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Morecambe Offshore Windfarm: Generation Assets

Examination Documents

Volume 9

Written Summary of the Applicant's Oral Submissions - Issue Specific Hearings 2, 3 and 4

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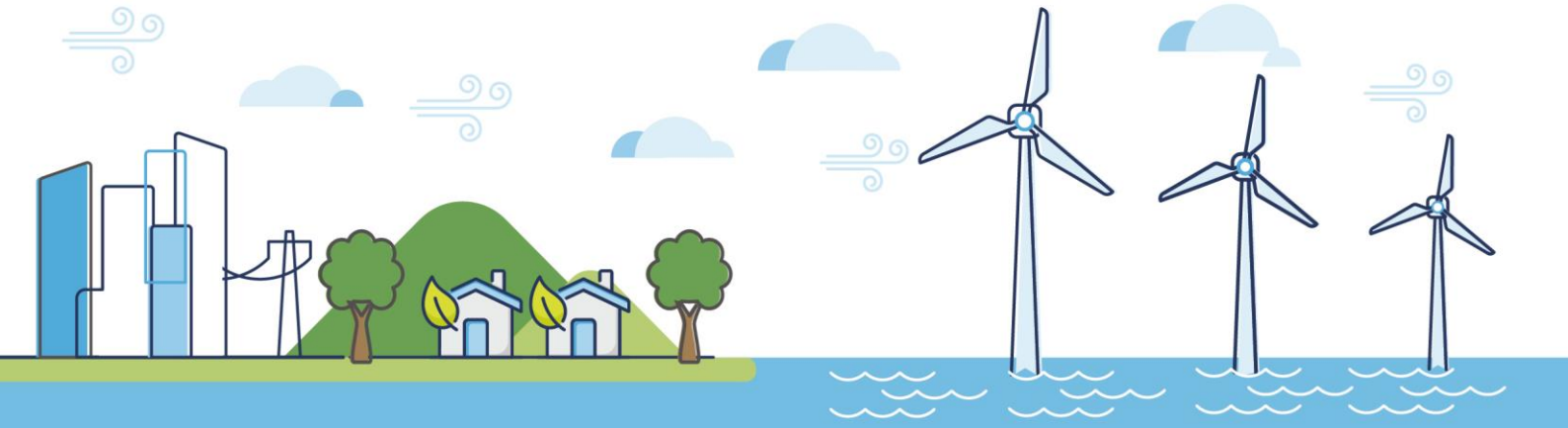

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Contents

Glossary of Acronyms

DCO	Development Consent Order
dDML	Deemed Marine License
DEFRA	Department for Environment, Food and Rural Affairs
EIA	Environmental Impact Assessment
ES	Environmental Statement
ExA	Examination Authority
HRA	Habitat Regulations Assessment
IPMP	In Principle Monitoring Plan
ISH2	Issue Specific Hearing 2
JNCC	Joint Nature Conservation Committee
MCA	Maritime and Coastguard Agency
MMMP	Marine Mammal Mitigation Protocol
MMO	Marine Management Organisation
NFFO	National Federation of Fishermen's Organisation
OHID	Office for Health Improvement and Disparities
PEIR	Preliminary Environmental Information Report
PEMP	Project Environmental Management Plan
RIAA	Report to Inform Appropriate Assessment
RTD	Red Throated Diver
SPA	Special Protected Area
UK	United Kingdom
UKHSA	UK Health Security Agency
UXO	Unexploded Ordnance

Glossary of Terminology

Agreement for Lease (AfL)	Agreements under which seabed rights are awarded following the completion of The Crown Estate tender process.
Applicant	Morecambe Offshore Windfarm Ltd
Application	This refers to the Applicant's application for a Development Consent Order (DCO). An application consists of a series of documents and plans which are published on the Planning Inspectorate's (PINS) website.
Generation Assets (the Project)	Generation assets associated with the Morecambe Offshore Windfarm. This is infrastructure in connection with electricity production, namely the fixed foundation wind turbine generators (WTGs), inter-array cables, offshore substation platform(s) (OSP(s)) and possible platform link cables to connect OSP(s).
The Planning Inspectorate	The agency responsible for operating the planning process for Nationally Significant Infrastructure Projects.
Windfarm site	The area within which the WTGs, inter-array cables, OSP(s) and platform link cables would be present.

Glossary of Unit Terms

km	kilometre
m	metre

1 Written Summary: Issue Specific Hearing 2 (Tuesday 4 February 2025)

1. Issue Specific Hearing 2 (ISH2) on the Morecambe Offshore Windfarm Generation Assets (the "**Generation Assets**") took place on Tuesday 4 February 2025 starting at 10:00 at the Hilton Liverpool City Centre, 3 Thomas Steers Way, Liverpool L1 8LW and by virtual means using Microsoft Teams.

2. The document presents a written summary of Morecambe Offshore Windfarm Ltd's (the "**Applicant**") oral case at ISH2 on the following topics from the hearing agenda (EV4-001):

   - Marine Geology, Oceanography and Physical Processes; and Marine Sediment and Water Quality (Item 3);
   - Benthic and Fish and Shellfish Ecology (Item 4);
   - Marine Mammals (Item 5);
   - Offshore ornithology (including Habitats Regulations Assessment) (Item 6); and
   - Other Environmental Matters (Item 7) (**Table 1.1**).

Table 1.1 Written summary of the Applicant's oral case at ISH2

ID	Agenda Item	Notes
Item 3: Marine Geology, Oceanography and Physical Processes; and Marine Sediment and Water Quality		
1.	Scour protection: frond mattresses	(1) The ExA queried whether information relating to the final design of frond mattresses had been provided or whether further information would be required. The Applicant confirmed that frond mattresses are one of several options being considered but that a final determination on which option to use would be taken later. The Applicant noted that the final choice of scour protection would be detailed in the offshore construction method statement which is secured in the draft DCO. (2) The Applicant noted that no outline construction method statement has been submitted at present, principally because it was not considered that it would include matters of substantive relevant that are not already caught by commitments made elsewhere or within the Commitments Register. However, if it was considered that an outline construction method statement would assist the ExA, the Applicant could provide this and would amend the draft DCO to secure this. The ExA confirmed that this would be helpful and requested this to be submitted at Deadline 4, if at all possible. The Applicant also confirmed that the draft DCO would be updated to include reference to the outline construction method statement. [**Post-hearing note**: The Applicant has submitted an Outline Construction Method Statement (Document Reference 9.49) and has amended Condition 9(1)(d) of Schedule 6 to the draft DCO to secure this.]
2.	Antifouling and biocides	(3) The ExA requested clarification as to whether antifouling or biocides would be used on gravity based structures, noting the Applicant's Response to the MMO's relevant representation RR-047-50 (the Applicant's Response to Relevant Representations (PD1-011)) that antifouling measures and biocides were not considered to be required.

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		(4) The Applicant confirmed that biocides would not be required for gravity based structures. (5) In respect of antifouling, this would be determined when the Applicant was finalising detailed design for the foundations. (6) The ExA queried how this tied in with comments made by the MMO at Deadline 3 regarding Condition 7 of the Deemed Marine Licence (Schedule 6 to the DCO) and suggested changes to the chemicals condition. (7) The Applicant noted that it is considering the amended condition wording proposed by the MMO and this is being discussed between the parties through the Statement of Common Ground process. The Applicant noted that this represents a change from the standard condition that has been in previous Deemed Marine Licences and, as such, it was seeking to understand the approach behind the change. The Applicant noted that it will consider amending this in the version of the draft DCO at Deadline 4. [**Post-hearing note**: The Applicant has not updated the wording of Condition 7. The Applicant notes that the existing condition has been included in many precedent Deemed Marine Licences and considers that further explanation is needed from the MMO as to why a change to the standard is warranted. The Applicant also considers the proposed changes to be quite broad.] (8) The Applicant also noted that it would consider whether commitments around antifouling require to be secured or detailed in an outline construction method statement or if it is sufficiently controlled elsewhere, noting that the Applicant does not want to duplicate controls. [**Post-hearing note**: The Applicant considers that there are sufficient controls elsewhere in the Draft DCO. Chemical use (including anti-fouling chemicals) is controlled through the Project Environmental Management Plan (PEMP), which is secured under Condition 9(e) of the dDML, which requires submission of the PEMP to the MMO for approval prior to the start of construction and Condition 7 of the dDML, which controls chemical use more

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		broadly within the marine environment. The Applicant notes that discussions with the MMO are on-going regarding the wording of dDML Condition 7.]
3.	Other matters raised by the ExA	(9) In response to a question from the ExA on sediment samples and expected comments from the MMO on the Applicant's sediment sampling, the Applicant noted that sediment samples were undertaken as part of a benthic characterisation campaign which was available within the PEIR. As such, these have been available for a number of years and have been discussed through the evidence plan process with the MMO. The Applicant noted that the sampling did not expect any contaminants across the site that would cause concern but that it would await the MMO's confirmation on this. (10) In the MMO's absence, the Applicant was asked if it had comments on the MMO's submissions on designated disposal sites. The Applicant noted that it was in discussions with the MMO about the need to designate the Order Limits as disposal ground. The Applicant also noted that these discussions are linked to discussions regarding contaminants across the site and that it will move this forward with the MMO. [**Post-hearing note**: The Applicant has discussed this matter further with the MMO and considers this matter closed following provision of a GIS shapefile defining the DCO Order Limits, which define the proposed disposal site boundary (Draft Statement of Common Ground with the Marine Management Organisation_Rev 02 (Document Reference 9.1)).] (11) The Applicant noted that chemical usage, including the need for a chemical risk assessment, was incorporated within the outline project environmental management plan but that it would be incorporated into the outline construction method statement to extent appropriate. [**Post-hearing note**: The Applicant considers that there are sufficient controls elsewhere in the Draft DCO and as such repeating this commitment in the Outline Construction Method Statement is not necessary. Chemical use (including anti-fouling chemicals) is appropriately

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		controlled through the Project Environmental Management Plan (PEMP) under Condition 9(e) of the dDML, which requires submission of the PEMP to the MMO for approval prior to the start of construction and Condition 7 of the dDML, which controls chemical use more broadly within the marine environment. The Applicant notes that discussions with the MMO are on-going regarding wording of dDML Condition 7.]
		(12) The Applicant directed the ExA to Condition 9(1)(e) of the Deemed Marine Licence (Schedule 6 to the DCO) which secured the project environmental management plan and noted that sub-paragraph (i) includes the marine pollution contingency plan and sub-paragraph (ii) includes the chemical risk assessment. The Applicant noted that it therefore considered the matter to already be secured within the DCO.
Item 4: Benthic and Fish and Shellfish Ecology		
4	Ecological monitoring	(13) The Applicant was asked to confirm that monitoring proposed in the application is secured and to explain where it has been secured in the DCO. The Applicant noted that the In Principle Monitoring Plan ("**IPMP**") is secured by Condition 9(1)(c) of the Deemed Marine Licence (Schedule 6 to the draft DCO) which requires the final monitoring plan to be approved by the MMO, in consultation with Natural England and other stakeholders, and for this to be in accordance with the outline that has been submitted. As such, the Applicant considers that all monitoring identified within the outline IPMP as required would automatically be taken through to the final approved plan. The Applicant noted that the IPMP does make mention of broader monitoring measures which are still under discussion as to whether they will be required, with the expectation that this will be determined post-consent during detailed design. If detailed design, and consultation with stakeholders by the MMO, identified that these measures were required then the MMO would only approve the final IPMP once it was satisfied that those measures were included.

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		(14) The Applicant also noted that a revision of the IPMP was submitted at Deadline 3 which provided clarification as to what is secured within the DCO and where. (15) The Applicant then provided more detail on marine mammal monitoring measures, noting that the DCO includes a condition to monitor the first four piles for noise. The IPMP submitted at Deadline 3 also includes a commitment to make a record of marine mammal presence. (16) The Applicant also noted that, as a result of discussions post-acceptance, it has committed to monitoring for red-throated diver (aerial surveys) which has been incorporated into the IPMP. (17) The ExA queried how the Applicant's red-throated diver monitoring would also capture marine mammals and whether information would be collected passively to be made available on request or whether it would be formally interpreted and reported somewhere. (18) The Applicant explained that the details of this process would be developed post-consent in the final monitoring plan. The Applicant noted that it has added a commitment to the IPMP to provide information collected to the Marine Data Exchange, which is also a requirement in terms of the Applicant's Agreement for Lease with The Crown Estate. (19) The Applicant pointed the ExA to the outline IPMP submitted at Deadline 3 (REP3-046) which includes a bullet point at digital page 18 which confirms submission of monitoring reports to the Marine Data Exchange. The ExA noted that the wording in the outline IPMP was "supportive" which did not make an outright commitment. The Applicant confirmed that it would consider amending this wording. [**Post-hearing note**: The Applicant has amended the wording of the outline IPMP_Rev 03 Clean submitted at Deadline 4 (Document Reference 6.4).] (20) The Applicant explained that many of the ecological conditions in the Deemed Marine Licence secure a two-step process, whereby a final plan is approved

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		following discussions between the Applicant and the regulator based on an outline. Accordingly, the detail on some issues may be more appropriately 'held over' until the approval of the detailed plan. There is scope for discretion as to what is more appropriately secured in an outline as opposed to the final plan. The Applicant was mindful that discussions should not pre-empt the full and final plan at this stage, as the purpose of a two-step condition is to secure the broad parameters now and finalise the detail at a later date. (21) The ExA asked the Applicant to elaborate on how timescales for pre-construction, construction and post-construction monitoring would fit around the expected two-and-a-half-year period for offshore construction, specifically noting that the fishing industry had requested a five year monitoring period. (22) The Applicant explained that discussions have been had from the NFFO and other parties about a five year post-construction monitoring period, which the Applicant is committed to do. The ExA queried whether the Applicant had considered including pre-construction and during construction monitoring into this five year period and, if not, whether this commitment meant that baseline comparisons could not take place. (23) The Applicant explained that it had originally been suggested that the five year monitoring would encompass pre-, during and post-construction monitoring, but that fishing stakeholders expressed a preference for a full five year period for post-construction monitoring. The Applicant noted that this would be compared against a baseline for comparison purposes but that it would consider the point further with its fisheries lead and come back in writing. [**Post-hearing note**: The Applicant notes that this point was discussed in detail at Issue Specific Hearing 3 (see section 2 below). The Applicant confirmed in those discussions that there would be an exercise to bring the baseline up to date to ensure that appropriate comparisons could be drawn during post-construction monitoring.]

