



**Application by Morecambe Offshore Wind Limited for Morecambe Offshore Windfarm Generation Assets**  
**The Examining Authority's written questions and requests for information (ExQ1)**  
**Issued on 18 December 2024**

The following table sets out the Examining Authority's (ExA) written questions and requests for information - ExQ1. If necessary, the examination timetable enables the ExA to issue a further round of written questions in due course. If this is done, the further round of questions will be referred to as ExQ2.

Questions are set out using an issues-based framework derived from the Initial Assessment of Principal Issues provided as Appendix C to the [Rule 6 letter](#) of 23 September 2024. Questions have been added to the framework of issues set out there as they have arisen from representations and to address the assessment of the application against relevant policies.

Column 2 of the table indicates which Interested Parties (IPs) and other persons each question is directed to. The ExA would be grateful if all persons named could answer all questions directed to them, providing a substantive response, or indicating that the question is not relevant to them for a reason. This does not prevent an answer being provided to a question by a person to whom it is not directed, should the question be relevant to their interests.

Each question has a unique reference number which starts with 1 (indicating that it is from ExQ1) and then has an issue code and a question number. For example, the first question on General and Cross-Topic issues is identified as ExQ1GEN1. When you are answering a question, please start your answer by quoting the unique reference number.

If you are responding to a small number of questions, answers in a letter will suffice. If you are answering a larger number of questions, it will assist the ExA if you use a table based on this one to set out your responses. An editable version of this table in Microsoft Word is available on request from the case team: please contact [MorecambeOffshoreWindProject@planninginspectorate.gov.uk](mailto:MorecambeOffshoreWindProject@planninginspectorate.gov.uk) and include 'Morecambe Offshore Windfarm Generation Assets ExQ1' in the subject line of your email.

Due to the period of time between Deadline 2 and the issuing of these questions, it has not been possible for the ExA to fully evaluate all the information submitted at that deadline. It is therefore possible that submissions may have already provided the information requested. If that is the case, then there is no need for a party to re-submit the information. Therefore, in response to the question, please signpost where the information can be found by specific reference within a document identified through its [Examination Library](#) reference.

**Responses are due by Deadline 3: Wednesday 22 January 2025.**



## Abbreviations used:

Abbreviation	Description
<b>AltMoC</b>	Alternative Means of Compliance
<b>CAA</b>	Civil Aviation Authority
<b>CEA</b>	Cumulative Effects Assessment
<b>DAERA</b>	Department of Agriculture, Environment and Rural Affairs (Northern Ireland)
<b>Defra</b>	Department for the Environment, Food and Rural Affairs
<b>D</b>	Deadline (eg D1 - Deadline 1)
<b>(d)DCO</b>	(Draft) Development Consent Order
<b>DIO</b>	Defence Infrastructure Organisation
<b>(d)DML</b>	(Draft) Deemed Marine Licence
<b>EIA</b>	Environmental Impact Assessment
<b>EMF</b>	Electromagnetic Field
<b>(o)EMP</b>	(Outline) Environmental Management Plan
<b>ENG</b>	Environmental Net Gain
<b>ES</b>	Environmental Statement
<b>ExA</b>	Examining Authority
<b>(o)FLCP</b>	(Outline) Fisheries Liaison and Co-Existence Plan
<b>FOCI</b>	Features of Conservation Interest
<b>GLVIA3</b>	Guidelines for Landscape and Visual Impact Assessment (3 <sup>rd</sup> Edition)

Abbreviation	Description
<b>HAT</b>	Highest Astronomical Tide
<b>HE</b>	Historic England
<b>HRA</b>	Habitats Regulations Assessment
<b>IFP</b>	Instrument Flight Procedures
<b>IoM</b>	Isle of Man
<b>IoM TSC</b>	Isle of Man Territorial Seas Committee
<b>INNS</b>	Invasive Non-Native Species
<b>IP</b>	Interested Party
<b>IPCoD</b>	Interim Population Consequences of Disturbance
<b>IPMP</b>	In Principle Monitoring Plan
<b>JNCC</b>	Joint Nature Conservation Committee
<b>KAMT</b>	Kenneth Allsop Memorial Trust
<b>km</b>	Kilometre
<b>LFA17</b>	Low Flying Area 17
<b>LURA</b>	Levelling Up and Regeneration Act 2023
<b>m</b>	Metre
<b>m<sup>2</sup></b>	Square metre
<b>m<sup>3</sup></b>	Cubic metre
<b>M&amp;MTA</b>	Morgan and Morecambe Offshore Wind Farms Transmission Assets



Abbreviation	Description
<b>MCA</b>	Maritime and Coastguard Agency
<b>MCA38</b>	Marine Character Area 38: Irish Sea South (England)
<b>(d)MMMP</b>	(Draft) Marine Mammal Mitigation Protocol
<b>MMO</b>	Marine Management Organisation
<b>MoD</b>	Ministry of Defence
<b>MSA</b>	Minimum Sector Altitudes
<b>NE</b>	Natural England
<b>NFFO</b>	National Federation of Fisherman's Organisations
<b>nm</b>	nautical mile
<b>NPS</b>	National Policy Statement
<b>NPS EN-1</b>	Overarching NPS for Energy
<b>NPS EN-3</b>	NPS for Renewable Energy Infrastructure
<b>NPS EN-5</b>	NPS for Electricity Networks Infrastructure
<b>NRW</b>	Natural Resources Wales
<b>OCMS</b>	Offshore Construction Method Statement
<b>(o)PEMP</b>	(Outline) Project Environmental Management Plan
<b>OREI</b>	Offshore Renewable Energy Infrastructure
<b>OSP</b>	Offshore Substation Platform
<b>OWF</b>	Offshore Wind Farm

Abbreviation	Description
<b>PA2008</b>	Planning Act 2008
<b>PTS</b>	Permanent Threshold Shift
<b>PSR</b>	Primary Surveillance Radar
<b>Req</b>	Requirement
<b>RIAA</b>	Report to Inform Appropriate Assessment
<b>RR</b>	Relevant Representation
<b>RSPB</b>	Royal Society for the Protection of Birds
<b>SSSI</b>	Site of Special Scientific Interest
<b>SoCG</b>	Statement of Common Ground
<b>SLVIA</b>	Seascape Landscape Visual Impact Assessment
<b>SNCB</b>	Statutory Nature Conservation Body
<b>SoS</b>	Secretary of State
<b>SPA</b>	Special Protection Area
<b>TTS</b>	Temporary Threshold Shift
<b>UK</b>	United Kingdom
<b>UXO</b>	Unexploded Ordnance
<b>VMC</b>	Visual Meteorological Conditions
<b>(o)VTMP</b>	(Outline) Vessel Traffic Management Plan
<b>WR</b>	Written Representation
<b>WTG</b>	Wind Turbine Generator



## **The Examination Library**

References in these questions set out in square brackets (eg [APP-010]) are to documents catalogued in the Examination Library. The Examination Library can be obtained from the following link:

[EN010121-000408-Morecambe Offshore Wind Farm - Examination Library.pdf](#)

It will be updated as the examination progresses.

## **Citation of Questions**

Questions in this table should be cited as follows:

Question reference: issue reference: question number, eg ExQ1GEN1 – refers to question 1 in this table.



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ExQ1	Question to:	Question:
<b>1. General and Cross-topic Questions (GEN)</b>		
<b>General</b>		
1GEN1.	All Parties	<p><b>National Planning Policy Framework</b></p> <p>A replacement National Planning Policy Framework was published on 12 December 2024. All parties are invited to make any comments they wish as to how any changes within this document affect the consideration of the Proposed Development.</p>
1GEN2.	The Crown Estate	<p><b>Agreement for Lease</b></p> <p>At D1 the Applicant set out a note on the judgement of the High Court in the case of <i>R (Parkes) v Secretary of State for the Home Department</i> [2024] EWHC 1253 (Admin) [REP1-088]. This set out its view that the Application site did not represent 'land' or 'Crown land'. It also noted the Agreement for Lease between The Crown Estate and the Applicant and that, in the light of previous DCO decisions, the Applicant considers that no book of reference is required.</p> <p>The Crown Estate is asked:</p> <ol style="list-style-type: none"> <li>does it have any views on the opinions set out the Note [REP1-088], that is, does it agree with the analysis or have any different view?</li> <li>subject to the grant of the DCO and any terms therein and any other necessary and separate consents, does The Crown Estate believe that it would be able to grant the necessary rights for the undertaking of the Proposed Development?</li> </ol>
<b>Design, parameters and other details of the Proposed Development</b>		
1GEN3.	The Applicant	<p><b>Potential Layout</b></p> <p>In paragraph 8 of the Applicant's response to Spirit Energy's Deadline 1 Submissions [REP2-030] it is stated: <i>"the Applicant has further tailored possible layouts and considers it would still be possible to deliver the c. 480MW renewable energy potential of the site with this additional physical mitigation in place"</i>.</p> <p>Therefore, in light of the constraints submitted, such as the draft Protective Provision and other zones including Archaeology Exclusions Zones, and two lines of orientation and other restrictions set out in the dDCO could the Applicant please provide two notional layouts showing how 30 and 35 WTGs and 2 OSPs could be delivered on the Application site.</p>

**ExQ1: Wednesday 18 December 2024**

**Responses due by Deadline 3: Wednesday 22 January 2025**

<b>ExQ1</b>	<b>Question to:</b>	<b>Question:</b>
1GEN4.	The Applicant	<p><b>Good Design</b></p> <p>The Applicant is directed to the <a href="#">Advice on Good Design</a> recently published by the Planning Inspectorate and is asked to:</p> <ol style="list-style-type: none"> <li>explain how the Proposed Development achieves ‘Good Design’ in accordance with section 4.7 of National Policy Statement (NPS) EN-1 and section 2.5 of NPS EN-3, and the Design Principles for National Infrastructure (National Infrastructure Commission, 2020).</li> <li>confirm how ‘Good Design’ would be implemented through all stages of the development including post-decision and construction, indicating how it would be secured.</li> </ol>
1GEN5.	The Applicant	<p><b>Good Design</b></p> <p>Table 18.4 in ES Chapter 18 <a href="#">[APP-055]</a> comments “<i>The Project considers that there would be merit in appointing a senior member of the Project team as design champion – ensuring that design options are explored, advice taken and decisions made to achieve a well-considered and good design</i>”.</p> <p>Could the Applicant please explain how this is to be secured?</p>
1GEN6.	The Applicant	<p><b>Foundation Design Selection - Environmental Criteria</b></p> <p>It is noted that the foundation type for the proposed wind turbines could be one of: Gravity Based Structure, Jacket with pin-piles, Monopile or Jacket with suction bucket. While it is noted that the Environmental Statement (ES) provides a description and the parameters of the different foundation types in its various maximum design scenario assessments, could the Applicant clarify:</p> <ol style="list-style-type: none"> <li>how the final choice of foundation(s) would be determined?</li> <li>the (environmental impact) advantages and disadvantages of each of the foundation types currently under consideration, including a summary table showing the scale and significance of impact on benthic habitats, fish and shellfish, marine mammals and marine physical features from each of the foundation types. If this is not possible provide a detailed explanation as to why not?</li> <li>should the parameters set out in Table 2 of the draft Development Consent Order (dDCO) be restricted to the specific turbine types assessed to ensure that works do not exceed the worst case assessed for the specific foundation design (for example, preventing a foundation type with a smaller development footprint from being able to impact a larger development footprint from the worst case turbine assessed)?</li> </ol>

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<b>ExQ1</b>	<b>Question to:</b>	<b>Question:</b>
1GEN7.	Mona Offshore Wind Ltd Morgan Offshore Wind Limited	<b>Interrelationship report on other infrastructure projects</b> A Report on Interrelationships with Other Infrastructure Projects was submitted by the Applicant at Deadline 1 <a href="#">[REP1-078]</a> . The applicants of the other named projects which are IPs in this Examination are asked to confirm the accuracy of the information and, if they feel it appropriate, provide comments on the content of the Report.
1GEN8.	The Applicant	<b>Morgan and Morecambe Offshore Wind Farms Transmission Assets (M&amp;MTA) Application</b> Table 8.4 of the Applicant's 'Report on Interrelationships with Other Infrastructure' <a href="#">[REP1-078]</a> provides an indication of likely cumulative effects with the transmission assets project. However, the information is considered to be high level and lacks detail to enable understanding of the effects highlighted. The ExA requests that more detailed information is provided to demonstrate that cumulative and in-combination assessment conclusions of the Morecambe ES and RIAA <a href="#">[REP1-012]</a> remain valid in light of the conclusions of the final M&MTA ES and HRA.
1GEN9.	The Applicant	<b>Cable protection assumptions</b> ES Chapter 5, paragraph 5.60 <a href="#">[REP1-022]</a> sets out the Applicant's assumption that 10% of cable length will need cable protection (that is 10% would not be buried) due to ground conditions; and ES Chapter 7 section 7.6.3.5 <a href="#">[REP2-008]</a> sets out what would happen where cables cannot be buried. Given the relatively soft ground conditions (mud/ sand) indicated within the Application site: a) please provide additional justification for this assumption; and b) how likely is it that the cable cannot be buried and does this have any implications for the worst case assessed?



ExQ1	Question to:	Question:
1GEN10.	Ørsted IPs Barrow Offshore Wind Ltd MMO	<p><b>Decommissioning dates</b></p> <p>Table 5.1 of the Applicant's response to Actions from PM and ISH1 <a href="#">[REP1-086]</a> sets out the distances and expected decommissioning dates for various windfarms in the vicinity. This indicates that the Barrow OWF is due to be decommissioned "by 2030".</p> <p>In their WR the Ørsted IPs <a href="#">[REP1-112]</a> indicate that they are not aware of any requirement for additional consents or licences to continue operating this development beyond 2030.</p> <p><u>To Barrow Offshore Wind Limited</u></p> <p>a) Could Barrow Offshore Wind Limited please set out its understanding of the timing of its decommissioning processes, providing evidence to support this.</p> <p>The draft SoCG between the Applicant and the Ørsted IPs <a href="#">[REP1-073]</a> indicates that the Applicant believes that a new Marine Licence would be required post 2030.</p> <p><u>To the MMO</u></p> <p>c) Could the MMO please confirm its understanding of the Marine Licensing situation concerning this site, with particular reference to any end date or decommissioning requirements?</p>
<b>Environmental Statement (General)</b>		
1GEN11.	The Applicant	<p><b>Updating of ES/ HRA</b></p> <p>At Deadline 1 the Applicant submitted a number of Technical Notes providing information on Offshore Ornithology and Marine Mammals <a href="#">[REP1-080]</a> to <a href="#">[REP1-084]</a>. Some of these involve effective changes to the ES and HRA. However, the ES and HRA documents have not been fully updated to incorporate these changes.</p> <p>Either the ES and HRA documents need to be updated, or the Technical Notes need to be included within Schedule 8 of the DCO (Documents to be Certified), together with a mechanism to be certain as to which document is to apply should there be any inconsistencies.</p> <p>Could the Applicant please consider this, noting that this as the Examination progresses further changes may well need to be made, as a result of responses to these questions, and following discussions as Issue Specific Hearings. The Applicant is advised that the preference is for the updating of the ES and HRA documents.</p>

ExQ1	Question to:	Question:
1GEN12.	The Applicant	<p><b>Environmental Net Gain (ENG) Statement and In Principle Monitoring Plan (IPMP)</b></p> <p>Paragraph 21 of the ENG Statement [<a href="#">REP1-004</a>] explains that the Applicant is involved or seeking opportunities to provide benefit to the environment and communities where feasible and in line with Project Objectives. It also suggests that data from surveys and post consent monitoring could feed back into the Marine Environmental Data and Information Network to further aid understanding. However, the IPMP [<a href="#">APP-148</a>] states that many of these initiatives would be secured "<i>outwith of the IPMP</i>" (see references in paragraphs 6, 39, 48, 59 and 65).</p> <p>a) If weight is to be given to the environment and community benefits/ contributions referred to, explain what these other opportunities are?</p> <p>b) Can the Applicant explain why these commitments sit 'outwith' the IPMP and how the opportunities would be secured?</p> <p>See also ExQ1CF3.</p>
1GEN13.	The Applicant	<p><b>Natural Capital Approach</b></p> <p>Could the Applicant comment on the applicability of the Natural Capital approach to the Proposed Development as outlined in paragraph 4.6.16 of NPS EN-1 and how the Proposed Development addresses this issue.</p>
1GEN14.	The Applicant	<p><b>Control of ballast water</b></p> <p>Paragraph 5.4.23 of NPS EN-1 says that "<i>Energy projects will need to ensure vessels used by the project follow existing regulations and guidelines to manage ballast water</i>" and cross-refers to The Merchant Shipping (Control and Management of Ships' Ballast Water and Sediments) Regulations 2022, along with associated guidance published in Merchant Shipping Note 1908 and Marine Guidance Note 675.</p> <p>Please explain how the commitment in the outline Project Environmental Management Plan (oPEMP) (section 6.2, paragraph 34 [<a href="#">REP1-054</a>]) to manage ballast water in accordance with International Conventions satisfies these UK regulatory requirements, particularly in respect of invasive non-native species.</p>
1GEN15.	The Applicant	<p><b>Opportunities to maximise the restoration, creation, and enhancement of wider biodiversity</b></p> <p>Paragraph 5.4.33 of NPS EN-1 indicates applicants should consider reasonable opportunities to maximise the restoration, creation, and enhancement of wider biodiversity, and the protection and restoration of the ability of habitats to store or sequester carbon as set out in Section 4.6.</p> <p>Could the Applicant explain through a signposting document how in the application materials this has been undertaken.</p>

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<b>ExQ1</b>	<b>Question to:</b>	<b>Question:</b>
1GEN16.	The Applicant	<p><b>Biodiversity management strategy</b></p> <p>Paragraph 5.4.36 of NPS EN-1 requires that "<i>Applicants should produce and implement a Biodiversity Management Strategy as part of their development proposals. This could include provision for biodiversity awareness training to employees and contractors so as to avoid unnecessary adverse impacts on biodiversity during the construction and operation stages.</i>"</p> <p>Could the Applicant confirm which application document or documents constitute the Applicant's Biodiversity Management Strategy, signposting to where the provision of paragraph 5.4.36 has been addressed.</p>
1GEN17.	The Applicant	<p><b>Environment Act 2021 and Environmental Improvement Plan 2023</b></p> <p>To assist the consideration of the SoS in relation to paragraph 5.4.39 of NPS EN-1, the Applicant is asked to confirm whether the Proposed Development has potential to contribute to, or impact, relevant measures and targets set out in the Environmental Improvement Plan 2023 or the Environment Act 2021.</p>
1GEN18.	The Applicant	<p><b>Consents and licences</b></p> <p>Please could the Applicant provide any update on agreements with Statutory Consultation bodies regarding mitigation consents and licences as identified in the Other Consents and Licences Required document <a href="#">[AS-006]</a>.</p>
1GEN19.	The Applicant	<p><b>Good environmental status</b></p> <p>Could the Applicant please explain, as set out in paragraph 2.8.109 of NPS EN-3, how the Proposed Development has had regard to Good Environmental Status under the UK Marine Strategy.</p>
1GEN20.	NE	<p><b>European Protected Species Licensing</b></p> <p>The Applicant's response to Actions from PM and ISH1 <a href="#">[REP1-086]</a> paragraph 24 notes that the regulations surrounding EPS licensing are due to be updated at the end of 2024.</p> <p>Can NE advise on the scope of these changes and highlight potential matters that could have implications for the consenting process.</p>
<b>Need and Assessment</b>		

