

MORGAN OFFSHORE WIND PROJECT: GENERATION ASSETS

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

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Image of an offshore wind farm

MORGAN OFFSHORE WIND PROJECT: GENERATION ASSETS

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Glossary

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

Acronyms

Acronym	Description
CEA	Cumulative Effects Assessment
DCO	Development Consent Order
EIA	Environmental Impact Assessment
HRA	Habitat Regulation Assessment
EWG	Expert Working Group
MMO	Marine Management Organisation
OSP	Offshore Substation Platform
SoCG	Statement of Common Ground
ES	Environmental Statement

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

1.1 Introduction

1.1.1 Overview

1.1.1.1 This initial Statement of Common Ground (SoCG) has been prepared between Morgan Offshore Wind Limited (hereafter referred to as ‘the Applicant’) and the Marine Management Organisation (MMO), hereafter referred to together as the parties. The SoCG sets out the areas of agreement and disagreement between the parties in relation to the proposed Development Consent Order (DCO) application for the Morgan Offshore Wind Project: Generation Assets (hereafter referred to as ‘Morgan Generation Assets’).

1.1.1.2 The need for a SoCG between the Applicant and the MMO is set out within the Rule 6 letter that was issued by the Planning Inspectorate on 05 August 2024.

1.1.1.3 This document is intended to provide the Examining Authority with an overview of the level of common ground between the parties. The SoCG will facilitate further discussion between the parties and will be updated during the Morgan Generation Assets Examination and submitted at the Deadlines indicated in the Rule 6 letter (PD-001).

1.1.2 Morgan Generation Assets Elements under the MMO’s Remit

1.1.2.1 The MMO, established by the Marine and Coastal Access Act 2009, is responsible for licensing activities such as construction, deposits, and removals in English waters and Northern Irish offshore waters, and ensures these activities do not adversely impact marine ecosystems or human health. Under the Planning Act 2008, the MMO also advises on projects affecting the marine area, including those deemed under DCOs. The MMO oversees post-consent processes, including monitoring and enforcement, to ensure compliance with marine licence provisions and safeguard the marine environment.

1.1.2.2 The elements of the Morgan Generation Assets which may affect the interests of the MMO are detailed in Schedule 1 (Authorised Project), Part 1 (Authorised Development) of the Draft DCO (Document Reference C1).

1.1.2.3 This SoCG covers the following topics of relevance to the MMO:

- Assessment of effects and mitigations proposed, including cumulative impacts and effects for:
 - Physical processes
 - Benthic ecology
 - Fish and shellfish ecology
 - Marine mammals
- Compliance with Marine Policy Statement and North West Marine Plan 2021
- DCO and Deemed Marine Licence drafting and acceptability of conditions and outline plans
- Coverage and content of outline plan documents submitted with the Application
- Time period secured for review and approval of plans post consent

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- Principles of proposals for safety zone applications (in relation to commercial fisheries)
- Principles for decommissioning.

1.1.3 Overview of Morgan Generation Assets

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

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

1.1.4 Approach to SoCG

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

1.1.4.2 The structure of this SoCG is as follows:

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

1.2 Summary of SoCG

1.2.1 Overview

1.2.1.1 This SoCG outlines the consultation that has taken place between the parties during the pre-application and post-application phase of the Morgan Generation Assets. The agreement logs present the position reached on 3 October 2024 (Deadline 1).

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

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

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

Topic	Position
Physical processes	Some items agreed , some ongoing points under discussion .
Benthic ecology	Some items agreed , some ongoing points under discussion .

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Topic	Position
Fish and shellfish ecology	Some items agreed , some ongoing points under discussion .
Marine mammals	Some items agreed , some ongoing points under discussion .
Commercial Fisheries	All items agreed
Marine policy, draft DCO and deemed Marine Licence	Ongoing points under discussion .

