



Application by Morgan Offshore Wind Limited Morgan Offshore Wind Project: Generation Assets

The Examining Authority's written questions and requests for information (ExQ1) Issued on Tuesday 29 October 2024

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

Questions are set out using an issues-based framework derived from the Initial Assessment of Principal Issues provided as Appendix C to the [Rule 6 letter](#) of 5 August 2024. Questions have been added to the framework of issues set out there as they have arisen from representations and to address the assessment of the application against relevant policies.

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

Each question has a unique reference which starts with a prefix for the relevant topic and then has a number 1 (indicating that it is from ExQ1) and a question number within the topic. For example, the first question on Cross-Topic, General and Miscellaneous issues is identified as GEN 1.1. When you are answering a question, please start your answer by quoting the unique reference number.

If you are responding to a small number of questions, answers in a letter will suffice. If you are answering a larger number of questions, it will assist the ExA if you use a table based on this one to set out your responses. An editable version of this table in Microsoft Word is available on request from the case team: please contact morganoffshorewindproject@planninginspectorate.gov.uk and include 'Morgan OWF – ExQ1' in the subject line of your email.

Responses are due by Deadline 3: Tuesday 12 November 2024



Abbreviations used:

Abbreviation	Description	Abbreviation	Description
ADD	Acoustic Deterrent Device	HAT	Highest Astronomical Tide
AEoI	Adverse Effects on Integrity	HPAI	Highly Pathogenic Avian Influenza
BAE	British Aerospace	HRA	Habitats Regulations Assessment
CEA	Cumulative Effects Assessment	IEF	Important Ecological Feature
CMS	Construction Method Statement	IoM	Isle of Man
CNP	Critical National Priority	IoMSPC	Isle of Man Steam Packet Company
DAERA	Department of Agriculture, Environment and Rural Affairs	INNS	Invasive Non-Native Species
DCO	Development Consent Order	IP	Interested Party
DML	Deemed Marine Licence	IPMP	In Principle Monitoring Plan
EEZ	Exclusive Economic Zone	km	Kilometre
EIA	Environmental Impact Assessment	LAT	Lowest Astronomical Tide
EM	Explanatory Memorandum	LSE	Likely Significant Effects
EMP	Environmental Management Plan	m	Metre
ES	Environmental Statement	MCA	Maritime and Coastguard Agency
ExA	Examining Authority	MDS	Maximum Design Scenario
FLCP	Fisheries Liaison and Co-Existence Plan	MGN	Marine Guidance Note
GLVIA	Guidelines for Landscape and Visual Impact Assessment	MMMP	Marine Mammal Mitigation Protocol
GW	Gigawatt	MMO	Marine Management Organisation



Abbreviation	Description	Abbreviation	Description
MOD	Ministry of Defence	REWS	Radar Early Warning System
MPA	Marine Protected Area	RR	Relevant Representation
MPS	Marine Policy Statement	RSPB	Royal Society for the Protection of Birds
MSL	Mean Sea Level	SAC	Special Area of Conservation
MW	MegaWatts	SAR	Search and Rescue
NAS	Noise Abatement Systems	SFF	Scottish Fishermen's Federation
NATS	National Air Traffic Service	SoCG	Statement of Common Ground
NPS	National Policy Statement	SLVIA	Seascape Landscape Visual Impact Assessment
NPS EN-1	Overarching National Policy Statement for Energy	SMZ	Scallop Mitigation Zone
NPS EN-3	National Policy Statement for Renewable Energy Infrastructure	SNCB	Statutory Nature Conservation Body
NRA	Navigational Risk Assessment	SoS	Secretary of State
NRW	Natural Resources Wales	SPA	Special Protection Area
NSIP	Nationally Significant Infrastructure Project	SSSI	Site of Special Scientific Interest
OOMP	Offshore Operations and Maintenance Plan	TSC	Territorial Sea Committee
OSP	Offshore Substation Platform	UK	United Kingdom
OWF	Offshore Wind Farm	UXO	Unexploded Ordnance
PA2008	Planning Act 2008	VHF	Very High Frequency
PEIR	Preliminary Environmental Information Report	VTMP	Vessel Traffic Monitoring Plan



Abbreviation	Description	Abbreviation	Description
WCSP	West Coast Sea Products	WR	Written Representation
WHS	World Heritage Site	WSI	Written Scheme of Investigation

The Examination Library

References in these questions set out in square brackets (eg [APP-010]) are to documents catalogued in the [Examination Library](#). It will be updated as the examination progresses.

Citation of Questions

Questions in this table should be cited as the issue reference then the question number (for example, *ExQ1 GEN 1.1* refers to the first question in this table).



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ExQ1	Question to:	Question:
GEN Cross-Topic, General and Miscellaneous Questions		
Cross-Topic and General		
GEN 1.1	Applicant	<p>Errata and Additional Documents</p> <p>A number of errata sheets and other additional documents have been submitted into the Examination to date to correct certain discrepancies and provide clarification to Interested Parties (IPs), particularly in relation to ornithological matters. Whilst it is understood that the documents do not affect the conclusions on significance in the Environmental Statement (ES), the Examining Authority (ExA) is concerned that the deadline format of the errata sheet and range of additional submissions will make the original ES and other application documents difficult to follow as the Examination progresses and may not be adequately secured as Certified Documents. Furthermore, it may prejudice IPs ability to access the correct information so that they can make reasoned and informed comments. This has also been highlighted by Natural England [REP2-032].</p> <p>The Applicant is asked to confirm its approach to errata sheets going forward in the Examination from Deadline 3 and confirm that where there are a number of amendments, updated clean versions of the relevant ES chapters and annexes, Habitats Regulations Assessment (HRA) and other documents will be provided by Deadline 6 along with tracked changed versions.</p>
GEN 1.2	Applicant	<p>Inconsistencies in the naming of plans</p> <p>Amend inconsistencies in the naming of plans in the mitigation and monitoring schedule [REP2-015] (for example Outline in Principle Monitoring Plan and Offshore In-principle Monitoring Plan).</p>
GEN 1.3	The Applicant All Interested Parties	<p>Artificial Intelligence (AI)</p> <p>The Examining Authority (ExA) requests all parties taking part in the Examination to confirm if you have used AI to create or alter any part of your submitted documents, information or data in submissions up to Deadline 2.</p> <p>All future submissions are required to clearly confirm whether AI has been used to create or alter any part of those documents, information or data in accordance with the guidance recently published by the Planning Inspectorate.</p>