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		(24) The Applicant explained that, stepping back, the DCO secures wider monitoring that is not specific just to commercial fishing. The Deemed Marine Licence includes at Condition 14 an obligation for pre-construction monitoring, which secures the need for methodologies and timings to be approved by the MMO. Similarly, Condition 15 sets out the same mechanism for construction monitoring with Condition 16 focused on post-construction. Certain stakeholders have identified a preference for certain windows of monitoring, but the Applicant considers that the conditions provide an opportunity for methodologies and timings to be approved again. The requirement for pre-construction and construction monitoring ensures that there is an appropriate baseline against which to compare any post-construction monitoring. (25) The ExA queried whether the Applicant would endeavour to standardise the methodologies for monitoring. The Applicant noted that there would be a standard approach taken to monitoring (albeit that there would be approaches specific for certain concerns within the site) but that the general methodology would reflect what is being done on other projects so that stakeholders have a degree of consistency in reading across data. (26) The ExA noted that the MMO had referenced in its Deadline 3 submissions a project that is being undertaken on the standardisation of offshore wind post-consent monitoring data and queried to what degree the Applicant is included as part of the project. (27) The Applicant confirmed that it would discuss this with the MMO but that, as the final list of standards was not expected to be finalised until a later point this year, it would be difficult for the Applicant to presuppose what those detailed standards will be now for inclusion in the IPMP. However, the Applicant agreed that it would consider how it could include a more general commitment to work with the MMO's standardisation project to ensure that results of that project are factored into the final IPMP. [**Post-hearing note**: The Applicant has included a commitment to

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		consider and work with the MMO's standardisation project in the version of the outline IPMP_Rev 03 Clean submitted at Deadline 4 (Document Reference 6.4).] (28) The Applicant noted that there a number of initiatives currently being progressed by various regulators around updated standards. As a responsible developer, the Applicant is engaged in and monitoring those processes and will take part as necessary. However, the Applicant cannot commit to or secure things that are as yet unknown but it can make commitments to follow that process and have discussions once processes are finalised.
5	Fish spawning and avoidance periods	(29) The ExA queried the assessments on sediment composition and seabed preparation during the operational phase of the project, including sea pens. (30) The Applicant noted that sea pen was not identified at any of the sample stations during benthic characterisation surveys. It has been assigned as a potential habitat on a precautionary basis. As such, the Applicant's view is that the sensitivity assigned in the assessment is sufficient and adequate to be able to identify a not-significant result in EIA terms. The Applicant is satisfied that the final position within the Environmental Statement is correct. (31) The ExA asked the Applicant to confirm that its position is that blanketing is unlikely to occur and, accordingly the composition of the seabed will be unchanged and spawning potential unaffected. The Applicant confirmed this. (32) The ExA queried whether there is a risk that the habitat within the site is actually more suitable for sand eel than stated in the Environmental Statement. (33) The Applicant confirmed that the baseline for sand eel has primarily derived from grab sampling and then an analysis of the particle size distribution within that grab sample. So it is not grab sampling itself that directly captures sand eel but actually the particle size analysis of the sediment within that grab sample that informs whether the habitat is appropriate for sand eel. The Applicant is comfortable that

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		the levels of fine particulates within the sediment in samples taken from the wind farm site demonstrate that it is not appropriate habitat for sand eel. (34) The ExA queried whether that meant monitoring and further survey work needed to be undertaken to develop any suitable mitigation for sand eel. (35) The Applicant confirmed that, as the site specific ground truthing done via the sediment and grab sampling demonstrated that sand eel are not present in the site and that the sediment is unsuitable for sand eel, it would not be appropriate to monitor the extent of sand eel. No significant impacts were found via the EIA process so there is no driver for monitoring.
6	Seasonal restriction on piling	(36) In the MMO's absence, the ExA asked the Applicant to provide an update on any discussions held with the MMO since the Deadline 3 submissions on the subject of seasonal restriction on piling. (37) The Applicant summarised its position on noise abatement and seasonal restrictions. It explained that the potential for noise abatement and seasonal restrictions in the Underwater Sound Management Strategy have been provided in outline. This is a two-step approach where the outline sets out the parameters of what the final approved plan will contain. (38) The Applicant confirmed that the current outline of the Underwater Sound Management Strategy does refer to the potential for seasonal restrictions. (39) The Applicant also explained that various recent policy documents and guidance notes, which the ExA had referenced earlier at ISH2, collectively reinforce the need for noise abatement. The leading policy document explains that more detail will come, particularly in relation to noise limit thresholds. The Applicant's DCO is drafted on the basis of a Rochdale envelope with assessments based on the theoretical worst-case combination of piling and hammer energy, which is unlikely to arise. At this upper end of the worst-case scenario, noise abatement may be deemed necessary, and if it is not committed to, then a seasonal restriction would

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		be necessary. The Applicant stated that there is currently no noise threshold (as this is being discussed and is not expected to come in until later in 2025), and therefore the Applicant proposes to clarify that the Underwater Sound Management Strategy will be based on and reflect the existing guidance. As such, the Applicant is seeking to establish the framework for future approval of the Underwater Sound Management Strategy, which will secure noise abatement, seasonal restriction, or neither, as appropriate, depending on the final project design and parameters (and in line with any future noise thresholds, as anticipated to be introduced by future guidance). (40) The ExA asked the Applicant to confirm whether in certain scenarios a seasonal pause may be necessary. (41) The Applicant confirmed that if it is necessary the Applicant will commit to a seasonal pause. However, in the context where noise abatement measures are necessary and committed to the likelihood of a seasonal restriction being necessary would be greatly reduced. (42) The Applicant also explained that at the extreme end of the worst-case scenario, noise abatement would be required (based on the available guidance). However, the issue with being more prescriptive in a DCO requirement or a DML is that the threshold is not yet clear or established. Therefore, the issue with applying the seasonal restriction is the uncertainty of the point at which such restriction is necessary. The Applicant also stated that it would be useful for the MMO to confirm the reasoning for their request to incorporate a seasonal restriction and the details of the specific times it would apply. (43) The ExA asked the Applicant to confirm whether the issue is whether a seasonal restriction is necessary and at what times. (44) The Applicant confirmed that this is a fair assessment of the current position. The Applicant confirmed that it is looking to engage with the MMO in further

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		discussions, in particular in relation to the timings of any seasonal restriction. The Applicant confirmed that it seeks to agree a seasonal restriction that targets the peak of cod spawning rather than the entire cod spawning period. This would cover the period from 15 February to the end of March rather than from January to April. (45) The ExA queried whether there is a protocol, contained either within a monitoring plan or a construction method statement, for dealing with variations of when the 'season' is. (46) The Applicant explained that the timing of the cod spawning season in the Irish Sea is based on interannual surveys of eggs and larvae presence which, at present, does not vary annually. They key is to ensure to clearly set out the peak rather than the season.
7	Unexploded Ordnance (UXO) assessment: presence and charge weights (also item 5)	(47) The ExA stated that it seeks to understand three things: (1) state of knowledge of the absence or presence of UXO risk, (2) how representative the Applicant's assessment is of the likely clearance activity needed, and (3) how these two things have informed the statement that there is no need to assess a heavier charge weight and the intention to apply for a separate licence post consent. (48) The Applicant explained its position that the application does not seek consent for clearance of UXO but rather that it should be held over for future licence applications if deemed necessary. (49) The Applicant explained that it does not believe there to by any impediments in future licence applications for UXO clearance being secured and the Applicant is confident that the matter can be resolved through future marine licences. (50) The Applicant confirmed that it has reviewed the new JNCC guidance on UXO clearance and is of the view that it supports the Applicant's approach to a separate UXO licence. The Applicant expects such an application to be judged in terms of

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		the policy and guidance as it now stands (or such policy as might be in force when an application comes forward). (51) The Applicant explained that it is aware that a marine licence will be necessary, but what is unknown is what might be found (i.e. the level of clearance needed). (52) The Applicant confirmed that it has conducted a number of surveys of the site. This included a desk study of the array area and looking at the historic use of the site. Further targeted surveys were carried out subsequently, and for geophysical and geotechnical purposes, no UXO has been found. The Applicant confirmed that these surveys will be updated once detailed design is confirmed which will identify the relevant targets. (53) The Applicant confirmed that it is aware of a situation at Moray West where a large number of unexpected UXO were found. However, that development was able to be successfully constructed within the period for implementation despite such discovery. [**Post-hearing note**: The Applicant would note, for the ExA's benefit, that the Moray West project is not an NSIP as it is located within Scottish territorial waters and was therefore consented under a Section 36 Consent under the Electricity Act 1989. Separate marine licences were granted for UXO clearance activity.] (54) The Applicant confirmed that, based on its initial investigations, it is comfortable that the UXO risk across the site will be appropriately managed through a separate marine licence application. (55) The Applicant confirmed it intends to incorporate micro-siting thresholds within the dDCO at Deadline 4 to address comments from the MCA and Trinity House in response to ExA's questions, which will also allow for micro-siting if needed due to UXO presence. (56) The ExA queried whether the Applicant will be going for low impact rather than high impact where possible.

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		(57) The Applicant explained the project's mitigation hierarchy is to initially avoid, then look at relocation of UXO and then consider low order campaign. The Applicant noted that the new JNCC guidance requires that low order attempts are carried out prior to any application for high order, and the Applicant will need to demonstrate compliance with this approach for its UXO applications. (58) The Applicant explained that the distinction between using a high order and a low order clearance depends on how intact the case of the shell is. The Applicant explained that it will vary based on the nature and condition of the shell. (59) The Applicant explained that it is guided by experienced UXO experts who have knowledge about the effectiveness of low water clearance on specific targets. (60) The ExA queried whether this will be included in the Construction Method Statement. The Applicant explained that such level of detail would be to too granular to be included as part of this DCO application. However, the Applicant confirmed that it is included in the draft MMMP in relation to UXO. (61) In relation to points 2 and 3 of the ExA's questions on this agenda item, the Applicant directed the ExA to submissions by other parties who stated that they were comfortable with the assessments as provided within the application.
8	Other matters raised by the ExA	(62) The ExA sought views on any change of approach that might be necessary in view of the newly published JNCC guidelines and the publication of the new Defra guidance on 21 January. (63) The Applicant explained that it is proposing to update the draft MMMP and the Underwater Sound Management Scheme at Deadline 4 to reflect the new guidance. [**Post-hearing note**: Updated documents were submitted at Deadline 4 (Draft Marine Mammal Mitigation Protocol_Rev 03 Clean (Document Reference 6.5) and Outline Underwater Sound Management Strategy_Rev 02_Clean(Document Reference 9.32).] (64) The ExA queried whether these documents will work in tandem. The Applicant explained that this is the case. The purpose of the documents is different in that the

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		former is focused on marine mammals whereas the latter is also aimed at mitigating impact on spawning fish. However, both documents will speak to each other and outline similar mitigation.
		(65) The Applicant further explained that the Underwater Sound Management Strategy serves as a framework for addressing any updates to the project post-consent. The measures included in the Strategy will help assess the impact ranges which, in turn, will determine the necessary underwater noise mitigation measures covered under the plan. The strategy will outline and agree on these measures which will then be implemented through the MMMP (which is focused on marine mammals).
		(66) The ExA further queried to what extent the Applicant's assessment follows the structure of the new Defra guidance. The Applicant confirmed that the assessment more or less follows the guidance as the update is based on an interim set of guidance published in 2021.
		(67) The ExA queried whether the unknown anomalies as identified will be clarified as part of the licence application. The Applicant explained that the anomalies identified are not atypical of marine sites and most of them are likely to be pieces of abandoned fishing gear or other material. The Applicant concluded that these are within the normal range and there is no indication that there would be any impediment to successful marine licencing of these activities.
		(68) In relation to the Applicant's response to ExQ1BEM29, the ExA queried whether the amendment of the 590m figure to 985m have any bearing on the assessed significance of effects including cumulative effects.
		(69) The Applicant confirmed that the amendment does not alter its findings in terms of impact on fish and shellfish receptors. There is no significant change in terms of the wider population in the Irish Sea or the likely number of high order detonations. The Applicant confirmed that it will set out its reasoning for this conclusion in further submissions. [**Post-hearing note**: Justification of the ES conclusions has

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		been included in the hearings actions submitted at Deadline 4 (Response to Actions arising from Issue Specific Hearings 2, 3 and 4 (Document Reference 9.54).]
Item 5: Marine Mammals		
9	UXO assessment (post consent)	(70) This was largely addressed in Item 4.
10	Thresholds for behavioural disturbance	(71) The ExA asked the Applicant to confirm how the Written Ministerial Statement of 29 January, particularly referring to consulting on offshore wind piling noise limits, will be addressed. (72) The Applicant explained that the potential noise limit has not been yet confirmed (expected during 2025) and the actual implementation of a noise limit is not expected to take place until between 2026 and 2028. The Applicant confirmed that the discussions as to what this might require from the project will be ongoing post consent with the relevant regulators to reflect any new information. The measure can be incorporated through the Underwater Sound Management Strategy and implemented through the MMMP. (73) The ExA noted that the MMO stated that it is reviewing the draft outline MMMP and will provide comments in due course and asked the Applicant to provide an update on the discussions with the MMO on this issue. (74) The Applicant confirmed that it did not have any further discussions regarding the new guidance. (75) The ExA queried whether the thresholds for behaviour disturbance as proposed by Natural Resources Wales at Deadline 3 would be applied and whether this would change the conclusion of the Applicant's disturbance assessment. (76) The Applicant confirmed that it has incorporated presentation of the majority of the alternative thresholds as proposed by the Natural Resources Wales within its

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		assessment. As such, the Applicant does not believe the significance of the effect will be affected. (77) The Applicant confirmed that the assessment did not apply the 26 kilometres EDR to all species but rather to harbour porpoise as the Applicant deemed it over precautionary applying to dolphins, whales and seals. The Applicant acknowledges that it will need to discuss this approach in regard to UXO clearance with the MMO at the time of the marine licence application. (78) The ExA asked the Applicant to confirm whether the Applicant considers that this matter is effectively resolved as far as it reasonably can be. (79) The Applicant confirmed that this is the case as the Applicant presented a suite of different measures to assess disturbance. [**Post-hearing note**: Disturbance methods used are further presented and clarified in the Marine Mammal Chapter submitted at Deadline 4 (Chapter 11 Marine Mammals_Rev 03 Clean (Document Reference 5.1.11)) in accordance with the technical notes provided at Deadline 1 and updated at Deadline 3 (Marine Mammals Technical Note 1_Rev 02 Clean (EIA) (REP3-60) and Marine Mammals Technical Note 2 Rev 02 Clean (HRA) (REP3-62).]
11	Cumulative effects: gas storage, Carbon Capture Storage, other Offshore Windfarm projects	(80) The ExA queried whether (1) the Applicant has confidence that the cumulative effects have been properly assessed given the lack of information about CCS projects and (2) whether this is an underestimation of cumulative effects rather than a worst-case approach. (81) The Applicant confirmed that in its application all CCUS were screened out. Since then, the Applicant has looked at the status of the potential projects within the CEA screening area and there is no indication of overlap. The Applicant explained that the short duration of activities that have been licenced does not provide any reason to suggest that the cumulative assessment is not robust. The Applicant

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		further explained that the CEA for marine mammals incorporates a large number of activities, including impacts and worst-case scenarios. (82) The Applicant further stated that its updated version of the Marine Mammal technical note submitted at Deadline 3 refers to the comments on the cumulative assessment from Natural Resource Wales on consideration of oil and gas decommissioning and other wind farm projects.
12	Other matters raised by the ExA	(83) The ExA queried whether Chapter 11 would be revised to take account of the Applicant's technical note. (84) The Applicant confirmed that the note submitted in response to written representations from Natural Resources Wales and Natural England would be incorporated into the chapter at Deadline 4 or 5. The Applicant explained it is in the process of agreeing with Natural Resources Wales the findings of the updated assessment prior to any further submission. The Applicant noted that the overall conclusion reached remains unchanged. [**Post-hearing note**: An updated Chapter 11 and appendices reflecting the Applicant's technical note have been submitted at Deadline 4 (Chapter 11 Marine Mammals_Rev 03 Clean (Document Reference 5.1.11)).] (85) The ExA queried whether the new Defra approach might have a bearing on the Applicant's assessments. (86) The Applicant explained that the approach to the assessment would not be altered and that the emphasis of the mitigation and the hierarchy of clearance would be reflected within any UXO licence application and the supporting MMMP submitted alongside the application. (87) In relation to post-consent approvals, the Applicant stated that its position on the appropriateness of the approach in relation to fish equally applies to marine mammals.