1.3 Summary of consultation

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

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

Date	Form of consultation	Statutory or non-statutory engagement	Summary of consultation
Scoping			
22/07/2022	Scoping Opinion	Statutory	Response included within Scoping Opinion (APP-030).
Statutory (Section 42) consultation			
02/06/2023	Email	Statutory	The MMO welcomes the progress bp Alternative Energy Investments Limited had made to assess the environmental impacts of the Morgan Offshore Wind Farm (Generation Assets) project. However, the MMO required the points raised in the Section 42 consultation to be addressed within the ES.
Evidence Plan Steering Group			
16/11/2021	Meeting	Non-statutory	<ul style="list-style-type: none"> Introduce and gain feedback on Evidence Plan Identify key contacts and roles and responsibilities Discuss establishment of EWGs and key contacts for these.
13/12/2021	Meeting	Non-statutory	<ul style="list-style-type: none"> To produce high level feedback on the Offshore Wind Project cable routing process To identify red flags.
20/07/2022	Meeting	Non-statutory	Approach to HRA Stage 1 Screening.
14/02/2023	Meeting	Non-statutory	HRA Stage 1 Screening and Information to Support Appropriate Assessment (ISAA) methodology.
29/06/2023	Meeting	Non-statutory	Project updates, HRA Stage 1 Screening and ISAA methodology, Section 42 responses and agreement logs.
17/10/2023	Meeting	Non-statutory	Project updates, HRA Stage 1 Screening and ISAA methodology and approach to underwater sound impact management.

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Date	Form of consultation	Statutory or non-statutory engagement	Summary of consultation
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Benthic ecology, fish and shellfish and physical processed EWG

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

Marine Mammals EWG

17/02/2022	Meeting	Non-statutory	<ul style="list-style-type: none"> • Introduce and gain feedback on Evidence Plan • Discuss stakeholder comments on the survey scopes to date (i.e. prior to Evidence Plan) and any further data required • Update on the progress of surveys and data analysis.
19/07/2022	Meeting	Non-statutory	To agree the marine mammal study areas, approach to baseline characterisation and approach to the EIA, including impact scoping.
17/11/2022	Meeting	Non-statutory	To present the baseline characterisation and discuss and agree the approach to the underwater sound assessment and population modelling approach.
09/02/2023	Meeting	Non-statutory	To present the updated baseline characterisation, underwater sound modelling outputs, and cumulative assessment.
29/06/2023	Meeting	Non-statutory	To present the updated assessment and to discuss statutory consultation responses.
10/10/2023	Meeting	Non-statutory	Provision of technical note with approach to addressing outstanding items for agreement.

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Date	Form of consultation	Statutory or non-statutory engagement	Summary of consultation
05/12/2023	Meeting	Non-statutory	Final impact assessment, final mitigation and monitoring requirements, and progress to agreement.
23/04/2023	Meeting	Non-statutory	To discuss the outline Underwater Sound Management Strategy.

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

Date	Form of consultation	Statutory or non-statutory engagement	Summary of consultation
12/06/2024	Relevant representations	Statutory	Relevant representations of the MMO.
04/09/2024	Meeting	Non-statutory	Meeting to discuss SoCG template.

1.4 Agreement log

1.4.1 Overview

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

Table 1.4: Position definitions and colour coding.

Position and colour coding	Definition of position
Agreed	The matter is considered to be agreed between the parties.
Ongoing point of discussion	The matter is neither agreed or not agreed, and is a matter where further discussion is required between the parties.
Not agreed, but not material	The matter is not considered to be agreed between the parties, but is not deemed material
Not agreed	The matter is not considered to be agreed between the parties.

1.4.2 Physical processes

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

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

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

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Reference Number	Discussion point	Applicant's Position	The MMO's Position	Status
MMO.PP.5	Assessment of the effects from the project alone and cumulatively	There will be no significant effects on physical processes in EIA terms for the project alone or cumulatively with other plans and projects.	<p>This remains an ongoing point of discussion. Please see comments in section 4.2 of RR-020.</p> <p>The MMO considers that the cumulative assessment is typical of those seen in applications of this type, with the conclusion that there are no significant effects from cumulative impacts for physical processes. This is in Section 1.11 of document F2.1.</p> <p>The inter-related impacts for physical processes are provided in Section 15.6 of F2.15, which mainly consist of the impact of sediment pathway changes to benthic and fish receptors. There were no inter-related significant impacts identified.</p>	Ongoing point of discussion
MMO.PP.6	Assessment of the effects from the project cumulatively with other projects	The list of projects screened into the CEA in the EIA are appropriate.	MMO agrees the list of projects screened into the CEA is appropriate.	Agreed at Deadline 1

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1.4.3 Benthic Ecology

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

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

Reference Number	Discussion point	Applicant's Position	The MMO's Position	Status
EIA				
MMO.BE.1	Consultation	The Applicant has undertaken adequate consultation with the MMO on potential impacts on benthic ecology	The MMO agrees that the Applicant has undertaken adequate consultation with the MMO on potential impacts to benthic ecology.	Agreed at Deadline 1
MMO.BE.2	Surveys	There is agreement on the approach to surveys to inform the assessment.	Appropriate data sources have been collated through desktop and site-specific surveys.	Agreed at Deadline 1
MMO.BE.3	Baseline environment	There is agreement on the broad approach to baseline characterisation for Benthic Ecology.	The ES for the Morgan Offshore Wind Farm contains a comprehensive assessment of impacts to benthic ecology receptors and accurate description of the baseline physical and biological environment.	Agreed at Deadline 1