ExQ1	Question to:	Question:
1GEN21.	All parties	<p><b>Application of s104 of the PA2008</b></p> <p>In paragraph 171 of the revised Planning, Development Consent and Need Statement [<a href="#">REP1-010</a>] the Applicant states “NPS EN-5 sets out Policies concerning electricity transmission distribution systems. It is, therefore, not relevant to the Project”. However, NPS EN-5 is referenced in both ES Chapters 15 (paragraph 15.20, [<a href="#">REP1-034</a>]) and 19 (paragraph 19.28, [<a href="#">REP1-040</a>]).</p> <p>a) Having regard to the elements of offshore wind infrastructure identified within paragraph 2.8.4 of NPS EN-3, all parties are invited to give their views as to whether, for the purposes of sections 104(2)(a) or 104(3) of the PA2008, NPS EN-5 should be considered as ‘relevant national policy’ or whether it should be considered to be an ‘other matter’ for the purposes of section 104(2)(d) of the PA2008.</p> <p>b) Should any party hold the view that it should be regarded for the purposes of sections 104(2)(a) or 104(3) of the PA2008, they are asked to explain why they hold that view and identify any matters that should be particularly taken into account, providing references as necessary.</p>
1GEN22.	NE	<p><b>Compliance with NPS EN-3</b></p> <p>a) Could NE please reconcile its request in Annex 1 to its RR/ WR [<a href="#">RR-061</a>] for a “condition preventing the offshore works associated with the generation asset commencing until the necessary grid connection consents had been obtained was included within the generation DCO/dML” with paragraph 2.8.338 of EN-3 which indicates that “some proposals for transmission could be consented separately to those for wind farm (array) application”?</p> <p>b) Could NE also respond to the proposition that one interpretation of paragraph 2.8.338 of EN-3 is that there is no policy requirement for one to be contingent upon the other.</p>
1GEN23.	The Applicant	<p><b>Use of existing infrastructure</b></p> <p>The use of existing structures has the potential to avoid some impacts arising from the creation of new OSPs. Repurposing of existing oil and gas infrastructure is ruled out in ES Chapter 5, paragraph 5.35 [<a href="#">REP1-022</a>] due to structural integrity risks but no evidence has been provided to support this.</p> <p>Could the Applicant please provide further evidence to demonstrate how and why the alternative of using existing structures has been ruled out.</p>

ExQ1	Question to:	Question:
1GEN24.	The Applicant	<p><b>Decommissioning</b></p> <p>ES Chapter 7, Table 7.2 (page 49) <a href="#">[REP2-008]</a> refers to a decommissioning plan. Could the Applicant please explain what would be in the plan and how the content of the plan would be secured?</p>
<b>2. Biodiversity, Ecology and Marine Processes (BEM)</b>		
<b>General</b>		
1BEM1.	The Applicant	<p><b>Ecological monitoring programme</b></p> <p>Paragraph 2.8.221 of NPS EN-3 says that “Applicants must develop an ecological monitoring programme to monitor impacts during the pre-construction, construction and operational phases to identify the actual impacts caused by the project and compare them to what was predicted in the EIA/HRA.” and in its RR <a href="#">[RR-065]</a> North West Wildlife Trusts says “We are disappointed that a future monitoring plan of many of the ecological receptors has not been embedded into the project to validate predictions in the ES and inform future projects”. Concerns have been expressed that there would be no monitoring of matters where ‘no likely significant effects’ (LSE) have been identified, which may or may not in fact eventually be the case. Given the possibility of a reassessment which determines the possibility of a LSE, explain how would the Applicant ensure that all effects are properly monitored and that this NPS requirement is complied with.</p>
1BEM2.	The Applicant	<p><b>Electromagnetic fields (EMF) and thermal emissions: mitigation measures</b></p> <p>ES Chapter 9, Table 9.3 <a href="#">[REP2-012]</a> states that “Cables would be specified to reduce EMF and thermal emissions as per industry standards and best practice”. Please explain how this process would work in practice and how would it be secured by requirement 9(1)d(i) of the dDCO.</p>
1BEM3.	The Applicant	<p><b>Monitoring of EMF emissions</b></p> <p>Paragraph 2.8.247 of NPS EN-3 states that “It is unknown whether exposure to multiple cables and larger capacity cables may have a cumulative impact on sensitive species. It is therefore important to monitor EMF emissions which may provide the evidence to inform future EIAs.” Please explain how the Applicant intends to monitor EMF emissions.</p>

ExQ1	Question to:	Question:
1BEM4.	The Applicant	<p><b>Outline Underwater Sound Management Strategy</b></p> <p>Could the Applicant please update the Outline Underwater Sound Management Strategy [REP2-026] to current legislation, taking account of all updated legislation including the Retained EU Law (Revocation and Reform) Act 2023. Paragraph 52 needs particular attention.</p>
<b>Marine geology, oceanography and physical processes</b>		
1BEM5.	The Applicant	<p><b>Comparison of sediment composition and particle size fractions</b></p> <p>ES Chapter 7, Table 7.12 [REP2-008] states that sediment mud content is 7.84% for Morgan, 9.44% for Mona and 17% for Morecambe (the Project). Table 7.13 states that the silt content is 4.6% at Morgan, 0% at Mona and 16.7% at Morecambe.</p> <p>Please explain:</p> <ul style="list-style-type: none"> <li>a) why the Morgan and Mona models are suitable proxies for the Morecambe site, where there is a high mud content in the eastern section of the site and the potential for remobilisation of mud and longer suspension times; and</li> <li>b) why the lack of site specific modelling does not affect the certainty or reliability of the impact assessments that have been undertaken.</li> </ul>
1BEM6.	The Applicant	<p><b>Comparison of project scenarios: operation and maintenance: scour protection</b></p> <p>The total seabed footprint figure of 176,550m<sup>2</sup> shown in Table 7.14 (page 81) of ES Chapter 7 [REP2-008] for inter-array cable scour protection is similar to that quoted for Morgan (178,640m<sup>2</sup>) and Mona (178,640m<sup>2</sup>) windfarms, which are over 5 times as long.</p> <p>Please explain the apparent discrepancy and the assumption of 250m long cable crossing footprint rather than 60m long crossing footprint assumed for Mona and Morgan.</p>

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**Responses due by Deadline 3: Wednesday 22 January 2025**

ExQ1	Question to:	Question:
1BEM7.	The Applicant	<p><b>Cable installation: sediment displaced/ removed</b></p> <p>ES Chapter 7, Table 7.2 (pages 43 and 44) <a href="#">[REP2-008]</a> shows that the total volume of sediment displaced during the installation of the cables is 540,000m<sup>3</sup>.</p> <p>However, ES Chapter 5, Tables 5.14 and 5.15 <a href="#">[REP1-022]</a> indicate that the total seabed volume removed is 561,463m<sup>3</sup>, this total being made up of 481,463m<sup>3</sup> for gravity based structures (GBS) in Table 5.14, plus 70,000m<sup>3</sup> for the inter-array cables and 10,000m<sup>3</sup> for the platform link cables in Table 5.15.</p> <p>a) Please advise whether the seabed volume displaced is the same as seabed volume removed.</p> <p>b) If this is the case, please explain why there is a discrepancy in the figures quoted, and if not please explain the differences.</p>
1BEM8.	The Applicant	<p><b>Maximum parameters for total footprint of scour protection</b></p> <p>ES Chapter 5, Table 5.9 <a href="#">[REP1-022]</a> monopile foundation row states that the maximum footprint of one OSP and scour protection is 7,916m<sup>2</sup> (= 15,832m<sup>2</sup> for two OSP), whereas the dDCO secures a “<i>Maximum total seabed footprint area for offshore substation platform foundations (including scour protection) (m<sup>2</sup>)</i>” of 14,176m<sup>2</sup> for two OSPs or 7,088m<sup>2</sup> per OSP. Table 7.14 in ES Chapter 7 <a href="#">[REP2-008]</a> states that 7,088m<sup>2</sup> is the maximum footprint per OSP for the GBS foundation type.</p> <p>Please confirm whether the maximum value secured by the dDCO should be 15,832m<sup>2</sup> and explain whether this change would have any implications for any chapters of the ES relying on this parameter.</p>
1BEM9.	The Applicant	<p><b>Realistic worst-case scenarios: points of entry</b></p> <p>Table 7.2 of ES Chapter 7 <a href="#">[REP2-008]</a> presents the Applicant’s realistic worst-case scenarios for marine geology, oceanography and physical processes. On page 47, Impact 5: Morphological and sediment transport effects due to cable protection measures within the windfarm site indicates that the worst case is 70 points of entry.</p> <p>Please explain why there are so many points of entry and how this has been determined to be a realistic parameter upon which to base the worst case.</p>

ExQ1	Question to:	Question:
1BEM10.	The Applicant	<p><b>Change in suspended sediment concentrations (SSCs) due to seabed preparation and change in seabed level due to sandwave clearance/ levelling</b></p> <p>ES Chapter 7, paragraph 7.139 [REP2-008] describes suspended sediment impacts, saying that “<i>the finer sand and clay fraction ... is likely to stay in suspension for longer ... as a modest concentration plume (tens of mg/l) for around half a tidal cycle (around six hours).</i>” and that “<i>Sediment would eventually settle to the seabed ... up to around a kilometre along the axis of tidal flow ... within a short period of time (hours to days).</i>”</p> <p>ES Chapter 7 paragraph 7.143 [REP2-008] says that “<i>The model showed that SSCs varied greatly ... extending to a maximum of one tidal excursion ellipse ...</i>” and ES Chapter 7 paragraph 7.233 [REP2-008] says that “<i>The finer sediment would ... become more widely dispersed before settling on the seabed ... the deposits would be very thin (in the order of millimetres).</i>”</p> <p>a) Could the Applicant explain why the assumption of settlement within 1 tidal excursion ellipse (based on Morgan modelling for sandy sediment) is valid when the Morecambe site contains substantially more muddy sediments.</p> <p>b) Similarly, could the Applicant respond to the proposition that mud may redistribute over sandy sediments from east to west, resulting in blanketing over a wider area of the site, changing the composition of the seabed and affecting spawning potential?</p>
1BEM11.	The Applicant	<p><b>Construction impact 6: Indentations on the seabed due to installation vessels</b></p> <p>In ES Chapter 7 paragraph 7.255 [REP2-008], Barrow Offshore Wind Farm (OWF) is cited as an example of jack up leg depressions being visible but filled after 1 year.</p> <p>a) Could the Applicant confirm whether the jack up barges proposed for this project likely to be of a size similar to Barrow OWF and therefore comparable?</p> <p>b) If not, please explain whether and if so, how this would affect the magnitude and duration of impact anticipated.</p>



ExQ1	Question to:	Question:
1BEM12.	The Applicant	<p><b>Operation and maintenance impact 1: changes to the tidal regime due to the presence of structures on the seabed (Wind Turbine Generator (WTG) and Offshore Substation Platform (OSP) foundations)</b></p> <p>ES Chapter 7, paragraph 7.279 [REP2-008] says that “... changes in the tidal regime due to the presence of foundation structures are both small in magnitude and local in spatial extent”. The evidence quoted is pre 2010 research.</p> <p>Could the Applicant advise whether there is there any more recent evidence that supports similar findings for the larger scale of turbines proposed?</p>
1BEM13.	The Applicant NE	<p><b>Operation and maintenance impact 6: cable and WTG/ OSP maintenance activities</b></p> <p>ES Chapter 7, paragraph 7.339 [REP2-008] indicates that receptors have been assessed as of high value but low sensitivity to cable maintenance activities, and paragraph 7.342 assesses the significance of the effect as negligible adverse.</p> <p>Given the potential presence of Sea pen, is this assessment of low sensitivity valid and consequently is there potential for the significance of effects from cable maintenance activities to have been underestimated, especially in light of comments in ES Chapter 9, paragraph 9.166 [REP2-012] that identify sea pen as “highly sensitive to removal and/or penetration of the substratum”? The Applicant may wish to combine its response with its response to ExQ1BEM21Error! Reference source not found..</p>
1BEM14.	The Applicant	<p><b>Consultation responses: secondary scour effects</b></p> <p>ES Chapter 7, Table 7.1 (page 21) [REP2-008] states that “Direct impact from scour protection is assessed as a worst-case. Secondary scour effects are not factored into the worst-case scenarios for footprints. Footprints for secondary scour are difficult to quantify and not directly comparable in terms of impact pathways to the use of scour protection. Therefore, it is not proposed to include a footprint of secondary scour within the ES assessment, however, secondary scour is assessed qualitatively using post-construction monitoring from other projects.”</p> <p>Could the Applicant please confirm:</p> <ol style="list-style-type: none"> <li>which other projects’ post-construction monitoring has been used?</li> <li>how and why are they comparable?</li> <li>how they have been used to inform this project? and</li> <li>how soon after installation of the WTG bases would the scour protection be installed, and where is this secured?</li> </ol>

**ExQ1: Wednesday 18 December 2024**

**Responses due by Deadline 3: Wednesday 22 January 2025**

<b>ExQ1</b>	<b>Question to:</b>	<b>Question:</b>
1BEM15.	The Applicant	<p><b>Micro siting</b></p> <p>ES Chapter 7, Table 7.3, item 2 seabed preparation line 2 <a href="#">[REP2-008]</a> states that micrositing would be used “<i>where possible</i>” to minimise the area of seabed preparation.</p> <p>Please could the Applicant explain:</p> <ul style="list-style-type: none"><li>a) in what circumstances micrositing might not be possible; and</li><li>b) what happens in such circumstances.</li></ul> <p>Please also confirm that, where micrositing would not be possible:</p> <ul style="list-style-type: none"><li>c) how the Applicant would ensure that any resultant effects would remain within the assessed Rochdale envelope; and</li><li>d) how this uncertainty is addressed through mitigation measures within the ES.</li></ul>
1BEM16.	The Applicant	<p><b>Foundations</b></p> <p>ES Chapter 7, Table 7.3, item 3 box 2 <a href="#">[REP2-008]</a> says that “<i>pile driving would be used in preference to drilling, where it is practicable to do so (ie where ground conditions allow).</i>”.</p> <p>Please could the Applicant explain:</p> <ul style="list-style-type: none"><li>a) why pile driving would be used in preference to drilling;</li><li>b) how this is consistent with 50% drive and 50% drill (see ES Chapter 7, footnote 8); and</li><li>c) in what circumstances and why pile driving is practicable as opposed to drilling.</li></ul>
<b>Marine Sediment and Water Quality</b>		

ExQ1	Question to:	Question:
1BEM17.	The Applicant	<p><b>Potential effects during operation and maintenance: turbid wakes</b></p> <p>ES Chapter 7, paragraph 7.304 [REP2-008] says that “As no ‘additional’ sediment is being added to the water column, average SSCs ... would be well within the range of SSCs seen during storms ... and ‘turbid wake’ features would not be present at all times ... no impact to water quality is expected ...”.</p> <p>ES Chapter 8, paragraph 8.122 [REP2-010] says that “the magnitude of changes in SSCs within ... turbid wakes would be within normal baseline conditions ... no impacts are expected on water quality.”</p> <p>a) Could increasing mobilisation of muddy sediment increase loads and permanently increase turbidity and/ or sediment blanketing effects?</p> <p>b) Is there potential for muddy sediments within the site to transport contaminants over greater distances due to their longer suspension periods?</p> <p>c) If this is the case, what is the risk that effects on water quality and sedimentation are worse than anticipated?</p>
1BEM18.	The Applicant	<p><b>Sediment classification and sampling locations</b></p> <p>ES Chapter 7, Figure 7.7 [AS-008] shows an area of gravelly sand in the eastern part of the site, but the corresponding sampling locations in ES Figure 7.8 [AS-008] do not show a gravel fraction: indeed, the only sampling location showing a gravel fraction is ST01 which is shown on ES Figure 7.7 to be in an area of sand. Please could the Applicant explain this apparent contradiction.</p>
1BEM19.	The Applicant	<p><b>Offshore Construction Method Statement (OCMS)</b></p> <p>In the Applicant’s response [PD1-011] to the MMO’s RR [RR-047] at point RR-047-48, it is stated “The selection of scour protection methods ... will be further considered post-consent in the Offshore Construction Method Statement ... developed through consultation with MMO ... secured in Condition 9(1)(d) of Schedule 6 of the Draft DCO ...” and Condition 9(1)(d)(ii) refers to an outline scour protection and cable protection plan [REP1-056].</p> <p>The Applicant’s response [PD1-011] to the MMO’s RR [RR-047] at point RR-047-51, refers to an “... Offshore Construction Method Statement ... developed through consultation with the MMO ... secured in Condition 9(1)(d) of Schedule 6 of the Draft DCO ...” and Condition 9(1)(d) [REP2-002] refers to an offshore construction method statement.</p> <p>Please advise where the outline OCMS may be found.</p>

ExQ1	Question to:	Question:
1BEM20.	MMO	<p><b>Disposal of sandwave material</b></p> <p>In the MMO’s RR <a href="#">[RR-047]</a> at paragraph 4.3.10 it says that the Applicant “... <i>most likely would have to apply to the MMO to designate the area as a disposal site ...</i>”. In its response at RR-047-53 <a href="#">[PD1-011]</a>, the Applicant argues that this is unnecessary as “... <i>the removal of and disposal of inert material is included as associated development ...</i>” and is therefore authorised within the Order limits.</p> <p>The MMO’s D2 response <a href="#">[REP2-035]</a> says that it is currently in the process of designating disposal sites and states that “<i>sites should be secured within the DML. Once this has been completed the MMO will inform the Applicant and request that this is updated in the DML as part of the Examination process.</i>”.</p> <p>At what point in the Examination does the MMO envisage being in a position to inform the Applicant?</p>
<b>Benthic ecology</b>		
1BEM21.	The Applicant	<p><b>Construction: habitat sensitivity</b></p> <p>ES Chapter 9 paragraph 9.166 <a href="#">[REP2-012]</a> says that “... <i>sea-pens are understood to be absent from the site ...</i>” and therefore applies a medium sensitivity to disturbance of habitat. Paragraph 9.125 states that they are “... <i>absent from the Project windfarm site, or present only at very low density.</i>” and paragraph 9.166 explains that “<i>The FOCI 'sea-pens and burrowing megafauna communities' ... is highly sensitive to removal and/or penetration of the substratum.</i>” Sea pen are also stated to be absent in paragraph 154 of <a href="#">[PD1-010]</a>.</p> <p>Please provide further justification for the assignment of a medium sensitivity based on absence rather than a high sensitivity based on a very low density to disturbance of sea pen habitat and explain why this assessment is sufficiently precautionary in light of activities that would disturb the sea bed including cable layer and potential craters from Unexploded Ordnance (UXO) clearance.</p>