ExQ1	Question to:	Question:
GEN 1.4	Applicant	<p>Commitments Register</p> <p>On 20 September 2024 the Planning Inspectorate published guidance on the use of a Commitments Register.</p> <p>The Applicant is asked to review the guidance and provide a Commitments Register at Deadline 3, in addition to any necessary updates to the Mitigation and Monitoring schedule [REP2-015]. This should be a live document that is updated throughout the Examination and beyond and reflects those commitments in the Mitigation and Monitoring schedule.</p>
GEN 1.5	Morecambe Offshore Windfarm: Generation Assets Moor Vannin Offshore Wind Farm	<p>Interrelationship report on other infrastructure projects</p> <p>An Interrelationship Report was submitted by the Applicant at Deadline 1 [REP1-017]</p> <p>The applicants of the other named projects which are IPs in this Examination are asked to provide comments on the content of the Report.</p>
GEN 1.6	Natural England	<p>Responses within Natural England's Risk and Issues Log</p> <p>The ExA notes that a large number of issues identified within Natural England's Risk and Issues Log remain unchanged or are greyed out without comment by Natural England at Deadlines 1 and 2 [REP1-053] and [REP2-033].</p> <p>Natural England are asked to advise the ExA whether the Applicant's responses to the matters listed below satisfy the concerns of Natural England, but if not, why not, and what further information is the Applicant required to provide to try to secure NE's agreement?</p> <ul style="list-style-type: none"> • Natural England References C5/ C21/ C43; Applicant Responses [PD1-017 RR-26.C5/ C21/ C43] • C9 [PD1-017 RR-26.C9] • C16 [PD1-017 RR-26.C16] • C36 [PD1-017 RR-026.C36] • C39 [PD1-017 RR-026.C39] • C40 [PD1-017 RR-026.C40] • C41 [PD1-017 RR-026.C41] • D8 [PD1-017 RR-26.D10] • D9/ D17 [PD1-017 RR-26.D11/ D19] • F2/ F11 [PD1-017 RR-26.F2/F11] • F7 [PD1-017 RR-26.F7]

ExQ1	Question to:	Question:
		<ul style="list-style-type: none"> • F10 [PD1-017 RR-26.F10] • G17 [PD1-017 RR-26.G21] <p>In addition, while the ExA acknowledges Natural England’s reason for using the greyed out method within the Risk and Issues Log, can it advise the ExA that an issue which is agreed during the Examination between NE and the Applicant will go green before grey, for the ExA will be seeking to understand at the close of the Examination how many issues NE has agreed with the Applicant throughout the Examination?</p>
GEN 1.7	Applicant	<p>Isle of Man treated for Environmental Impact Assessment purposes as if part of England and Wales</p> <p>Provide a briefing note justifying the basis on which the Isle of Man may be treated in the DCO process as if it were part of the UK for Environmental Impact Assessment (EIA) purposes, rather than under the Espoo Convention (on EIA in a Transboundary Context), having regard to [APP-032] para 1.1.1.5] and [RR-015] and oral contribution at ISH1 from the Isle of Man Government (Territorial Sea Committee).</p>
GEN 1.8	Applicant MMO Natural England	<p>Monitoring 1</p> <p>Paragraph 2.8.221 of National Policy Statement (NPS) EN-3 requires Applicants to develop an ecological monitoring programme to monitor impacts during the pre-construction, construction and operational phases to identify the actual impacts caused by the project and compare them to what was predicted in the EIA/HRA. Natural England (NE) also raise this issue in their Relevant Representations and further advise in their Written Representation at Deadline 1 [REP1-054] that the In-Principle Monitoring Plan (IPMP) should focus on what the uncertainties and evidence gaps of the EIA and /or HRA are.</p> <p>Can the Applicant:</p> <ul style="list-style-type: none"> i) Summarise how it has met the NPS EN-3 requirement and whether it will liaise with NE to improve the IPMP, and if not why not? <p>Can the MMO and NE:</p> <ul style="list-style-type: none"> ii) Review and provide comments on the Applicant’s revised outline Offshore In-Principle Monitoring Plan at Deadline 2 [REP2-014] Tracked Change Version] and the Mitigation and Monitoring Schedule [REP2-016] Tracked Change Version]?