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Reference Number	Discussion point	Applicant's Position	The MMO's Position	Status
MMO.BE.5	Assessment methodology	There is agreement to the scoping of impacts for the EIA for Benthic Subtidal and Intertidal Ecology.	<p>As mentioned in RR-020:</p> <p>Recent research has shown that antifouling paint particles fundamentally alter sediment microbial communities (Tagg et al. 2024), and the input of paint flakes from Wind Turbine Generator (WTG) maintenance is likely to be highly localised and persistent over the lifetime of the Project. The MMO advocates for the monitoring of a subset of WTGs to assess the prevalence/abundance of paint flakes in surrounding sediments and suggest that an assessment of surficial sediment bound paint flakes should be considered in pre- and post-construction monitoring so that a robust assessment can be made of the sediment bound paint flakes before and after construction.</p> <p>The MMO is of the opinion that these impacts should be scoped into the EIA.</p>	Ongoing point of discussion
MMO.BE.6	Baseline environment	The regional benthic subtidal and intertidal ecology study area that was defined in the PEIR is appropriate for the baseline characterisation.	The regional benthic subtidal and intertidal ecology study area that was defined in the PEIR is appropriate for the baseline characterisation.	Agreed at Deadline 1
MMO.BE.7	Baseline environment	Sufficient site-specific and desktop data has been collated to appropriately characterise the baseline benthic subtidal and intertidal ecology environment to inform the EIA.	Appropriate data sources have been collated through desktop and site-specific surveys.	Agreed at Deadline 1

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

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Reference Number	Discussion point	Applicant's Position	The MMO's Position	Status
MMO.BE.10	Assessment methodology	<p>Noting the clarification points bulleted below, the potential impacts assessed represent a comprehensive list of potential effects on benthic ecology from the Morgan Offshore Wind Project.</p> <ul style="list-style-type: none"> - Habitat alteration/physical change to another sediment type is fully described and assessed in the assessment of long term habitat loss. - Secondary scour is scoped out of Volume 2, Chapter 1: Physical processes and an assessment is therefore no required in the benthic chapter - Impacts associated with the removal of marine growth from foundations during the maintenance phase spans several impact pathways. As such this impact has been considered within two impact pathway assessments: 1) increased SSC and sediment deposition (i.e. in relation to the deposition and smothering element) and 2) in the assessment of the introduction of artificial structures and the potential for this to extend the reef effect in the vicinity of foundations. 	The ES for the Morgan Offshore Wind Farm contains a comprehensive assessment of impacts to benthic ecology receptors and accurate description of the baseline physical and biological environment.	Agreed at Deadline 1
MMO.BE.11	Assessment of the effects from the project alone	The list of projects screened into the CEA in the EIA are appropriate.	The ES for the Morgan Offshore Wind Farm contains a comprehensive assessment of impacts to benthic ecology receptors and accurate description of the baseline physical and biological environment in relation to the CEA.	Agreed at Deadline 1
MMO.BE.12	Assessment of the effects from the project cumulatively with other projects	The impact pathways assessed for benthic subtidal ecology (intertidal detailed separately) will not result in significant effects in EIA terms given the implementation of the measures adopted as part of Morgan Offshore Wind Project.	The ES for the Morgan Offshore Wind Farm contains a comprehensive assessment of impacts to benthic ecology receptors and accurate description of the baseline physical and biological environment.	Agreed at Deadline 1

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Reference Number	Discussion point	Applicant's Position	The MMO's Position	Status
MMO.BE.13	Assessment of the effects from the project cumulatively with other projects	No cumulative effects that are significant in EIA terms are predicted.	The ES contains an adequate assessment of cumulative effects and inter-related impacts in Section 2.1 and 2.11.	Agreed at Deadline 1
MMO.BE.14	Mitigation	The measures adopted as part of the Morgan Offshore Wind Project are sufficient and no additional measures are necessary as a result of the assessment conclusions.	Mitigation measures are summarised alongside potential environmental effects and monitoring proposals, specific to benthic ecology receptors, in Table 2.36 (Volume 2, Chapter 2: Benthic subtidal ecology) of the ES and the MMO agrees with the measures set out with regard to benthic ecology.	Agreed at Deadline 1