ExQ1	Question to:	Question:
1BEM22.	The Applicant	<p><b>Underwater noise and vibration</b></p> <p>ES Chapter 9 paragraph 9.319 [REP2-012] says that “<i>Exacerbation of noise caused by vibration in high wind speeds would be infrequent.</i>”.</p> <p>Section 9.6.3.3 of ES Chapter 9 [REP2-012] is headed “<i>Impact 3: Underwater noise and vibration</i>” but appears only to consider noise.</p> <p>a) Please quantify what is meant by infrequent in this context; and</p> <p>b) Given that both noise and vibration are the result of energy travelling through a medium, could the Applicant please either:</p> <p>i) confirm that the analysis should be considered for both noise and vibration; or</p> <p>ii) analyse vibration effects of the Proposed Development explicitly.</p>
1BEM23.	The Applicant	<p><b>Operation and maintenance: underwater noise and vibration</b></p> <p>Operational vibration impacts were scoped out of assessment on the basis of evidence provided which related to monitoring studies undertaken for existing wind farms with relatively small turbines. However, paragraph 9.313 of ES Chapter 9 [REP2-012] says that “... <i>wind-induced vibration at high wind speeds, can be transmitted through the tower and foundations and radiate into the water column.</i>”.</p> <p>Given the larger turbines to be used on this project:</p> <p>a) is this evidence relating to smaller turbines relevant; and</p> <p>b) does this alter the Applicant’s assessment of noise and vibration impacts?</p>
<b>Fish and shellfish ecology</b>		
1BEM24.	The Applicant	<p><b>Mitigation: timing of works</b></p> <p>The MMO [REP2-035] has indicated that whilst an Underwater Sound Management Strategy [REP2-026] has been provided, a condition limiting piling during the cod spawning period is still necessary and will supply updated wording ‘in due course’. Can the MMO confirm when the revised wording will be available.</p>
1BEM25.	NFFO	<p><b>Methodology for sampling fish and shellfish</b></p> <p>The NFFO’s RR [RR-059] indicates that “<i>Data presented from surveys to characterise sediment composition is presented as the correct methodology for sampling fish and shellfish, an incorrect assumption.</i>”.</p> <p>Please could the NFFO explain, with reference to the Applicant’s response at RR-059-04 [PD1-011], what methodological approach would be appropriate.</p>

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**Responses due by Deadline 3: Wednesday 22 January 2025**

ExQ1	Question to:	Question:
1BEM26.	<p>NFFO The Traditional and Sustainable Commercial Fishing Association</p>	<p><b>Baseline data</b> Paragraph 2.8.157 of NPS EN-3 states that applicant assessments should include robust baseline data and detailed surveys of the effects on fish stocks of commercial interest. In the NFFO's RR [RR-059] concerns were raised about a lack of contemporary and site-specific data presented in the fish and shellfish ecology assessments. The Applicant's response (see RR-059-03 of [PD1-011]) notes the concerns and highlights the limitations in the data but considers the data used provides a sufficient basis for the EIA.</p> <p>a) Could the NFFO and The Traditional and Sustainable Commercial Fishing Association confirm whether the Applicant's response addresses their concerns? If not, please can they explain what (if any) alternative approach or sources of data are considered to provide a sufficient baseline?</p> <p>b) In the absence of site-specific sampling (or other such alternative identified in the responses above) do NFFO and The Traditional and Sustainable Commercial Fishing Association have any comments with regard to whether the requirements of NPS EN-3 have been met?</p>
1BEM27.	The Applicant	<p><b>Shellfish sensitivity</b> ES Chapter 10, Paragraph 10.340 [REP1-028] explains that variations in sensitivity to fishing pressure exist in receptor groups and notes that slow growing bivalves have a higher sensitivity to physical damage from bottom towed gear than faster growing/maturing species. The assessment then states that given the within group variation in receptor sensitivity to fishing, all receptor groups have been assessed to have low sensitivity to changes in fishing activity.</p> <p>Could the Applicant please explain why this represents a worst case assessment with reference to the likely distribution and density of slow growing bivalves within the site.</p>

ExQ1	Question to:	Question:
1BEM28.	The Applicant	<p><b>UXO presence/ absence</b></p> <p>ES Appendix 7.1 Offshore Geophysical Survey [APP-062] bathymetry data collection main objectives includes “Identify potential UXO in combination with SSS and magnetometer data”. In contrast section 6.1 of the appendix states “A dedicated UXO survey has not been performed, being the survey just focus on the identification of subsea structures such as cables and pipelines.”</p> <p>a) Could the Applicant please confirm which of these statements is correct.</p> <p>Table 15 of the Appendix identifies 55 unknown magnetic anomalies. Given the site history as an armament training area:</p> <p>b) Could the Applicant please confirm how many of these anomalies are suspected to be UXO that may require clearance and whether this information has informed the types of UXO assessed in section 6 of the Applicant’s response to the Rule 9 letter [PD1-010].</p> <p>The ExA notes that the Applicant intends to submit a separate marine licence application to the MMO and that the MMO is content with this approach; however, the ExA is seeking to understand how representative of the likely clearance activity the Applicant’s UXO assessment is.</p>
1BEM29.	The Applicant	<p><b>UXO charge weights</b></p> <p>ES Chapter 10, paragraph 10.378 [REP1-028] explains that UXO modelling for the transmission assets covered devices from 1.2kg to 907kg and range up to 590m, compared with Morecambe, which modelled up to approximately 5kg and a worst case 710m for mortality/mortal injury.</p> <p>Could the Applicant explain why the lower charge weights assessed on Morecambe give rise to a larger effect range than the heavier charge weights assessed for the transmission assets.</p>
<b>Marine mammals</b>		
1BEM30.	The Applicant	<p><b>Clarification</b></p> <p>Marine Mammal Technical Note 1 (EIA) [REP1-083] sets out in paragraph 6 that “the baseline noise level in open water, in the absence of any specific anthropogenic noise source, is generally dependent on a mix of the movement of the water and sediment, weather conditions and shipping”. Paragraph 7 then moves on to anthropogenic noise sources which refers to shipping.</p> <p>Could the Applicant please explain why shipping occurs in both categories, and whether it should only form part of the latter. If that were to be the case, what effect would this have?</p>

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<b>ExQ1</b>	<b>Question to:</b>	<b>Question:</b>
1BEM31.	The Applicant	<p><b>Marine Mammal Entanglement</b></p> <p>Could the Applicant please explain what consideration has been given to the potential for marine mammal entanglement and whether this is a likely risk, as referenced in Table 11.4 of ES Chapter 11 <a href="#">[REP1-030]</a>, and set out in paragraph 2.8.131 of NPS EN-3 as a potential assessment requirement.</p>
1BEM32.	The Applicant	<p><b>Population modelling for transmission assets</b></p> <p>ES Chapter 11, paragraph 11.726 <a href="#">[REP1-030]</a> explains that population modelling has been carried out for the transmission assets and other projects. It is stated that "<i>population modelling considered simultaneous piling of several projects, resulting in more realistic outcomes compared to the scenarios evaluated in Table 11.81. Consequently, these results should take precedence.</i>"</p> <p>Explain why the transmission assets' assessment of simultaneous piling is considered to be more realistic and whether this means that the Morecambe assessment is insufficiently precautionary.</p>
1BEM33.	The Applicant	<p><b>Interim Population Consequences of Disturbance (IPCoD) modelling</b></p> <p>The Applicant has assessed cumulative disturbance over a 25 year period in its Marine Mammal Technical Note 1 <a href="#">[REP1-083]</a> (for example paragraph 50) and applies a &gt;1% average annual decline over a six year period as a threshold of significance.</p> <p>Could the Applicant:</p> <ul style="list-style-type: none"> <li>a) explain why the assessment has not assessed disturbance over the full 35 year operational period; and</li> <li>b) explain why a 1% average annual decline rather than a 1% decline in any one year or a greater than 1% decline over a longer period is not considered to be significant. For example, minke whale and bottlenose dolphins are indicated to experience 3.2% and 4.73% declines in population size over a 25 year period; how would this change if assessed over a 35 year period?</li> </ul>
1BEM34.	The Applicant	<p><b>IPCoD modelling</b></p> <p>Marine Mammal Technical Note 2 <a href="#">[REP1-084]</a>, Table 2.8 identifies a 4.9% drop in the median impacted as a % of unimpacted population between 2027 and 2051.</p> <p>With reference to ES Chapter 11, Table 11.10 <a href="#">[REP1-030]</a> confirm why this is not a medium magnitude of impact based on a duration longer than 10 years and an effect between 1-5% of the reference population.</p>



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<b>ExQ1</b>	<b>Question to:</b>	<b>Question:</b>
1BEM35.	The Applicant	<p><b>Source level and transmission loss assumptions</b></p> <p>Provide further detail regarding the baseline datasets used to derive construction noise source level and transmission loss assumptions in Appendix 11.1, Table 5-2 [APP-065]. In responding, explain why these assumptions are applicable to the scale and type of wind turbine generator development proposed.</p>
1BEM36.	The Applicant	<p><b>Non-concurrent piling</b></p> <p>Explain how the commitment to non-concurrent piling referenced in ES Chapter 11, paragraph 11.878 [REP1-030] is secured by the dDCO and provide evidence to demonstrate that use of a single pile approach is secured for other contemporaneous Irish Sea projects.</p>
1BEM37.	The Applicant	<p><b>Schedule of mitigation</b></p> <p>Item 11.2 of the Schedule of Mitigation [REP2-016] refers to piling mitigation and cross references to dDCO Schedule 6 Condition 9(1)(d). However that condition does not make specific reference to piling.</p> <p>Please explain how the condition would implement piling noise controls, and update Condition 9(1)(d) to reflect these controls, where relevant.</p>
1BEM38.	NE	<p><b>Risk of Permanent Threshold Shift (PTS)</b></p> <p>In its joint RR and written representation (WR) [RR-061] NE indicates (Ref D36) that it does not agree that PTS should be screened out of the cumulative effects assessment (CEA) on the basis that mitigation has not been secured on other projects.</p> <p>How does NE reconcile this with its statement in NE Refs P6 and D1 that from January 2025 there will be an expectation of best endeavours to deliver noise reductions, and that <i>"we expect that the majority of piling from 2025 onwards will not be able to go ahead without noise abatement in place"</i>.</p>
1BEM39.	The Applicant, NE	<p><b>PTS and Temporary Threshold Shift (TTS) risk from operational turbines</b></p> <p>ES Chapter 11, paragraph 11.583 and 11.584 [REP1-030] indicate that PTS and TTS could occur for marine mammals within &lt;100m of WTGs. Is it correct to say that each turbine would therefore create a 200m diameter exclusion zone for marine mammals and if so:</p> <ol style="list-style-type: none"> <li>to what extent would this be true for other species?</li> <li>what is the cumulative area of such exclusion zones with other projects?</li> </ol>

ExQ1	Question to:	Question:
1BEM40.	The Applicant MMO	<p><b>Piling activity in the Irish Sea</b></p> <p>Annex 1, Table 2 of the MMO D2 representation highlights that the proposed Morecambe OWF piling duration is assumed to be 37 days (assuming 1 foundation per day). The assumption is 35 days each for the larger Morgan and Mona schemes. Explain why Morecambe has a longer piling duration than the two larger schemes.</p>
1BEM41.	The Applicant, NE	<p><b>Marine mammal data gaps</b></p> <p>Appendix 11.5, Table 2.1 [APP-069] makes reference to additional datasets from Hilbre Island Observatory and the Offshore Energy SEA. The Applicant was unable to access either data set.</p> <p>a) Can the Applicant explain whether it has been able to obtain this information subsequently?</p> <p>b) Can NE and the Applicant comment on whether the absence of this information is material to the assessment of effects?</p>
1BEM42.	The Applicant MMO	<p><b>Draft Marine Mammals Mitigation Protocol (dMMMP): soft-start procedures: breaks in piling</b></p> <p>Section 3.1.4 of the dMMMP [APP-149] deals with breaks in piling and permits a reduced soft-start procedure provided that there are no marine mammals within the monitoring area.</p> <p>At paragraph 3.1.2 of it RR [RR-047], the MMO says that <i>“If a watch has been kept during the piling operation, the Marine Mammal Observer or Passive Acoustic Monitoring Operative should be able to confirm the presence or absence of marine mammals, and it may be possible to commence the soft-start immediately. However, if there has been no watch, the complete pre-piling search and soft-start procedure should be undertaken ...”</i> in accordance with the guidance, requesting that the guidance be adhered to.</p> <p>The Applicant’s response at RR-047-27 [PD1-011] notes that <i>“the wording proposed by the Applicant has previously been agreed for other offshore windfarm projects, including Dogger Bank A and Dogger Bank B ... finalisation of wording ... would be undertaken post-consent ...”</i>.</p> <p>Could the Applicant and the MMO jointly consider whether the wording of the dMMMP, particularly paragraph 143, needs updating, and if so, could it please be so updated?</p>

ExQ1	Question to:	Question:
1BEM43.	The Applicant	<p><b>Drilling noise impacts</b></p> <p>Although drilling is referenced in Appendix 11.1 [APP-065] as a potential noise source, the assessment summary tables for construction noise (Table 5-1 to 5-5) only refer to cable laying, dredging, trenching, rock placement, vibro-piling and vessel noise.</p> <p>Could the Applicant please provide equivalent information on the impact of drilling noise, and signpost to where this information may be found or provide robust justification for excluding this noise source from the assessment.</p>
<b>Offshore Ornithology</b>		
1BEM44.	The Applicant JNCC NE NRW DAERA	<p><b>Northern Ireland windfarms – screening and CEA</b></p> <p><u>To the Applicant</u></p> <p>a) Could the Applicant explain why it has been able to consider Sceirde, Codling, Dublin Array and North Irish Sea windfarms in its CEA for marine mammals (ES Appendix 11.4, Table 4.1 [REP1-048]) based on overlapping construction activities but has ruled out an assessment for these sites in relation to birds in ES Chapter 12, Table 12.54 [REP1-032] due to lack of data and does not reference Sceirde in its list of sites for the Ornithological Assessment?</p> <p>Oriel and Arklow windfarms, which are listed in ES Table 12.54 are not referenced in Table 4.1 of the HRA Screening Report [APP-034] or in the RIAA [REP1-012] and appear to have been ruled out of further assessment based on the Applicant’s Appendix 6.1 CEA longlist [APP-061].</p> <p>b) Could the Applicant please provide more detailed HRA screening information for Sceirde, Northern Irish Sea Array (NISA), Arklow and Oriel offshore windfarms? It is noted that applications have been lodged for NISA, Arklow and Oriel windfarms, meaning that detailed information is now available for assessment.</p> <p>c) In addition, the Applicant should update the HRA screening report with information relating to Rockabill Special Protection Area (SPA) and the North-west Irish Sea (NWIS) SPA.</p> <p>d) In relation to all the above points, the Applicant’s HRA screening and RIAA should be updated where relevant, to inform the SoS’s Appropriate Assessment.</p> <p><u>To NE, NRW, DAERA and JNCC</u></p> <p>e) NE, NRW, DAERA and JNCC are invited to comment on the points above.</p>

ExQ1	Question to:	Question:
1BEM45.	The Applicant	<p><b>Cumulative displacement effects</b></p> <p>a) Could the Applicant please provide further explanation in relation to ES Chapter 12, paragraph 12.169 <a href="#">[REP1-032]</a> as to why consideration of cumulative displacement effects due to 'flying around' the windfarm (and other sites) has been scoped out as an impact on migrant birds and their fat reserves. The ExA is concerned that 'one-off avoidance' may not be reflective of the situation with multiple windfarms being constructed in close geographic proximity.</p> <p>b) Also, could the Applicant explain whether the 2% loss of fat reserve is an average and could be worse for particular species.</p>
1BEM46.	The Applicant JNCC NE NRW NatureScot DAERA RSPB North West Wildlife Trusts	<p><b>Assessments</b></p> <p>In paragraph 62 of the Offshore Ornithology Technical Note 1 (EIA) <a href="#">[REP1-080]</a> it is noted that the NE advice in relation to the CEA was not to include historic projects with limited (or no) overlap with the construction and operational timeframe of the Proposed Development.</p> <p>a) However, would the existing background mortality rates include those associated with these windfarms? If so, does there need to be an associated assessment from the removal of their effects as they are decommissioned? It is appreciated that the assessment is precautionary, but without removing any such effects, is there a risk that the assessment becomes over-precautionary, leading to mitigation that is not required?</p> <p>It is also appreciated that there is a separate discussion in relation to when the Barrow windfarm is to be decommissioned (see ExQ1GEN10) which may also need to be considered.</p> <p>This argument, taken to its logical conclusion, should also factor in any effects associated with the decommissioning of other windfarms (see Table 5.1 of Applicant's response to Actions from PM and ISH1 <a href="#">[REP1-085]</a>) for longer-term effects).</p> <p>b) Could the Applicant, JNCC, NE, NRW, NatureScot, DAERA, the RSPB and the North West Wildlife Trusts please give their views as to how the effects of the decommissioning of existing windfarms should be considered to avoid over-precautionary mitigation/ compensation.</p>

**ExQ1: Wednesday 18 December 2024**

**Responses due by Deadline 3: Wednesday 22 January 2025**

<b>ExQ1</b>	<b>Question to:</b>	<b>Question:</b>
1BEM47.	The Applicant JNCC NE NRW NatureScot DAERA RSPB North West Wildlife Trusts	<p><b>Base cases</b></p> <p>The ExA understands that, following NE advice, consented turbine parameters have been used as opposed to as built parameters on the basis that it is, theoretically, possible that the remainder of the consented scheme could be built out.</p> <p>a) However, either where a scheme is coming to end of its life (see Table 5.1 of Applicant's response to Actions from PM and ISH1 [REP1-085]) or where the scheme as built would prevent additional development, should not 'as built' data be utilised? Would this alter any of the effects assessed?</p> <p>b) Could the Applicant, JNCC, NE, NRW, NatureScot, DAERA, the RSPB and the North West Wildlife Trusts please give their views on this proposition.</p>
1BEM48.	The Applicant NE NRW RSPB North West Wildlife Trusts	<p><b>Assessments</b></p> <p>The Offshore Ornithology Technical Note 3 (Red-Throated Diver at Liverpool Bay SPA Update Assessment) [REP1-082] notes the effects of existing disturbance by helicopters and seacraft. It is stated that, apart from ferries, a significant proportion is associated with the oil and gas industry. As it well known, the decarbonisation agenda will mean that these operations will be phased out over time (re-purposing for Carbon Capture Assessment would need a revised assessment as it is not currently consented).</p> <p>Should, therefore, the effects of the removal of this traffic form part of the overall assessment?</p> <p>Could the Applicant, NE, NRW, the RSPB and the North West Wildlife Trusts please give their views on this proposition.</p>
1BEM49.	NE	<p><b>Liverpool Bay SPA extension</b></p> <p>Could NE please briefly set out the rationale for the extension of the Liverpool Bay SPA in 2017, and in particular set out any changes to the features leading to the designation, especially where those features could be affected by the Proposed Development?</p>
1BEM50.	RSPB The Applicant	<p><b>Manx Shearwater – disorientation due to lighting</b></p> <p>The RSPB challenges the assessment of no adverse impacts on Manx shearwater through collision with rotating turbines, highlighting concern about disorientation of shearwaters from lighting. It cites publications relating to collisions with lighthouses and other illuminated structures. The Applicant's 'Response to Relevant Representations' [PD1-011] references other papers, which present a counter view (eg at RR-073-13).</p> <p>Could the RSPB and the Applicant submit these papers into the Examination.</p>