ExQ1	Question to:	Question:
GEN 1.9	MMO	<p>Monitoring 2</p> <p>Is the MMO satisfied with the Applicant’s position that its precautionary ‘Rochdale Envelope’ approach to EIA means that monitoring would not be needed where no LSE has been assessed, having regard to NPS EN-3 para 2.8.221 as set out in Question GEN 1.10 above.</p>
GEN 1.10	Applicant	<p>Mitigation Schedule</p> <p>Update the Mitigation and Monitoring Schedule [REP2-015] to include reference to the specific Requirement/Condition in the draft DCO and draft Deemed Marine Licences (DML) that secures each individual mitigation, monitoring or enhancement measure. It is insufficient to state “<i>secured within the deemed marine licences of the Draft DCO (document reference C1)</i>”. The document should be subsequently updated and resubmitted at Deadline 6 when the final draft DCO is to be submitted to the ExA.</p>
GEN 1.11	Applicant	<p>ES Methodology: Definition of ‘local’</p> <p>ES Chapter 5 [APP-012, Tables 5.7 and 5.9] identifies ‘minor’ sensitivity and significance levels with reference to local scale or local factors. Provide a definition of ‘local’ that applies to the ES for this Proposed Development, explaining any differences between chapter application as appropriate.</p>
GEN 1.12	Applicant	<p>Foundation Design Selection - Environmental Criteria</p> <p>The ExA notes that the foundation type for the proposed wind turbines could be one of: Multi-leg pin piled jacket; Multi-leg suction bucket jacket; or Gravity base. While the ExA notes that the ES provides a description and the parameters of the different foundation types in its various maximum design scenario (MDS) assessments, could the Applicant clarify:</p> <ul style="list-style-type: none"> i) How the final choice of foundation(s) will be determined? ii) The (environmental impact) advantages and disadvantages of each of the foundation types currently under consideration, including a summary table showing the scale and significance of impact on benthic habitats, fish and shellfish, marine mammals and marine physical features from each of the foundation types. If this is not possible provide a detailed explanation as to why not? iii) What assumptions can be made now as to the number / type of each foundation design to be used? Explain with reasons?

ExQ1	Question to:	Question:
Policy, Guidance and Legislation		
GEN 1.13	Applicant	<p>National Policy, Guidance and Legislation</p> <p>Are you aware of any updates or changes to UK, Welsh or Isle of Man Government legislation, policy or guidance relevant to the determination of this application that have been issued since its submission? If so, provide a summary of the changes and the implications, if any, for the Examination.</p>
GEN 1.14	Marine Management Organisation	<p>Marine Policy Compliance tabulation</p> <p>Can the MMO confirm satisfaction with the new document [REP2-006] submitted by the Applicant at D2 as Annex 3.1, combining how the North West Marine Plan policies have been considered, topic by topic.</p>
GEN 1.15	Applicant	<p>Good Design</p> <p>The Applicant is directed to the Advice on Good Design recently published by the Planning Inspectorate and is asked to:</p> <ul style="list-style-type: none"> i) Explain how the Proposed Development achieves ‘Good Design’ in accordance with section 4.7 of NPS EN-1 and section 2.5 of NPS EN-3, and the Design Principles for National Infrastructure (National Infrastructure Commission, 2020). ii) Confirm how ‘Good Design’ would be carried through all stages of the development including post-decision and construction.
GEN 1.16	Applicant	<p>Mitigation Hierarchy and Application of Critical National Priority</p> <p>Section 2.4 and Appendix A (NPS tracker; Table A.2 page 114) of the Planning Statement [APP-074] reference the need for the Proposed Development in the context of the urgent need for renewable energy generation within the UK, and in doing so, it refers to the presumption specifically in relation to critical national priority (CNP) infrastructure.</p> <p>The Applicant’s attention is drawn to section 4.2 of NPS EN-1 which, overall, explains that the application of CNP applies following the consideration of the need case, the impacts of the project and the application of the mitigation hierarchy which is to avoid, mitigate and compensate. The exceptions to the presumption for residual impacts are also set out. The flow diagram on page 56 sets out that it is for the Secretary of State (SoS) to apply CNP if the applicant demonstrates that the mitigation hierarchy, requirements in EN-1 and the relevant</p>

ExQ1	Question to:	Question:
		<p>technology specific NPS have been applied, as well as any other legal and regulatory requirements. Therefore, the application of CNP is not the starting point.</p> <p>The Applicant is asked to provide a clear statement of the consideration of section 4.2 of NPS EN-1 including the potential exceptions which the SoS should have regard to when applying CNP to their decision-making.</p>
GEN 1.17	Applicant	<p>Human Rights Act, Equality Act</p> <p>Confirm how the Human Rights Act 1998 and the Equality Act 2010 has been considered in the application process.</p>
Land and Funding		
GEN 1.18	Applicant	<p>Book of Reference and land rights over the seabed</p> <p>Regulation 5(2)(d) of the Infrastructure Planning (Applications: Prescribed Form and Procedure) Regulations 2009 requires a Book of Reference (BoR), where applicable. Regulation 7 sets out the meaning of the BoR, and at (d) states that Part 4 of the BoR specifies the owner of any Crown interest in the land which is proposed to be used for the purposes of the order for which the application is being made.</p> <p>The Land Plan [AS-007] indicates a single land area within the Order Limits but does not include marking/ a key that would identify any form of rights being sought or Crown Land, as requested in the Planning Inspectorate’s section 51 advice dated 17 May 2024. The Applicant states [APP-001] that it is not considered to be required due to the lease with the Crown Estate and the purely offshore nature of this Application, which falls outside in the Inshore Zone.</p> <p>Following the submission of the Application, a High Court judgement was issued which, amongst other matters, relates to the definition of land within the seabed; <i>R (Parkes) v Secretary of State for the Home Department [2024] EWHC 1253</i> (the ‘Bibby Stockholm judgement’).</p> <p>The Applicant is asked to:</p> <ul style="list-style-type: none"> i) Clarify that the seabed within the area of the order limits within the Exclusive Economic Zone (EEZ) is Crown Land.