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		(88) The Applicant also confirmed that it is reassured by the statements within the Defra policy statement about the Applicant's approach to securing the mitigation. (89) The ExA queried whether the Applicant would be looking to achieve underwater explosions and construction through low noise methods as stipulated. (90) The Applicant confirmed this to be the case, as outlined in paragraph 37 of the draft MMMP. The Applicant further explained that other measures such as avoiding UXO where possible and micro-siting will be considered before resorting to low order clearance. (91) The ExA requested that the parties make it clear the published papers to which they are referring to in their submissions. (92) The Applicant confirmed that it will set out the timeline of what it understood to have happened on 21 and 29 January and the documents referred to as part of the written summary. The Applicant explained that it understands the policy push towards a lower threshold for noise abatement. The Applicant confirmed that although it is still guidance, it will refer to it as appropriate in the outline documents. [**Post-hearing note**: This is set out in the Response to Actions arising from Issue Specific Hearings 2, 3 and 4 (Document Reference 9.54) submitted at Deadline 4.] (93) The ExA queried whether any further updates are expected in light of the changes to the Morgan and Mona projects. (94) The Applicant confirmed that in relation to the chapter on marine mammals specifically there will not be any further updates to the Applicant's assessment calculations other than those already undertaken within the technical notes.
Item 6: Offshore ornithology (including Habitats Regulations Assessment)		
13	Cumulative effects: other projects, decommissioning	(95) Before commencing Item 6 on the Agenda, the Applicant noted that it had been considering over the break how to assist in drawing together 'the

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		loose threads' on environmental matters. The Applicant proposed to submit a document setting out the remaining key live issues and what it considered the consequence to be and whether it was material to the examination. The ExA agreed this would be helpful. [**Post-hearing note**: This has been added to the Combined Examination Progress Tracker and Statement of Commonality_Rev 05 Clean (Document Reference 8.5) submitted by the Applicant at Deadline 4.]
		(96) The ExA queried whether comments made by SNCBs in response to the ExA's Written Quest on uncertainty in cumulative assessments on removing decommissioned wind farms means that there is double counting and, if so, that the extent of such double counting is uncertain.
		(97) The Applicant confirmed that it carried out its cumulative assessment on the basis of publicly available information in the EIAs for the projects in question. Natural England then separately raised a concern that some of the more historic projects had not assessed certain ornithology impacts in the same way as a modern wind farm would. Given this feedback, the Applicant undertook its own exercise to go back and 'second guess' in quantitative and qualitative manner what those projects might have assessed at the time to result in historic figures. Projects expected to be decommissioned were not included in this.
		(98) The Applicant confirmed that it broadly agreed with Natural England's and SNCBs' responses on double counting in that, as older projects were decommissioned during the lifetime of the Project, those effects would be taken out of the equation, as it were. However, there is no agreed method by which these could be removed, as the assessment is effectively a snapshot at the time the wind farm becomes operational and that is the basis on which modelling is undertaken.
		(99) There is no mechanism within the population viability analysis (PVA) tool to add in or take out additional projects during the period of the assessment.

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		(100) The Applicant considers that this provides reassurance that the assessment includes a level of precaution, because we know that the effect is likely to diminish. It will then be for future projects, as they come forward to determine the cumulative and in-combination effects as they stand at that time. The Applicant therefore does not consider that the inclusion or removal of Barrow or North Hoyle would affect the assessment conclusions. (101) The Applicant also noted that, as a general proposition, it would expect an extension of life or repowering of a wind farm to require consent and assessment. That project would then become the 'agent of change' and would need to carry out its own assessments.
14	Cumulative effects: Coordinated communication and mitigation	(102) The ExA queried why cumulative considerations across more than one project have not been included within the draft MMMP submitted at Deadline 2 and whether it is reasonable to include other Irish Sea projects. The ExA noted that it was particularly focused on mechanisms to minimise the impact of noise on marine receptors and to what extent it is reasonable to consider coordinated mitigation across the Irish Sea. (103) In response to the first point, the Applicant noted that the draft MMMP outlines mitigation that the Applicant could deliver, as it can only mitigate impacts for its project and not others. However, the Underwater Sound Management Strategy includes a section requiring consideration of the cumulative picture nearer to construction which would capture the potential for cumulative mitigations. (104) The Applicant reiterated that one of the principal challenges in coordinated construction or coordinated mechanism is the structure of UK energy support mechanisms (e.g. Contracts for Difference) which makes it disproportionately complex to coordinate. (105) The Applicant also noted that each project will have its own MMMP and mitigation that will be committed to as part of their applications, but the

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		cumulative assessment is based on a worst-case that does not include, for example, noise abatement that might be used by other projects. (106) In respect of coordination and cumulative effects, the Applicant summarised its position by noting that the assessment is not based on a coordinated approach with impacts appropriately mitigated on that basis. There is no need to further assume or assess coordinated or stagged construction as the levels of impacts have been appropriately mitigated. (107) The Applicant also noted that the other Irish Sea projects have all submitted an Underwater Sound Management Strategy so there is a degree of alignment in how each mitigates its own contribution to a cumulative effect. The Applicant does not consider there to be a requirement for further coordination as it is for each project to secure the mitigation appropriate to their final design. (108) In respect of vessel movements, the Applicant also noted that there are best practice measures secured within its Vessel Traffic Management Plan for reducing disturbance to marine mammals and birds which will reflect commitments made on other projects. (109) The Applicant referred to the updated noise guidance issued recently which deals with some of the cumulative concerns. There are government-led discussions ongoing on coordinated noisy activities, but that cannot be led by a project alone. The Applicant considers that, by virtue of its commitment to abide by the recent noise guidance, this would also extend to cumulative or coordinated outputs as and when those are agreed. (110) The ExA referred to coordination forums elsewhere (such as coordination forums in the North Sea) and whether that needs to be secured in the application. (111) The Applicant noted its position that it considered the impacts of the project have been individually mitigated so far as appropriate, so there is comfort before the ExA and the Secretary of State that the worst-case has been assessed and

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		mitigated. As such, coordinated forums are not essential to mitigation but the Applicant is open to engagement in future if guidance directs it to coordinated forums.
15	Liverpool Bay Special Protection Area (SPA) displacement (red throated diver (RTD))	(112) The ExA noted the Applicant's request to submit a plan relative to the Liverpool Bay SPA boundary and the Order limits and confirmed that this could be shown and discussed at ISH2. The ExA requested that this be submitted at Deadline 4 so that IPs could consider and respond as necessary. [**Post-hearing note**: This has been submitted at Deadline 4 (Document Reference 9.47).] (113) The Applicant explained that the figure shown does not include new information but just presents material previously presented by the Applicant in a clearer way. The figure explains or demonstrates how the boundary of the SPA was derived and the relative importance of different areas within the SPA boundaries for red-throated diver. The Applicant explained that the site was originally designated for two species, common scoter and red-throated diver, based on data in the Webb, et al 2006 paper referred to by the Applicant in previous submissions. This data was based on a range of available data on the distribution and abundance of red-throated diver and common scoter. The figure shows the areas of high density for common scoter, those for red-throated diver and those for both species. (114) The Applicant noted that the area within the original SPA boundary in the closest vicinity to the project was never designated for its importance for red-throated diver but for common scoter. In other words, if had been decided that common scoter would not be taken forward as a species for this SPA, the boundary of the SPA would have been very different to how it is now and would not have included the area that is potentially impacted by the project. In essence, the occurrence or the frequency of occurrence and the densities of red-throated diver within that area are not high enough to meet the threshold for designation as an SPA.

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		(115) This is reflected in the Applicant's red-throated diver technical note which was submitted at Deadline 1. [**Post-hearing note**: This has Examination Library reference REP1-082. Additional details were provided in The Applicant's Response to ExAs Written Questions 1 (REP3-068).] (116) The Applicant noted that Natural England consider that the project would adversely affect the distribution conservation objective for red-throated diver in that it would reduce the ability of red-throated divers to use parts of the SPA which they currently use. However, the Applicant considers that the figure shows clearly that those areas are not used by significant numbers of red-throated diver and so the project would not have that effect on the conservation objective. (117) The Applicant noted that the distance of effect for common scoter is 4km (not 10km, as Natural England maintain it is for red-throated diver), and the Order limits are more than 4km away. In any event, the assessment carried out in the RIAA for common scoter is precautionary as it has taken into account a 4km buffer within the revised SPA boundary. (118) The Applicant also noted that, as part of the Plan-Level HRA carried out for Round 4, the Secretary of State came to the same conclusion in respect of the Project. The Applicant noted that, unlike collision risk, displacement effects are based solely on the boundary of the wind farm and not turbine parameters or other parameters that will evolve with detailed design. The Applicant noted that the Order limits boundary in respect of the distance from the SPA remains unchanged so the Round 4 Plan-Level HRA was based on the same information as the RIAA relevant to displacement impacts on RTD. (119) The Applicant confirmed that the Secretary of State concluded that there would be no adverse effect on integrity for the red-throated diver feature of the Liverpool Bay SPA and the Applicant is not aware of any information, new or otherwise, which would enable a decision-maker to reach a different conclusion in that respect. The Applicant noted that Natural England's

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		position has been consistent, as they raised the same argument of a 10km buffer at the Plan-level HRA stage, but that this was not supported by the Secretary of State's decision at the time. [**Post-hearing note**: The Applicant has summarised its position on red-throated diver, and the materials discussed at this part of ISH2, in Document Reference 9.47 Additional information to support assessment of Red-throated Diver feature at Liverpool Bay SPA submitted at Deadline 4.] (120) The Applicant explained in response to a query from the ExA about accepting some level of buffer zone that, firstly, the Applicant firmly considered that there would be no adverse effect. Secondly, the Project cannot accommodate further buffers. The Project has already been tailored to fit into an existing brownfield area coexisting with a range of existing or 'on the way out' infrastructure. There simply is no room within the Order limits to accommodate a 3km bit out of the eastern boundary which would substantially erode the overall capacity and objectives of the Project. The Applicant's position is that no buffer zone extending into its Order limits is warranted. (121) The Applicant noted that it considered it unlikely that Natural England and the Applicant would ultimately agree on this point, or on adverse effect to red-throated diver, by the close of examination. (122) The Applicant confirmed that it would be updating the RIAA to take account of this together with other material submitted at Deadlines 2 and 3. The Applicant had hoped to be able to consider comments from Natural Resources Wales as part of those updates to avoid having multiple updates but, as NRW only submitted detailed comments at Deadline 3, it may not be possible to incorporate all updates at one Deadline. [**Post-hearing note**: The Applicant has submitted an updated RIAA at Deadline 4 (4.9 Report to Inform Appropriate Assessment (Rev 03) (Clean)). The updates address all comments received up to Deadline 3 and matters discussed in the subsequent meeting with NRW on 11 February 2025. The Applicant

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		considers this will resolve matters, however notes NRW intend to provide comments at Deadline 4 and the Applicant would submit a further update to the RIAA at Deadline 5 only if required.] (123) The ExA raised the reference by the Applicant to the existing disturbance effects on red-throated diver by helicopters and sea craft. Noting that a significant proportion of that usage is associated with oil and gas, which will be phased out over time, the ExA queried whether the effects of the removal of this traffic have been factored into the assessment. (124) The Applicant noted that it does not consider there to be enough certainty as to how this will change in future to adjust the assessment. The Applicant explained that it needs to base its assessment on what is happening at a given moment, and there is no certainty as to how this might change in future. As such, its position is that the assessment is reasonable based on the information available. The Applicant has not factored in any removal of this disturbance in future, so its conclusions are a precautionary worst-case.
16	Liverpool Bay SPA: Habitats Regulations Assessment derogation case and effects on RTD and lesser black backed gull	(125) The ExA noted documents submitted by the Applicant at Deadline 3 in respect of its without prejudice red-throated diver derogation case. The ExA also summarised its understanding of the current status of the compensation measures being proposed. (126) The ExA queried if consensus was starting to emerge on the proposed compensation measures for lesser black-backed gull. (127) The Applicant confirmed that it has had detailed discussions with Natural England on the two compensation measures proposed and that Natural England is working together with the Applicant to deliver on this process. (128) On red-throated diver, the Applicant noted that the main focus for compensatory measures is the provision of nesting rafts within Scotland. Since the point was raised by the ExA at the Preliminary Meeting and ISH1, the Applicant has made substantial progress in identify landowners and areas that are suitable for proposed red-throated diver breeding

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		improvement measures. Three letters of support have been secured to date and further conversations are ongoing to secure and develop further proposals. The Applicant is also considering not just the installation of rafts for the breeding population but also habitat restoration. (129) The Applicant noted that it has contacted NatureScot for input on the derogation case and proposed compensatory measure but that it did not have an indication as to when a response might be received. [**Post-hearing note**: The Applicant received email confirmation from NatureScot on 17 February 2025 that documents had been received and that NatureScot would open further discussions 'as soon as possible', noting their high levels of statutory casework at that time.] (130) The ExA reiterated that the measures would need to be secured to be taken into account by the Secretary of State in assessing the derogation case. (131) The Applicant noted that the test is that the Secretary of State needs to be satisfied that the measures are deliverable and that there is no impediment to delivering the measure – the test is securable rather than secured. The Applicant considered is that the letters of support provided is enough to demonstrate that measures are securable. In any event, the Applicant considered that it would be disproportionate to fully secure the land for the measures at this stage (i.e. buying areas of lochans in Scotland) given that it is strongly refuting Natural England's position that there will be adverse effects. [**Post-hearing note**: the Applicant clarified at ISH5 that at this point it was speaking specifically to the extent to which the land to deliver the compensation was secured, and on reflection the ExA question was focussed more broadly on securing the compensation measures in the draft DCO – addressed in the Post-hearing note below.] (132) The Applicant noted that it had not put in new DCO wording at Deadline 3 on the red-throated diver compensation measures as it was mindful of streamlining the amount of revisions to the DCO. However, it was intending to include this in the version of the draft DCO submitted at Deadline 4.