ExQ1	Question to:	Question:
1BEM51.	The Applicant NE MMO	<p><b>Use of alternative ways of working and technology to reduce effects</b></p> <p>Paragraph 2.8.214 of NPS EN-3 encourages alternative ways of working and use of technology to be employed to avoid environmental impacts. For example, construction vessels may be rerouted to avoid disturbing seabirds. Paragraph 37 of the outline Vessel Traffic Management Plan (oVTMP) [REP2-022] references minimising impacts on seabirds once ports are known but provides limited information in section 7 regarding how routes to the site would be determined to minimise seabird disturbance.</p> <p>a) Could the Applicant please explain how seabird disturbance would be considered within the route selection process, amending any documents as necessary to ensure it would be secured.</p> <p>b) Can NE and MMO comment on any necessary measures that should be secured relating to vessel movements to ensure that impacts are minimised.</p>
1BEM52.	The Applicant	<p><b>Non-breeding season mortality for lesser black backed gull</b></p> <p>The Applicant's 'Response to the Rule 9 Letter for Morecambe Offshore Windfarm Generation Assets', item R9-07 [PD1-011] acknowledges that there are erroneous values for non-breeding season mortality in ES Chapter 12, Table 12.47 [REP1-032] but concludes that the error does not affect conclusions as the value of 1.75 is correct. Summing the revised value of 1.10 for September with the March to August value of 0.66 totals 1.76 rather than 1.75.</p> <p>Could the Applicant please explain what the effect of an annual mean of 1.76 is for the collision risk assessment.</p>
<b>3. Civil and Military Aviation and Radar (CAR)</b>		
<b>Clarifications</b>		
1CAR1.	The Applicant	<p><b>Correction/ Errata - Appendix 16.1: Airspace Analysis and Radar Modelling</b></p> <p>Paragraph 16.79 of ES Chapter 16 [REP1-036] refers to the Application site being in two different Area Minimum Altitudes which are shown in Figure 13 of Appendix 16.1 [REP1-050]. It appears that this should be a reference to Figure 12 of Appendix 16.1.</p> <p>Could the Applicant please check and amend as necessary?</p>

ExQ1	Question to:	Question:
1CAR2.	The Applicant	<p><b>Correction/ Errata - Appendix 16.2: Blackpool Instrument Flight Procedure Safeguarding Report</b></p> <p>The text at the top of page 4 [APP-079] suggests that the assessment was based on wind turbine generators with a maximum height of 315m above mean sea level and a rotor diameter of 140m.</p> <p>Should this be a rotor radius of 140m thereby giving a rotor diameter of 280m as per the maximum design parameter? Can the Applicant please clarify and correct if necessary?</p>
1CAR3.	The Applicant	<p><b>Correction/ Errata - Figure 16.1: Civil and Military Aviation Radar Study Area</b></p> <p>Paragraph 16.16 of ES Chapter 16 [REP1-036] refers to the radar facilities included within the study area as including ".....<i>Neatishead to the southeast,...</i>". This facility is not shown on Figure 16.1 [APP-104] but does identify a site at Trimmingham, Norfolk.</p> <p>Please can the Applicant check and confirm that the reference given is correct and if not amend the figure and ES accordingly?</p>
1CAR4.	The Applicant	<p><b>Effects of construction and decommissioning</b></p> <p>Paragraphs 16.124 to 16.130 of ES Chapter 16 [REP1-036] set a series of tip heights for blades as they are installed and the effects that they may have on Terminal Arrival Altitudes (TAA) and Minimum Sector Altitudes (MSA) for various zones around airports/ aerodromes.</p> <ol style="list-style-type: none"> <li>Could the Applicant please set out information on the height of the likely installing infrastructure, that is crane heights?</li> <li>Based on this information, could the Applicant comment on whether this would have any greater effect when compared with the individual heights assessed? This applies to both construction and decommissioning activities.</li> <li>Paragraph 16.194 indicates that it considers that in the decommissioning phase there would be 'no change' on the aviation obstacle environment. Could the Applicant please explain why the physical works of decommissioning would have less effect than the physical works of construction?</li> </ol>

ExQ1	Question to:	Question:
1CAR5.	CAA	<p><b>New Civil Aviation Authority Regulations</b></p> <p>Paragraph 6 of Appendix 17.1 [APP-081] notes that there are proposed changes in Civil Aviation Authority (CAA) Regulations which could mean day Visual Meteorological Conditions (VMC) only access is permitted to an offshore installation (helideck) located within 3nm of a wind turbine. In their WR paragraph 2.21, [REP1-116] Spirit Energy states that it understands the 3nm restriction will be secured by a regulatory change in 2025; however in its response at D2 (paragraph 49 of [REP2-030] the Applicant states that the latest consultation on changes to CPA764 did not incorporate such a change and so it is unclear whether the regulatory change could be secured by 2025 as suggested.</p> <p>Furthermore, in its response at D2 (Section 3 of [REP2-033]) the Applicant raises concerns that the new CAA Regulations might seek to impose different separation distances for WTGs owned by a gas installation operator and that of a third party. In cases where the WTG is owned by a gas operator it is suggested the separation distance could be reduced from 3nm to 2nm.</p> <ol style="list-style-type: none"> <li>a) Can the CAA provide an update on the progress of the new CAA Regulations and likely timeframe for these coming into force?</li> <li>b) Can the CAA please confirm whether the new CAA Regulations being proposed will include exceptions such as those suggested by the Applicant?</li> <li>c) If safety is the determining factor for the proposed new CAA Regulations, what is the justification/ rationale for allowing exemptions for WTGs owned by an oil and gas operator as opposed to those owned by a third party? Please can the CAA explain?</li> </ol>
1CAR6.	Harbour Energy Spirit Energy	<p><b>Additional Mitigation – Aviation Corridor</b></p> <p>At D2 the Applicant introduced new mitigation in the form of a 2nm wide take-off access corridor from Spirit Energy’s CPP1 platform (the Aviation Corridor) and this is proposed to be secured within updated Protective Provisions contained within the updated dDCO [REP2-002].</p> <p>Does the Applicant’s response at D2 and the inclusion of this additional mitigation now address Harbour Energy and Spirit Energy’s concerns and objection?</p>



**ExQ1: Wednesday 18 December 2024**

**Responses due by Deadline 3: Wednesday 22 January 2025**

ExQ1	Question to:	Question:
1CAR7.	CAA	<p><b>New Civil Aviation Authority Regulations: Alternative Means of Compliance</b></p> <p>The Applicant states (Paragraph 18 of <a href="#">[REP2-030]</a>) that even if the CAA regulatory change covering helicopter flights within 3nm of wind turbines did progress, then the combination of the newly proposed Aviation Corridor and existing unobstructed airspace would allow helicopter operators to demonstrate an Alternative Means of Compliance (AltMoc).</p> <p>Does the CAA agree with this stance and are there examples of similar AltMoc having been granted for similar situations?</p>
1CAR8.	The Applicant BAE Systems (Operations) Ltd BAE Systems Marine Ltd Blackpool Airport DIO NATS	<p><b>Mitigation</b></p> <p>Paragraph 16.161 of ES Chapter 16 <a href="#">[REP1-036]</a> sets out that CAP764 Policy and Guidelines on Wind Turbines (published by CAA) Outlines other mitigation options that could be used either singly or in combination.</p> <p><u>To the Applicant:</u></p> <p>a) Could the Applicant please set out what mitigation options it considers would be most suitable to ensure that the adverse effects of the Proposed Development caused by permanent interference with civil and military PSRs are fully mitigated?</p> <p><u>Other parties:</u></p> <p>b) Do relevant IPs have any views on whether the identified adverse effects can be fully mitigated?</p>
<p><b>Effects on individual sites</b></p>		

**ExQ1: Wednesday 18 December 2024**

**Responses due by Deadline 3: Wednesday 22 January 2025**

<b>ExQ1</b>	<b>Question to:</b>	<b>Question:</b>
1CAR9.	The Applicant NATS	<p><b>Effects on Air Traffic Control Radars at Great Dun Fell/ Lowther/ St Annes</b></p> <p>NATS RR <a href="#">[RR-060]</a> objects to the Proposed Development due to impacts on the air traffic radars at Lowther, St Annes and Great Dun Fell. The Applicant's responses (RR-060-05 to 07 in <a href="#">[PD1-011]</a>) state that mitigation has been identified for the affected radars and that negotiations with NATS are on-going.</p> <p><u>To NATS:</u></p> <p>a) Is NATS satisfied that the proposal has been designed, where possible, to minimise adverse impacts on the operation and safety of aerodromes and that the mitigation identified by the Applicant to address impacts on each of the radar system is realistically achievable?</p> <p>b) Having regard to paragraph Schedule 2, Requirement 4 of the revised dDCO <a href="#">[REP2-002]</a> does NATS agree with the drafting or are any amendments sought? If amendments are sought, please can NATS explain and provide any alternative drafting.</p> <p><u>Both parties:</u></p> <p>c) Can both parties provide an update as to any progress made towards agreement on the proposed mitigation identified and likely timeframe for this mitigation solution to be secured/ implemented?</p>

ExQ1	Question to:	Question:
1CAR10.	The Applicant BAE Systems (Operations) Ltd DIO	<p><b>Warton Aerodrome – Radar mitigation</b></p> <p>In the Ørsted IPs WR <a href="#">[REP1-112]</a> they have advised mitigation for the Warton PSR is currently being implemented and that they require assurances that the Project will not impact on the effectiveness or cost of this already agreed radar solution.</p> <p>For this Project we note that discussions between the Applicant and DIO/ BAE Systems have commenced to identify potential mitigation solutions to Warton’s PSR and at D2 a new Requirement relating to this has been added to the dDCO <a href="#">[REP2-002]</a>.</p> <p><u>To BAE Systems/ DIO:</u></p> <ol style="list-style-type: none"> <li>Can BAE Systems/ DIO confirm what radar mitigation solution has been agreed/ secured in relation to the Burbo Bank Extension and Walney Extension OWFs and whether this is now active or when it is due to become active? If the mitigation has not been implemented, how have impacts on the radar system been managed in the intervening period?</li> <li>What potential mitigation solution(s) are being discussed with the Applicant for the Proposed Development and are BAE Systems/ DIO content that any such mitigation is realistically achievable?</li> <li>Having regard to the answers to (c) above, is the mitigation being discussed in relation to this Project distinct and separate from that already agreed/ secured and as such are the solutions and costs associated with each of these independent of one another?</li> <li>Having regard to Schedule 2, Req 8 of the latest version of the dDCO <a href="#">[REP2-002]</a>, are BAE Systems/ DIO in agreement with the drafting? If amendments are sought, please provide alternative drafting.</li> </ol> <p><u>To all parties:</u></p> <ol style="list-style-type: none"> <li>Can all parties provide an update as to any progress made towards agreement on the proposed mitigation identified and likely timeframe for this mitigation solution to be secured/ implemented?</li> </ol>
1CAR11.	The Applicant	<p><b>Warton Aerodrome – Update to Schedule of Mitigation</b></p> <p>At D2 a new Requirement was added to the dDCO <a href="#">[REP2-002]</a> in relation to military radar mitigation but this is not reflected in the updated Schedule of Mitigation <a href="#">[REP2-016]</a>.</p> <p>Please update the schedule of mitigation accordingly.</p>

**ExQ1: Wednesday 18 December 2024**

**Responses due by Deadline 3: Wednesday 22 January 2025**

<b>ExQ1</b>	<b>Question to:</b>	<b>Question:</b>
1CAR12.	The Applicant BAE Systems Marine Ltd NATS	<p><b>Walney Aerodrome – Minimum Sector Altitude (MSA)</b></p> <p>Paragraph 2.10.3.2 of Appendix 16.2 [APP-078] indicates that the published MSA for Walney Aerodrome would need to be increased to maintain the necessary 300m obstacle clearance protection. In its RR BAE Systems Marine Ltd [RR-007] has indicated that the gap must be 305m and that BAE needs the height of the wind turbines to be verified by NATS.</p> <p>The Applicant's response ([PD1-011], RR-007-005) states that NATS has been commissioned to carry out an Instrument Flight Procedure (IFP) assessment on behalf of BAE and Walney Aerodrome and the results of this are expected in late 2024.</p> <p><u>To BAE Systems Marine Ltd:</u></p> <p>a) Please clarify and confirm what the published MSA for Walney Aerodrome is and provide evidence to support this – i.e. is this 300m or 305m?</p> <p><u>To the Applicant and NATS:</u></p> <p>b) Please provide a copy of the NATS IFP assessment and its findings or, if this is not yet available, an update and likely timeframe for when this will be completed?</p>

ExQ1	Question to:	Question:
1CAR13.	The Applicant Blackpool Airport BAE Systems (Operations) Ltd BAE Systems Marine Ltd DIO NATS	<p><b>Instrument Flight Procedures (IFPs)</b></p> <p>IFPs for Warton, Walney, Lowther and Blackpool Airport would require revision. In the Applicant’s response to Blackpool Airport’s Relevant Representation ([<a href="#">PD1-011</a>], RR-013-02) it is stated IFP mitigation is predicated on revisions to Blackpool Airports IFPs following the CAA five-year audit review. This review is stated to be ongoing and due for completion by November 2024. If necessary, the IFP assessment may need to be reassessed.</p> <p><u>To the Applicant:</u></p> <ul style="list-style-type: none"> <li>a) Can the Applicant clarify and explain whether the CAA five year audit applies to all airports/ aerodromes or just Blackpool Airport?</li> <li>b) Can the Applicant please advise if this audit has been completed, summarise its findings (if known) and advise whether an update to the IFP assessment submitted as part of the application is required? If an update is required, please can the Applicant set out a likely timeframe for submission of such an assessment?</li> <li>c) Can the Applicant explain who would be responsible for making the changes to IFPs and the likely timeframe for completion? Would the timeframes differ for each airport or would these be the same?</li> </ul> <p><u>All Parties:</u></p> <ul style="list-style-type: none"> <li>d) Is there any reason or identifiable impediment why the required changes to the IFPs would not be agreed/ achieved?</li> <li>e) Having regard to Schedule 2, Requirements 5, 6 and 7 of the latest version of the dDCO [<a href="#">REP2-002</a>], do parties agree with the drafting or are any amendments sought? If amendments are sought, please can all parties explain and provide any alternative drafting by Deadline 3?</li> </ul>

**ExQ1: Wednesday 18 December 2024**

**Responses due by Deadline 3: Wednesday 22 January 2025**

<b>ExQ1</b>	<b>Question to:</b>	<b>Question:</b>
1CAR14.	DIO	<p><b>Military Low Flying Area and aviation lighting</b></p> <p>Paragraph 5.5.5 of NPS EN-1 states that lighting may need to be compatible with night vision devices for military low flying purposes and in its RR <a href="#">[RR-021]</a> the DIO refers to the Proposed Development lying within Low Flying Area 17 (LFA17).</p> <p>Please can the DIO:</p> <ul style="list-style-type: none"><li>a) provide a plan showing the extent of the area covered by LFA17?</li><li>b) advise whether low flying operations are restricted to daytime hours only or whether these can also be carried out during the night?</li><li>c) having regard to Schedule 2, Requirement 3 of the latest version of the dDCO <a href="#">[REP2-002]</a>, confirm if it is agreement with the drafting or whether any amendments are needed. If amendments are sought, please can the DIO explain and provide any alternative drafting.</li></ul>

ExQ1	Question to:	Question:
1CAR15.	The Applicant NATS CAA Isle of Man Ronaldsway Airport IoM TSC	<p><b>Isle of Man Airport - Ronaldsway Airport Primary Surveillance Radar (PSR)</b></p> <p>Paragraph 16.157 of ES Chapter 16 [REP1-036] indicates that Ronaldsway Airport has concerns about the number of offshore wind projects proposed in the Irish Sea and that there may be a technical impact with the processing capacity of the PSR. Paragraph 16.219 states that engagement is continuing to further understand any potential radar issues and mitigate these concerns.</p> <p>NATS have not commented on impacts to the Isle of Man Ronaldsway Airport in its RR [RR-060] and Ronaldsway Airport did not register a RR and so are not an IP. However, the RR from the IoM TSC [RR-031] does request continued engagement in relation to potential impacts on air travel and any mitigation and this is referenced within the draft SoCG with the IoM TSC submitted at Deadline 1 (item TSC 22 in REP1-066).</p> <p><u>To All Parties:</u></p> <p>a) Please explain if and how the Isle of Man (IoM) Ronaldsway Airport regulations on air traffic safety relate to relevant UK regulations and guidance?</p> <p><u>To IoM TSC:</u></p> <p>b) Noting paragraph 14 of the draft SoCG submitted at D1 [REP1-066]), can the IoM TSC confirm it is representing the views of the airport at this Examination and, if so, can the SoCG be amended to make this clear; and does it wish to make any further submissions in relation to the assessment or mitigation of potential interference with the airports PSR?</p> <p><u>To the Applicant</u></p> <p>c) Can the Applicant provide an update on discussions with the airport about potential concerns on radar processing capacity given the number of offshore projects and in particular whether any mitigation to address this has been agreed? If so, how is this to be secured?</p>

ExQ1	Question to:	Question:
1CAR16.	The Applicant	<p><b>Closure of airspace during UXO clearance</b></p> <p>In their WR at Deadline 1 BAE Systems (Operations) Limited/ BAE Systems Marine Limited <a href="#">[REP1-100]</a> highlighted potential impacts that could arise on their operations in the event there is a need for airspace to close during UXO clearance.</p> <p>Paragraphs 17.84 and 17.85 of ES Chapter 17 <a href="#">[REP1-038]</a> note that UXO clearance will be the subject of a separate marine licence and that processes for managing UXO risk and communication would be followed, noting guidance such as Construction Industry Research and Information Association (CIRIA) C754, Assessment and management of UXO risk in the marine environment, 2015. Whilst we note this position, a series of UXO mitigation measures have been identified and outlined within the draft MMMP (Table 13.1 of <a href="#">[APP-149]</a>) which are focused on protecting marine mammals.</p> <p>Therefore, the Applicant is invited to respond to the issues raised by BAE Systems and:</p> <ol style="list-style-type: none"> <li>Provide a copy of the CIRIA C754 guidelines and a brief summary of what these may say in relation to managing communications and risks regarding UXO clearance on airspace.</li> <li>Advise whether, given the windfarm site does overlap a historic military training area, there is a realistic prospect of the need to close airspace during UXO clearance operations? For example, have closures been necessary associated with the construction of other offshore infrastructure projects within the Irish Sea? If so, which projects and can the Applicant provide information on the number/ duration of any such closures?</li> <li>How would any closure of airspace be notified to other airspace users, in particular aircraft transiting the Class G (uncontrolled) airspace and so are not obliged to be in receipt of an Air Traffic Services?</li> <li>What measures would likely be put in place to mitigate impacts and disruption to BAE Systems (and other airspace users) should there be a need to close airspace during UXO clearance operations and how would these be secured (i.e. Requirement, Protective Provisions or Commercial Agreement)?</li> </ol>
1CAR17.	Spirit Energy	<p><b>Helicopter flights - sectoring methodology</b></p> <p>In its WR at D1 <a href="#">[REP1-116]</a> Spirit Energy refers to the Applicant's analysis having split flights into multiple sectors, representing individual trips and stops on the flight route rather than as a whole trip. Spirit Energy argues this is wrong as <i>"...it is not possible to cancel separate sections of multi leg flights, or one sector of a multi sector flight"</i> and that <i>"Any routing changes must be made prior to the aircraft's departure from Blackpool which will cause a further 1hour delay for aircraft departure"</i>.</p> <p>Please can Spirit Energy expand and explain why it is not operationally possible to cancel separate sections/ sectors of a flight and why routing changes could not occur mid-flight given these flights take place within Class G (uncontrolled) airspace?</p>