ExQ1	Question to:	Question:
		<p>ii) Provide a revision to the Land Plan [AS-007], with a key which identifies Crown Land within the Order Limits.</p> <p>iii) Provide further comments and clarification on whether a BoR is necessary, including whether the seabed beyond 12nm is 'land' for the purposes of the 2008 Planning Act. In doing so, you should have regard to Bibby Stockholm judgement. A BoR should be provided if applicable.</p>
GEN 1.19	Applicant	<p>Crown Land</p> <p>Confirm that the Proposed Development would comply with any constraining conditions in the Agreement for Lease awarded by the Crown Estate.</p>
GEN 1.20	Applicant	<p>Funding Statement</p> <p>Further to the potential requirement for a BoR as set out in Question GEN 1.19 above, the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 regulation 5(2)(h) states that if the proposed order would authorise the compulsory acquisition of land or an interest in land or right over land, a statement of reasons and a statement to indicate how an order that contains the authorisation of compulsory acquisition is proposed to be funded.</p> <p>Whilst the ExA understands that a funding statement has not been submitted given that the proposed order would not authorise the compulsory acquisition of land, it requires assurances to establish that the Applicant has the financial capacity to discharge all relevant requirements and conditions in the draft DCO, that the Proposed Development can be completed and operated, and subsequently appropriately decommissioned.</p> <p>The Applicant is asked to provide a funding statement which would cover these issues.</p>
Decommissioning		
GEN 1.21	Applicant	<p>Decommissioning Plan</p> <p>[APP-010] states that a draft of a decommissioning plan "<i>will be submitted prior to construction commencing</i>".</p> <p>i) How is production and approval of a decommissioning plan secured, noting that the draft DCO Requirement 5 only secures submission of a decommissioning <u>programme</u> to the SoS when so required to do so by the SoS?</p>

ExQ1	Question to:	Question:
		<ul style="list-style-type: none"> ii) What would be the principal components of the decommissioning plan? iii) Why has an outline plan not been submitted as part of the DCO application? The ExA notes that the [PD1-017] response to NE's RR-026.G11 is unsatisfactory and incomplete? iv) Would it include principles of financial security for decommissioning (see also Question GEN 1.21 above)? v) Provide a briefing note on current industry discussions on decommissioning, as referenced in the Statement of Common Ground (SoCG) with the MMO [REP1-035].
GEN 1.22	Applicant	<p>Waste Hierarchy</p> <p>Explain how the waste hierarchy would be followed at the decommissioning stage, particularly any plans on how the wind turbine materials might be reused or recycled.</p>
GEN 1.23	Applicant	<p>Waste Management Plan</p> <p>The Applicant's Scoping Report advised that a construction Waste Management Plan would be included as a technical appendix to the ES. However, paragraph 3.10.1.2 of ES Volume 1, Chapter 3 [APP-010] states that the procedures for handling waste materials will be set out in the Offshore Environmental Management Plan submitted post consent and secured through the dDCO.</p> <p>Please clarify the inconsistencies in the above statements and also advise how the Morgan Array Site Characterisation Report [APP-067] fits into the mix.</p>
AR Aviation and Radar		
AR 1.1	Isle of Man Government (Territorial Sea Committee)	<p>Air Traffic Safety considerations for Ronaldsway Airport</p> <p>Please explain if and how Isle of Man (IoM) Ronaldsway Airport regulations on air traffic safety relate to UK regulations and guidance including those of the Civil Aviation Authority.</p>
AR 1.2	Applicant NATS (En-Route) plc	<p>NATS Notification</p> <p>Table 11.15 of ES Volume 2, Chapter 11 [APP-015] notes a requirement for NATS Aeronautical Information Service to be notified and provided with appropriate information about the construction of the Proposed Development and any associated lighting.</p> <p>Could both the Applicant and NATS:</p>

ExQ1	Question to:	Question:
		<ul style="list-style-type: none"> i) Clarify if this notification would form part of Requirement 4 of Schedule 2 of the draft DCO or if an amendment to its wording is necessary? ii) Confirm if there should be a timescale for such a notification like that set out for the DIO in Requirement 3?
AR 1.3	Applicant	<p>Aviation and Radar Mitigation</p> <p>A number of IPs have referred to the need for agreement on mitigation proposals including:</p> <ul style="list-style-type: none"> • BAe Systems [RR-004, REP1-029] • Blackpool Airport [RR-006, REP1-028] • DIO Safeguarding/MOD [PD1-019, REP1-032, REP1-042] • Isle of Man Government Territorial Seas Committee (and Ronaldsway Airport) [RR-015, REP1-038, REP1-047] • NATS En-Route plc [RR-025, REP1-037] <p>The ExA notes that the parties are actively engaging to agree solutions, but requests that a consolidated report with checklist of progress with all the above is submitted in relation to mitigation for aviation and radar effects for each location and how it is to be secured. This should include an indication of updates to the draft DCO where such mitigation should be secured.</p>
AR 1.4	Applicant Blackpool Airport Ronaldsway Airport	<p>Very High Frequency (VHF) Communications</p> <p>The ExA notes that effects on VHF communications were scoped out of ES Volume 2, Chapter 11 [APP-015], but that there are ongoing discussions with Blackpool Airport and Ronaldsway Airport regarding this matter [REP1-028 and REP1-038].</p> <ul style="list-style-type: none"> i) The Applicant is asked to explain in more detail the reasoning for scoping out VHF communications. ii) The Applicant is asked to clarify if any other aerodromes would be affected by this issue. iii) Blackpool Airport and Ronaldsway Airport are asked to provide justification for their request for a review of effects on VHF communications (noting that this was not raised as a matter to be addressed in pre-application consultation).