HRA

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

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

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

Reference Number	Discussion point	Applicant's Position	The MMO's Position	Status
EIA				
MMO.FSF.1	Consultation	The Applicant has undertaken adequate consultation with the MMO on potential impacts on fish and shellfish ecology	The MMO agrees that the Applicant has undertaken adequate consultation with the MMO on potential impacts to fish and shellfish ecology.	Agreed at Deadline 1
MMO.FSF.2	Baseline environment	There is agreement on the broad approach to characterisation for Fish and Shellfish Ecology.	The MMO has some concerns in relation to the baseline environment – these have been set out in MMO.FSF.5-8 below.	Ongoing Point of Discussion
MMO.FSF.3	Assessment methodology	There is agreement to the scoping of impacts for the EIA for Fish and Shellfish Ecology.	The MMO is generally content with the impacts which have been scoped out of further assessment. The MMO does not consider that the Applicant has omitted to assess an impact which they should have.	Agreed at Deadline 1
MMO.FSF.4	Assessment methodology	There is agreement on the approach to noise modelling and approach to assessment following clarifications provided in EWG.	Clarifications are still needed with regard to the UWN assessment which is necessary for determining the severity and range of impact to spawning herring and cod from piling noise produced by the project. These were highlighted in RR-020. The MMO notes that the Applicant has submitted comments in response to RR-020 which are being reviewed by Cefas. The MMO will provide an update once a review has been completed.	Ongoing Point of Discussion
MMO.FSF.5	Baseline environment	The fish and shellfish ecology study area that was defined in the PEIR is appropriate for the baseline characterisation.	No objections raised regarding the fish and shellfish ecology study area.	Agreed at Deadline 1

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Reference Number	Discussion point	Applicant's Position	The MMO's Position	Status
MMO.FSF.6	Baseline environment	<p>The characterisation of herring spawning potential is sufficient to inform the EIA, with the caveat that additional heat mapping of herring larval data is presented for the Environmental Statement, that PSA data is presented for the Environmental Statement to allow for data cross-checking by stakeholders and that additional PSA sample data is extracted from the Cefas OneBenthic tool for the project region to provide a wider context regarding substrate suitability.</p>	<p>The MMO and Cefas reviewed and provided some brief comments on the provisional herring larval heat/contour mapping for Mona and Morgan Generation Assets in September 2023. The approach uses the full aggregated 10-year NINEL dataset, but with heat mapping of these as a kernel density map. We agreed that the heatmap provided looked appropriate and that the NINEL data looks to have been weighted appropriately. We were content that the data had been interpreted and presented appropriately. We made additional minor recommendations as follows:</p> <ul style="list-style-type: none"> It would be helpful to see the array boundaries mapped on the figure to give an indication of their relative positions, and to have UWN contours for the UWN assessment (including the 135dB behavioural effect threshold) overlain onto the heatmap to indicate a range of effect from UWN in relation to areas of higher 'heat'. As in the PEIR, ten years of IHLS data should still be presented alongside this plot to capture the inter-annual variation appropriately in the ES. <p>The Applicant's response, provided in RR-020.68 is currently being reviewed, and a response will be provided in due course. Currently this point remains an ongoing point of discussion.</p>	Ongoing point of discussion

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Reference Number	Discussion point	Applicant's Position	The MMO's Position	Status
MMO.FSF.7	Baseline environment	The characterisation of sandeel potential is sufficient to inform the EIA with the caveat that PSA data is presented for the Environmental Statement to allow for data cross-checking by stakeholders and that additional PSA sample data is extracted from the Cefas OneBenthic tool for the project region to provide a wider context regarding substrate suitability.	Applied to both herring and sandeel substrate suitability: using additional sources to support the substrate classification such as Cefas' OneBenthic tool to extract more PSA data from the region (where available) to provide characterisation beyond the surveyed areas. The Applicant's response, provided in RR-020.67 is currently being reviewed and a response will be provided in due course. Currently this point remains an ongoing point of discussion.	Ongoing point of discussion
MMO.FSF.8	Baseline environment	The correct designated sites and appropriate fish and shellfish ecology features have been identified within the baseline characterisation and considered where appropriate in the EIA.	No objections raised regarding the designated sites presented with relevant fish features within the PEIR and prior/subsequent Expert Working Group meetings.	Agreed at Deadline 1
MMO.FSF.9	Assessment of the effects from the project alone and cumulatively	There will be no adverse effects on integrity for SACs designated for fish features for any impacts for the project alone or in combination.	The mapped noise contours of between 120dB and 150dB overlap the SACs in the vicinity of the project. Whilst I appreciate that these values fall below the 186dB SEL _{cum} threshold for TTS in fish, given that there is considerable uncertainty with the UWN modelling provided at this stage, SACs with fish as designated features should not be screened out of further assessment until the necessary clarifications with the UWN modelling, and assessment have been resolved. The MMO will provide an update in due course.	Ongoing point of discussion