ExQ1	Question to:	Question:
1CAR18.	The Applicant BAE Systems (Operations) Limited BAE Systems Marine Ltd Blackpool Airport Ronaldsway Airport	<p><b>Very High Frequency (VHF) and Direction Finding (DF) Communications</b></p> <p>In the draft SoCG submitted at Deadline 1 (BA 14, <a href="#">[REP1-070]</a>) it is noted that Blackpool Airport has identified impacts to VHF radio and DF communications and stated that an assessment is required and needs to take into account other adjacent offshore wind farm projects. No such assessment is currently contained within the application documents, having previously been agreed to be scoped out.</p> <p><u>To Blackpool Airport/ BAE Systems:</u></p> <p>a) Please can Blackpool Airport/ BAE Systems explain why the concerns about potential impacts to VHF and DF communications were not identified earlier or whether something has changed since the Application was submitted which gives rise to these concerns?</p> <p><u>To BAE Systems (Operations) Limited, BAE Systems Marine Ltd and Ronaldsway Airport</u></p> <p>b) Do any of the operators of other aerodromes/ airports have any comments or concerns in relation to impacts on VHF and DF communications? If so please can summarise these concerns.</p> <p><u>To the Applicant:</u></p> <p>c) Discussions have commenced with Blackpool Airport about its concerns on VHF and DF communications and that an update will be given at a future deadline. Please can the Applicant provide an update by no later than Deadline 3 which includes:</p> <ul style="list-style-type: none"> <li>i) confirmation of whether an assessment is to be carried out and whether this is only required for Blackpool Airport or will include other aerodromes/ airports in the study area (and if so which ones);</li> <li>ii) if an assessment is to be undertaken, the timeframe for carrying out such an assessment and when it will be submitted into the Examination (albeit this must be received no later than D4 in order that parties have an opportunity to comment upon it).</li> <li>iii) if it is considered an assessment is not required, an explanation and justification to support the position and how the concerns raised by IPs will be addressed.</li> </ul>
<b>Emergency Response Co-operation</b>		
1CAR19.	The Applicant	<p><b>Schedule of mitigation</b></p> <p>Item 16.6 of the Schedule of Mitigation <a href="#">[REP2-016]</a> still refers to the need to update IFPs in relation to RAF Valley however this has since been confirmed as not necessary and the dDCO updated to reflect this – see Schedule 2, Condition 7 of <a href="#">[REP2-002]</a>.</p> <p>Please update the schedule of mitigation accordingly.</p>

ExQ1 Question to: Question:		
4. Climate Change (CC)		
Assessment		
1CC1.	The Applicant	<p><b>Greenhouse Gas Assessment</b></p> <p>In relation to the assumptions for the GHG assessment (Table 21.12 of ES Chapter 21 <a href="#">[APP-058]</a>) the Applicant has referred to "<i>Energy displaced by the Project</i>" in the 'Do Nothing' scenario.</p> <p>Could the Applicant please comment in light of the recent cases of R (<i>on the application of Finch on behalf of the Weald Action Group</i>) v Surrey County Council [2024] UKSC 20 and Friends of the Earth Ltd and South Lakeland Action on Climate Change v SSLUHC [2024] EWHC 2349 (Admin), and whether these cases have any implications for the assessments of GHG emissions?</p> <p>If it is considered that it would affect the Assessment, could the Applicant please re-run the assessment (both individual and cumulative) based on any revised assumptions.</p>
1CC2.	The Applicant	<p><b>Greenhouse Gas Assessment</b></p> <p>It is noted that the Proposed Development would result in the re-routing of existing ships (including ferries). The Applicant has undertaken an assessment of this in Section 5 of Appendix 21.1 of the ES <a href="#">[APP-087]</a>.</p> <p>Could the Applicant</p> <p>a) explicitly set out how these have been included within the overall assessment as set out in Chapter 21 <a href="#">[APP-058]</a>; and</p> <p>b) please explain how this has also taken into account adverse weather routings.</p>
1CC3.	The Applicant	<p><b>Greenhouse Gas Assessment</b></p> <p>In the event that the Applicant accepts that there would be some reduction in wind speeds in relation to nearby offshore windfarms in the Irish Sea (see questions ExQ1001 to ExQ1005), could the Applicant please ensure that this is factored into any revised Greenhouse Gas Assessment, explaining how any reduction in GHG benefits has been calculated.</p>

ExQ1	Question to:	Question:
1CC4.	The Applicant	<p><b>Carbon Management in Infrastructure: PAS 2080</b></p> <p>Paragraph 21.49 of the ES <a href="#">[APP-058]</a> states that <i>“Best practice measures have been reviewed and identified as part of the GHG assessment ...”</i></p> <p>Paragraph 21.161 of the ES <a href="#">[APP-058]</a> lists certain management measures during construction which are <i>“considered best practice for further consideration at the Project develops but are not required as additional mitigation ...”</i> (sic): there appears to be no mention of PAS 2080 in relation to operation and maintenance but paragraph 21.173 states that these (construction) measures would also apply to decommissioning activities.</p> <p>Please could the Applicant explain in more detail:</p> <ul style="list-style-type: none"><li>a) what would these best practice measures be?</li><li>b) how would they be secured? and</li><li>c) how the principles of PAS 2080:2023 Carbon Management in Infrastructure and Built Environment have been taken into account in the assessment methodology, with particular reference to the entire project lifecycle.</li></ul>

ExQ1	Question to:	Question:
1CC5.	The Applicant	<p><b>Worst Case scenarios – Transmission Assets and delay to the delivery of benefits</b></p> <p>At D1 the Applicant presented Gantt charts showing the realistic expected and delayed scenarios to justify the proposed 7-year implementation period in the draft DCO [REP1-086]. Plate 3.2 presents the delayed scenario and includes a potential delay to the construction of the project in the event of a judicial review being lodged but does not take into account any potential similar challenge to the associated Transmission Assets project.</p> <p>In the Applicant’s summary of oral representations made at ISH1 [REP1-085], it is stated that it is a realistic intention to have the project operational by 2030 and that “<i>The commercial position of the projects would dictate that you would need both the Generating Assets and the Transmission Assets to be fully consented and ‘ready to go’ before there would be any progress substantively with either part</i>”. Having regard to this position:</p> <ol style="list-style-type: none"> <li>Should there be a judicial review challenge to the M&amp;MTA project, how might this impact upon the decision to commence construction of the Generation Assets project and therefore implementation within the 7 year period?</li> <li>What effect would any such delay also have in terms of the delivery of the benefits of the scheme by 2030 as intended?</li> <li>Should Plate 3.2 be updated to take into account the above scenario and therefore represent a worst case?</li> </ol> <p>Please also see ExQ1DCO2.</p>
<b>5. Commercial Fisheries (CF)</b>		
1CF1.	The Applicant	<p><b>Correction/ Errata - oFLCP</b></p> <p>Paragraph 7 [APP-147] makes reference to condition (e)(iv) of the dDML within the dDCO as securing the final FLCP whereas in the latest version of the dDCO [REP2-002] this is secured within Condition 9(1)(k).</p> <p>Please can the Applicant amend the oFLCP to reflect correct reference in the latest version of the dDML/ dDCO.</p>
1CF2.	The Applicant	<p><b>Missing Plans - ES Chapter 13 and Appendix 13.1</b></p> <p>Paragraphs 13.62, 13.89 and 13.92 of ES Chapter 13 [APP-050] refer to Figures 3.22, 3.24, 3.26, 3.28 and 3.30 in Appendix 13.1 [REP2-014]. However, these references do not appear to be correct, or the figures referenced are missing (as the series 3 Figures in Appendix 13.1 only go up to 3.21).</p> <p>Could this, and all cross referencing within this Chapter, please be checked and/ or the missing figures supplied?</p>

ExQ1	Question to:	Question:
1CF3.	The Applicant MMO NFFO IoM TSC	<p><b>In Principle Monitoring Plan - Landings Data and Monitoring</b></p> <p>Paragraph 13.302 of ES Chapter 13 [APP-050] states that the IPMP includes for the monitoring of commercial fisheries data pre, during and post construction. Paragraph 39 of the IPMP states that this is likely to be managed outwith of the IPMP. Table 2.5 of the IPMP [APP-148] states that monitoring would be carried out for a minimum period of 5 years and does not include monitoring during or following decommissioning. Assuming an approximate construction period of 2.5 years, it is assumed that pre and post construction monitoring would therefore equate to approximately 1.25 years each.</p> <p>Please also see ExQ1GEN11 <b>Error! Reference source not found..</b></p> <p><u>To the Applicant:</u></p> <ul style="list-style-type: none"> <li>a) Can the Applicant explain why a commitment to monitoring landings data is proposed to sit outwith the IPMP and, if so, how would this be secured?</li> <li>b) Rather than sit outwith of the IPMP, could the IPMP and/ or the oFLCP be amended to secure this and if not, why not?</li> <li>c) Can the Applicant explain why monitoring of landings data is not proposed during or post decommissioning given the potential impact of activities during decommissioning have been assessed as being the same as those during construction? To address this can the IPMP be amended to make clear monitoring would be carried out during and post decommissioning and for how long?</li> </ul> <p><u>Other IPs:</u></p> <ul style="list-style-type: none"> <li>d) Do any other IPs have any comments or views on how the commitment to monitoring should be secured?</li> <li>e) Is monitoring on landing data sufficient?</li> <li>f) Could NE confirm whether 1.25 years of data would be sufficient to evaluate the effect of the construction and operation of the proposed development on the fisheries resources at or near the site, or whether a longer post construction monitoring period is necessary.</li> <li>g) Should monitoring be extended to include during and post decommissioning activities and if so, can other IPs explain with reasons how long it is considered such monitoring would be required following completion of the works?</li> </ul>

ExQ1	Question to:	Question:
1CF4.	IoM TSC	<p><b>Applicant’s Response to Relevant Representation</b></p> <p>In its <a href="#">[RR-031]</a> the IoM TSC has stated that “<i>there remains some lack of consistency between Chapter 13 Environmental Statement and the baseline technical report (Appendix 13.1). This should be considered and corrected both for ensuing accuracy of the record, and also to ensure that the conclusions of the EIA are accurate</i>”. The Applicant’s response to RR-031-07 <a href="#">[PD1-011]</a> states that it does not consider there is a lack of consistency.</p> <p>Please can the IoM TSC identify and explain the inconsistencies between ES Chapter 13 <a href="#">[APP-050]</a> and the Appendix 13.1 <a href="#">[APP-072]</a> that it is referring to?</p>
1CF5.	IoM TSC	<p><b>Applicant’s Response to Relevant Representation</b></p> <p>In its RR <a href="#">[RR-031]</a> the IoM TSC states that it retains some concerns about the scope (number of years and period) and type of fishing activity data used to characterise the baseline of regional fisheries. It is added that “<i>Factors such as Covid, Brexit and cyclical patterns of particular species are acknowledged, but apparently not consistently or fully considered</i>”.</p> <p>Please can the IOM TSC explain what is meant by “<i>apparently not consistently or fully considered</i>”? Can the IOM TSC give examples or reasoning for this statement?</p>
1CF6.	The Applicant	<p><b>Monitoring/ maintenance of retained features post-decommissioning</b></p> <p>Table 13.2 of ES Chapter 13 <a href="#">[APP-050]</a> states that it is likely that some infrastructure could be retained in-situ post decommissioning (e.g. inter-array and platform cables; scour protection; crossings and cable protection and part foundations of WTGs).</p> <p>Conditions 9(1)(d)(cc) and 16(5) of the dDML <a href="#">[REP2-002]</a> provide for post-construction monitoring to be carried out but only until the development is decommissioned. Should cables not be buried and structures and cables were to be retained in-situ, can the Applicant, please advise and comment on:</p> <ol style="list-style-type: none"> <li>what measures would be in place to identify these features long-term?</li> <li>who would be responsible for monitoring/ maintaining retained features post-decommissioning, and for how long, to ensure they don’t pose a long-term risk?</li> <li>how would such an obligation and commitment be secured given the current drafting of Conditions 9(1)(d)(cc) and 16(5)?</li> <li>if features were to be retained post-decommissioning, and no such post-decommissioning monitoring is carried out and secured, should the significance of effects be greater than that assessed for construction given the absence of any additional mitigation? If not, can the Applicant please explain why?</li> </ol>

ExQ1	Question to:	Question:
1CF7.	<p>NFFO Traditional and Sustainable Commercial Fishing Association IoM TSC</p>	<p><b>Displacement of fisheries during construction</b></p> <p>In the RR from the NFFO <a href="#">[RR-059]</a> it is stated the Applicant’s assumption that commercial fisheries, specifically mobile gear, will be able to return post construction to mitigate impacts is exaggerated and that there is little evidence from current operational wind farms that mobile gear has returned to activity levels similar to pre-construction. The Applicant’s response (<a href="#">[PD1-011]</a>, RR-059-05) comments that the impact assessment found relatively low levels of activity by mobile fleets within the Proposed Development site, as evidenced by vessel monitoring system data and scallop grounds mapped by the ICES Scallop Working Group, as well as consultation via the FLO.</p> <p>Having regard to this response could the NFFO and The Traditional and Sustainable Commercial Fishing Association:</p> <ol style="list-style-type: none"> <li>a) confirm whether it is content with the methodology and sources of information used by the Applicant to identify and assess the extent of mobile gear fishing activity within the footprint of the Proposed Development. If not, why and what other evidence or sources of information do the parties consider should have been used in the assessment?</li> <li>b) confirm whether it agrees that activity by mobile fishing fleets within the Proposed Development footprint is relatively low? If not, can it please provide evidence which supports or substantiates that position?</li> <li>c) provide evidence to demonstrate and support the position that fishing activity within other operational offshore windfarms has not returned to that prior to construction? For example, which offshore windfarms, what was the level of activity before and post construction and how do those development compare with the Proposed Development in terms of footprint size, distance between WTGs and types of fishing activity?</li> </ol> <p>Paragraph 13.170 of Chapter 13 of the ES <a href="#">[APP-050]</a> makes clear it is up to skippers as to whether they would be willing to undertake fishing activities within the array once constructed. Having regard to the design parameters and mitigation measures proposed as part of this specific development (including the embedded and additional mitigation including those within the oFLCP).</p> <ol style="list-style-type: none"> <li>d) can the parties explain why it is considered access would not be possible post-construction? For example, are there nominal clearances that skippers would wish to see to ensure safety and, if so, can these be provided for each of the different fishing operations identified (and any others which the parties consider have been omitted)?</li> </ol>

ExQ1	Question to:	Question:
1CF8.	NFFO	<p><b>Significance of displacement effects and monitoring</b></p> <p>In its RR [RR-059] the NFFO “feel that the assumption of no displacement effects ... is vastly underestimated, assessed as negligible on all occasions”. The Applicant’s response ([PD1-011], RR-059-06) and Table 13.25 of ES Chapter 13 [APP-050] however indicate that the impact assessment found a moderate adverse (significant effect) for the UK potting fleet during construction and for all other fleets the effect was assessed as being minor adverse (not significant). The only receptor where the effect of displacement was found to be negligible was the pelagic trawl fleet.</p> <p>Having regard to the above, please explain why it is considered the displacement effects have been underestimated and where it is stated such effects have been assessed as negligible?</p>
1CF9.	The Applicant	<p><b>Transboundary Effects – Republic of Ireland and Belgium Fishing Fleets</b></p> <p>Paragraph 13.296 of ES Chapter 13 [APP-050] states the potential transboundary impact of constraints on foreign commercial fishing activities is concluded to be of negligible adverse significance and is therefore considered to be not significant in EIA terms. This appears to be different to the conclusions listed in Table 13.25 for all phases of the development (that is construction, operation and maintenance and decommissioning) which identifies the residual effect would be minor adverse.</p> <p>Can the Applicant please check this and clarify/ confirm?</p>
1CF10.	The Applicant	<p><b>Fisheries Clearance and Safety Zones – Surveying and pre-construction activities</b></p> <p>Paragraph 9 of the oFLCP [APP-147] refers to potential restrictions as “likely to include standard safety zones during surveying, pre-construction and construction, and operational safety zones around staffed or sensitive offshore platforms during operation and maintenance...”. Paragraph 22 states “Fisheries clearance zones would be provided to the fishing industry prior to surveys and construction where required, ...”.</p> <p>a) Can the Applicant please clarify and explain if there is a difference between ‘standard safety zones’, ‘operational safety zones’ and ‘fisheries clearance zones’? If so, please confirm the size of each and how long each of these would likely be in place?</p> <p>b) If safety and fisheries clearance zones are likely to be required during surveying and pre-construction activities (as indicated by paras. 9 and 22 of the oFLCP), should Table 3.1 of the revised Safety Zone Statement [REP1-006] be updated to include reference to these activities/ stages and confirm details of the sizes of such zones identified? If not, why?</p>



ExQ1	Question to:	Question:
1CF11.	The Applicant	<p><b>Fisheries Clearance and Safety Zones – Construction phase</b></p> <p>Paragraph 13.108 of ES Chapter 13 [APP-050] indicates that during construction, safety zones would be 500m whilst Table 13.2 indicates that these could be extend to up to 1000m around vessels, in exceptional circumstances, to allow safe passage.</p> <p>Can the Applicant please give an example of what an exceptional circumstance could be and how has this potentially larger area been reflected in the assessment given it is not identified as a worst-case scenario parameter?</p>
1CF12.	The Applicant	<p><b>Fisheries Clearance and Safety Zones – Operational and maintenance phase</b></p> <p>Paragraph 14 of the Safety Zone Statement [REP1-006] states that it “...does not currently foresee any specific need for Safety Zones to be established around the OREI during the operational phase, with the exception of during major maintenance activities” whereas paragraph 9 of the oFLCP [APP-147] indicates the possibility of “operational safety zones around staffed or sensitive offshore platforms during operation and maintenance, or in some cases, around access points to turbines”.</p> <p>Paragraph 13.173 of ES Chapter 13 [APP-050] also suggests there would be an assumed operating distance from infrastructure (50m radius) and paragraph 13.217 identifies such zones as being advisory around WTGs/ OSPs. Whilst we note the Schedule of Mitigation submitted at D2 (row 17.9 of [REP2-016]) sets out details of the sizes of such zones, please can the Applicant:</p> <ol style="list-style-type: none"> <li>clarify whether safety zones would be established during the operational phase (i.e. not just during maintenance) or whether these would simply be advisory?</li> <li>if zones are to be imposed, can the Applicant confirm how big these would be, to which specific infrastructure they would apply (e.g. WTGS/ OSPs, etc.) and what ‘sensitive offshore platforms’ are?</li> <li>if operational safety zones are to be imposed, how have these been reflected in the assessment given they are not identified as a worst-case scenario parameter?</li> <li>during maintenance, what is the typical duration for such activities and how long would safety zones be in place? What about periods of heavy maintenance, how does this compare in terms of duration to that of construction activities?</li> </ol>