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		[**Post-hearing note**: This has been included in the version submitted at Deadline 4 (3.1 Draft Development Consent Order (Rev 04) (Clean)).] (133) The Applicant clarified that it had sought to identify sites that are outside of space designated for red-throated diver in Scotland, so as to avoid any potential for conflict with NatureScot in that respect. The Applicant is progressing discussions with private landowners. (134) The Applicant also noted that, given the proposed adverse effects are in respect of an English project, it is Natural England (rather than NatureScot) that will be the relevant SNCB in relation to whether the measures are appropriate. This follows the approach that North Falls is proposing for its compensatory measures for red-throated diver. While it is the case that the physical measures may be located in Scotland, the benefits would be felt throughout the national site network and so are not limited to Scotland. (135) In response to a query from the ExA on Natural England's comments that the adverse effects on integrity would be on distribution and supporting habitat for red throated diver, the Applicant noted that while there is some inter-relationship between the two objectives, it would not agree that the habitat conservation objective is likely to be compromised. This is because there is no change to the habitat within the SPA as a result of the presence of the project – the seabed within the SPA is not changing, the distribution of prey species is not changing – the habitat within the SPA would continue to function in the same way as before. (136) In response to a query on timing for vegetation clearance at Steep Holm for lesser black-backed gull, the Applicant explained that it was seeking to undertake any management outside of the breeding season although there may require to be some clearance (of alexanders) during the breeding period as it is a fast-growing species that may potentially prevent the lesser black-backed gulls from nesting. However, the Applicant does not otherwise anticipate any requirement to

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		undertake scrub clearance (which will be the major part of the ongoing work) within the breeding season.
Item 7: Other Environmental Matters		
Human Health		
17	Assessment of effects on general and vulnerable populations	(137) In relation to Table 19.20 of Chapter 19 of the Environmental Statement, the ExA asked the Applicant to clarify how a single conclusion in terms of overall effect had been derived for each impact when two different receptor groups have been assessed. (138) The Applicant explained that the assessment is based on the Institution of Environmental Management and Assessment (IEMA) guidance which sets out the need to articulate a sensitivity conclusion for the general population and a sensitivity conclusion for the vulnerable group population. The guidance then at paragraph 6.3 advises that an assessment should reach a single overall conclusion which allows the consideration of health inequalities to be reflected. (139) The ExA asked the Applicant to clarify how an overall conclusion is reached when there is a big difference between the significance of the two populations. (140) The Applicant explained that the matrix is a guide which informs professional judgement. The Applicant stated that the individual assessment sections set out more context on the particular considerations in terms of vulnerability, sensitivity and magnitude as well as the extent of the severity of the potential impact and population affected. The impact on vulnerable groups is very important as it reflects the issue of inequalities and therefore drives the assessment. (141) [**Post-hearing note**: It is confirmed that a best practice approach has been used, and the statutory public health stakeholders agree with the methods and findings (see UK Health Security Agency [RR-086] and ES Volume 5 - Chapter 19 - Human Health Table 19.1 [REP1-040]). Key citations are provided in ES Volume 5 -

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		Chapter 19 - Human Health Section 19.4.3 Impact assessment methodology [REP1-040]. The significance conclusions reached for population health are driven by the vulnerable population group sensitivity score. This is implicit to in the consideration of health inequalities.]
18	Definition of magnitude of effects	(142) The ExA asked the Applicant to clarify whether, according to the definitions in Table 19.8 of Chapter 19, a minor change in morbidity benefiting a small minority of population should classify the magnitude as 'low' rather than 'medium' (as per paragraph 19.213). (143) The Applicant explained that the most relevant criteria from each row should be considered, rather than requiring all criteria from a single row to apply to a given effect. The Applicant confirmed that it is satisfied that this classification is correct, stating that the benefit derived from secure and affordable electricity should not be underestimated. It is a much wider benefit, experienced across a very large proportion of the country. (144) The ExA further queried how this project would compare to a larger scale project, producing more electricity. (145) The Applicant explained that it is not overstating the impact of the project but rather that the projects should be looked at through a cumulative assessment. The Applicant further explained that it relies on a methodology to help inform what the material issues are and what is important in terms of public health. [**Post-hearing note**: ES Volume 5 - Chapter 19 - Human Health paragraph 19.213 [REP1-040] determines that there is a medium magnitude for the wider societal benefit of the Proposed Development for public health. That determination is in line with ES Volume 5 - Chapter 19 - Human Health Table 19.8 [REP1-040] which reproduces the magnitude methodology from the IEMA guidance. The ES table and guidance both confirm that the judgment on

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		magnitude is based on most relevant magnitude criteria across the scoring categories. The ES Volume 5 - Chapter 19 - Human Health paragraph 19.213 [REP1-040] discussed the following criteria, which are set out as bullets below with their indicative Table 19.8 scoring category. This helps clarify the overall balance of the criteria that have informed the professional judgement reached. • Duration is long-term (indicates a high magnitude score) • Frequency is continuous (indicates a high magnitude score) • Severity relates to risks for population mortality (e.g., reducing excess winter deaths) (indicates a high magnitude score) and morbidity of physical and mental health (indicates a medium magnitude score) • Population extent is for a large minority of the population (indicates a medium magnitude score) • Implications for healthcare service quality are small benefits (indicates a medium magnitude score) This is a strong justification for a medium magnitude of change for public health. Even if the population extent was considered a small minority of the national population rather than a large minority, the effect would still be classified as a medium magnitude effect given the balance of other criteria and that a very large number of people are affected. Other NSIP scale energy infrastructure projects would also be likely to have medium magnitude effects on this issue. The electricity generation capacity of the Project is nationally significant, and so is the public health benefit. Energy security plays a strong protective factor for public health. This includes power to safely cook and refrigerate food, regulate the temperature and lighting of homes and schools, operate health and social care services, maintain economic productivity and employment, and operate technologies that improve quality of life and social networking. Sustained

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		interruption of supply or rapid increases in costs would both be expected to result in reductions in health and wellbeing outcomes. The IEMA Guide: Effective Scoping of Human Health in Environmental Impact Assessment. (2022) Pyper, R., et al. Table 9.1 confirms that the assessment of the likely significant effects of a project should "Reference as relevant how the project contributes to: energy infrastructure … on which society depends for good population health". This is guidance whose authorship includes technical experts from the UKHSA, OHID, Public Health Wales and other public health and impact assessment specialists. It is confirmed that the Project is confident in its assessment that the Morecambe Offshore Wind Farm Generating Assets would result in a significant beneficial population health effect from its electricity generation.]
Socio-economics, Tourism and Recreation		
19	Population and working age populations within the study areas	(146) The ExA asked the Applicant to comment on whether increases in life expectancy and state pension age, along with the raising of the school leaving age from 16 to 18, would have implications on the baseline projections regarding the working-age population as presented in the environmental statement (147) The Applicant explained that the demographics split that is currently used by the ONS to capture the working age population is the 16-64 bracket. The Applicant confirmed that defining the working age population is a topic of discussion with the ONS. (148) The ExA asked the Applicant to confirm in submissions following the hearing whether the definition will have any implications in terms of the accuracy of assessments conducted to date. [**Post-hearing note**: This is set out in the Response to Actions arising from Issue Specific Hearings 2, 3 and 4 (Document Reference 9.54) submitted at Deadline 4.]

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20	Cumulative effects and co-ordination with other projects	(149) The ExA asked the Applicant to clarify how it proposed to coordinate and work with other offshore wind farms in the area to secure the potential benefits set out in the Skills and Employment Plan. (150) The Applicant explained that the varying timing of delivery of different projects in the area placed practical limitations on coordination. Furthermore, the skills and employment benefits are driven by the location of the port which makes coordinating with other projects difficult until a port has been selected. (151) The ExA further queried whether there is anything within the outline Skills and Employment Plan that requires coordination with other projects. If not, the ExA queried whether this could this be included as that would affect the weight that the ExA can attach to those cumulative benefits. (152) The Applicant explained that its position is that the overwhelming benefit from the project stems from its contribution to net zero and security of energy supply. The Applicant stated that it is this benefit that should be given sufficient weight and underpin the grant of the DCO. The Applicant acknowledged and accepted that there is an inherent limitation in placing a lot of weight on the economic and wider cumulative socio-economics benefits at this stage.
21	Outline Skills and Employment Plan Requirement 11 of the draft Development Consent Order (REP2-002)	(153) The ExA asked the Applicant to clarify whether the final skill and employment plan would be enforceable if it is not approved due to the requirement for written notification to the relevant authorities. If it is not enforceable, how would the initiatives outlined in the plan be secured? (154) The Applicant explained that the requirement for the plan being 'notified' rather than 'approved' is intentional due to the fact that the Applicant does not yet know which host authority will be hosting the port infrastructure. The Applicant is apprehensive about giving an unknown authority leverage over the Applicant and its project in the form of a power of approval. However, the high quality of the skills

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		and employment plan is nevertheless assured as it must be in accordance with the outline produced. (155) The Applicant acknowledges that that it would be appropriate for the DCO requirement securing the plan to have a further requirement committing the Applicant to ongoing compliance and the Applicant will make such an amendment at Deadline 4. [**Post-hearing note**: This has been updated in the version of the draft DCO submitted at Deadline 4 (Draft Development Consent Order_Rev 04 Clean (Document Reference 3.1)).
Traffic and Transport		
22	Discussion in relation to port identification and assessment of effects	(156) With reference to paragraph 20.15 of the socio economics, tourism and recreation chapter which states that it is assumed that the port will be based within 50km radius of the wind farm, the ExA asked the Applicant to consider whether it would be appropriate to carry out an assessment of all ports within that range to allow for potential significant effects. (157) The Applicant explained that is a matter of what is 'proportionate'. Such an assessment would involve identifying all of the ports in the 50km area and giving a hypothetical consideration of what the traffic and transport implication would be for each port. This would therefore result in a very voluminous and substantial exercise, contrary to one of the guiding principles on EIA which is to keep the documents within reason.
Climate Change and Greenhouse Gas Emissions		
23	Discussion in relation to changes in Green house gasses	(158) The ExA asked the Applicant to clarify how wake effects have been taken into account in the greenhouse assessment. (159) The Applicant explained that it has an assessment of wake produced by the Orsted IPs (which is a conservative document as it not based on detailed design for the project), but the Applicant does not argue with the substantive content of it.

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		Based on the figures set out in that assessment, the Applicant has carried out a 'stress test' exercise of the greenhouse gas emission savings in the ES. This found that the levels of impact to be circa 1% when wake loss is included which is within the margins for error of the overall assessment figure. (160) The Applicant considered that the appropriate approach is to consider the greenhouse gas benefits for the Applicant's project net of any wake impacts and loss of existing greenhouse gas benefits. Looking at it cumulatively would entail adding those up from other projects. Therefore the figure of 5.5% cumulative wake losses is not the correct figure to look at in terms of impact from the Applicant's individual project. (161) The Applicant also stated that if it were to consider the cumulative figure of 5.5% wake losses then we also have to acknowledge the cumulative benefit of the other projects contributing to the cumulative effect as well. (162) The ExA further queried whether the assessment of scenario one in paragraph 21.367 of Chapter 21 is still valid following the decision of High Court in the Friends of the Earth case. (163) The Applicant confirmed that it will respond on this point in writing at Deadline 4. [**Post-hearing note**: This is set out in the Response to Actions arising from Issue Specific Hearings 2, 3 and 4 (Document Reference 9.54) submitted at Deadline 4.] (164) The ExA queried the proportions of CO2 emissions from Morgan and Morecambe transmission assets. Given that the projects may or may not be delivered at the same time, the ExA asked the Applicant to consider whether an apportionment of 50:50 be more appropriate than 25:75. (165) The Applicant explained that the scale and apportionment was based on the expected scale of the infrastructure to deliver the project. The Applicant confirmed that it would take this point away. [**Post-hearing note**: This is set out in the

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		Response to Actions arising from Issue Specific Hearings 2, 3 and 4 (Document Reference 9.54) submitted at Deadline 4.] (166) The ExA asked the Applicant to make a submission as to how the CO2 equivalent of the extra distances to be undertaken by various vessels has been factored into the greenhouse gas calculations and how that calculation has been derived. (167) The Applicant confirmed that it would take this point away. [**Post-hearing note**: This is set out in the Response to Actions arising from Issue Specific Hearings 2, 3 and 4 (Document Reference 9.54) and Greenhouse Gas Assessment Technical Note (Document Reference 9.55) submitted at Deadline 4.]

2 Written Summary: Issue Specific Hearing 3 (Wednesday 5 February 2025)

3. Issue Specific Hearing 3 (ISH3) on the Generation Assets took place on Wednesday 5 February 2025 starting at 10:00 at the Hilton Liverpool City Centre, 3 Thomas Steers Way, Liverpool L1 8LW and by virtual means using Microsoft Teams.

4. The document presents a written summary of the Applicant's oral case at ISH3 on the following topics from the hearing agenda (EV5-001):

   - Shipping and Navigation (Item 3)
   - Commercial Fisheries (Item 4)
   - Civil and Military Aviation and Radar (Item 5)
   - Other Offshore Infrastructure and marine operations (Item 6) (**Table 1.1**).

Table 2.1 Written summary of the Applicant's oral case at ISH3

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Item 3 Shipping and Navigation		
1.	Oversailing of wind turbine generators	(1) The Applicant explained that it does not consider the draft Development Consent Order (DCO) needs to be amended to prohibit the wind turbine blades from over-sailing outside of the order limits as it considers the whole of the authorised development must be located within the red line of the order limits. Given the blades form part of the authorised development or authorised project, they would not be permitted (i.e not authorised by the DCO) if they were to over-sail outside the order limits. The Applicant's position is that this is captured adequately within the draft DCO. [**Post hearing note**: see Article 3 which states "development consent is granted for the authorised development and ancillary works "to be carried out within the Order limits"]. (2) The Applicant noted it would consider the drafting in the Morgan Offshore Wind Farm Development Consent Order which contains a further specific requirement to this effect. [**Post hearing note**: further clarification provided in Requirement 2(2) of the updated draft DCO submitted at Deadline 4 (Draft DCO_Rev 04 Clean) (Document Reference 3.1)).] (3) The Applicant confirmed that with regards to the notional layouts it provided at Deadline 3, (Appendix A of The Applicant's Response to ExA's Written Questions 1 (REP3-068)), the boundaries provided do account for over sail of the wind turbines. The Applicant clarified that there appears to be a larger boundary to the south of the site due to the protective provisions in favour of the Lanis-1 telecommunications cable which runs along the extent of the southern boundary of the site. As such, there is an additional 500 metre buffer built in as protection for this infrastructure.

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2.	Just in time deliveries	[The Applicant had nothing further to add to the submissions made by Stena Line and the Isle of Man Steam Packet on this point of discussion.]
3.	United Nations Convention on the Law of the Sea and Stena Line	(4) The Applicant explained that the term 'international navigation' requires to be read with the rest of Article 60(7) of the United Nations Convention on the Law of the Sea (**UNCLOS**) in that these must be recognised sea lanes essential to international navigation. The Applicant referred to submissions made by the Maritime Coastguard Agency (**MCA**) in the Morgan Offshore Wind Farm Examination, where the MCA state that recognised sea lanes essential to international navigation, viewed in the context of UNCLOS, means International Maritime Organisation (**IMO**) adopted traffic separation scheme (**TSS**). (5) The Applicant agreed it would provide a note on the status of navigation to the Isle of Man. [**Post hearing note**: The Applicant has provided this at Deadline 4 (Response to Actions arising from Issue Specific Hearings 2, 3 and 4 (Document Reference 9.54).] (6) The Applicant also provided an update as to discussions with Stena Line Ltd (Stena). The Applicant confirmed that dialogue had occurred with Stena's solicitors, Clyde and Co, and that a set of protective provisions had been received from them. The Applicant has confirmed to Stena, without prejudice to the Applicant's position that protective provisions were not necessary, that they were broadly in line with their expectations. [**Post hearing note**: draft protective provisions in favour of Stena have been included in the revised draft DCO submitted at Deadline 4 (Draft DCO_Rev 04 Clean (Document Reference 3.1)), although it is noted that these are still in discussion between the parties..] (7) The Applicant confirmed to the Examining Authority (**ExA**) that there appears to be one transit of a Stena route through the Project's wind farm site on average every 2 days, as presented in Table 23 of the Navigation Risk Assessment (**NRA**), (APP-073).