ExQ1	Question to:	Question:
		All parties are asked to provide an update on discussions on the matter of VHF communications.
AR 1.5	Applicant	<p>Aviation and Radar Monitoring</p> <p>Section 11.9.4 and 11.11.1 and Table 11.20 of ES Volume 2, Chapter 11 [APP-015] note that no aviation and radar monitoring is proposed. The Applicant is asked to further explain its position that it does not consider it necessary to test the predictions made within the impact assessment.</p>
AR 1.6	Moor Vannin Offshore Wind Farm Limited	<p>Mitigation of cumulative impacts</p> <p>Your Relevant Representation [RR-021] notes that it is not clear how potential mitigation methods including the use of additional MultiLAT sensors would be implemented to contribute to mitigation of cumulative impacts at Ronaldsway Airport.</p> <p>The Applicant's response (p.86 [PD1-017]) points to section 11.10 of ES Volume 2, Chapter 11 [APP-015], but also notes that in February 2024, the Airport's position changed to commissioning a review of its surveillance strategy including all applicable proposed offshore and onshore wind farm projects (the results of this were expected in summer 2024) and requesting relevant projects to contribute to reach a mutually agreed mitigation solution which will reduce any impact to acceptable levels.</p> <p>Could Moor Vannin Offshore Wind Farm Limited clarify if it has any further comments to raise on this matter?</p>
AR 1.7	Applicant	<p>Aviation and Radar Technical Report – Figure 1.3</p> <p>Figure 1.3 of Annex 11.1 [APP-045] is unclear, making the text difficult to read. The Applicant is asked to provide a standalone copy at a higher resolution so that it is readable.</p>
AR 1.8	Applicant	<p>Aviation and Radar Abbreviations</p> <p>The Applicant is advised to update their abbreviations list to include the following which appear in ES Volume 2, Chapter 11 [APP-015]:</p> <ul style="list-style-type: none"> • ICS LT tool (paragraph 11.4.3.8) • PLEM (paragraph 11.9.2.6) • WHPS (paragraph 11.9.2.6)

ExQ1	Question to:	Question:
AR 1.9	Applicant	<p>Cumulative Radar Early Warning Systems (REWS) impact assessment update</p> <p>Noting that potential cumulative REWS impact from the Morecambe Generation assets project was not included in the application ES but may be important and relevant [APP-063 paragraphs 1.4.4.2 and 1.4.4.3], the Applicant is requested to submit an update report including submission of the assessment of combined impact together with the Proposed Development on REWS and radio line of sight from the Morecambe Offshore Windfarm Generation Assets application now that its examination has commenced.</p>
CC Climate Change		
CC 1.1	Applicant	<p>Greenhouse Gas Emissions</p> <p>The overall conclusions of ES Volume 2, Chapter 12 paragraph 12.16.1.4 [APP-016] note that the impact of greenhouse gas emissions arising from the manufacturing and installation of the generation and transmission assets during construction is considered to result in a moderate adverse effect (significant), reduced to minor adverse (not significant) when accounting for mitigation. Further mitigation is set out from paragraph 12.9.3.13 [APP-016], explaining that the Applicant is committed to exploring options to reduce construction-related emissions and examples are provided of potential measures and that those measures are expected to be included in the relevant final management plans.</p> <p>What does the term 'expected' mean and how can the ExA be confident that the further mitigation is secured and would result in the predicted reduced effect?</p>
CC 1.2	Applicant	<p>Greenhouse Gas Emissions</p> <p>Paragraph 12.16.1.6 [APP-016] concludes that over the lifetime of the Proposed Development, it would result in 324,370 tCO_{2e} of avoided emissions when accounting for construction, operations and maintenance and decommissioning phases. The potential generating capacity of the Morgan Generation Assets is noted as 1.5 GW / 1500 MW in Table 12.12 (Maximum Design Scenario) and Table 12.15 (Energy Flows).</p> <p>Could the Applicant:</p> <ul style="list-style-type: none"> i) Comment on the possibility of the construction emissions being greater than the operational emissions saved if the actual generating capacity of the installed turbined was to be less than the predicted 1.5 GW.

ExQ1	Question to:	Question:
		ii) Comment on whether the Greenhouse Gas assessment should be updated to reflect the uncertainty around the exact generating capacity and the technology to be used for the turbines, given that at this stage the specific wind turbine technology and design has not yet been confirmed.
CF Commercial Fisheries		
CF 1.1	Marine Management Organisation	<p>Medium-term monitoring of effects on commercial fisheries</p> <p>Please confirm whether you agree with both the IoM Government Territorial Seas Committee (TSC) [RR-015] that medium-term monitoring to validate baseline data and assumptions for Commercial Fisheries impacts is preferable to review only and the National Federation of Fishermens Organisation/ Welsh Fishermen’s Association WR [REP2-031] that the outline Fisheries Liaison and Co-Existence Plan (FLCP) [APP-065] needs to clarify commitments to monitoring of fisheries activity and effects on commercial fisheries and should include a timetable for regulator review of monitoring during the operations and maintenance phase.</p>
CF 1.2	West Coast Sea Products	<p>Assessment of effects on the Queen Scallop Fishery</p> <p>In [REP1-065] West Coast Sea Products (WCSP) maintains the adverse effect of the Proposed Development on the Queen Scallop Fishery as Moderate to Major for several receptors. Please could WCSP confirm:</p> <ul style="list-style-type: none"> i) Whether this magnitude of effect applies to the Proposed Development alone or to cumulative effects. ii) What a 5 to 10% loss of landings revenue would represent in terms of percentage loss of after-tax earnings for the fishery as a whole. iii) How the 2023 vessel monitoring system data for the Proposed Development’s sea area compares with the equivalent data for 2018. iv) The number of vessels fishing simultaneously in the area of the Scallop Mitigation Zone (SMZ) of the Proposed Development during peak Queen Scallop fishing periods over the last 5 years. v) The proportion of Queen Scallop spawning and nursery ground in geographic Europe which is overlapped by the Morgan and Mona proposed developments individually and cumulatively. vi) Whether scallop dredging gear can be deployed reasonably efficiently so as to avoid intermittent cable protection (where plotted on charts made available to the fishing fleet).