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Reference Number	Discussion point	Applicant's Position	The MMO's Position	Status
MMO.FSF.10	Assessment of the effects from the project alone and cumulatively	On the basis that there is no direct overlap with fish features of MCZs of sound contours with the potential to cause injury or behavioural responses, there will be no risk of hindering conservation objectives of any MCZs with fish features (from underwater sound or any other impacts).	The mapped noise contours of between 120dB and 150dB appear to overlap the Wyre Lune and Ribble Estuary MCZs. Whilst I appreciate that these values fall below the 186dB SEL _{cum} threshold for TTS in fish, given that there is considerable uncertainty with the UWN modelling provided at this stage, MCZs with fish as designated features should not be screened out of further assessment until the necessary clarifications with the UWN modelling, and assessment have been resolved. The MMO will provide an update in due course.	Ongoing point of discussion
MMO.FSF.11	Assessment of the effects from the project alone and cumulatively	For all impacts, other than underwater sound, no significant effects on fish and shellfish receptors are predicted for the project alone and cumulatively.	Agreed, other than UWN we would not expect significant impacts to fish receptors. The impacts of UWN on cod and herring should form the focus of the assessment along with designated Annex II fish species. The MMO will provide an update in due course.	Ongoing point of discussion

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Reference Number	Discussion point	Applicant's Position	The MMO's Position	Status
MMO.FSF.12	Mitigation	Measures adopted as part of the project (as set out in Table 8.17 of the PEIR) are appropriate and agreed to ensure significant effects are avoided, other than underwater sound.	<p>Yes, the tertiary mitigation measures presented by the Applicant seem sufficient to prevent significant effects on fisheries receptors and are as follows:</p> <ul style="list-style-type: none"> • Development and adherence to a Cable Specification and Installation Plan to minimise the impacts of EMF to fish receptors, • a minimum cable burial depth of 1.5m. • Development of, and adherence to, an offshore Environmental Management Plan to reduce the potential impacts of any pollution events. • Actions to minimise Invasive Non-Native Species (INNS), including a biosecurity plan to limit spread and introduction of INNS, • Offshore Environmental Management Plan will be issued to all Project vessel operators to prevent collisions with megafauna. • It should be noted that for the impacts of UWN the use of piling soft-start and ramp-up measures will likely not be sufficient to avoid all significant impacts to fish receptors. <p>As there are still uncertainties in the UWN modelling and assessment presented in the ES, the MMO has recommended that seasonal piling restrictions be implemented to prevent significant disruption to spawning cod and herring, and their eggs and larvae, during their sensitive spawning seasons. This is to remain open until an agreement has been made.</p>	Ongoing point of discussion

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Reference Number	Discussion point	Applicant's Position	The MMO's Position	Status
MMO.FSF.13	Mitigation	The approach to underwater sound modelling, including soft starts and ramp ups is appropriate, noting that these will not be effective for all fish and shellfish receptors.	The MMO agrees that modelling including soft starts and ramp ups is fairly standard and agrees that this approach is acceptable. However, there are still a number of issues relating to the modelling and this point remains ongoing.	Ongoing point of discussion
MMO.FSF.14	Assessment methodology	The approach to underwater sound modelling based on presentation of both static receptors and those moving away from the source is appropriate.	The MMO does not support the use of a fleeing receptors. Modelling for fish should be based on a static receptor. The Applicant is welcome to model both, however only the impacts to the static receptor will be seen as relevant. The MMO welcomes the updated documents and will provide an update in due course.	Ongoing point of discussion
MMO.FSF.15	Assessment methodology	Cod and herring should be considered of high sensitivity to underwater sound.	The MMO maintain that cod should be classed as high sensitivity to underwater sound.	Agreed at Deadline 1
MMO.FSF.16	Assessment of the effects from the project alone and cumulatively	For piling impacts, no significant effects are predicted on fish and shellfish receptors, other than cod and herring during the spawning period.	The MMO is reviewing the documents and will provide an update in due course.	Ongoing point of discussion
MMO.FSF.17	Mitigation	For piling impacts, although a significant effect (in EIA terms) is predicted on herring and cod spawning, any such effects will be managed and avoided through measures set out in the Underwater Sound Management Strategy (UWSMS), which will be agreed with stakeholders post consent.	No. Mitigation for cod and herring (and any other species where applicable) from underwater noise should be agreed at the time of consent, rather than post-consent and should be agreed before any UWSMS is accepted.	Ongoing point of discussion
MMO.FSF.18	Assessment of the effects from the project cumulatively with other projects	The list of projects screened into the CEA in the EIA are appropriate.	The MMO is content with this.	Agreed at Deadline 1