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4.	Cumulative Navigation Risk	(8) In regards to Stena's concerns regarding the cumulative effect of the Project, the Mona Offshore Wind Farm, the Morgan Offshore Wind Farm and the Mooir Vaninn Offshore Wind Farm on bridge resources management, the Applicant confirmed that the width of the corridor that would be produced between the Calder platform and the wind farm to the west of the Project, the Mona Offshore Wind Farm, is 5.7 nautical miles, (Para. 10.2.2.1.1.1 of the Navigation Risk Assessment (APP-073)), and that the presence of the Project does not affect this width as the Project is now located to the east of the Calder Platform. In addition, this width of 5.7 nautical miles is greater than the current distance of 3.8 nautical miles between the Calder Platform and the CPP1 Platform. In the Applicant's view, with regards to bridge resource management, this would be for Stena to understand and their operational procedures to be developed in light of all of the projects going ahead. The Applicant confirmed that the Stena routes to the south-west of the Calder platform are more heavily trafficked than the route between the Calder Platform and the CPP1 Platform. The Applicant explained, in terms of the ExA's concerns that less sea room could lead to more congestion, that the route between the Calder Platform and CPP1 Platform is only used on average every 2 days, and the simulation results within the Cumulative NRA (**CNRA**) (APP-074) were successful with the boundaries, with the probability of the vessels meeting being very rare. (9) [**Post hearing note**: The Applicant notes that there is less sea room with all projects built, which could lead to more congestion, however it should be noted that the area in general has a low level of vessel activity and that the route between the Calder Platform and CPP1 Platform is only used on average once every 2 days by Stena Line which represents a small increase on a low number to start with for a corridor of 5.7nm. In relation to meeting of vessel then the CNRA at Section 7.7 determines the likelihood of any vessel meeting another vessel in the corridor between Mona and Morecambe as 0.6% [para. 7.7.1.1.4]., and further the likelihood of a vessel

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		meeting two other vessels was less than 0.01% as determined in Figure 51. As noted in the simulations conducted as a part of the Cumulative Navigation Risk Assessment and reported at "Appendix E – Navigation Simulations" Section 4.1 determined that Stena Line would be able to "Take appropriate action as required by the Collision Regulations (COLREGS) for at least 2 compounded traffic situations in which the simulated ferry was the 'give way' vessel, whilst maintaining a Stena closest point of approach (CPA) of greater than 1 nautical mile (NM) from the 'stand on' vessel(s) and other static hazards (OWFs, platforms, etc)" ("least 2 compounded traffic situations" relates to the Stena Line ferry meeting 2 other large vessels which was as assessed in Stena Simulation Run ID 10 (see Appendix A Simulation Run Summaries). This information was taken through into the assessment of navigation risk as part of the CRNRA which determined that all hazards related to the Mona- Morecombe area were assessed as either Medium Risk -Tolerable (if ALARP) or lower. Added to this, the Applicant also notes that Stena have the option to travel east or west of the Isle of Man and that as most transits (80%) currently travel to the west of the Isle of Man and well away from the Project, then any change to transiting to the west, particularly associated with the Morgan and Mooir Vannin Offshore wind farms projects, would make the westerly route even more preferred.] (10) The Applicant explained that National Policy Statement (NPS) EN-3 for Renewable Energy states at paragraph [3.8.194] that to ensure safety of shipping applicants should reduce risks to navigational safety to as low as reasonably practicable (**ALARP**). Stena accepted that the CNRA returned an acceptable rating, at SGL 15 in their Statement of Common Ground with the Applicant, (REP1-062). (11) [Post hearing note: The CRNRA (APP-074) was based on significant analysis, consultation, navigation simulations and the findings of the hazard workshops to determine the cumulative risks associated with the four Projects (Morgan Generation Assets, Mona, Morecambe Generation Assessment and Morgan /

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		Morecambe Transmission). The CRNRA concluded that following the changes to the boundaries of the Array Areas post-PEIR, all hazards were reduced to either Medium Risk – Tolerable if ALARP or Broadly Acceptable. Whilst it was recognised that the construction of four Projects in otherwise navigable waters would increase the risks of collision and allision for navigating vessels, a consensus was reached with stakeholders that these risks were not unacceptable. In particular, the increase in sea room between the OWFs provides sufficient space for vessels to safely manoeuvre in complex realistic traffic situations and adverse weather in full compliance with the COLREGs and the practice of good seamanship.] (12) The Applicant confirmed, in terms of the assessment that was undertaken, all of the hazards relating to the Project were assessed as ALARP or lower, meeting the NPS EN-3 policy requirements, above. (13) The CNRA hazards that were not ALARP relate to issues of Mooir Vannin Offshore Wind Farm and Morgan Offshore Wind Farm. The Project does not have a material impact to those hazard risk scores that fell outside of the ALARP Zone. [**Post hearing note**: The CNRA Appendix D: Mooir Vannin OWF Addendum determines the High Risk – Unacceptable hazards to relate to the Morgan-Walney area only (see Table 47). Further, the Morgan and Mooir Vannin projects have conducted further simulations and a hazard workshop based on alterations to Mooir Vannin site boundary which the Project attended as an observer only as it is agreed that it has no effect on these hazards.]
5.	Concerns regarding red lights on wind turbines and offshore substation platforms, in conjunction with red lights used for navigational purposes	(14) The Applicant explained that in the Project only scenario, the mitigation is primarily related to the distance at which the route passes to the west of the wind farm site, with the route through the wind farm site no longer being available. The Applicant believes there would be sufficient time and sea room to distinguish between the edge of the wind farm and the edge of the passage plans they are taking to identify the targets and the port lights on

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		the ships. In addition, there will unlikely be any major ships passing through the wind farm site itself that would possibly be at s height that would overlap and obscure with the turbine lights themselves. Most of these vessels are likely to be smaller yachts or recreational vessels, which will travel at a relatively low speed compared to the ferries themselves. (15) [**Post hearing note**: This issue is assessed at Section 7.7.3 of the CNRA (APP-074) for Potential Impacts of Projects on Visual Navigation and Collision Avoidance which determines that this issue can be effectively managed. Further it should be noted that the aviation red lights on wind turbine generators, whilst the same colour as a vessels port navigation light are flashing lights with morse "W" code, navigation lights do not flash. Also, due to Collision regulation all vessels except small vessels are required to have other navigation lights visible as well. Finally smaller vessels are only required to have navigation lights with a range of 2nm, and so with a 1.5nm buffer and Project inter-array spacing it would be very unlikely that a smaller vessel would mistaken for a wind turbine and that in any event for this to occur the vessel would have to be within he Project array, which should be 1.5nm from the passing vessel (also note that smaller vessels only transit at relatively slow speeds to that of the ferry – 6 knots vs 22 knots).]
Item 4 Commercial Fisheries		
6.	Update to discussions with fisheries stakeholders	(16) The Applicant confirmed that good progress is being made with the fisheries stakeholders, in particular the National Federation of Fishermen's Organisations (**NFFO**) and that the Applicant's intention is to submit an updated statement of common ground to show that progress for Deadline 4. [**Post hearing note:** This has been submitted, see Document Reference 9.54.] (17) The Applicant confirmed that it had had meetings with the NFFO on 4th November and 30th January where discussions progressed on the statement of common ground, and the NFFO are intending to review the outline Fisheries Liaison and

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		Co-Existence Plan (FLCP). The Applicant confirmed it would take those comments into consideration for the updated outline FLCP. There are still some concerns from the NFFO specifically in relation to mobile gear. The Applicant impressed that within the wind farm site the main fishing in operation is potted fishing using static gear, and the Applicant considered that this fishing will return during the operational phase of the wind farm, and has secured monitoring in order to ensure this is the case. (18) The Applicant also confirmed that the in principle monitoring plan will be updated in line with the outline FLCP, which secures that monitoring will be a five year period post construction. The intention is that the first monitoring report that is submitted will include an extended baseline from the point obtained for the Environment Impact Assessment (**EIA**), up to the point of post construction. (19) The Applicant will also make clear in the outline FLCP that monitoring information would be reported on an annual basis. This would include landings, statistics, vessel monitoring system data and also automatic identification system data. (20) The Applicant further confirmed that it would seek to align the output of the monitoring programme with the other wind farms proceeding in the vicinity, to ensure standardisation in the monitoring.
7.	Bodorgan Marine Limited	(21) The Applicant explained that large amounts of detail in the submission made by Bodorgan Marine Limited (**Bodorgan**) seemed to replicate in many places verbatim submissions that were made in other examinations for projects in the Irish Sea. From the submission of Bordorgan it appears that they do not hold any seabed licensing rights for the co-located aquaculture proposals that they have suggested, whether that be from the Crown Estate or from the Marine Management Organisation (**MMO**) authorising any licensable activities. In addition, there is no evidence in the submission that such licences are forthcoming in a period that would overlap with the construction phase of the project.

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		(22) The Applicant further noted that the MMO carried out exercises in 2021 to identify strategic areas of sustainable aquaculture production in English waters, and the Applicant intends to make reference to that in its submissions at Deadline 4, and that exercise was restricted to English territorial waters, which ends at the 12 nautical mile line. The Applicant submitted that there are no strategic areas identified beyond 12 nautical miles for aquaculture production, and questions whether there is policy support for this. (23) Finally, the Applicant considered that under UNCLOS, there is some uncertainty as to whether The Crown Estate has leasing competences to extend leases for aquaculture beyond 12 nautical miles. (24) The Applicant's position is that is has complied with the requirements under NPS EN-3, specifically paragraph 2.8.251, which is designed to draw out where fisheries mitigation must be where reasonably possible. There is a lack of detail in the Bodorgan submission, so it is not reasonable, let alone possible, to mitigate for something that is not defined where there are no defined proposals in certain areas. (25) The Applicant confirmed that the FLCP is flexible in nature and is designed to capture any fisheries activities within the site during construction. The fisheries liaison officer will, as construction approaches, have an understanding of who is operating in the site. These people will need to evidence their operations, and then discussions regarding entering coexistence agreements to regulate those activities will commence. There is nothing to prevent Bodorgan from being included within that FLCP, provided they are able to demonstrate at the time of construction that they have leasing rights to be within the site and to carry out their activities. (26) The Applicant confirmed that the primary impacts to fisheries are during construction, and whilst the FLCP will continue for the lifetime of the project, it is

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		not considered there will be much by way of compensation due during the operational phase.
Item 5 Civil and Military Aviation Radar		
8.	Radar solution at Warton	(27) The Applicant stated it was helpful to consider the test that the Secretary of State has to be satisfied on, namely if there is any technological solution that has not yet been proven at sites, that this will have to come forward within the time limit for implementation under the DCO. The Applicant confirmed that it has drafted the aviation requirements in the draft DCO to follow the two step process of requiring the mitigation solutions to be agreed before the project can that next step forward to implementation. *(28)* The Applicant confirmed that the Defence Infrastructure Organisation (**DIO**) are content with the wording of the requirement as it is drafted in the draft DCO, and that BAE System Operations Ltd, BAE Systems Marine Ltd and Blackpool Airport have comments on the proposed drafting of the requirements. There will be further stakeholder engagement on this matter. *(29)* The Applicant confirmed that technological mitigation solutions have been proposed to the DIO and these are now in discussion. The Applicant confirmed that it has offered a solution which has been implemented in six UK civil airports and is currently undergoing trials at the moment at another Ministry of Defence (**MOD**) unit. The Applicant is hopeful for a response from the DIO as soon as possible, and confirmed that statements of common ground with the DIO, BAE entities and others will be updated to reflect agreement on these matters. The detail of the proposed mitigation may not be submitted due to confidentiality. [**Post-hearing note**: The Applicant has been engaged in further discussions with DIO and BAE on revised wording for the Warton radar requirement. While amended wording could not be agreed for inclusion at Deadline 4, it is considered that this will be agreed before Deadline 5 and so the Applicant will submit this

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		wording into the examination at that stage so all IPs and the ExA can have sight of it.] (30) The Applicant confirmed it would work to delivering as much as it could with regards to the above agreements by Deadline 5.
9.	Instrument Flight Procedures	(31) The Applicant confirmed that it considers the mitigation measures for Instrument Flight Procedures (**IFPs**) are considered realistic and achievable. It considers that the specific draft DCO requirements enable that to take place well in time during the implementation period, and considers that there has been good dialogue with aviation stakeholders to date. (32) The Applicant explained the 'implementation date' cannot be determined at this stage. NATS Holdings (**NATS**), as the design authority for the procedures at the Walney Aerodrome, can make the changes to the IFPs in draft and go through the CAA approval process. However, the implementation date will be geared around the first construction of infrastructure above the sea surface. Depending on where other developments fall in the construction timeline then the IFPs may have to be reassessed based on the potential changes made by other developments. In essence, all the work can be completed at an early stage, but it will be adapted and manipulated at the time to fit in with the developments as they occur. *(33)* The Applicant confirmed it is looking at the wording of the aviation requirements in the draft DCO to consider how other air traffic activities can be considered, and not solely IFPs, whilst ensuring the requirements are drafted so as to be sufficiently proportionate and detailed. It will work with the relevant stakeholders in this regard. [**Post-hearing note**: The Applicant has been engaged in further discussions with BAE on revised wording for the Warton and Walney requirements. While amended wording could not be agreed for inclusion at Deadline 4, it is considered that this will be agreed before Deadline 5 and so the Applicant will submit this wording into the examination at that stage so all IPs and the ExA can have sight of it. The

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		Applicant has agreed wording with Blackpool Airport for a requirement in respect of its IFP (and other matters) and this has been included in the version of the draft DCO_Rev 04 Clean submitted at Deadline 4 (Document Reference 3.1).]
10.	IoM Ronaldsway	(34) The Applicant confirmed that it would be add a requirement to the draft DCO, to be submitted at Deadline 4, for the Isle of Man Airport at Ronaldsway. The Applicant's understanding is that the Isle of Man Airport wishes to commission their own assessments and so is drafting the requirement in such a way that requires the Applicant to be responsible for assisting with that assessment being carried out. [**Post-hearing note**: This has been added in the version of the draft DCO_Rev 04 Clean submitted at Deadline 4 (Document Reference 3.1).]
11.	VHF communication	(35) The Applicant confirmed that the VHF communications assessments for Walney Aerodrome, Warton Aerodrome, and Blackpool Airport have been commissioned with NATS, and notes NATS' comments that the results of those assessments will likely be available within two weeks. *(36)* The Applicant confirmed it has details from each aviation stakeholder as to what exactly their respective VHF assessments need to cover, and for Warton Aerodrome this also includes UHF. The Applicant confirmed that cumulative effects, being in conjunction with the proposed Mona Offshore Wind Farm and the proposed Morgan Offshore Wind Farm, were not being assessed. (37) [**Post-hearing note**: The Applicant has agreed wording with Blackpool Airport for a requirement in respect of VHF (and DF) and this has been included in the version of the draft DCO_Rev 04 Clean submitted at Deadline 4 (Document Reference 3.1).]
Item 6 Other Offshore Infrastructure		
12.	Access to oil and gas platforms	(38) The Applicant (Mark Prior, Anatec) confirmed that the current rules in terms of distances to be adhered to from an obstacle, such as a wind turbine