ExQ1	Question to:	Question:
CF 1.3	Scottish Fishermen's Federation	<p>Impact on pelagic fisheries</p> <p>Please explain why you state in [REP1-059] that pelagic vessels cannot operate within the Proposed Development array area; and to what extent specific data on loss of earnings from precedent fisheries can be made available and calibrated to be relevant to this Proposed Development.</p>
CF 1.4	West Coast Sea Products or Scottish Fishermen's Federation	<p>Context for Queen Scallop plotter data</p> <p>West Coast Sea Products are asked to submit a figure illustrating Queen Scallop fishery plotter data giving context in relation to the whole of the Proposed Development and information on dates, period, and numbers of vessels.</p>
CF 1.5	West Coast Sea Products Scottish Fishermen's Federation Isle of Man Government Territorial Seas Committee	<p>Applicant's Response to REP1-059 regarding fishing through the SMZ</p> <p>Confirm if you are satisfied with the Applicant's Responses in [REP2-005], specifically to [REP1-059.4], [REP1-059.6], [REP1-059.11], [REP1-059.14] and [REP1-059.27] (and any other subsections upon which you may wish to comment) regarding Queen Scallop fishery, the SMZ and inter-array cabling; and if not, clarify why not, point-by-point and supported by evidence where possible.</p>
CF 1.6	Applicant	<p>Adaptive management actions contingent on post-construction monitoring</p> <p>Comment if commercial scallop fisheries would be compensated if monitoring reveals either that Queen Scallop stocks do not recover as assumed in the EIA, or that landings data is reduced by more than the assessed average adverse effect on landings for all fisheries.</p>
CF 1.7	Applicant	<p>Outline Fisheries Liaison and Co-existence Plan - arbitration</p> <p>The Applicant is requested to further revise the Outline FLCP and make it clear that the MMO will not act as arbitrator regarding compensation and will not be involved in discussions on any compensation.</p>
CF 1.8	Applicant	<p>Cable burial in and around the Scallop Mitigation Zone</p> <p>Having regard to the concerns of West Coast Sea Products about gear snagging risk, can the Applicant explain:</p> <ul style="list-style-type: none"> i) Why inter-array cable routing could not be constrained to the boundary only of the SMZ. ii) If minimum cable burial depth in and around the SMZ could be increased from 0.5m. iii) What extent of cable protection is considered likely in and around the SMZ.

ExQ1	Question to:	Question:
CF 1.9	Applicant	<p>Potential reconfiguration of Scallop Mitigation Zone</p> <p>Comment what alternative configurations and perimeter turbine positioning for the SMZ have been considered that might satisfy the concerns of West Coast Sea Products about restrictions on fishing as articulated in [REP1-065].</p>
CF 1.10	Applicant	<p>Revised outline Fisheries Liaison and Co-existence Plan</p> <p>Provide a tabulated summary of how the revised outline Fisheries Liaison and Co-existence Plan (FLCP) responds to specific suggestions in Scottish Fishermen’s Federation WR [REP1-059] and West Coast Sea Products WR [REP1-065], if appropriate combining with any response you may be making at D2 to National Federation of Fishermen’s Organisation/ Welsh Fishermen’s Association WR [REP2-031].</p>
CF 1.11	Applicant	<p>Minimum spacing of infrastructure subject to micro siting and tolerance</p> <p>Update the following to clarify that the “<i>minimum infrastructure spacing of 1,400m</i>” is to be measured from plan centre points of structures subject to the micro siting principles and constructional tolerance dimension to be agreed with the MMO and the Maritime and Coastguard Agency (MCA).</p> <ul style="list-style-type: none"> i) Layout development principles Table 3.7 and paragraph 3.5.6.2 of ES Chapter 3 [APP-010]. ii) Mitigation and Monitoring Schedule items 6.4 (Commercial Fisheries) and 7.1 (Shipping and navigation) [REP2-015]. iii) The outline FLCP [REP2-019], where appropriate.
CF 1.12	Applicant	<p>Cable Specification and Installation Plan</p> <p>Submit an outline Cable Specification and Installation Plan in order to address the concerns of fisheries IPs and to clarify mitigation commitments in tabular form.</p>
CE Cumulative Effects		
CE 1.1	Applicant	<p>Cumulative Effects Summary Table</p> <p>Whilst the ExA notes the provision of a Cumulative Effects Screening Matrix [APP-031], and the submission of the sensitivity review [REP2-023] it would assist if a table that presents an assessment of cumulative impacts including the likely significant effects of the Proposed Development with third party developments was provided, including a summary of likely</p>