HRA

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Reference Number	Discussion point	Applicant's Position	The MMO's Position	Status
MMO.FSF.19	Assessment methodology	The approach used for determining LSE on European sites with Annex II diadromous fish as features is appropriate and that all the relevant sites have been identified.	The MMO defers to comments from Natural England and other SNCB's regarding HRA. The MMO will maintain a watching brief of NE and other SNCB responses in case the DML is required to be updated.	Ongoing point of discussion

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1.4.5 Marine mammals

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

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

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

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Reference Number	Discussion point	Applicant's Position	The MMO's Position	Status
MMO.MM.8	Assessment methodology	Agreement on approach to densities and reference populations - bottlenose dolphin.	The MMO defers to Natural England and the other relevant SNCBs.	Agreed at Deadline 1
MMO.MM.9	Assessment methodology	Agreement on approach to densities and reference populations - Risso's dolphin, short beaked dolphin, minke whale.	The MMO defers to Natural England and the other relevant SNCBs.	Agreed at Deadline 1
MMO.MM.10	Assessment of the effects from the project alone	Other than UXO impacts, there will be no significant effects on marine mammal receptors in EIA terms for the project alone.	Full details of the updated noise modelling and proposed mitigation will need to be reviewed before agreement is reached. The Applicant's pre-examination documents are currently being reviewed. The MMO will provide an update upon review at Deadline 2.	Ongoing point of discussion
MMO.MM.11	Assessment of the effects from the project alone	Other than piling and UXO impacts, there will be no significant effects on marine mammal receptors in EIA terms for the project cumulatively.	Full details of the updated noise modelling and proposed mitigation will need to be reviewed before agreement is reached. The Applicant's pre-examination documents are currently being reviewed. The MMO will provide an update upon review at Deadline 2.	Ongoing point of discussion
MMO.MM.12	Assessment of the effects from the project cumulatively with other projects	Other than piling impacts, there will be no adverse effects on integrity on SACs with marine mammal features for the project in-combination with other plans and projects.	The MMO defers to Natural England and the other relevant SNCBs.	Agreed at Deadline 1
MMO.MM.13	Mitigation	For UXO impacts, although a significant effect (injury) on harbour porpoise is predicted any such effects will be managed and avoided through measures set out in the MMMP, which will be agreed with stakeholders post consent.	Full details of the updated / finalised noise modelling and proposed mitigation will need to be reviewed. The Applicant's pre-examination documents are currently being reviewed. The MMO will provide an update upon review at Deadline 2.	Ongoing point of discussion

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Reference Number	Discussion point	Applicant's Position	The MMO's Position	Status
MMO.MM.14	Mitigation	For piling impacts, although a significant cumulative effect (in EIA terms) is predicted on bottlenose dolphin, any such effects will be managed and avoided through measures set out in the Underwater Sound Management Strategy, which will be agreed with stakeholders post consent.	The MMO defers to Natural England and the other relevant SNCBs. As the Underwater Sound Management Strategy has a separate line in Table 1.10 of this document, this has been agreed for bottlenose dolphins.	Agreed at Deadline 1
MMO.MM.15	Mitigation	The mitigation and management measures are appropriate to ensure all other significant effects and AEOI are avoided for marine mammal receptors, including the Measures to Minimise Impacts to Marine Mammals and Rafting Birds.	The MMO defers to Natural England and the other relevant SNCBs. This is to remain open to ensure all impacts relating to the DML or relevant plans are adequately shown.	Ongoing point of discussion
MMO.MM.16	Assessment of the effects from the project cumulatively with other projects	Agreement on the CEA screening area for site investigation surveys and use of a maximum number of site investigation surveys occurring concurrently.	The MMO defers to Natural England and the other relevant SNCBs.	Agreed at Deadline 1
MMO.MM.17	Assessment of the effects from the project cumulatively with other projects	Agreement on presenting a 6-year time step in the iPCoD model, assessing temporal maximum design scenario and to add in additional cumulative projects.	The MMO defers to Natural England and the other relevant SNCBs.	Agreed at Deadline 1
MMO.MM.18	Assessment methodology	Approach to present both with and without ADD and to base the conclusions of the assessment on the impacts which take into account any designed-in measures, including the use of ADDs.	Content for the assessment to present the benefits of using an ADD, as long as the worst-case ranges (i.e., no ADD) are clearly presented and considered. This will be managed through the MMMP. A line in Table 1.10 is opened for the information within the MMMP so this line can be closed.	Agreed at Deadline 1