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		generator, was 500 ft in Visual Meteorological Conditions (**VMC**), and one nautical mile (**nm**) in Instrument Meteorological Conditions (**IMC**) The Applicant notes that Spirit Energy (Spirit) agreed these distances.
13.	Proposed new CAA AMC on visual flight conditions	(39) The Applicant explained that as of yet, the Civil Aviation Authority's (**CAA**) proposed new Acceptable Means of Compliance (**AMC**) (applicable to flights operating under IMC and at night in VMC where there are obstacles within three nm of an oil and gas platform) is still at the proposal stage and has not yet been consulted on and is not yet in force, (**the proposed new CAA AMC**). (40) The Applicant confirmed that in relation to an AMC, if a helicopter operator applies for an Alternative Means of Compliance (**AltMoc**), they would have to show an equivalent level of safety to their current operations. (41) The Applicant confirmed its understanding that presently, the majority of flights to the CPP1 platform and the Calder platform operate under day VMC (flights in day VMC would not be affected by the proposed new CAA AMC).
14.	The Applicant's communication with Spirit Energy	(42) The Applicant explained that its solicitors, CMS Cameron McKenna Nabarro Olswang LLP, had been in contact with Spirit's solicitors, Eversheds Sutherland LLP. (43) The Applicant noted the description by Spirit of its position as "unequivocal" and noted that that this has been the Applicant's experience in terms of communications received from Spirit. Unfortunately, since October communications have only been through written submission to the Examination stating an absolute position. (44) It had been the Applicant's understanding, following the commitment made at ISH1, that Eversheds Sutherland LLP would 'hold the pen' on drafting protective provisions and to date these have not been received. The Applicant impressed the need to receive Spirit's proposed drafting

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		amendments to the protective provisions and encouraged dialogue with Spirit as soon as possible. (45) The National Policy Statements endorse pragmatism and co-existence and the Applicant maintains that a discussion between the parties will be key to understanding respective positions and address the issues on access to the CPP1 platform and the Calder platform.
15.	VMC and IMC access	(46) The 1.5nm aviation buffer zone, as currently provided for in the protective provisions within the draft DCO in favour of Spirit, allows for full VMC day access to both platforms. (47) In terms of IMC, Spirit's position begins from a premise that the full IMC access they currently have is entitled to remain in perpetuity. Noting that some of these assets are moving shortly into the decommissioning phase, the Applicant's position is that the premise that there's an absolute requirement to maintain full IMC access, is not the correct starting point. The Applicant believes that the two parties should be looking to understand how they can co-exist with the two sets of infrastructure within the Irish Sea. (48) The Applicant confirmed that it would continue to work with Spirit in understanding the requirements and support co-existence for its future Carbon Capture, Usage and Storage (**CCUS**) project. (49) The Applicant explained the additional corridor mitigation it had proposed to Spirit gives additional access into the prevailing wind, thereby unlocking more available IMC flights.
16.	Safety	(50) The Applicant maintains that it has listened to Spirit's safety concerns and it takes them very seriously. The Applicant commissioned the DNV Group to undertake a review of the safety arguments, considering both the aviation impact reports prepared by Anatec on behalf of the Applicant and by AviateQ on behalf of Spirit. DNV produced a report (REP3-072) which is not contingent on accepting the benefits, or otherwise, of the proposed aviation

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		corridor mitigation, but instead considers both the Applicant's and Sprit's aviation impact reports in the round, and considers the all the points that are raised on the safety implications for Spirit's operations. The conclusions that the DNV team have reached are clear. (51) The Applicant (Alex Guild, DNV) explained that the proximity of the Project would not result in any significant increased risk to the CPP1 platform or the Calder platform. It would create a minor operational nuisance. Co-existence between the two sets of infrastructure is eminently feasible. (52) The Applicant (Alex Guild, DNV) confirmed that with regards to emergency response, helicopter evacuation is the preferred means of evacuation. However, it is not always possible. If an event starts to develop slowly and it is anticipated, it would be possible to get people evacuated by helicopter. However, the Applicant's understanding was that only one helicopter was operating from Blackpool Airport, and this was shared with other operators. The maximum number of people on the CPP1 platform is around 170, though this cannot be confirmed as the Applicant has not had access to Spirit's safety case. To evacuate 170 people using one helicopter would take between 18 and 24 hours. The Applicant maintains that a prudent operator would, more likely, request Search and Rescue (**SAR**) assistance as SAR crews are trained to deal with emergencies requiring rescue. SAR helicopters operate under different rules to Commercial Air Transport (**CAT**). There is no guarantee however that SAR or CAT helicopters would be immediately available in a rapidly developing emergency. Piper Alpha and the Ocean Odyssey, are two examples of that. In the case of the Rough Gas release, helicopter evacuation was used but only after the fire had been extinguished. Rough also had a much lower crew complement (around 50). In the event of a gas release, fire or explosion any helicopter is likely to be impeded anyway because of the nature of the event. Smoke ingestion into the engines, turbulence from the heat, and also a reduction in engine performance from the heat from any fire would prevent any helicopter from approaching.

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		(53) Therefore the members of the installation would need to go to the lifeboats. (54) The Applicant (Alex Guild, DNV) referred to Section 3.4 of the DNV report (REP3-072), in responding to Spirit's claim that transport to the installations remains the highest risk to personnel. From reviewed safety cases, the highest risk contributor is rarely helicopter transport. It's often fire and explosions, and in some cases its occupational risk such as daily slips, trips and falls. Transport by CAT helicopter is a very safe means of transport and certainly safer than driving to the airport.
17.	IMC Aviation access to the CPP1 and Calder platforms	(55) The Applicant (Mark Prior, Anatec) referred to the Applicant's Response to Spirit Energy Deadline 1 Submissions Appendix B: Helicopter Access IMC Corridor (REP2-032) and specifically page three of the PDF. The Applicant explained that this diagram showed a one nm IMC buffer around the wind farm, noting that in IMC the helicopter must remain 1nm laterally clear of obstructions. 76.7% of the IMC take offs could not occur in IMC as they would have infringed the 1nm buffer. [**Post-hearing note**: The Applicant refers to paragraph 4 of (REP2-032) where this is stated, together with the statement that this corresponds to 6.9% of all take-offs]. (56) The Applicant (Mark Prior, Anatec) then referred to figure 2.2, which is on page five of seven of the PDF. This figure shows the wind direction. The first is IMC by day and the bottom figure shows IMC by night when the airport is open. This shows the prevailing wind in IMC is from the southwest. This explains why the Applicant has proposed the mitigation to extend the take-off arc around to 220 degrees. The Applicant explained that the access to the south zone, with an approach from the north of the CPP1 platform would be blocked by the windfarms, but the amount of time that this occurs is very small. The key point the Applicant stressed, is that most of the time for IMC conditions, the wind is from the south west. (57) The corridor mitigation proposal would give back a lot of the IMC access that would be otherwise lost.

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18.	Implications of Spirit's proposed buffer	(58) The Applicant explained that Spirit's demand for a 3.76 nm buffer around each platform is an 'absolute' position. This level of buffer would leave the Project unviable, as it would extend too much into the site. There would be no Project, and co-existence would have failed. The NPS policy of co-existence would have failed. (59) The Applicant disagrees with the premise that IMC access is required at all times. (60) The Applicant reflected that Spirit had made the point that they are operating in the variability of the Irish Sea conditions already so there is already less than perfect access. The critical point the Applicant believes is that even with the additional reduction in IMC availability, recognising that this would be a result of the Project, the two sets of infrastructure (platforms and windfarm) can remain and coexist safely.
19.	Safety Case	(61) The safety points raised by Spirit are important, but the Applicant explained that it does not consider the arguments to stand up to scrutiny by professional consultants with expertise in safety, DNV (REP3-072). The Applicant noted that Mr Hepburn (Asset Director, Spirit) had raised three aspects of the Spirit's safety position: transport risk, maintenance, evacuation (but had not raised any safety case issues). Mr Ustich (Logistics Operations, Spirit) now raises this point. Important for the panel to hear from the Mr Guild from the Applicant on the safety case. That completes the picture on safety. (62) The Applicant (Alex Guild, DNV) explained that the safety case is about making the case for safety to protect people, it is not about asset protection. (63) With regards to normally unattended installations (**NUIs**), if there is nobody on board then no risk exists to personnel, no matter what is going on, on that installation. Therefore, the operator is not operating outside the safety

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		case because there is no risk to personnel. The Applicant explained that if personnel are on the installation, best practice would be to get a weather forecast and send personnel to that installation where there was a reasonable prospect that you could pick them back up. Spirit's argument in relation to IMC access being required for a NUI was, the Applicant explained, wrong. If the weather is predicted to be bad, such that IMC is required, you would simply choose another day to attend. This results in a minor operational nuisance. (64) In addition, the Applicant explained that these installations are designed to shut down safety in the event of a problem, there should be no need to visit a NUI to make it safe. (65) With regards to the permanently manned CPP1 platform, the Applicant explained that it must be operated in accordance with its safety case. The personnel on board will be able to carry out whatever operations are required and whatever immediate preventative and breakdown maintenance is required to keep that installation safe. Again, it is not dependent on weather conditions at all because there should always be sufficient personnel on board. This again, may create a minor operational nuisance, but it would not result in operating outside of its safety case.
20.	Notional layouts and extending buffer zones	(66) The Applicant explained that the notional layouts provided are non-optimised. It is a representative layout on which to base a worst case assessment. In the Applicant's view an optimised layout would include a turbine in the area of the current plan which does not have a turbine in it. Therefore, the buffer zones could not be extended to include this portion of the site.

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21.	Radar early warning system	(67) The Applicant maintained that the updated Radar Early Warning Systems (**REWS**) report (REP3-034) shows that no mitigation is required in this respect.
22.	Carbon Capture, usage and storage	(68) The Applicant emphasised it is willing to co-exist on CCUS, but explained that it required further information from Spirit, which had been requested, on this matter to evaluate it fully.
23.	Ongoing communication with Spirit Energy	(69) The Applicant impressed that it was keen to ensure meetings take place with Spirit to ensure agreement can be reached where possible. It impressed that to date the protective provisions have been developed unilaterally and that it is essential to fully engage with Spirt on all matters to understand where progress can be made. [**Post-hearing note**: The Applicant has provided an update on the position as it stands with Spirit and Harbour at Deadline 4 in paragraphs 5.2.1 and 5.2.2 of the Combined Examination Progress Tracker and Statement of Commonality (Rev 05) (Clean) (Document Reference 8.5). Meeting minutes are also included within Response to Actions arising from Issue Specific Hearings 2, 3 and 4 (Document Reference 9.5.4).]
24.	Wake loss	(70) The Applicant explained that it was updating the Green House Gas (**GHG**) assessment within Chapter 21 – Climate Change of the Environmental Statement (**ES**) (Document Reference 9.57). This will be updated based on the Ørsted Interested Parties' (**IPs**) own numbers as the Applicant's advisors on this matter said the difference between the two assessments could be within the margins of error. The Applicant accepted that elements of the ES would be clarified but this would not change the conclusions. *(71)* The Applicant explained that should the ExA find that there is wake loss, as identified in the assessments, then there is nothing that can practically be done. Short of moving the wind farm site, there is no mitigation that could

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		be offered. The Applicant explained that the Ørsted IP's position in writing is that any remaining adverse effects should be appropriately compensated (REP3-109, ExA question 1OOI5). The Applicant's position is that the NPS does not require and does not expressly provide for compensation. The language of the NPS is for minimising effect, reducing effects and ensuring the overall viability is not affected. [**Post hearing note**: see e.g. NPS EN-1 paragraphs 2.8.345, 2.8.347 and 2.8.348.] (72) The Applicant explained that here has been no submission that the assets belonging to the Ørsted IPs, which are near the end of their intended life, could retrospectively no longer be viable. There is no requirement in the NPS or suggestion that compensation is appropriate for that residual effect. (73) [**Post hearing note**: the wake requirement (the only known example of such a requirement) in The Awel y Môr Offshore Wind Farm Order 2023 only references design mitigation and not compensation: *"Wake effects* *25.—(1) No part of any wind turbine generator shall be erected as part of the authorised development until an assessment of any wake effects and subsequent design provisions to mitigate any such identified effects as far as possible has been submitted to and approved in writing by the Secretary of State, in order to mitigate the impact of the authorised development on the energy generation of Rhyl Flats Wind Farm. The assessment must be based on the scope of this Order as granted.* *(2) The authorised development shall be carried out in accordance with the approved details."*] (74) The Applicant's position is that there is not a policy requirement, or support, to take that step of requiring each new windfarm developer to indemnify everybody else in the area for theoretical wake loss which may be shown in a report. In responding to the Ørsted IPs, the Applicant explained that the parameters of the wake assessment were reasonable. (75) The Applicant maintained that the only mitigation available would be compensation. The Ørsted IPs have, in their written submissions, stated

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		that it is payable. The Applicant stated that in its view the NPS do not go so far, and talk only of viability. (76) The Applicant explained that with regards to the Ørsted IPs assets extending their life, it referred to the MMO's response (REP3-085) where they state that other consents are required for this case. The Applicant maintained that in light of publicly available information, which indicated the Ørsted IPs assets were coming to the end of their operational life, the assessments undertaken by the Applicant are the appropriate approach. (77) The Applicant noted that if the panel wished to get into questions of what is or is not viable, there would need to be a lot more information. For example, the Ørsted IPs assets were subject to Renewables Obligation certificates, which will have now run their course and expired, rather than contracts for difference. So, the price control mechanism which supported them will have expired. (78) The Applicant stated that this, in its view, is a Government issue, and not one that can be solved on a project by project basis.

3 Written Summary: Issue Specific Hearing 4 (Thursday 6 February 2025)

25. Issue Specific Hearing 4 (ISH4) on the Generation Assets took place on Thursday 6 February 2025 starting at 10:00 at the Hilton Liverpool City Centre, 3 Thomas Steers Way, Liverpool L1 8LW and by virtual means using Microsoft Teams.

26. The document presents a written summary of the Applicant's oral case at ISH4 on the following topics from the hearing agenda (EV6-001):

- Articles in draft Development Consent Order (dDCO) (Item 3)
- Requirements in dDCO (Schedule 2) (Item 4)
- Protective Provisions in dDCO (Schedule 3) (Item 5)
- Draft Deemed Marine Licence (Schedule 6) (Item 6)
- 'Without Prejudice' Compensation Matters (Schedule 7) (Item 7)
- Other Consents and Agreements (Item 8) (**Table 1.1**).