ExQ1	Question to:	Question:
1CF13.	The Applicant	<p><b>Outline Fisheries Liaison Co-existence Plan – Compensation Strategy</b></p> <p>The oFLCP [APP-147] states fisheries clearance zones (where required) would be provided to the fishing industry prior to surveys and construction and that in some cases individual affected fishers may be eligible for compensation.</p> <p>a) Given the effects of decommissioning works have been assessed elsewhere as being the same or similar to those as construction, could there also be a need for fisheries clearance zones to be established, and potential compensation payments, during the decommissioning phase?</p> <p>b) If so, then can the oFLCP be amended to make it clear such zones and payments could also be required for decommissioning works?</p>
1CF14.	NFFO Traditional and Sustainable Commercial Fishing Association	<p><b>Outline Fisheries Liaison Co-existence Plan – Timeframes for the distribution of Project information</b></p> <p>Table 3.2 of the oFLCP [APP-147] indicates that a notice period of not less than 2 weeks would be given to stakeholders prior to the commencement of activities that could impact on fishing operations/ activities. Can the NFFO and the Traditional and Sustainable Commercial Fishing Association confirm whether the timeframe cited is adequate and, if not, why?</p>
<b>6. Cultural Heritage (including Marine Archaeology) (CH)</b>		
<b>Clarifications</b>		
1CH1.	The Applicant	<p><b>Clarification as to effect on setting of heritage assets</b></p> <p>Paragraph 35 of Appendix 15.3 Settings Assessment [APP-077] sets out a list of "likely frequency of visibility" for the Proposed Development based on distance. This is said to be derived from Table 18.10 of ES Chapter 18 [APP-055].</p> <p>However, the information in Table 18.10 is discrete for distance. But visibility at, say 30-40km, would be not circa 55 days alone, but the total of all days when visibility would be greater than 30km, which is 15% (30km-40km) + 14.8% (40km-50km) + 9.6% (50km-60km) + 0% (&gt;60km) which equals 39.4% or around 145 days per year.</p> <p>Could the Applicant please revisit the settings assessment based on the correct length of time that the Proposed Development would be visible.</p>

**ExQ1: Wednesday 18 December 2024**

**Responses due by Deadline 3: Wednesday 22 January 2025**

<b>ExQ1</b>	<b>Question to:</b>	<b>Question:</b>
1CH2.	The Applicant	<p><b>Clarification on settings of designated heritage assets</b></p> <p>In paragraph 15.163 of ES Chapter 15 [REP1-034] there is a reference to "Seven LBs". Could the Applicant please confirm whether this should be "Seven Grade I listed buildings"?</p> <p>If so, could the ES be updated, and if not please explain what this should be, given the references to Grade II* and II listed buildings elsewhere in the list.</p>
1CH3.	The Applicant	<p><b>Clarification</b></p> <p>Table 15.2 of ES Chapter 15 [REP1-034] sets out the realistic worst-case scenarios for marine archaeology and cultural heritage. In the operation and maintenance phase, in relation to Impact 4: Impact on the setting of heritage assets, in relation to the maximum number of vessel movements, each effect is set out as "X vessels".</p> <p>Could the Applicant please clarify this, and whether, for example, the first should be "384 movements", and also, whether a "movement" is "port to port" or some other journey?</p>
<b>Effects on assets</b>		
1CH4.	Affected local authorities HE	<p><b>Identification of heritage assets</b></p> <p>In making their assessment the Applicant has only rarely referred to non-designated heritage assets. This question relates to both designated and non-designated heritage assets.</p> <p>Do IPs agree with the Applicant's assessment as to which heritage assets should be scoped out of assessment? If not, could they identify the asset including its heritage significance, and explain why the significance of the asset would be affected by the Proposed Development.</p>
1CH5.	The Applicant	<p><b>2024 geoarchaeological assessment</b></p> <p>In the responses to WRs with HE (for example, WR-095-27) [REP2-027], the Applicant makes reference to a technical note being provided to HE following the 2024 geoarchaeological assessment. Is it the intention of the Applicant to submit this information, without which the ExA would be unable to take it into account? If so, could it please be provided.</p>

ExQ1	Question to:	Question:
1CH6.	The Applicant Affected local authorities HE	<p><b>Settings of heritage assets</b></p> <p>In paragraph 15.216 of ES Chapter 15 [REP1-034], the Applicant indicates that construction effects on coastal (terrestrial) heritage assets “are not anticipated to give rise to material harm”. It then goes on to indicate “changes are anticipated to be negligible adverse significance”.</p> <p>Could the Applicant please clarify whether it considers the Proposed Development, within the terms set out in NPS EN-1, would result in less than substantial harm to the settings and significance of the heritage assets or preserve the settings and significance of the heritage assets? Could this also be reconciled with Tables 15.25 and 15.33.</p> <p>Any reassessment should consider both the Proposed Development on its own and cumulatively with other identified plans and projects.</p>
1CH7.	The Applicant Blackpool Council HE	<p><b>Settings of Blackpool Heritage Assets</b></p> <p>In Section 8.7 and 8.8 of ES Appendix 15.3 (Settings assessment) [APP-077] the Applicant asserts that the Proposed Development does not affect the settings of various heritage assets in Blackpool. Could the Applicant, and Interested Parties who wish, respond to the proposition that these assets only exist because of the proximity to the sea, and its open seascape. Consequently, any interruption to the existing seascape would affect their settings.</p> <p>If IPs agree with this proposition, could they set out their views as to the effect on the identified assets.</p>

ExQ1	Question to:	Question:
1CH8.	The Applicant Affected local authorities	<p><b>Cumulative Effect with M&amp;MTA project</b></p> <p>In paragraph 15.263 of ES Chapter 15 [REP1-034] the Applicant sets out three marine elements which it considers would interact with the Proposed Development in relation to cultural heritage; this includes land based cultural heritage.</p> <p>In Table 8.4 of the Report on Interrelationships with Other Infrastructure [REP1-078], considering historic environment, which is noted as a receptor for the M&amp;MTA project only, the Applicant indicates that it believes that <i>“there are potential significant effects on the historic environment arising from the Transmission Assets during the construction, operation and maintenance or decommissioning phases which would arise from loss of, or harm to, buried archaeological remains and deposits of geoarchaeological and Palaeoenvironmental interest during construction. This is a precautionary assessment and further investigation will be undertaken ahead of and during construction to identify any currently unknown buried archaeology.</i></p> <p><i>There are no significant effects in EIA terms cumulatively taking into account mitigation measures”.</i></p> <p>and in the sensitivity analysis notes that <i>“There is no connectivity to the Generation Assets CEA for potential direct effect on onshore receptors”.</i></p> <p>Historic environment is noted as being one of the topics where <i>“Receptors and EIA topics for Transmission Assets only”.</i></p> <p>There appears to be a dichotomy between these two assessments. Could the Applicant rationalise the assessments, confirming what its case is in relation to both the project alone and cumulative and in-combination assessments in respect of:</p> <ul style="list-style-type: none"> <li>• Marine heritage assets; and</li> <li>• Land-based heritage assets.</li> </ul> <p>In the interests of clarity could the Applicant confirm that it accepts there is the potential for cumulative effects in the marine heritage environment for both the Proposed Development and M&amp;MTA, although it considers that, taking account of mitigation, there would be no significant effects?</p>

ExQ1	Question to:	Question:
1CH9.	The Applicant	<p><b>Cumulative effect on settings of heritage assets</b></p> <p>The ES does not address potential cumulative effects on the settings and significances of terrestrial heritage assets.</p> <p>Could the Applicant please explain why this has not occurred given the conclusion in paragraph 15.216 of ES Chapter 15 [REP1-034] that there would be “negligible adverse significance” from the Proposed Development, which could be replicated in other projects leading to greater cumulative overall effect on the setting and significances of the heritage assets.</p>
<b>7. Draft Development Consent Order [REP2-002] (DCO)</b>		
<b>Article 7 – Benefit of Order</b>		
1DCO1.	MMO	<p><b>Transfer of benefit of Order</b></p> <p>Without concluding on the matter, in order to ensure that the MMO is satisfied as to the drafting of Article 7, could it provide a revised draft of Article 7, and also set out any other associated changes to the dDCO it would consider appropriate, were the SoS to conclude that they did not wish to include transfer of the benefit of the DML within the Order.</p>
<b>Schedule 2 - Requirements</b>		
1DCO2.	The Applicant	<p><b>Req 1 – Commencement</b></p> <p>In responding to the issue of the commencement period the Applicant has set out two Gantt charts. Plate 3.1 shows the realistic expected scenario, which has a maximum of a two year gap between consent and commencement, and Plate 3.2 shows a five year gap between consent and commencement.</p> <p>For the second timescale, can the Applicant explain why it has assumed that the consenting processes for the M&amp;MTA project would not be delayed.</p> <p>The Applicant is asked to further expand on why it considers that a seven year commencement period is required?</p> <p>See also ExQ1CC5.</p>

ExQ1	Question to:	Question:
1DCO3.	The Applicant	<p><b>WTG Spacing</b></p> <p>In both Requirement 2 in Schedule 2, and Table 4 of Part 2 of Schedule 6 reference is made to the minimum distances of and between rows of WTGs. How is the orientation to be confirmed? In other words, how are 'rows' and 'columns' to be defined? Should these be on the face of the dDCO?</p>
1DCO4.	The Applicant	<p><b>Req 9 - Decommissioning</b></p> <p>In its response to the Republic of Ireland's Department of Housing, Local Government and Heritage <a href="#">[REP1-092]</a> the Applicant states "No offshore decommissioning works will take place until a written decommissioning programme has been approved by the [SoS DESNZ]". However, Req 9 only requires a decommissioning programme if the SoS serves a notice upon the Applicant. Could this inconsistency please be resolved?</p>
<b>Schedule 3 – Protective Provisions</b>		
1DCO5.	Those parties who would benefit from protective provisions	<p><b>Protective provisions</b></p> <p>Could all parties who would benefit from Protective Provisions, please indicate whether they are content with the wording set out in Schedule 3 of the draft DCO <a href="#">[REP2-002]</a>?</p> <p>If not, could the party please explain why it is not content and provide alternative wording, setting out why each and all proposed changes are necessary.</p> <p>Could Harbour Energy and Spirit Energy please liaise with each other to ensure that no proposed changes to respective Protective Provisions are mutually exclusive given their interests in the area.</p>
1DCO6.	The Applicant	<p><b>WTG aviation corridor</b></p> <p>In Schedule 3, Parts 2 and 3 paragraph 2 in the definition of "WTG aviation corridor" there is a reference to 220 degrees. Could this please be defined what measurement is this being considered against? For example, is it in relation to true or magnetic north, and from what datum point?</p>
<b>Schedule 6 – Deemed Marine Licence</b>		
1DCO7.	NE The Applicant	<p><b>Pre-construction plans and documentation</b> (Schedule 6, Part 2, condition 9(1)(c))</p> <p>Could the Applicant and NE provide an update on any progress made regarding the timescales included in the dML conditions for approval of pre-construction documentation and agreement of documents, where 4 months can remain and those where 6 months can be accepted.</p>

**ExQ1: Wednesday 18 December 2024**

**Responses due by Deadline 3: Wednesday 22 January 2025**

1DCO8.	The Applicant MMO HE MCA Trinity House Affected local authorities	<p><b>Micrositing</b></p> <p>a) Within condition 9(1)(a)(ii) should there be a maximum limit for micrositing within the two lines of orientation? If so, what should this be?</p> <p>b) Should this be allowed to be varied by consent, and if so, who should grant this consent, and should there be any limits on variation?</p>
1DCO9.	The Applicant NFFO The Traditional and Sustainable Commercial Fishing Association IoM TSC	<p><b>Schedule 6, Condition 9(k) - Fisheries Liaison and Co-existence Plan (FLCP)</b></p> <p><u>To the Applicant:</u></p> <p>a) The Applicant’s response to the NFFO Relevant Representation ([<a href="#">PD1-011</a>], RR-059-02) states that the FLCP is secured in Schedule 6 Condition 9(1)(k), which would be approved by the MMO with consultation with the fishing industry. However, the pretext within Condition 9(1) only references approval by the MMO in consultation with the relevant statutory nature conservation body, Trinity House and the MCA. Can the Applicant amend the drafting so as to include reference to representatives of the fishing industry? If not, at what stage and how would the fishing industry be consulted on the final FLCP as indicated? How would this be secured?</p> <p><u>Other IPs:</u></p> <p>b) Do the parties have any comments on the drafting of Condition 9(1)(k) or the scope and content of the oFLCP at this stage?</p>
1DCO10.	The Applicant	<p><b>WGS84 datum</b></p> <p>In Schedule 6, paragraph 18(d) and (e) there is reference to “WGS84 datum”. Could this please be defined either in paragraph 1(1) of the Schedule or specifically within this paragraph?</p>
<p><b>Schedule 8 – Documents to be Certified</b></p>		



1DCO11.	The Applicant	<p><b>Documents to be Certified</b></p> <p>It has been noted that while the Applicant has renumbered the tracked versions of the documents submitted at D1 with an extra .1, for example the D1 tracked version of the HRA without prejudice derogation case <a href="#">[REP1-014]</a> is now 4.11.1, this does not tally with the list of documents to be certified at Schedule 8 of the dDCO where document 4.11.1 is currently shown as the outline Compensation Implementation and Monitoring Plan.</p> <p>Could the Applicant please ensure that all documents in Schedule 8 are correctly referenced. This should be updated with each submission of a dDCO.</p>
<p><b>8. Habitats Regulations Assessment (HRA)</b></p>		
1HRA1.	JNCC	<p><b>Habitats Regulations Assessment</b></p> <p>As the JNCC do not delegate authorisation to NE for sites in Wales, Scotland and Northern Ireland. JNCC are requested to provide comments on the Applicant's HRA <a href="#">[REP1-012]</a> in respect of the UK National Site Network sites for which it is the statutory advisor.</p>
1HRA2.	<p>The Crown Estate</p> <p>The Applicant</p> <p>NE</p> <p>NRW</p>	<p><b>Habitats Regulations Assessment from Round 4 Leasing</b></p> <p><u>To The Crown Estate</u></p> <p>a) Could The Crown Estate please provide a copy of The Crown Estate Round 4 plan-level HRA.</p> <p><u>To the Applicant</u></p> <p>b) With reference to paragraph 2.8.71 of NPS EN-3, could the Applicant set out the relevant mitigation measures identified in the Round 4 plan-level HRA and signpost to where these have been addressed in the Applicant's submission.</p> <p>c) Does the Applicant consider that any representations are seeking to revisit matters dealt with in the Round 4 HRA where a conclusion has been reached without further evidence to indicate that the earlier conclusion was incorrect or that matters have subsequently changed?</p> <p><u>To NE and NRW</u></p> <p>d) Should either NE or NRW consider they are seeking to revisit matters, could NE and NRW please set out why they hold that any conclusion in the HRA for the Round 4 Irish Sea Projects is incorrect or matters have subsequently changed? If this is the case, could NE and NRW please explain their reasoning.</p>
1HRA3.	NE	<p><b>HRA Screening: Bats</b></p> <p>Can NE confirm if it is content with the Applicant's approach to screening out terrestrial ecology including bats from the HRA on the basis described in <a href="#">[APP-028]</a>. If not, please outline any concerns and give reasons.</p>

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1HRA4.	The Applicant	<b>HRA Screening: Site codes</b> Site codes are not always legible in Appendix 2 of the HRA Screening Report [ <a href="#">APP-028</a> ], for example pages 154, 161, 185 and 214 (not exhaustive list). Provide an updated version of the HRA Screening Report with the full site codes.
1HRA5.	NE	<b>HRA Screening and RIAA</b> NE is requested to confirm its advice regarding the Applicant's screening assessment [ <a href="#">APP-028</a> ] and RIAA [ <a href="#">REP1-012</a> ] conclusions. To date, NE have not provided full commentary on their agreement or disagreement in relation to all sites and features screened into the assessment and therefore conclusions on LSE and the conclusions on Adverse Effect on Integrity.
1HRA6.	The Applicant	<b>HRA Screening: Qualifying features of Skomer, Skokholm and the Seas off Pembrokeshire (SSSP) SPA</b> Two qualifying features of the SSSP SPA (Chough and short eared owl) are not referred to in the screening conclusions in Appendix 2 of the HRA screening document [ <a href="#">APP-028</a> ] (these features are listed in Appendix 4). There appears to be no assessment in the RIAA. Can the Applicant provide an update in relation to these species.
1HRA7.	The Applicant	<b>HRA Screening: Little gull, Liverpool Bay SPA</b> Appendix 2 of the HRA screening document [ <a href="#">APP-028</a> ] states that collision risk to the little gull qualifying feature of the Liverpool Bay SPA would be assessed for all phases but is only assessed for operation in the RIAA. Can the Applicant provide an updated assessment or justify this.
1HRA8.	The Applicant	<b>HRA Screening: Rationale</b> The HRA Screening Report [ <a href="#">APP-028</a> ], Table 8.1 sets out potential effect pathways considered. Appendix 2, Section 12 presents a screening summary, including rationale for screening conclusions. Limited explanation is provided for the Applicant's decision not to take forward the pathway of indirect effects from changes to habitats and prey species to the next stage of assessment. Can the Applicant provide further explanation of this.

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1HRA9.	The Applicant	<b>RIAA: Conservation Objectives</b> The ExA notes that for offshore ornithology in the RIAA <a href="#">[REP1-013]</a> the conservation objectives for the Ramsar sites are not provided. The Applicant is requested to explain its approach to assessment of the Ramsar sites in the absence of the conservation objectives.
1HRA10.	The Applicant	<b>RIAA: Condition assessments</b> The RIAA <a href="#">[REP1-013]</a> notes that condition assessments are not available for a number of the SACs. Can the Applicant and/or relevant SNCB confirm if condition assessments have since become available for these sites. The ExA requests that should these become available during the examination, this information is brought to the attention of the ExA.
1HRA11.	The Applicant	<b>HRA screening and RIAA audit</b> The Applicant is requested to audit the screening summary tables and Appendices 1 and 2 <a href="#">[APP-028]</a> and address the responses to all questions on HRA and provide an updated HRA screening report which includes a screening decision with reasons for all qualifying features on each European site considered.
1HRA12.	NE	<b>Effects on Red Throated Diver, Liverpool Bay SPA</b> In paragraph 3 of the updated assessment for Red Throated Diver <a href="#">[REP1-082]</a> it is noted that the Applicant states that the lack of reference of disagreement by NE to other conservation objectives such as population for the Liverpool Bay SPA has led to the view that NE is content with the conclusions in relation to these. Can NE confirm this position by commenting on each of the objectives set out in Table 1.2 of the document.
1HRA13.	NE	<b>Effect on little gull</b> In the Applicant's Comments on Written Representations Appendix A: Applicant's Comments on Natural England Risk and Issue Log <a href="#">[REP2-028]</a> under reference WR-097-038 it is stated that on 28 November 2024 NE confirmed that it was now satisfied with the little gull Collision Risk Modelling. Could NE please confirm whether this is the case, and if not, explain what it considers to be not agreed.
1HRA14.	The Applicant	<b>HRA Without Prejudice Derogation Case</b> Can the Applicant signpost where the potential effects for of the installation of predator fencing as mitigation have been considered in the screening report.