ExQ1	Question to:	Question:
		<p>residual cumulative effects which have been assessed as significant in EIA terms after embedded and applied mitigation, and identify those without any further mitigation or monitoring proposals (and explain why).</p> <p>The ExA would point the Applicant to the recent submission to the Mona Offshore Wind Farm [REP3-063] an example.</p> <p>The Applicant is also asked to update the Cumulative Effects Screening Matrix to include any additional projects and updates to/ changes to timescales of existing projects.</p>
CE 1.2	Applicant	<p>Cumulative Effects Assessment - Lifetimes of other Offshore Wind Farms</p> <p>Natural England [RR-026] and Natural Resources Wales (NRW) [RR-027] have raised concerns about the levels of uncertainty relating to the assumptions involved in calculating estimates for the other existing offshore wind farms (OWFs) where data is unavailable.</p> <p>In the Procedural Deadline response to both Natural England and NRW Relevant Representations (page 234 [PD1-017]) regarding some of the OWFs nearing the end of their life, the Applicant states that there are a number of other projects that will be nearing the end of their consented lifetime at the start of Morgan’s construction or operation. There appear to be several of these listed in the cumulative effects assessment (CEA) and but the timescales are unclear.</p> <p>Would the Applicant provide a list of the affected OWFs and the dates when their consents expire, indicating those which it is known are planned for decommissioning or repowering.</p>
CE 1.3	Applicant	<p>Approach to Cumulative Effects Assessment</p> <p>In many subject areas within the ES, it is assumed that other projects will mitigate their own impacts through secured mitigation to reach a conclusion that there would be no significant cumulative impacts, without any further consideration of the interaction with the Proposed Development. Justify this approach to cumulative effects assessment, and corresponding mitigation.</p>
CE 1.4	Applicant	<p>Morecambe Offshore Windfarm Generation Assets</p> <p>Morecambe and Morecambe Offshore Wind Farms Transmission Assets</p> <p>Morecambe Offshore Windfarm Generation Assets commenced Examination on 23 October 2024, and Morgan and Morecambe Offshore Wind Farms Transmission Assets application was</p>

ExQ1	Question to:	Question:
		<p>received by the Planning Inspectorate on 21 October 2024, with a decision on acceptance expected by 18 November 2024.</p> <p>The Applicant is asked to provide a summary at Deadline 3 of any key cumulative issues the ExA should be aware of, with any implications for the Examination. The detail should be provided in an update to the Interrelationship Report with other Infrastructure Projects [REP1-017], the next version which is expected at Deadline 4.</p>
CE 1.5	The Applicant Mooir Vannin Offshore Wind Farm Limited	<p>Mooir Vannin Offshore Wind Farm</p> <p>Mooir Vannin Offshore Wind Farm Limited [RR-021] sets out that a Scoping Report was submitted to the Isle of Man Government in 2023 and that it is preparing to submit an application for Marine Infrastructure Consent in 2025. Concerns relate to cumulative and in-combination effects, and potential mitigation.</p> <p>The Applicant’s summary of ISH1 [REP1-004] at point 53 notes that the only information in the public domain for Mooir Vannin Offshore Wind Farm is a Scoping Report and ‘<i>limited other consultation materials</i>’, which it considers to be ‘<i>insufficient information on which to base a meaningful cumulative assessment with a high degree of certainty</i>’. Paragraph 1.2.1.5 of the Interrelationship Report [REP1-017] notes that only the Scoping Report and early stage environmental information is publicly available. Paragraph 1.3.1.3 notes that ‘<i>Mooir Vannin Offshore Wind Farm is currently in early stages of the pre-application process</i>’, and therefore specific coordination was not carried out due to the different project timelines.</p> <p>The Applicant is asked to clarify the publicly available ‘early stage environmental information’ and ‘limited other consultation materials’, on which it has based its CEA and Interrelationship Report.</p> <p>Mooir Vannin Offshore Wind Farm Limited is asked to provide:</p> <ul style="list-style-type: none"> i) A copy of the Scoping Report and Scoping Opinion. ii) A timeline for the project, including stages of past and future consultation, submission of an application to the Isle of Man Government, and if such an application is successful the predicted timescales for commencement of development and operation of the wind farm. iii) A plan of the site boundary and array area as currently proposed, shown in relation to the Morgan Offshore Wind Project: Generation Assets, and territorial boundaries.

ExQ1	Question to:	Question:
		<p>iv) The maximum design scenario as currently proposed.</p> <p>v) Details of the proposed location(s) for landfall and the onshore electricity transmission connection.</p> <p>vi) Any other publicly available information about the project it would like to submit into the Examination.</p> <p>vii) Comments on the Interrelationship Report and the accuracy of Tables 1.1 and 1.2.</p>
CE 1.6	<p>Applicant Moor Vannin Offshore Wind Farm Limited</p>	<p>Spacing between Morgan and Moor Vannin Arrays</p> <p>While the proposed Moor Vannin offshore windfarm would be situated in Isle of Man territorial waters and is not subject to the Crown Estate Round 4 Memorandum which specifies that no offshore wind projects could be located within 7.5km of an existing offshore wind farm, it is nonetheless noted that the distance between the Morgan Array Area to the proposed Moor Vannin offshore wind farm would be as little as 4.8km.</p> <p>Would the Applicant and Ørsted Moor Vannin explain the implications of this for both projects and whether there would need to be an adjustment to the layout or site area of one or both arrays to increase the separation (and if so, which array requires adjustment)?</p>
CE 1.7	<p>Natural England</p>	<p>The Triton Knoll Offshore Wind Farm Order 2013 and stranded assets</p> <p>Natural England advise that it is broadly content that the approach to the different scenarios in the CEA but maintain several concerns related to the wider issue of the ‘coordinated approach’ and stranded assets as outlined in Annex 1 of its RR [RR-026].</p> <p>A copy of the decision documents associated with the Triton Knoll Offshore Wind Farm Order 2013 and an explanation of how the Proposed Development differs from this were provided by the Applicant at Deadline 1 [REP1-007] and [REP1-008]. The Interrelationship Report [REP1-017] also refers to the approach at section 1.8.</p> <p>Could Natural England clarify if it has any further comments on this matter, and does it continue to recommend a requirement is imposed similar to that recommended for Triton Knoll?</p>