Table 3.1 Written summary of the Applicant's oral case at ISH4

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Item 3: Articles in draft Development Consent Order (dDCO)		
1.	Changes to the dDCO since Issue Specific Hearing 1 (ISH1) and update on negotiations with Interested Parties	1) The Applicant explained that there have not been any substantive changes to the DCO articles since ISH1 and the Applicant does not expect there to be any further changes before the next DCO deadline.
2.	Article 7: Transfer of Benefit	2) The ExA directed the Applicant to s. 113 of the Marine and Coastal Access Act 2009 and queried whether the Applicant had a view as to whether the powers for marine licensing had been transferred to the MMO from the Secretary of State or whether the MMO was acting under delegation. The Applicant explained that it believes the MMO is acting under delegated authority but confirmed that it would submit a more detailed response in writing, noting that the question is principally for the MMO. [**Post-hearing note**: The Applicant considers that the MMO is acting under delegated authority. A detailed response is included in Response to Actions arising from Issue Specific Hearings 2, 3 and 4 (Document Reference 9.54) in response to ExA Action Point No. 25.] 3) The Applicant explained that the transfer provision seeks only to ensure that the Secretary of State has the power to transfer the marine licence (in one process along with the DCO) and not to vary its content, meaning that if there are issues with compliance with the conditions of the DML, they would remain within the purview of the MMO. 4) The Applicant explained that its position is that there is no legal impediment to the inclusion of Article 7(11). The Applicant explained that the power to include Article 7(11) flows from the distinct authority granted to the Secretary of State under s. 120(5)(a) of the Planning Act 2008. This provision allows the Secretary of State to apply, modify or exclude a statutory provision which relates to any matter for which provision may be made in the order. The Applicant explained that, in essence, the Secretary of State uses Article 7(11) to modify the Marine and Coastal Access Act 2009 (in accordance with their powers under section 120(5)(a)) so that the power to transfer the DML lies with the Secretary of the State rather than the MMO.

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		5) The Applicant explained that its view is that this is a matter of practicality, ensuring that the DML is transferred via a single process (avoiding the need for duplication).
Item 4: Requirements in dDCO (Schedule 2)		
3.	Changes to the requirements in dDCO since ISH1 and update on negotiations with other Interested Parties.	6) The Applicant explained that Requirement 2 (Design Parameters) has been amended to specify the maximum height of the OSPs and to restrict the development so that all WTGs must be the same height and rotor diameter. This is to prevent a 'pick n mix' of turbines within the envelope. 7) The Applicant explained that the aviation requirements (numbers 5 to 7) were amended to make it clear that construction of any above sea infrastructure cannot take place until the mitigation in question has been submitted and agreed. The Applicant explained that these requirements will change, perhaps somewhat substantially in appearance (although the principles behind them will remain) to reflect comments from the aviation stakeholders which were submitted at Deadline 3, as discussions were ongoing. 8) The Applicant explained that a new Requirement 8 (Ministry of Defence Radar Mitigation) has been added to secure mitigation for impacts on the radar at Warton Aerodrome. The Applicant noted that this is also likely to change to reflect discussions with BAE/DIO. 9) The Applicant explained that Requirement 10 (Port Access and Transport Plan) was amended to include transport of the offshore substation platforms and foundation scour protection. The Applicant explained that this requirement was also amended to make it clear that the requirement is not just for construction but will also relate to any operation and maintenance activities. 10) The Applicant explained that Requirement 12 (Amendments to approved details) had been amended to include other organisations/bodies in addition to the Secretary of State. This amendment was made to reflect that various requirements under the Order could be discharged by specified parties other than the Secretary of State. 11) The Applicant explained that, as noted in its response to the ExA's questions (REP3-068), additional amendments will be made to the draft DCO_Rev 04 Clean at Deadline 4 (Document Reference 3.1). This will include amendments to the parameters table to

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		clarify the wording used for rows of WTGs by inserting definitions of intra-row and inter-row.
4.	Requirement 1 (Time Limits)	12) The Applicant explained that further justification for the 7-year period for commencement was provided in its response to the ExA's questions (REP3-068). 13) The Applicant explained that although it is committed to implementing the project as soon as possible and in any event before 2030, there are factors which must be satisfied before implementation. This includes challenges around funding timescales (Contracts for Difference), timescales for Government discussions (e.g. around strategic compensation), and the Clean Power 2030 Plan (which introduces discussions around wider industry issues such as wake loss). Due to the uncertainty regarding how quickly the Secretary of State and the Government will resolve these matters, the Applicant's position remains that 7 years is still necessary to account for that worst-case scenario. [**Post-hearing note**: While still subject to examination, the Applicant notes that the draft DCO submitted at Deadline 5 in respect of the Morgan Generation Assets includes a 7-year period for commencement (REP5-057, para. 1 of Schedule 2 (Requirements). Similarly, the draft DCO submitted with the Morgan and Morecambe Offshore Wind Farms Transmission Assets application includes a 7-year period for commencement (APP-005, para. 1 of Schedules 2A (Requirements – Project A) and 2B (Requirements – Project B). Given the coordination between the projects, the Applicant considers that it is important for all three projects to have aligned periods for implementation. The Applicant also notes that, in addition to the Morgan project, there are five other offshore wind farms currently at examination or the decision stage which are being put forward with a similar commencement period (North Falls, Mona, Dogger Bank South, Five Estuaries and Rampion 2). Should these all be consented and built along similar timeframes, this would likely cause significant competition for large vessels and other construction supply chain essentials, such that a 7 year period for implementation is proportionate.]
5.	Requirement 2 (Design Parameters)	14) In response to a query from the ExA regarding oversail, the Applicant explained that its position is that additional wording regarding oversail (as it appears in the draft DCO for the Morgan Generation Assets) is unnecessary because the Order can only authorise development within the Order limits and this extends to the operation of any blades.

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		However, the Applicant agreed that it would take this away. [**Post-hearing note**: This wording has now been added to the draft DCO_Rev 04 Clean submitted at Deadline 4 (Document Reference 3.1).] 15) The ExA queried whether the DCO should be amended to clarify that it would only be using HVAC and not HVDC. The Applicant explained that there are no direct current cables with the design envelope and there is no intention to use them. On that basis, the Applicant did not consider it necessary to amend the DCO wording. 16) The Applicant explained that it is not specifically excluded from the draft DCO in the same way that other matters which it is not seeking consent for have not been specified – rather, the approach is to specify what the Applicant is seeking consent for. Direct current is a different type of technology which requires fundamentally different infrastructure (e.g. different types of cables, converter stations, etc.). None of that technology is included within the Project envelope or the draft DCO. 17) The Applicant also explained that, by adding wording to the draft DCO, it did not want to run the risk of accidentally prohibiting the use of batteries (which include direct current and form part of the natural part of the design of the substation). 18) However, the Applicant agreed that it would consider adding clarification to the draft DCO that only HVAC would be used for the Project cabling. [**Post-hearing note**: This wording has now been added to of the draft DCO_Rev 04 Clean submitted at Deadline 4 (Document Reference 3.1).]
6.	Requirement 3 (Aviation Safety)	19) The ExA noted the reference to the Air Navigation Order 2016 in Requirement 3, but queried whether it was correct as article 223 of the Order is restricted to WTGs situated within territorial waters (i.e. within 12nm). 20) The Applicant explained that requirement 3 is a standard article required by the DIO and Ministry of Defence which has been included in numerous DCOs for offshore wind projects. The Applicant explained that it is uncertain how the Air Navigation Order could be amended with the proliferation of wind farms beyond 12 nautical lies but in any event the Applicant will be required to comply with the second part of the requirement which sets out compliance with any measures determined necessary for aviation safety. The Applicant agreed that it would consider this further and submit a response at Deadline 4. [**Post-hearing note**: A detailed response is included in Response to

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		Actions arising from Issue Specific Hearings 2, 3 and 4 (Document Reference 9.54) in response to ExA Action Point No. 26.]
7.	Aviation Requirements (Requirements 3-8)	21) In response to a query from the ExA regarding alternative wording for Requirement 3 (Aviation safety) suggested by the DIO at Deadline 3 (REP3-080), the Applicant explained although it is content with the wording proposed by the DIO, an explanation from the DIO would be helpful to help the Applicant understand the driver behind the changes given its standard nature. 22) The Applicant confirmed that it is satisfied with the requirement of notifying the DIO at least 14 days prior to the commencement of the works. 23) The Applicant agreed that it would consider the proposed wording further and discuss with the DIO/MOD with a view towards updating the wording at Deadline 4. [**Post-hearing note**: The Applicant has engaged in discussions with DIO/MOD who have confirmed that they are satisfied with the Applicant's existing wording for Requirement 3 with minor amendments to incorporate points raised by the DIO/MOD. Amended wording has now been added to the draft DCO_Rev 04 Clean submitted at Deadline 4 (Document Reference 3.1).] 24) The Applicant explained that, following revised requirement wording submitted by Blackpool Airport at Deadline 3 (REP3-097), the Applicant was broadly satisfied with the wording although discussions were ongoing. The Applicant considered that it would likely adopt the proposed broader requirement wording as it is more efficient to address various points under one requirement rather than three separate requirements. The Applicant explained that this will necessitate a drafting exercise to ensure the draft requirement is a lawful planning condition. The Applicant explained that it aimed to have revised drafting submitted at Deadline 4 with the discussions with Blackpool Airport reflected in a Statement of Common Ground. [**Post-hearing note**: Revised requirement wording has now been agreed and is included in the draft DCO_Rev 04 Clean submitted at Deadline 4 (Document Reference 3.1).] 25) In response to a query from the ExA on its Statement of Common Ground with Blackpool Airport, the Applicant explained that the reference to protective provisions within the Statement of Common Ground is a typographical error. The Applicant explained that it does not consider protective provisions to be necessary because all

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		measures will be covered by specific requirements. [**Post-hearing note**: This has been corrected in the draft Statement of Common Ground with Blackpool Airport_Rev 03 Clean submitted at Deadline 4 (Document Reference 9.11).] 26) The Applicant explained that it has taken BAE's comments on board and largely agrees with the principles behind the redrafting. The Applicant explained that further discussions have been scheduled with BAE to agree wording. The Applicant noted that the wording of Requirement 7 will also need to be agreed by the DIO. [**Post-hearing note**: Following ISH3 and ISH4, the Applicant has engaged in discussions with BAE regarding the wording of these requirements, with revisions being circulated between the parties. These are still being discussed and have not, therefore, been incorporated into the version of the draft DCO submitted at Deadline 4. Noting that the next deadline at which the draft DCO is expected to be submitted is Deadline 6, which does not leave any time for IPs or the ExA to consider and comment on any revised wording, the Applicant is proposing to submit revised wording for the aviation requirements at Deadline 5.] 27) In respect of requirement 8, the ExA queried the rationale behind drafting differences from precedent forms of this type of requirement (e.g. the Sheringham and Dudgeon Extension DCO). The Applicant explained that it departed from the Sheringham and Dudgeon Order to ensure that the delivery of the mitigation and the project as a whole is within the Applicant's control. The rationale is that if the Applicant has a mitigation scheme that satisfies the Secretary of State in mitigating impact, the development should not be delayed due to a third party's refusal to enter into the agreement. 28) The Applicant explained that while the Secretary of State will still have to sign off on this, it should not be contingent of third-party consent. [**Post-hearing note**: Following ISH3 and ISH4, the Applicant has engaged in discussions with the MOD/DIO and BAE regarding the wording of this requirement, with revisions being circulated between the parties. This is still being discussed and has not, therefore, been incorporated into the version of the draft DCO submitted at Deadline 4. Noting that the next deadline at which the draft DCO is expected to be submitted is Deadline 6, which does not leave any time for IPs or the ExA to consider and comment on any revised wording, the Applicant is proposing to submit revised wording for this requirement at Deadline 5.] 29) The Applicant noted that a new requirement regarding the Isle of Man Ronaldsway Airport will be added to the version of the draft DCO submitted at Deadline 4, although the Airport may reserve its position on the final wording of this requirement.

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		30) The Applicant explained that this requirement will be broader than the other aviation requirements included within the draft DCO, as impacts on Ronaldsway Airport are not fully known at this stage and accordingly the requirement will provide for an assessment to be carried out and mitigation of any impacts that are then identified. 31) The Applicant confirmed that this requirement will not be limited to just VHF as the assessments that are being commissioned are for all impacts (VHF, radar, and instrument flight procedures).
8.	Requirement 9 (Decommissioning)	32) The ExA queried the Applicant's position in its Response to ExA questions that a section 105 notice would be served 'when the project reaches an appropriate milestone' and asked for an explanation as to what an appropriate milestone would be. The Applicant explained that guidance provided by the Secretary of State and the Government on decommissioning programmes is unclear on when the notice should be served. The Applicant explained that such notices are usually served around 6 to 18 months after consent has been granted.
9.	Requirement 11 (Skills and Employment Plan)	33) The ExA returned to matters discussed at ISH2 in respect of this requirement and queried whether this should, in fact, refer to approval rather than notification. The Applicant explained that if it is considered appropriate that the Skills and Employment should be approved by the relevant local authority then the Applicant will comply. The Applicant explained that given the lack of connectivity between the Project itself and the port, it would not be proportionate to require approval of the Skills and Employment Plan by the relevant planning authority. The Applicant explained that it has not yet identified a port, which is normal for offshore wind farms at this stage of the consenting process. Consequently, there is an element of uncertainty involving an unknown body with approval power in the DCO. 34) The Applicant confirmed that it will add wording to this requirement requiring the submitted plan to be complied with. [**Post-hearing note**: This wording has now been added to the draft DCO_Rev 04 Clean submitted at Deadline 4 (Document Reference 3.1).]