HRA

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

1.4.6 Commercial fisheries

Table 1.9 Agreement Log between the parties on commercial fisheries

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

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1.4.7 Marine policy, draft DCO and deemed Marine Licence

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

Reference Number	Discussion point	Applicant's Position	The MMO's Position	Status
EIA				
MMO.MP.1	Assessment methodology	The Planning Statement (APP-074) has regard to the relevant policies of the North West Offshore Marine Plan and how the proposed development accords with it.	The MMO notes that the Applicant has reviewed policies throughout the ES. The MMO requests a table with all Marine Plan policies and how the project complies with these to be included as an addendum to enable a full review of all policies in one location. This will also assist the ExA in reviewing the compliance of the marine plans.	Ongoing point of discussion
MMO.MP.2	Consenting – DCO/DML Unexploded Ordnance – investigations and clearance	The Applicant considers the content of the draft DCO and deemed Marine Licence to be appropriate.	Please see comments in Section 3.2 of RR-020. The MMO is reviewing this alongside the information submitted at Procedural Deadline 1 (PD1) and will provide comments in due course.	Ongoing point of discussion
MMO.MP.3	Consenting – DCO/DML Arbitration	The Applicant considers the content of the draft DCO and deemed Marine Licence to be appropriate.	Please see comments in Section 3.3 of RR-020. The MMO is reviewing this alongside the information submitted at Procedural Deadline 1 (PD1) and will provide comments in due course.	Ongoing point of discussion
MMO.MP.4	Consenting – DCO/DML Transfer of Benefit of the Order	The Applicant considers the content of the draft DCO and deemed Marine Licence to be appropriate.	Please see comments in Section 3.4 of RR-020. The MMO is reviewing this alongside the information submitted at Procedural Deadline 1 (PD1) and will provide comments in due course.	Ongoing point of discussion

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Reference Number	Discussion point	Applicant's Position	The MMO's Position	Status
MMO.MP.5	<u>Consenting – DCO/DML</u> <u>Use of 'Maintain' and 'Materially'</u>	The Applicant considers the content of the draft DCO and deemed Marine Licence to be appropriate.	Please see comments in Section 3.5 of RR-020. The MMO is reviewing this alongside the information submitted at Procedural Deadline 1 (PD1) and will provide comments in due course.	Ongoing point of discussion
MMO.MP.6	Consenting – DCO/DML Schedules 3 and 4	The Applicant considers the content of the draft DCO and deemed Marine Licence to be appropriate.	Please see comments in Section 3.6 of RR-020. The MMO is reviewing this alongside the information submitted at Procedural Deadline 1 (PD1) and will provide comments in due course. In addition to these, further comments will be provided on specific conditions in this section.	Ongoing point of discussion
MMO.MP.7	Consenting – DCO/DML Determination Dates	The Applicant considers the content of the draft DCO and deemed Marine Licence to be appropriate.	Please see comments in Section 3.7 of RR-020. The MMO is reviewing this alongside the information submitted at Procedural Deadline 1 (PD1) and will provide comments in due course. In addition to these, further comments will be provided on specific timescales within conditions in this section.	Ongoing point of discussion
MMO.MP.8	Consenting – DCO/DML Condition 13(3)	The Applicant considers the content of the draft DCO and deemed Marine Licence to be appropriate.	The MMO requests that the word 'substantially' is removed from this condition as it is not required.	Ongoing point of discussion

