attempting to monitor effects of SBPs without removing other noise sources as confounding factors would lead to an experimentally invalid survey design. Furthermore, the scope of such a survey is disproportionate to the predicted impact, which itself is highly precautionary as it assumes compounded worst-case assumptions such as highest source level, fastest 'ping' rate and widest pulse width (the length of each pulse in ms). In reality, the SBP is likely to operate at 20-25 dB lower than modelled and typically a fast ping rate would be accompanied by a narrow pulse width, whereas a slower ping rate might be accompanied by a longer pulse width. A lower source level would mean that the elevated noise would be propagated over a much smaller area than that predicted by the model. For</p>
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	<p>site investigation survey sources (including SBP) and as such, it considered monitoring to be disproportionate to the risk [REP5-015]. The applicant therefore does not consider it necessary to include this monitoring in the outline IPMP and explained that following discussions with the MMO, it anticipated that the MMO would concur that monitoring is not required.</p> <p>Notwithstanding this concern, Natural England has agreed [REP5-080] that AEoI alone and in-combination can be excluded for the marine mammal qualifying features of the SACs within its remit.</p> <p>ExA observation/ question: Q. The MMO is requested to provide its view on the need for inclusion of monitoring of SBP surveys in the IPMP. Natural England may also wish to comment on the applicant's response to ExQ MM 2.10 [REP5-015].</p>	<p>example, assuming cylindrical spreading, a 3dB increase in source level could result in a doubling of distance and therefore a source level of 20-25 dB lower than the modelled source is more likely to lead to disturbance ranges within the order of no more than a few hundred metres rather than 17.3 km. Likewise, a slower ping rate or a shorter pulse width than the worst-case values assumed in the modelling would significantly reduce the sound exposure level to which an animal is exposed. For example, if the ping rate or the pulse width were halved, this would reduce the cumulative sound exposure levels by 3 dB, or 6 dB if both were halved. To evidence this, the Applicant has carried out a sensitivity test to investigate the effect of reducing the source level. This test (presented in Technical Note S_D6_3.5 Annex 3.5: Response to Natural England ExQ2 MM2.10 submission: Sub bottom profile surveys - clarification note F01 at Deadline 6) demonstrated that application of the specified SBP at the level used for previous surveys of the Morgan Generation Asset area would produce behavioural effect ranges in the region of 4km.</p> <p>The Applicant also highlights that the Veneruso <i>et al.</i>, (2024) study that underpins Natural England's advice was based upon a different SBP (a 'boomer') compared to the SBP identified for the Morgan Generation Assets surveys (a 'pinger' or 'chirper'). These would result in very different sound fields and therefore the Veneruso study is not directly relevant in the context of Morgan Generation Assets. Further details are provided in the Technical Note produced at Deadline 6 (S_D6_3.5 Annex 3.5: Response to Natural England ExQ2 MM2.10 submission: Sub bottom profile surveys - clarification note F01).</p> <p>Since the conclusions of the assessment were 'not significant' for this compounded worst-case, then there is a high level of confidence in the conclusions presented in the marine mammal chapter, and the Applicant maintains its position that the request for monitoring is disproportionate to the risk. This position (on there not being a</p>

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		requirement for marine mammal monitoring of this nature) is a point of agreement between the Applicant and the MMO (S_D6_MMO).

Table 3.3: Offshore ornithology – key issues raised in the examination to date by the ExA and IPs in relation to the applicant's assessment of effects on integrity (alone and in-combination)