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Item 5: Protective Provisions in dDCO (Schedule 3)		
10.	Changes to the protective provisions in dDCO since ISH1 and update on negotiations with other Interested Parties.	35) In respect of Part 1 of Schedule 3, the Applicant explained that the changes were made to this part to include a reference to the Protective Provisions Plan (which visualises the location of the telecommunications cables that have the benefit of protective provisions). The Applicant explained that it has asked for confirmation by the cable operators that all is in order, and they had no comments on the approach. 36) In respect of Parts 2 and 3, the Applicant explained that changes were made to incorporate the marine, shipping and navigation protections and the addition of a placeholder for limitation of liability in the event that a side agreement is not agreed. The Applicant explained that it has redacted the exact sum, as it considers this matter is best discussed between the parties themselves initially and dealt with via a side agreement. 37) The Applicant explained that in relation to Part 3 of the schedule, it was expecting a revised draft from Spirit Energy. [**Post-hearing note**: The parties have met, but revised Protective Provisions have not yet been received from Spirit. The Applicant has provided an update on the position as it stands with Spirit and Harbour at Deadline 4 in paragraphs 5.2.1 and 5.2.2 of the Combined Examination Progress Tracker and Statement of Commonality_Rev 05 Clean (Document Reference 8.5). Meeting minutes are also included within Response to Actions arising from Issue Specific Hearings 2, 3 and 4 (Document Reference 9.5.4).] 38) The ExA noted that paragraph 5 of both Parts 2 and 3 restricts WTGs from being erected within the buffer zone and queried whether the offshore substation platforms should also be restricted. The Applicant noted that this would be discussed with Harbour and Spirit, but the Applicant's initial understanding was that this was a deliberate omission as an OSP does not necessarily cause the same level of interference. However, the Applicant agreed that it would take this away. [**Post-hearing note**: The parties have met, but revised Protective Provisions have not yet been received from Spirit. The Applicant has provided an update on the position as it stands with Spirit and Harbour at Deadline 4 in paragraphs 5.2.1 and 5.2.2 of the Combined Examination Progress Tracker and Statement of Commonality_Rev 05 Clean

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		(Document Reference 8.5). Meeting minutes are also included within Response to Actions arising from Issue Specific Hearings 2, 3 and 4 (Document Reference 9.5.4).] 39) The ExA queried whether the references to "owner" in Parts 2 and 3 were correct given the Applicant's submissions to the Examination and submissions from The Crown Estate that there are no hereditary rights of ownership to the seabed beyond 12nm. The Applicant agreed that it would revisit this defined term as part of discussions with Spirit and Harbour.
11.	Protective provisions in favour of Stena Line	40) The Applicant explained that draft protective provisions have been provided by Stena Line. These provisions will cover notification-type requirements and a short side agreement. The Applicant further explained that, similar to the Spirit and Harbour protective provisions, certain commercial matters may be placed in square brackets to signal to the panel that these matters are under discussion but may be resolved between the parties via a side agreement. The Applicant reiterated the position it noted at ISH3 which is that protective provisions (or a side agreement) are not required, but the Applicant considered that it would be a 'good neighbour' in this respect by including protective provisions for Stena's benefit. [**Post-hearing note**: While these protective provisions remain in discussion between the parties, initial wording has now been added to Part 4 of Schedule 3 to the draft DCO_Rev 04 Clean submitted at Deadline 4 (Document Reference 3.1).]
Item 6: Draft Deemed Marine Licence (Schedule 6)		
12.	Changes to the Deemed Marine Licence since ISH1 and update on negotiations with other Interested Parties.	41) The Applicant explained the changes to the Deemed Marie Licence at Deadline 2, which include adding a parameter for the maximum OSP height at Table 4 to align with the project description and the corresponding change to the DCO parameters in Schedule 2. 42) The Applicant explained that Condition 2 (Maintenance of the authorised project) was amended to ensure that replenishment and replacement of cable and scour protection is included within maintenance activities. This amendment was done to align with the project description chapter and in response to a request by Natural England.

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		43) The Applicant explained that Condition 6 (Colouring of Structures) was amended to make it more precise following a discussion at ISH1. However, the Applicant noted that Trinity House requested that the wording be reinstated in its Deadline 3 submissions and during discussions at ISH2. The Applicant noted that it would consider this wording further. [**Post-hearing note**: Following discussions with Trinity House after ISH2 and ISH4, the Applicant has reinstated the condition to use Trinity House's standard wording in the version of the draft DCO_Rev 04 Clean submitted at Deadline 4 (Document Reference 3.1). The Applicant notes that the revised wording does not prescribe a minimum, maximum or approximate point for painting the structures, as this is directed by Trinity House having regard to guidance. The Applicant notes that paragraph 1 of Part 2 of Schedule 6 requires the authorised project to be constructed in accordance with the environmental statement. Paragraph 9 of Part 1 prevents any amendments or variations from approved details that are not in accordance with the environmental statement. The Applicant, and Trinity House, consider that this sufficiently restricts the condition so that it would not be competent for the Applicant to submit (or for Trinity House to approve) painting that has not been assessed within the environmental statement.] 44) The Applicant explained that Conditions 15 (Construction monitoring) and 16 (Post-construction monitoring) had been amended to make sure that the correct control document was referred to. 45) The Applicant explained that Condition 18 (Completion of construction) was amended at request of Trinity House to provide greater clarity as to the construction details that would be provided on completion. 46) The Applicant explained that condition 21 (Deployment of new cable protection and scour protection) was added at the request of Natural England to ensure that any new cable or scour protection could only be deployed up to ten years after operation has commenced while allowing replenishment or maintenance at any time.
13.	Condition 2 (Maintenance of the authorised project)	47) The ExA noted that the MMO had requested changes to condition 2 for maintenance report. The Applicant explained that in principle it had no issue with the request by the MMO although there might be some overlap with Condition 4 (Notifications and inspections) and Condition 16 (Post-construction monitoring). The Applicant confirmed that it would consider the request and take away the action of updating the draft. [**Post-**

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			hearing note: Updated wording has now been added to the draft DCO_Rev 04 Clean submitted at Deadline 4 (Document Reference 3.1). This is largely in accordance with the text circulated by the MMO save that the obligation to notify of annual maintenance is triggered at the date of completion of construction (which must be notified in accordance with Condition 18) rather than the date of commencement of operations. This is for consistency purposes, and it is considered more appropriate that maintenance reporting would begin once construction is complete rather the operations commencing.]
14.	Draft Statement of Common Ground with the MCA	48)	The ExA noted that the draft Statement of Common Ground between the Applicant and the MCA suggested that there were still several conditions under discussion and requested an update. The Applicant noted that amendments requested by the MCA would be actioned in the version of the draft DCO submitted at Deadline 4. [Post-hearing note: The draft DCO_Rev 04 Clean submitted at Deadline 4 (Document Reference 3.1) has been amended accordingly, and the updated draft Statement of Common Ground with the MCA_Rev 03 Clean submitted at Deadline 4 (Document Reference 9.9) confirms that conditions are now agreed with the MCA.]
15.	Condition 7 (Chemicals, drilling and debris)	49)	The Applicant explained that it is considering the amendments to condition 7 proposed by the MMO. The Applicant is broadly satisfied with some of the points behind this condition although it noted that other projects in the Irish Sea going through the examination have not amended this condition. The Applicant explained that it would discuss this condition further with the MMO. [**Post-hearing note**: The Applicant discussed this with the MMO at a meeting on 14 February 2025 and will respond further to the MMO on this matter following its anticipated Deadline 4 submission in response to the ExA's Rule 17 letter requesting further information from the MMO on proposed Condition 7 (PD-013).]
16.	Condition 9 (Pre-construction plans and documentation)	50)	The ExA noted that the Applicant was content for micro-siting to be added to the draft DCO and queried whether it would accept the 55m micro-siting limit. The Applicant confirmed it was and that this would be added in at Deadline 4. The Applicant also explained that micro-siting provisions applicable to nature conservation would also be added, which would remove a red point from Natural England's risk and issues log,

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		although the final wording was still under discussion. [**Post-hearing note**: Updated wording has now been added to the draft DCO_Rev 04 Clean submitted at Deadline 4 (Document Reference 3.1). 51) In response to a question on timescales for submission of documents under conditions, the Applicant explained that it has communicated to Natural England and the MMO those timescales (particularly under Condition 9(1)) which could be altered from 4 months to 6 months but that a response was still awaited. [**Post-hearing note**: The MMO responded with initial comments on the proposed timings after ISH4 although further comments were still awaited. Natural England have not yet responded. However, noting the request from stakeholders, the Applicant has amended some timescales in the draft DCO_Rev 04 Clean submitted at Deadline 4 (Document Reference 3.1).] 52) The Applicant noted that there had been previous queries from the ExA and others as to how design principles would be secured and explained that Condition 9(1)(a) will be amended so that the design plan must be in accordance with either the design statement or the principles set out in the application (with the exact definition still to be confirmed) to secure the design commitments in the design plan. [**Post-hearing note**: Updated wording has now been added to the draft DCO_Rev 04 Clean submitted at Deadline 4 (Document Reference 3.1).] 53) The Applicant confirmed that Condition 9(1)(d) would be amended to incorporate the outline construction method statement discussed at ISH2. [**Post-hearing note**: Updated wording has now been added to the draft DCO_Rev 04 Clean submitted at Deadline 4 (Document Reference 3.1). 54) The Applicant explained its position that Condition 9(1)(d) should not make specific reference to noise. This is because noise is governed by the draft MMMP and the Underwater Sound Management Strategy. The Applicant explained that it will seek to ensure that the outline Construction Method Statement cross refers to the appropriate outline documents. 55) In relation to the suggestion that consultation with the fishing industry should be included prior to the approval of the fisheries liaison and co-existence plan, the Applicant explained that it considers the requirement for submission and approval by the MMO to be sufficient, as the MMO has broad powers as to whom they wish to consult.

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		56) The ExA noted that Condition 9(1) could be read as setting an exhaustive list of bodies that should be consulted. The Applicant noted the position and agreed to consider this further. and will amend the condition to clarify that this is not the case, making it clear that it is at the MMO's discretion as to whom they wish to consult. [**Post-hearing note**: The Applicant has not amended the wording at Condition 9(1) which follows standard wording from other DMLs for offshore wind projects, and which reflects the wording used in the draft DCO for the Morgan Generation Assets currently undergoing examination. The Applicant considers that the wording is appropriate as the MMO has broad discretionary powers to consult any such parties as it deems necessary and is not limited to what is specified within the DML. The Applicant notes that many of the DML conditions only require approval to be "in consultation with the relevant statutory nature conservation body" without any language to clarify that this is non-exhaustive.]
17.	Condition 18 (Completion of Construction)	57) The Applicant explained that the reference to export cables in condition 18(1)(e) is in error and that this would be amended to platform link cables. The Applicant also explained that it will include a definition of the datum used.
18.	Condition 19 (Marine Noise Registry)	58) The Applicant explained that it broadly agrees with the principles behind the changes to Condition 19 proposed by the MMO. The Applicant is reviewing the proposed revised wording to determine what can be accepted. For instance, there is a reference to unexploded ordnance, which does not form part of this application and will not be included. 59) The Applicant reiterated that it did not consider this condition needed to include a direct reference to noise abatement within this condition. The Applicant considered this to be unnecessary as it will be secured by underlying documents such as the Underwater Sound Management Strategy and the draft Marine Mammal Mitigation Protocol. The Applicant therefore considers that inclusion in the condition would be duplication which is not appropriate.
Item 7: 'Without Prejudice' Compensation Matters (Schedule 7)		
19.	Summary of changes since ISH1 and an update on negotiations with other Interested Parties	60) The Applicant explained that the changes to Schedule 7 include the incorporation of the strategic compensation wording as suggested by Natural England. The precise wording was provided by Natural England in the context of benthic strategic compensation, and the Applicant has amended it to make it applicable to the relevant receptors. These

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		changes include a new paragraph 2, which incorporates a long stop date by which the Applicant must advise the Secretary of State whether it intends to use strategic compensation or project-alone measures. Additionally, paragraph 4 provides a mechanism for the Applicant to agree on the ratio or value of contribution with the body that administers the strategic compensation measure (in consultation with the SNCB and the Steering Group), which is then approved by the Secretary of State as per paragraph 5 and committed to and carried out under paragraph 6. 61) The Applicant notes that Natural England has marked this issue as 'green' within its Risks and Issues Log at Deadline 3 (REP3-093), indicating that they are satisfied with the amended wording and consider the issue to be resolved. 62) The Applicant explained that it is aware of the new guidance on strategic compensation measures, discussed in detail at ISH2, particularly the Marine Recovery Fund. The Applicant noted that it had removed the definition of the Marine Recovery Fund at Deadline 2 and added a more generic definition to a strategic compensation fund. However, following the Government's announcements, the Applicant will reconsider whether the definition should be reinserted. [**Post-hearing note**: The Applicant does not consider that an amendment is necessary at this time as the definition of strategic compensation fund is suitably broad such that it is capable of extending to the Marine Recovery Fund. The Applicant notes that, while the Government's recent announcements on strategic compensation signal a welcome commitment, details such as the name of a fund may change as Government discussions progress and so it is more appropriate to keep the definition broad at this stage.]
20.	Questions on Lesser Black-Backed Gull Compensatory Measures	63) The ExA queried why the Steering Group was included in measures relating to strategic compensation. The Applicant explained that the reason for including the LBBGCSG in those discussions is to address scenarios where overcompensation might occur and it is unclear how this would be allocated between strategic compensation and local, project-alone measures. 64) The Applicant also explained that there could be scenarios where contributions are made to both strategic compensation and project-alone measures. Because of this, the Applicant deems it appropriate to include both the SNCB and the LBBGCSG in these discussions to ensure a holistic approach to decision-making.

ID	Agenda Item	Notes
		65) The Applicant confirmed that it would amend the wording in paragraph 4(2)(a) to refer to “reasonable” worst-case scenario. 66) The ExA queried why there were contributions for decommissioning included if the proposals from Government suggested measures would be indefinite. The Applicant explained that the need for contributions to decommissioning in paragraph 4(2)(f) is based on Natural England’s standard wording. The Applicant suggested that this requirement likely derives from strategic measures (such as kittiwake artificial nesting structures) that are time-limited such that, at the end of their lifetime, these structures need to be removed. This wording ensures that the developers who contributed to the funding of the operation also contribute to the removal of those structures. 67) The Applicant explained that the timetable in Paragraph 8 does not include the commitment to maintain measures for the life of the proposed development because that is addressed elsewhere, for example, paragraph 12 discusses how measures must be maintained for the operational lifetime.
21.	Red-Throated Diver Compensatory Measures	68) The Applicant explained that a ‘*Red Throated Diver Compensation Schedule’* presented on a without prejudice basis will be inserted into the dDCO at Deadline 4. The Applicant explained that from a practical experience it was considered to be easier to split Schedule 7 into two parts to ensure that numbering of the schedules is not affected. The Applicant explained that if a separate schedule is preferred, it can be further amended by deadline 6. 69) The Applicant explained that because impacts on red-throated diver are different to those of the lesser black-backed gull, compensatory measures for red-throated diver would not need be put in place as early as the lesser black-backed gull measures. [**Post-hearing note**: A new Part 2 of Schedule 7 setting out compensatory measures for red-throated diver, submitted on a without prejudice basis, has been added to the draft DCO_Rev 04 Clean submitted at Deadline 4 (Document Reference 3.1).]
22.	Written Ministerial Statements	70) The Applicant explained that it will endeavour to discuss with Natural England how to incorporate the written ministerial statements into the DCO. The Applicant explained that the announcements support the approach taken to building in flex for strategic compensation.
Item 8: Other Consents and Agreements		

ID	Agenda Item	Notes
23.	The Applicant will be asked to update the ExA on negotiations with other Interested Parties and third parties, who will be asked for comment	71) The Applicant provided an update on discussions with IPs on protective provisions and side agreements. 72) The Applicant explained that protective provisions in favour of Stena Line would be included within the dDCO at Deadline 4. There is also an expectation that a side agreement will be entered into by the parties in relation to some of the financial elements. 73) The Applicant explained that, as discussed with all of the aviation stakeholders, there is no need for protective provisions. There are ongoing discussions to ensure that the DCO requirements are suitable for their purposes. The Applicant explained that detailed mitigation agreements will be secured under those requirements and entered into by the parties. The Applicant does not envision that a commercial side agreement will be entered into by aviation stakeholders at this stage. 74) The Applicant explained that in relation to cable operators, the mitigation measures are secured within the protective provisions and nothing further is considered necessary at this stage. The Applicant notes that there will be crossing proximity agreements entered into post-consent.