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Reference Number	Discussion point	Applicant's Position	The MMO's Position	Status
MMO.MP.9	Consenting – DCO/DML Condition 13(4)	The Applicant considers the content of the draft DCO and deemed Marine Licence to be appropriate.	Condition 13(4) refers to activities being carried out with accordance with a plan. MMO assumes that this plan is the operations and maintenance plan referenced in 13(3) however the DML contains a number of plans. MMO requests that the wording is amended making it explicit for the avoidance of doubt. For example: All operations and maintenance activities must be carried out in accordance with the approved plan approved under sub-paragraph (3).	Ongoing point of discussion
MMO.MP.10	Consenting – DCO/DML Condition 15(11)	The Applicant considers the content of the draft DCO and deemed Marine Licence to be appropriate.	The MMO, in addition to being informed of cable damage, destruction and decay further requires a notification of cable repair. The MMO has provided the following wording for condition 15(11): The undertaker must ensure that the MMO, the MMO Local Office, local fishermen's organisations, and the Source Data Receipt Team at the UKHO Taunton, Somerset, TA1 2DN (sdr@ukho.gov.uk) are notified within five days of each instance of cable repair, replacement or protection replenishment activity.	Ongoing point of discussion
MMO.MP.11	Consenting – DCO/DML Adaptive Management	The Applicant considers the content of the draft DCO and deemed Marine Licence to be appropriate.	The MMO requests that conditions be added to the post-construction monitoring and surveys condition (condition 29 of Schedules 3 and 4) to allow the Applicant to provide potential solutions when reviewing the results of monitoring, to be discussed with the MMO and Statutory Nature Conservation Bodies (SNCB). Please see section 3.8.4 of RR-020 for Condition wording.	Ongoing point of discussion

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Reference Number	Discussion point	Applicant's Position	The MMO's Position	Status
MMO.MP.12	Consenting – DCO/DML Provisions on Variations and Approvals	The Applicant considers the content of the draft DCO and deemed Marine Licence to be appropriate.	Please see section 3.8.5 of RR-020 for our position.	Ongoing point of discussion
MMO.MP.13	Consenting – DCO/DML Force Majeure	The Applicant considers the content of the draft DCO and deemed Marine Licence to be appropriate.	Please remove this condition.	Ongoing point of discussion
MMO.MP.14	Consenting - Plans	Outline fisheries liaison and co-existence plan	The MMO requests this plan is updated to make it clear that the MMO will not act as arbitrator in regard to compensation and will not be involved in discussions on the need for or amount compensation being issued.	Ongoing point of discussion
MMO.MP.15	Consenting - Plans	Offshore in-principle monitoring plan	The MMO is still reviewing this document and will provide comments at Deadline 2.	Ongoing point of discussion
MMO.MP.16	Consenting - Plans	Morgan Array Area site characterisation report	The MMO is reviewing this alongside the information submitted at Procedural Deadline 1 (PD1) and will provide comments in due course.	Ongoing point of discussion
MMO.MP.17	Consenting - Plans	Outline offshore written scheme of investigation for archaeology	The MMO defers to Historic England on the information within this plan.	Agreed at Deadline 1
MMO.MP.18	Consenting - Plans	Measures to minimise disturbance	The MMO defers to Natural England and the other relevant SNCBs. This is to remain open to ensure all impacts relating to the DML or relevant plans are adequately shown.	Ongoing point of discussion
MMO.MP.19	Consenting - Plans	Outline vessel traffic management plan	The MMO defers to Maritime and Coastguard Agency and relevant stakeholders. This is to remain open to ensure all impacts relating to the DML or relevant plans are adequately shown.	Ongoing point of discussion

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Reference Number	Discussion point	Applicant's Position	The MMO's Position	Status
MMO.MP.20	Consenting - Plans	Outline offshore operations and maintenance plan	The MMO is still reviewing this document and will provide comments at Deadline 2.	Ongoing point of discussion
MMO.MP.21	Consenting	Coverage and content of mitigation measures within the outline Marine Mammal Mitigation Protocol is appropriate.	The MMO notes this document was not updated at Procedural Deadline 1 (PD1) and is reviewing the comments submitted by the Applicant and will provide comments in due course.	Ongoing point of discussion
MMO.MP.22	Consenting	The Underwater Sound Management Strategy, in principle, is an appropriate mechanism to mitigate underwater sound for fish and marine mammals.	The MMO notes this document was not updated at Procedural Deadline 1 (PD1) and is reviewing the comments submitted by the Applicant and will provide comments in due course.	Ongoing point of discussion
MMO.MP.23	Consenting	Coverage and content of mitigation measures within the Underwater Sound Management Strategy is appropriate.	The MMO notes this document was not updated at Procedural Deadline 1 (PD1) and is reviewing the comments submitted by the Applicant and will provide comments in due course.	Ongoing point of discussion
MMO.MP.24	Consenting	The principles of proposals for decommissioning are appropriate.	At this time, the MMO is content with the proposals for decommissioning. The MMO is part of wider industry decommissioning discussions and updates may be required during this Examination.	Ongoing point of discussion