1HRA15.	The Applicant	<p><b>Without prejudice derogation case - Liverpool Bay SPA</b></p> <p>The RSPB relevant representation <a href="#">[RR-073]</a> and NE's Deadline 2 risk and issues log <a href="#">[REP2-038]</a> item B34 and NE's comments on the Offshore Ornithology Technical Note 3 <a href="#">[REP1-082]</a> maintain that a potential adverse effect on integrity for Red Throated Diver of the Liverpool Bay SPA cannot be ruled out.</p> <p>Consistent with paragraphs 2.8.267 to 2.8.275 of NPS EN-3, could the Applicant please provide information to inform a without prejudice derogation case under the Habitats Regulations, unless the Applicant intends to secure a 10km buffer from the original SPA boundary.</p>
1HRA16.	The Applicant	<p><b>HRA without prejudice derogation case</b></p> <p>In paragraph 109 of the Applicant's 'Habitats Regulations Assessment Without Prejudice Derogation Case' <a href="#">[REP1-014]</a>, the Applicant suggests that a greater air gap would be impractical as it would limit the number of vessels able to install at the hub height.</p> <p>Could the Applicant explain why a change in air gap limits the number of vessels able to install at the hub height, given that a change in air gap could only affect the blade diameter rather than the hub height?</p>
1HRA17.	NE	<p><b>HRA without prejudice derogation case</b></p> <p>Could NE explain why the Ribble and Alt Estuaries supplementary advice on conservation objectives applies a more stringent 'maintain' objective of 8,097 breeding pairs of Lesser Black Backed Gulls, compared with the citation figure of 4,100 breeding pairs.</p>
1HRA18.	The Applicant	<p><b>HRA without prejudice derogation case</b></p> <p>The 'Habitats Regulations Assessment Without Prejudice Derogation Case' <a href="#">[REP1-014]</a> Annex 1A, s4.3.2(b) sets out the Supplementary Conservation Advice objective to 'maintain safe passage of birds moving between nesting and feeding areas'.</p> <p>In light of a predicted increase in in-combination collision mortality identified for Lesser Black Backed Gull of the Ribble and Alt Estuary SPA (RIAA, Table 8.31) <a href="#">[REP1-012]</a>, could the Applicant explain how the Proposed Development would meet this objective and whether compensation is required.</p>
1HRA19.	The Applicant	<p><b>HRA without prejudice derogation case - Compensation ratios</b></p> <p>Could the Applicant explain why the minimum mean number of 1.15 individuals per year rather than the precautionary upper confidence limit of 3.83 individuals has been used to calculate the required compensation for the Proposed Development (Annex 1A: Initial Review of Compensatory Measures and Ecological Evidence for Lesser Black-Backed Gull s4.1) <a href="#">[REP1-014]</a>.</p>

1HRA20.	The Applicant	<p><b>Compensation measures: Habitat management</b></p> <p>The compensation measures secured by Article 16 and Schedule 7 of the dDCO <a href="#">[REP2-002]</a> reference maintenance of mammalian predator-proof exclusion fencing for the operational lifetime of the proposed wind turbine generators. In contrast Schedule 7 does not make specific reference to the duration or frequency of habitat management measures, where these are the preferred option.</p> <p>The ExA notes from the Applicant's 'Update on without prejudice compensatory measures' <a href="#">[REP1-093]</a> that negotiations with stakeholders are ongoing.</p> <p>Can the Applicant confirm when the detail of the ongoing annual habitat management maintenance at Steep Holm Island, fence maintenance at Banks Marsh and any necessary monitoring will be agreed and how this would be secured by the dDCO for the lifetime of the project?</p>
1HRA21.	The Applicant	<p><b>Compensation measures: Habitat management</b></p> <p>Please provide evidence to demonstrate that the proposed habitat management measures on Steep Holm Island (for example, Annex 2B, Section 5 of the 'Habitats Regulations Assessment Without Prejudice Derogation Case' <a href="#">[REP1-014]</a>) would not give rise to effects on other designated species or features of the Severn Estuary SPA or the Steep Holm SSSI.</p>
1HRA22.	The Applicant NE	<p><b>Compensation measures: Vegetation survey at Steep Holm Island</b></p> <p>The Applicant's 'Update on Without Prejudice Compensatory Measures' <a href="#">[REP1-093]</a> indicates that vegetation surveys would be carried out during January to March.</p> <p>Can the Applicant confirm, and NE comment on, whether this period would be optimal for such surveys and whether additional surveys would need to be carried out later in the year to characterise the existing vegetation?</p>
1HRA23.	NE	<p><b>Compensation measures: Habitat management</b></p> <p>Annex 2B, section 5 of 4.11 'Habitats Regulations Assessment Without Prejudice Derogation Case' <a href="#">[REP1-014]</a> states that habitat management would be undertaken outside the breeding season to avoid disturbance to the Lesser Black-Backed Gull compensation colony and of other designated features if present. In contrast Annex 2B, section 7 states that "<i>Where possible the compensation measure will be implemented outside of the lesser black-backed gull breeding season (September to February) to minimise disturbance to breeding birds, although potentially some vegetation management (depending on the type of vegetation to be controlled) may need to be conducted early or late in the breeding season.</i>"</p> <p>Could NE confirm whether the Applicant should fully avoid the breeding season or whether some management early or late in the breeding season might be acceptable.</p>

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1HRA24.	The Applicant	<p><b>Compensation measures: Habitat management – landowner agreement</b></p> <p>The Applicant’s Habitats Regulations Assessment Without Prejudice Derogation Case’ [REP1-014] and D1 ‘Update on without prejudice compensatory measures’ [REP1-093] signpost to a letter from the KAMT to the Applicant to confirm landowner agreement with the habitat management works on Steep Holm Island. The letter in Appendix 3 of [REP1-014] references its in-principle support but confirms that discussions are ongoing and subject to commercial terms.</p> <p>Can the Applicant please provide any update on the status of agreement with KAMT.</p>
1HRA25.	The Applicant	<p><b>Compensation measures: Banks Marsh megafence</b></p> <p>Could the Applicant please indicate whether an Appropriate Assessment was undertaken in relation to the Banks Marsh megafence? If so, can a copy of the Appropriate Assessment be provided to the Examination.</p>
1HRA26.	The Applicant	<p><b>Local Planning Authorities’ engagement in compensation discussions</b></p> <p>Paragraph 2.8.56 of the ‘Habitats Regulations Assessment Without Prejudice Derogation Case’ [REP1-014] and D1 ‘Update on without prejudice compensatory measures’ [REP1-093] reference the role of the local planning authority in delivering compensation measures.</p> <p>a) Could the Applicant please provide evidence of discussions with Sefton and West Lancashire Council regarding planning consent for the West Bank megafence and/ or informal confirmation from them of whether the fence would be treated as permitted development.</p> <p>b) Could the Applicant please provide evidence of discussions with North Somerset Council regarding works at Steep Holm in relation to the proposals and any consents it may require.</p>
1HRA27.	The Applicant	<p><b>Approach to non-measurable effects</b></p> <p>In its response to RR [PD1-011] to the RSPB (RR-073-18) the Applicant states “<i>The Applicant does not agree that there is no threshold below which a project would not be considered to contribute to cumulative/in-combination effects</i>”.</p> <p>Could the Applicant rephrase this sentence for clarity to avoid a triple negative which leads to uncertainty as to the meaning.</p>

1HRA28.	NE MMO	<p><b>Cumulative effects relating to Invasive Non-Native Species (INNS)</b></p> <p>The Applicant's assessment for INNS cumulatively with the M&amp;MTA project focuses on the impact of vessels (such as ballast water) but does not consider the potential stepping stone effect of introduced hard standing from the M&amp;MTA project. This could enable propagation of species from the shore to the site.</p> <p>Can NE and the MMO provide commentary on the risk of such propagation, the likelihood of a significant effect relating to INNS and any measures required to avoid or minimise such effects.</p>
1HRA29.	Mona Offshore Wind Ltd Morgan Offshore Wind Limited The Applicant NE MMO	<p><b>Co-ordination/communication between projects during construction to minimise effects</b></p> <p>The Applicant's 'Report on Interrelationships with Other Infrastructure Projects - Revision 01 (Volume 9)' <a href="#">[REP1-078]</a> explains why the Applicant considers that a legal obligation to co-ordinate with other developments in the Irish Sea could impede delivery of the Morecambe OWF. Paragraph 86 of the report concludes that opportunities for coordination would be explored where relevant and in respect of project timescales as these develop further. In the absence of a legal obligation, explain what formal mechanisms exist to ensure that there would be meaningful engagement around coordination and that it would happen in a timely fashion. The ExA is particularly concerned about mechanisms to minimise the impact of noise on marine receptors at a cross project level.</p> <p><u>To Mona Offshore Wind Ltd and Morgan Offshore Wind Limited</u></p> <p>a) These IPs are invited to make comments in relation to the above and to point to any provisions set out within their respective applications which would provide such co-ordination.</p> <p><u>To the Applicant, Mona Offshore Wind Ltd and Morgan Offshore Wind Limited</u></p> <p>b) While noting the issues identified in paragraph 43, should one (or more) of the other projects not proceed, could this be resolved by ensuring that any secured co-ordination was only relevant for those projects under implementation?</p> <p><u>To NE and MMO</u></p> <p>c) Would a mechanism to ensure co-ordination of OWF construction activities assist in reducing the cumulative effect of the Proposed Development with other projects and, if yes, do NE and MMO have examples of how such a mechanism would function and be secured?</p>
1HRA30.	The Applicant	<p><b>Clarification - Missing reference</b></p> <p>The RIAA (paragraphs 256, 289 and 356) <a href="#">[REP1-012]</a> references Hawkins and Johnstone (1978) but does not include this in the reference list.</p> <p>Could the Applicant confirm the correct reference.</p>

1HRA31.	IoM TSC The Applicant	<p><b>Isle of Man proposed Ramsar sites</b></p> <p>The RIAA [REP1-012] summarises comments from the IoM Government (Table 8.2, p194) including reference to “<i>potential further Ramsar sites</i>” on the IoM. The text includes a broken hyperlink to the UK Overseas Territories Conservation website.</p> <p>Paragraph 5.4.5 of the NPS EN-1 requires that proposed Ramsar sites should be given the same protection as designated sites and assessed as part of a HRA, where relevant.</p> <p>a) Can the IoM TSC confirm whether the potential further Ramsar sites meet the NPS definition of being ‘proposed Ramsar’ sites and therefore require assessment?</p> <p>b) Where the IoM TSC confirms that the potential Ramsar site(s) meet(s) the criteria within the NPS, the Applicant should provide information on the likely effect of the Proposed Development on those sites and their qualifying features. The Applicant may wish to liaise with IoM Government to expedite the provision of information.</p> <p>In responding the Applicant should include specific reference to the following sites - Central Valley Curragh, Dalby Peatlands, Gob ny Rona, Maughold Heead and Port Cornaa, Southern Coasts and Calf of Man and The Eyres.</p>
1HRA32.	The Applicant NE	<p><b>Overarching avoidance rate assumption – Morecambe Bay and Duddon Estuary SPA and Ramsar sites</b></p> <p>The RIAA [REP1-012] paragraph 532 assumes a 0.980 collision risk avoidance rate to all species.</p> <p>Could the Applicant confirm whether this was agreed with NE and why it is appropriate to assume one figure rather than applying species specific avoidance rates.</p>
1HRA33.	The Applicant NE	<p><b>Abundance of harbour porpoise within the site</b></p> <p>The RIAA [REP1-012] paragraph 3356 states that “<i>The two-year monthly aerial surveys reported an increased number of harbour porpoise at the site. However, it is important to note that these animals exhibit a broad range of prey preferences and extensive foraging ranges. Consequently, the higher observed numbers at the Project site should not be interpreted as inferring an exclusive or restrictive feeding ground, as harbour porpoise have been known to maintain flexibility in utilizing various foraging areas beyond the Project site.</i>”</p> <p>If there is not an exclusive or restrictive feeding ground, could the Applicant and NE explain why harbour porpoise are so abundant within the site boundary and can the Applicant explain whether there is a specific reason why harbour porpoise may be favouring this area (for example, prey abundance, lower vessel movements) and whether this has any implications for the assigned magnitude of impacts or sensitivity of receptors? For example, the ExA notes that changes in distribution of harbour porpoise may be linked to sandeel abundance (ES Chapter 11, paragraph 11.170)</p>



1HRA34.	The Applicant	<p><b>In Principle Monitoring Plan</b></p> <p>Paragraph 24 of the IPMP [APP-148] references a '<i>Cable specification, installation and monitoring plan</i>'. Could the Applicant signpost to where this plan may be found in the Application documents or provide an outline plan.</p>
1HRA35.	The Applicant	<p><b>In principle monitoring plan</b></p> <p>Table 2.3 of the IPMP [APP-148] references the potential for the Applicant to undertake monitoring of marine mammal behavioural response to disturbance. Table 2.4 refers to ornithological distribution/ abundance post construction surveys and review of existing and additional survey data with potential to look at onsite collision risk and flight behaviour. However, the monitoring/ survey activity is not committed, is stated to be unlikely to be required and in light of the general principles in section 1.3 of the plan it is unclear whether such measures would ever be implemented.</p> <p>Could the Applicant please explain the circumstances that would require the Applicant to implement these measures.</p>
1HRA36.	The Applicant	<p><b>Draft Marine Mammal Mitigation protocol: bubble curtains</b></p> <p>Paragraph 76 of the dMMMP [REP2-018] states that "<i>bubble curtains or other approved noise abatement systems would be used for any high-order detonations, to reduce underwater noise impacts</i>", however para 79 notes that "<i>there are likely to be limits to the environmental conditions within which they are able to provide effective mitigation</i>".</p> <p>Can the Applicant explain:</p> <ul style="list-style-type: none"> <li>a) what are the '<i>other approved noise abatement systems</i>' referenced;</li> <li>b) what are the circumstances in which bubble curtains would be required rather than other forms of mitigation; and</li> <li>c) whether the conditions are appropriate at the site to deploy bubble curtains, that is how likely is it that this form of mitigation would be employed?</li> </ul>
1HRA37.	The Applicant, NE	<p><b>Birds of Conservation Concern – Breeding Seabirds</b></p> <p>On 2 September 2024 the latest status assessment of breeding seabird species in the UK was published. This addendum completes the 2021 Birds of Conservation Concern 5 review and updates the second International Union for Conservation of Nature Red List review of extinction risk for breeding seabird species in Great Britain. Confirm whether this assessment has any implications for the conclusions of the HRA/ ornithological assessments.</p>

1HRA38.	The Applicant, RSPB MMO	<p><b>Ecosystem effects due to ocean stratification</b></p> <p>The RR from the RSPB [RR-073] references the ecosystem impact of water column stratification on prey availability. The Applicant's comments on WR at D2 item WR-112-11 [REP2-027] suggests that this issue may have been resolved in SoCG discussions with MMO.</p> <ul style="list-style-type: none"><li>a) Is the RSPB able to provide specific evidence to demonstrate that such an effect is likely for example, the provision of the Isaksson et al (2023) reference, where relevant?</li><li>b) The Applicant's response to RR item RR-073-16 [PD1-011] responds to the RSPB comments, cross referencing ES Chapter 12 [REP1-032]. Neither of the cross-referenced sections of text explicitly address stratification.</li><li>c) Can the MMO confirm that it is satisfied with the Applicant's approach to consideration of water column stratification?</li><li>d) Could the Applicant please address this point (it is noted that ES Chapter 7 [REP2-008] does include reference to stratification).</li><li>e)</li></ul>
<b>9. Other offshore infrastructure (OOI)</b>		
<b>Wake effects</b>		

<p>10011.</p>	<p>Ørsted IPs (which includes Barrow Offshore Wind Limited; Burbo Extension Limited; Morecambe Wind Limited; Walney (UK) Offshore Windfarms Limited; Walney Extension Limited; Ørsted Burbo (UK) Limited) Mona Offshore Wind Limited Morgan Offshore Wind Limited Scottish Power Renewables (WODS) Ltd</p>	<p><b>Potential Wake Effects</b></p> <p>Table 17.10 of ES Chapter 17 <a href="#">[REP1-038]</a> identifies the approximate distances between the Proposed Development and other offshore wind projects including proposed and operational wind farms. At Deadline 1, in response to the Action Points for ISH1, the Applicant submitted further details including the orientation, hub height and blade tip height of other offshore wind projects in the Irish Sea (Table 5.1 of <a href="#">[REP-1-086]</a>).</p> <p><u>To the Applicant:</u></p> <p>a) Having regard to the orientation, wind direction and distance between the Proposed Development and the Mona Offshore Wind Project (10.56km to the WSW) as shown in Table 5.1 and Figure 5.1 of <a href="#">[REP-1-086]</a> does the Applicant have any concerns regarding the potential impact of wake loss from that proposal on the Proposed Development? If not, please explain why this is the case?</p> <p><u>To the other IPs:</u></p> <p>b) Do the other referenced IPs agree that Table 5.1 accurately reflects the approximate distances, orientation and heights as provided by the Applicant? If not, please can the parties provide a similar table which shows the same information as it considers to be correct.</p> <p>c) Noting the distance between the proposed Moir Vannin and existing Walney Extension OWF (as shown Table 5.1 and Figure 5.1 of <a href="#">[REP-1-086]</a>), do the Ørsted IPs have concerns about potential wake loss effects from the Moir Vannin proposal and, as the proposed operator of that project, can the parties confirm whether a wake loss assessment has been scoped in as part of the EIA for that application? If not, please can the parties explain why such an assessment is not considered necessary in that case?</p>
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<p>10012.</p>	<p>Ørsted IPs</p>	<p><b>Potential Wake Effects: Wood Thilsted Partners Ltd Report – Installed capacities of Ørsted projects</b></p> <p>Section 1, Table 2-1 and Table 5-3 of the Wood Thilsted report [REP2-041] identify each of the Ørsted operational windfarms and provide information including the rated power of turbines used, number of turbines within each project and their installed capacity.</p> <p>Walney Extension is cited as having a capacity of 659MW within Section 1 and Table 5-3 and in Table 2-1 this project is broken down into two separate phases (i.e. Walney 3 and Walney 4) with installed capacities assigned to each phase which combined total 661MW. Different capacities are also cited for Burbo Bank Extension within section 1 of the report (i.e. 256MW), Table 2-1 (i.e. 265.6MW) and Table 5-3 (i.e. 258MW).</p> <p>a) Why has the information for Walney Extension been provided as individual phases rather than as a single project?</p> <p>b) Please check and confirm that the total installed capacities for Walney Extension and Burbo Bank Extension are correct and that the correct baseline capacities have therefore been used in the assessment and that the results within Table 5-4 and Table 5-5 are accurate. Please provide updated tables (if necessary).</p>
<p>10013.</p>	<p>Ørsted IPs</p>	<p><b>Potential Wake Effects: Wood Thilsted Partners Ltd Report – Tables 5.4 and 5-5</b></p> <p>Tables 5-4 and 5-5 provide a summary of the results of the wake loss assessment for each of the main scenarios on each of the Ørsted IPs windfarms.</p> <p>In addition to any corrections required as result of the Ørsted IPs response to ExQ10012 <b>Error! Reference source not found.</b> above, please can the Ørsted IPs update Tables 5-4 and 5-5 to include additional columns that:</p> <p>a) identify what the percentage losses cited equate to in terms of total energy loss (in MW) for each scenario and windfarm affected each year;</p> <p>b) taking into account the answer to (a), what the overall total energy loss (in MW) would be for each windfarm having regard to the consented/ remaining operational life of each of those projects.</p> <p>c) having regard to the electricity sale price agreed in relation to each of those projects, the remaining life of those projects and overall total energy loss identified (as identified in the response to (b)) what would the financial consequences of such wake losses equate to for each of these projects?</p>