3.3.5	<p>Issue: Apportioned Collision Risk Modelling impacts and avoidance rates and flight speeds from project alone (Also applicable to Stage 1 assessments)</p> <p>Details of issue: NRW [RR-027] noted that the flight speeds in the HRA Stage 1 Screening Report [APP-099] did not reflect the flight speeds advised by the SNCBs for use in the collision risk model. RSPB [REP1-057] and Natural England [RR-026] agreed with this position and considered that estimates calculated using SNCB advice should be applied through all stages of the assessment. The applicant acknowledged the error and corrected these at [REP3-018]. NRW [REP4-044] confirmed the applicant had clearly indicated which outputs are from the SNCB advised avoidance rates and which are the applicant's. Natural England [REP3-049] highlighted concern that confidence intervals associated with collision estimates were not in line with SNCB advice and therefore the approach to screening is not precautionary. The applicant [REP4-009; REP5-012] disagrees with the approach recommended by Natural England in relation to confidence intervals and maintains the approach of using 95% confidence intervals and that using foraging ranges and including features with minimal impact is precautionary.</p> <p>ExA observation/ question: Q. Can Natural England explain why 95% confidence intervals are not appropriate and/ or precautionary and explain why its preferred rates are more suitable?</p>	<p>In their relevant representation (RR-027, comment reference RR-027.31 in PD1-017), NRW identified that the collision risk estimates presented in Table A.1 in Appendix 1 of the HRA Stage 1 Screening Report (APP-099) did not reflect the collision risk estimates calculated applying the EWG recommended parameter position. In PD1-017, the Applicant confirmed that the values included in the table were incorrect but that the underlying analysis had used the correct values (i.e. those calculated using the parameters advocated by the EWG). A corrected version Table A.1 from APP-099 was provided at Deadline 1 (REP1-019).</p> <p>To clarify, the Applicant does not agree with the use of 95% confidence intervals beyond providing an understanding of the uncertainty associated with abundance estimates and collision risk estimates with these provided in Volume 4, Annex 5.3 Offshore ornithology collision risk modelling technical report (APP-055). It is not appropriate to incorporate confidence intervals into assessments (e.g. to directly identify levels of significance or adverse effects) as they provide a measure of uncertainty associated with the mean value, describing the range within which 95% of values will fall and not definitive values that are reflective of the potential impact on a species. Indeed, confidence intervals can be altered to show differing levels of confidence including 90% or 99% confidence intervals. The Applicant is unaware of confidence intervals having been applied as discrete impacts magnitudes as part of the assessments (whether these have undertaken by an applicant or the Secretary of State) for any offshore wind farm project in UK waters.</p>
3.3.16	<p>Issue: Black-backed gull PVA survival rates (Also applicable to Stage 1 assessments)</p>	<p>For clarity, this issue is relevant to great black-backed gull only.</p>

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	<p>Details of issue: Natural England [REP1-053] identified that the applicant had applied herring gull survival rates to the black-backed gull for PVA. It recommended using the herring gull 0-1 year survival rate and the adult great black-backed gull rate from Horswill and Robinson, as it is considered precautionary for weighted mean survival rates at 1% thresholds. As described above, Natural England also requested clarification on the parameters used to derive the mortality estimates recommending that they align with SNCB advice. The applicant provided updated PVA modelling for great black-backed gull using parameters recommended by Natural England at D5 [REP5-031].</p> <p>ExA observation/ question: The ExA understands this matter to be resolved.</p>	
Paragraph 1.4.1	N/A	<p>Suggest that the following are added:</p> <ul style="list-style-type: none"> • Apportioning using Seabird Count data (REP1-012) • Isle of Man Ramsar sites (REP5-005) • Liverpool Bay SPA mitigation measures (REP5-046).
Paragraph 1.4.1	N/A	<p>Suggest that the following is removed:</p> <ul style="list-style-type: none"> • non-breeding season methods for apportionment of impacts <p>This point was a transcription error rather than a material issue during the examination.</p>
Table 2.3	N/A	The Forth Islands SPA is listed as a Northern Irish SPA when it is a Scottish SPA.
Paragraph 3.2.4	N/A	Suggest adding in that the approach was agreed with the EWG during pre-application consultation (see APP-092, REP2-026 and REP5-082b, S_D6_NRW SoCG NRW_F02).
Paragraph 3.3.40	N/A	It would be useful to clarify in the RIES that this only applies to collision risk estimates from Awel y Mor.
Table 3.3, ID 3.3.14	N/A	The Applicant highlights that the baseline survey methodology was designed in line with SNCB guidance.
Table 3.3, ID 3.3.16	N/A	References to 'black-backed gull' should be updated to 'great black-backed gull'.

3.4 Summary of examination outcomes in relation to adverse effects on integrity

3.4.11	Q. The applicant is requested to confirm that the updated impact figures provided to Natural England, NRW and JNCC in advance of D5, are identical to those submitted to the examination at D5 in [REP5-	The Applicant can confirm that the figures provided to Natural England in advance of Deadline 5 are identical to those included in REP5-032.
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	<p>032; REP5-033 (later superseded by [AS-013]); REP5-034; and REP5-035].</p> <p>Q. The applicant is requested to confirm that the updated impact figures sent to NRW on 27 January 2025 are identical to those submitted to the examination as an Additional Submission [AS-013, superseding REP5- 033].</p>	<p>The Applicant can confirm that the figures provided to NRW on 27th January 2025 are identical to those included in AS-013.</p> <p>The Applicant can confirm that the figures provided to JNCC in advance of Deadline 5 are identical to those included in REP5-034.</p>

4 DEROGATIONS FROM THE REGULATIONS

4.1.11	<p>In summary, whilst Natural England has an outstanding concern with the assessment of AEoI at D5 with regards to marine ornithology, this looks to be resolved by the applicant's D5 submissions and it considers that a derogations case is unlikely to be necessary.</p>	<p>The Applicant notes and welcomes this conclusion that a Habitats Regulations derogations case is not required.</p>
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