<p>10014.</p>	<p>The Applicant Ørsted IPs</p>	<p><b>Potential wake effects – NPS EN-3 paras 2.8.200 and 2.8.344</b></p> <p>Paragraph 2.8.200 of NPS EN-3 states “<i>Applicants should engage with interested parties in the potentially affected offshore sectors early in the pre-application phase of the proposed offshore wind farm, with an aim to resolve as many issues as possible prior to the submission of an application</i>”. Paragraph 2.8.344 adds “<i>...the Secretary of State should expect the applicant to work with the impacted sector to minimise negative impacts and reduce risks to as low as reasonably practicable</i>”.</p> <p>Noting the Ørsted IPs position and disagreement within the SoCG submitted at Deadline 1 <a href="#">[REP1-073]</a>:</p> <p>a) can the Ørsted IPs confirm if/ when concerns about potential wake loss effects were first identified and raised with the Applicant during the pre-application stage?</p> <p>b) can the Applicant explain how it has worked with the Ørsted IPs (and any other operators of existing OWFs in the Irish Sea) to minimise negative impacts on energy yield since these concerns were first raised?</p>
<p>10015.</p>	<p>Ørsted IPs The Applicant</p>	<p><b>Potential Wake Effects – NPS EN-3 para 2.8.342</b></p> <p>Having regard to paragraph 2.8.342 of NPS EN-3 which advises the SoS to employ “... <i>a pragmatic approach ...</i>” where a proposed offshore wind farm potentially affects other offshore infrastructure or activity.</p> <p><u>To the Ørsted IPs</u></p> <p>a) Can the Ørsted IPs please set out what outcome they seek from this Examination in relation to wake effects?</p> <p><u>To the Ørsted IPs and the Applicant</u></p> <p>b) Could there be any role for Protective Provisions or a commercial side agreement or in the event that no wake assessment is undertaken during the Examination?</p> <p>c) Would both the Applicant and the Ørsted IPs comment whether a requirement along the same lines of Requirement 25 of <a href="#">The Awel y Mor Offshore Wind Farm Order 2023</a> (requiring such an assessment post-consent) would be justified and would meet the relevant legal and policy tests.</p>
<p>10016.</p>	<p>The Crown Estate</p>	<p><b>Crown Estate Round 4 Separation Criteria</b></p> <p>Paragraph 4.10 of the ES Chapter 4 <a href="#">[APP-041]</a> suggests that when refining potential sites for Round 4 offshore wind projects, areas were excluded due to a number of hard constraints including maintaining a separation from operational windfarms of 7.5km.</p> <p>Can The Crown Estate advise upon what basis/ reason the 7.5km separation distance is used when identifying potential sites? For example, does this distance consider potential for wake effects/ reductions in energy output to other offshore wind farms or is this based upon some other consideration? Can The Crown Estate please comment and explain.</p>

10017.	The Applicant Spirit Energy	<p><b>Future Carbon Capture Storage</b></p> <p>Spirit Energy in their WR [<a href="#">REP1-116</a>] refer to their Carbon Storage Licence CS010 associated with the potential future repurposing of the Morecambe Hub gas fields. Concerns are raised about potential implications and challenges the Proposed Development could have on their ability to carry out activities under the terms of this licence as well as future access and well monitoring. Spirit comment that this is not provided for in the protective provisions (or elsewhere) in the draft DCO.</p> <p><u>To both Parties:</u></p> <p>a) Having regard to paragraph 2.8.197 of NPS EN-3, is the Carbon Dioxide Appraisal and Storage Licence CS010 a 'licence' for the purposes of this paragraph, or is it something else? If it is something else, please explain what it is.</p> <p><u>To Spirit Energy:</u></p> <p>b) If Spirit Energy is seeking a revision to the current Protective Provisions to address its concerns, please can it provide an alternative drafting which identifies the changes sought? (See also ExQ1DCO5.)</p> <p><u>To the Applicant</u></p> <p>c) Can the Applicant please respond to the concerns raised by Spirit and in particular comment on whether the Protective Provisions could be amended to include the identified wells and set appropriate stand-offs in order to safeguard and ensure future access is maintained?</p>
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**10. Seascape, Landscape and Visual (SLV)**

**Clarifications**

1SLV1.	The Applicant	<p><b>Clarifications</b></p> <p>There are some typographic errors in ES Chapter 18 [<a href="#">APP-055</a>], principally to do with figure enumeration and road numbering.</p> <p>Could this please be checked?</p> <p>Similarly, the identifying numbers for Landscape Character Types for the Sefton Metropolitan Borough area appear to have been omitted from Figure 18.11a [<a href="#">APP-107</a>].</p> <p>Could these please be added.</p>
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1SLV2.	The Applicant	<p><b>Clarifications</b></p> <p>In discussing the effects on MCA38 – Irish Sea South (England), in Table 18.36 in ES Chapter 18 [APP-055], it is indicated that “<i>Tidal flows are generally quite weak</i>” under the ‘Tidal range’ heading but there are “<i>Strong tides</i>” under the ‘Exposure’ heading.</p> <p>Could the Applicant please explain this apparent dichotomy.</p>
<p><b>Lighting Effects</b></p>		
1SLV3.	The Applicant	<p><b>Lighting of OSPs</b></p> <p>Table 18.2 of ES Chapter 18 [APP-055] sets out the worst-case for assessment. While lighting has been set out for WTGs, it has not been described for OSPs.</p> <p>Could the Applicant please set this out, explaining what effects this may have, given the 'worst-case' location shown on Figure 18.1 [APP-106].</p>
1SLV4.	The Applicant DIO/ MoD	<p><b>Lighting intensities</b></p> <p>In paragraph 18.399 of ES Chapter 18 [APP-055] it is indicated that when meteorological conditions permit, that is with visibility greater than 5km, then the aviation lighting would be reduced in intensity to 200 candelas (cd). Requirement 3(3) in the dDCO [REP2-002] indicates that aviation lighting “<i>shall be operated at the lowest permissible lighting intensity level</i>”.</p> <p>a) Could the Applicant and DIO/ MoD please set out where the “<i>lowest permissible lighting intensity level</i>” is defined and provide a copy of the source document.</p> <p>b) Should any source defining these levels be specifically referenced in Requirement 3(3)?</p>
<p><b>Array layout</b></p>		
1SLV5.	The Applicant	<p><b>Compliance with NPS EN-3</b></p> <p>Paragraph 2.8.351 of NPS EN-3 indicates that the SoS should not refuse to grant consent solely in relation to seascape, landscape and visual grounds unless it is considered an alternative layout within the identified site could be reasonably proposed which would minimise harm, taking into account other constraints.</p> <p>Could the Applicant please explain how the SoS can be satisfied that the layout for the Proposed Development would be the most appropriate in seascape, landscape and visual terms taking account of other constraints.</p>

1SLV6.	The Applicant MMO IPs generally	<p><b>Detailed array layout</b></p> <p>Under condition 9(1) of Part 2 of Schedule 6 of the dDCO [REP2-002], the Applicant needs the consent of the MMO, following consultation with the relevant statutory nature conservation body, Trinity House and the MCA, for the detailed array layout.</p> <p>a) Could the MMO please explain how its internal procedures would ensure that its consideration of the layout would take account of seascape, landscape and visual effects from coastal regions (including inland locations with a view of the Application site) as considered within the ES, particularly as it is noted in the SoCG with the MMO [REP1-060] that the MMO defers to other parties in respect of seascape, landscape and visual impact assessment.</p> <p>b) Does the Applicant, or any other IP, consider that there is a case for widening those bodies the MMO needs to consult to include relevant planning authorities falling within the Zone of Theoretical Visibility to ensure that any harm is minimised in line with paragraph 2.8.351 of NPS EN-3?</p>
<b>Landscape effects</b>		
1SLV7.	The Applicant	<p><b>Cumulative effects</b></p> <p>Could the Applicant please explain why it has not undertaken a CEA in respect of the proposed substation(s) at Penwortham as part of the M&amp;MTA proposal given that this site falls within the Zone of Theoretical Visibility of the Proposed Development?</p> <p>If there would be any cumulative effects could the Applicant please undertake such an assessment.</p> <p>If appropriate, this should also include any effects relating to the East Irish Sea Transmission Project which also indicates a connection to the National Grid at Penwortham.</p>
1SLV8.	Affected Local Authorities NE	<p><b>SLVIA Methodology</b></p> <p>In section 4.1 of Appendix 18.1 to ES Chapter 18 [APP-083], the Applicant has explained why it has not followed GLVIA3 methodologies in all respects.</p> <p>Do any IPs have any views as to the appropriateness or otherwise of this approach? If so, please explain why the parties hold this view, and any implications that may arise.</p>



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1SLV9.	The Applicant NE Local Authorities	<b>S245 Levelling Up and Regeneration Act 2023</b> Table 18.4 of ES Chapter 18 <a href="#">[APP-055]</a> refers to s245 of the LURA in respect of the revised duties on National Landscapes (Areas of Outstanding Natural Beauty). However, there is no reference to this legislation in respect of National Parks. Could the Applicant, and other IPs as they consider appropriate, comment on any implications of s245 of the LURA in relation to the effects on National Parks. Could IPs set out any implications for the consideration of the Application in light of the coming into force of section 245 of the LURA?
1SLV10.	All Parties	<b>Guidance on LURA Protected Landscapes duty</b> On 16 December 2024 Defra published 'Guidance for relevant authorities on seeking to further the purposes of Protected Landscapes'. All parties are asked to consider this guidance and how it may affect the consideration of the Proposed Development providing comments as appropriate.
<b>Visual effects</b>		
1SLV11.	The Applicant	<b>Visibility</b> Could the Applicant please explain how the precise percentages for visibility set out in the last column of Table 1.1 SLVIA viewpoint assessment of Appendix 18.3 to the ES Chapter 18 <a href="#">[APP-085]</a> have been calculated given that they, often, do not concur with the information set out in Table 18.10 of ES Chapter 18 <a href="#">[APP-055]</a> ? If necessary, can these please be reconciled.
<b>11. Shipping and Navigation (SN)</b>		
<b>Clarifications</b>		

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1SN1.	The Applicant	<p><b>Worst-case Scenarios re Vessel Movements</b></p> <p>In comparing the various 'worst case' scenarios set out in the individual Chapters of the ES, there appear to be two anomalies.</p> <ul style="list-style-type: none"><li>i) In Chapter 15: Marine Archaeology and Cultural Heritage [REP1-034] the maximum number of vessels on site at any time in a 'heavy' maintenance year is given as 9, while in other chapters it is given as 10.</li><li>ii) In Chapter 21: Climate Change [APP-058] the maximum number of return trips is 4,128 over the construction period when in the other chapters the annual figure is 2,583. Given a 2.5 year construction period, the 4,128 would appear conservative and the Applicant is asked to justify this figure further.</li></ul> <p>Could the Applicant please clarify these metrics, and report on any implications both for the assessment of individual projects and cumulatively.</p>
1SN2.	The Applicant	<p><b>Clarification</b></p> <p>The second sentence of paragraph 14.171 in Chapter 14 [APP-051] does not complete grammatically. Could the Applicant please clarify this.</p>
1SN3.	The Applicant	<p><b>Clarification</b></p> <p>Could the Applicant please clarify paragraph 8.4.6.1.2 fourth bullet of the navigational risk assessment [APP-073]?</p>
1SN4.	The Applicant	<p><b>Clarification</b></p> <p>The Applicant's Response Spirit Energy Deadline 1 Submissions [REP2-030] in paragraph 90 cross-refers to paragraph 90. It is assumed this is a typographic error. Could the correct reference please be provided?</p> <p>There is also a cross-referencing reference to paragraph 90 in paragraph 91. Can this please be checked.</p>
1SN5.	The Applicant	<p><b>Outline Vessel Traffic Management Plan</b></p> <p>There are typographic errors in the oVTMP [REP2-022] in paragraph 19. Can these please be corrected. It would also be beneficial to define "Inter-row" and "in-row" in relation to orientation since this is not clear (see also ExQ1DCO3).</p>

Effects on shipping and navigation		
1SN6.	The Applicant Stena Line	<p><b>Ferry routing</b></p> <p>a) Figure 44: Impact on Ferry Routing of Appendix 14.2 <a href="#">[APP-074]</a> sets out alternative routes, and in particular the Stena Line route. It is noted that the ‘Futurecase’ route, for the north of the Isle of Man route, dog-legs around the Morecambe and Morgan proposed OWFs. Could the Applicant explain why this routing was chosen as opposed to, say, travelling to the east of the Proposed Development and then heading in a northwest direction between the two proposed OWFs and the existing arrays?</p> <p>b) Does Stena Line have any comments on this?"</p>
1SN7.	The Applicant Shipping companies	<p><b>Adverse weather</b></p> <p>a) Could the Applicant and the various shipping companies set out their understanding of what would constitute ‘adverse weather’?</p> <p>b) Could the same parties identify the frequency of such effects, number of days per year, with any particular markers for when this occurs.</p> <p>c) Should different effects, for example on different routes, be occasioned by specific different ‘adverse weather’ events, could these please be identified, along with likely frequency of such events.</p>
1SN8.	The Applicant	<p><b>Navigational Risk to Other OWFs</b></p> <p>The Navigational Risk Assessment <a href="#">[APP-073]</a> highlights the potential for main vessel routes in the area to be deviated creating a potential increase in vessel numbers in the vicinity of Barrow’s and MWL’s developments. In the WR from Barrow and Morecambe Wind Limited <a href="#">[REP1-112]</a> concern is expressed about the increased allision risk. It is unclear if this change creates increases to risk levels for the Barrow and Morecambe Wind Limited developments.</p> <p>Could the Applicant please set out its understanding of the situation, particularly if Barrow or Heysham were to be used for their port facilities? Please also see ExQ1TT1.</p>
1SN9.	The Applicant	<p><b>Navigation Engagement Forum</b></p> <p>Item 14.5 of the Schedule of Mitigation <a href="#">[REP2-016]</a> references maintaining a Navigation Engagement Forum to share information and cross references relevant sections of the dDCO /dDML. The dDCO/ dDML contain no explicit reference to the Forum, so it is unclear whether or how this commitment is actually secured.</p> <p>Could the Applicant please set out how such a Forum is to be secured?</p>

1SN10.	The Applicant	<p><b>Navigational Risk</b></p> <p>The oVTMP [REP2-022] includes reference in section 5.3 to Navigational Stakeholders, who would be involved in consultations identified in paragraph 49.</p> <p>Could the Applicant please set out how Navigational Stakeholders would be identified? Should the oVTMP be amended to include this?</p>
1SN11.	The Applicant	<p><b>EMF effects</b></p> <p>In its Written Representations [REP2-034] when considering Cable Routes notes, in particular the effect of EMF on ships' compasses, the MCA notes that it may request a deviation survey post cable installation.</p> <p>The Applicant is asked to demonstrate how these surveys and any necessary mitigation would be secured.</p>
1SN12.	The Applicant MoD/ DIO BAE Systems Marine Ltd	<p><b>Submarine Nautical Paths</b></p> <p>BAE Systems Marine Ltd [RR-007] has commented that there appears to have been no consideration regarding potential impacts on submarine nautical paths. Submarines are part of national defence and national security and so BAE requires further and more in-depth consultation with the Royal Navy/ MoD on the matter of submarine nautical paths.</p> <p>In its response [PD1-011] the Applicant indicates that previously no concerns had been raised, by the MoD and ABP.</p> <p>Could all parties please set out their latest understanding of the situation.</p>

**12. Socio-Economics, Tourism and Recreation (SETR)**

**Retail storage on IoM**

1SETR1.	IoM TSC	<p><b>Applicant's Response to RR: Retail Storage Capacity</b></p> <p>The Applicant responded to comments in the RR of the IoM TSC [RR-031] regarding proposals to increase retail storage capacity on the island (see RR-031-12 of [PD1-011]).</p> <p>Does this response address the concerns, or do the IOM TSC wish to make any further comments on this matter?</p>
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Community benefits		
1SETR2.	The Applicant	<p><b>Community Benefits</b></p> <p>The Applicant has confirmed its commitment to delivering a community benefit scheme and RR-091-07 of <a href="#">[PD1-011]</a> states that it has been engaging with local people, businesses and organisations to identify key themes and projects that would deliver strategic benefits and directly support the local community and local priorities.</p> <p>Can the Applicant please provide an update on the proposals including their likely remit and how the areas/ communities that would benefit from this would be defined and identified? How would this be secured?</p>
13. Traffic and Transport (TT)		
Port Access		
1TT1.	The Applicant	<p><b>Port Access</b></p> <p>Under Schedule 4 of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (as amended) there is a requirement for the Environmental Statement to include <i>"a description of the physical characteristics of the whole development, including, where relevant, requisite demolition works, and the land-use requirements during the construction and operational phases"</i>.</p> <p>In the documentation the Applicant has indicated that 'progress is on-going'.</p> <p>a) Could the Applicant please give an update as to the latest position.</p> <p>b) The Applicant has indicated that it intends to resolve the issue of the choice of Port and Port Access post-consent. Could the Applicant explain how the effects of the whole development are to be assessed if the information relating to port access has not been assessed at this stage?</p> <p>Please also see ExQ1SN8.</p>
1TT2.	The Applicant	<p><b>Outline Port Access and Transport Plan</b></p> <p>The Outline Port Access and Transport Plan <a href="#">[APP-151]</a> indicates in paragraphs 14 and 19 that a 'sustainable transport audit' would be undertaken.</p> <p>Could the Applicant please explain why only an 'audit', which would measure existing operations, rather than a plan to deliver necessary mitigations/ enhancements is proposed?</p>

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1TT3.	The Applicant	<p><b>Port Access and Transport Plan</b></p> <p>Could the Applicant please explain how the PATP would relate to National Highways or Traffic Wales in the event that access to the relevant port involves the strategic road network, but the relevant strategic highway authority does not have highways within the administrative area of the port. This may involve redrafting of Requirement 9 in the draft DCO <a href="#">[REP2-002]</a>.</p>
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