ExQ1	Question to:	Question:
CE 1.8	Manx Utilities	<p>Manx Utilities Interconnector</p> <p>The Cumulative Effects Screening Matrix [APP-031] includes the Isle of Man-UK Interconnector 2 as a project in pre-application (page 173), with high data confidence, however no details are provided of its temporal overlap with the Proposed Development.</p> <p>Could Manx Utilities provide any details which are in the public domain regarding Interconnector Cable 2, in particular its proposed route in relation to the Proposed Development and a timeline for its application and delivery, and set out any potential interactions with the Proposed Development?</p>
CE 1.9	Liverpool City Region Combined Authority	<p>Mersey Tidal Power Project</p> <p>Liverpool City Region Combined Authority [RR-002] refer to the Mersey Tidal Power Project and this is included in the Cumulative Effects Screening Matrix [APP-031] (page 175), however no details are provided of its temporal overlap with the Proposed Development. Please provide a summary of this project including its location, a timeline for its application and delivery, and summarise any potential interactions with the Proposed Development.</p>
CE 1.10	Meath County Council	<p>Irish Offshore Windfarms</p> <p>Meath County Council are invited to review the Applicant's response [REP1-006] and the review of the CEA [REP2-023], further to its response to the second transboundary screening [OD-006], and provide comments to the ExA.</p>
DCO Draft Development Consent Order (DCO)		
Parts 1 and 2		
DCO 1.1	Applicant	<p>Part 1 Article 2: Interpretation</p> <p>Further to your response to the MMO [PD-017, RR-020.17 and RR-020.18] and looking more closely at precedent from Norfolk Boreas and Hornsea Four made DCOs, the Applicant is asked to reconsider and respond further on the strong request from the MMO in its [RR-020 section 3.5] and its further comments in [REP2-029] that "<i>wording should be updated to 'do not give rise to any new or different environmental effects to those assessed in the environmental information'. This also applies to the definition of 'maintain'</i>".</p> <p>Also review and comment on the Norfolk Boreas made DCO cited as precedent which is worded such that permitted amendments or variations are limited to those that are "<i>minor or</i></p>

ExQ1	Question to:	Question:
		<i>immaterial</i> ", and consider whether new wording that conditions " <i>different <u>adverse environmental effects</u></i> " would provide useful control for the MMO.
DCO 1.2	Applicant	<p>Part 2 Article 7: Benefit of the Order</p> <ul style="list-style-type: none"> i) Precedent made DCOs quoted in the Explanatory Memorandum (EM) [REP1-023] include a paragraph in articles regarding benefit of the order: "<i>The undertaker must consult the Secretary of State before making an application for consent under this article by giving notice in writing of the proposed application.</i>" Explain whether this paragraph has been omitted in error and as appropriate amend the drafting in paragraphs (2) and (3) "<i>Subject to paragraph (x)...</i>" or "<i>Subject to paragraphs (x) and (y)...</i>" ii) Article 7(4): Precedent made DCOs use the words "<i>The Secretary of State must consult ...</i>" not "<i>...shall consult</i>" and there is no note in the EM [REP1-023] on this change. Justify which usage is appropriate in this draft DCO. iii) Article 7(11): Consider and attempt to agree with the MMO whether Article 7(11) should incorporate extended wording based on that used in the Hornsea Project Four made order: "<i>...save that the MMO may amend any deemed marine licence granted under Schedule 3 or Schedule 4 of the Order to correct the name of the undertaker to the name of a transferee or lessee under this article 7 (Benefit of the Order).</i>" iv) If the Applicant considers that the Sheringham and Dudgeon made order recommendation and decision adds or differs from the made order precedent cited in the EM [REP1-023], justify why that may be important and relevant.
Schedule 1 – Authorised Development		
DCO 1.3	Applicant Marine Management Organisation	<p>Piling Hammer Energy</p> <p>An upper limit on hammer pile energy is not referred to in the draft DCO. Should the maximum hammer energy assessed in the ES for single and concurrent piling be specified within the design parameters in the draft DCO and both draft DML's given that this is the best available means to ensure and secure that the sound generated from piling does not exceed that assessed within the ES? If not, why not?</p>

ExQ1	Question to:	Question:
Schedule 2 – Requirements		
DCO 1.4	Applicant	<p>Requirement 1(1): Time Limits - Commencement</p> <p>Schedule 2 Requirement 1 seeks a seven-year commencement period. The Applicant’s additional explanation in the EM [REP1-023] is noted. It is not unusual in comparison to many NSIPs which are also of significant scale and complexity, to experience long lead times for equipment and services, and have the need to secure a Contract for Difference.</p> <p>Whilst it is recognised that some offshore wind DCOs have been subject to a seven-year time limit as set out in paragraph 5.9 of the EM, many others have been able to commence within the standard time period of five years. There have been recent examples of DCOs where the requested seven-year period has been rejected by the Secretary of State (Drax Carbon Capture Order 2024, Awel y Mor Offshore Wind Farm 2023), with the urgent need for low carbon energy being cited as reason for rejecting the seven-year period sought. Furthermore, the ExA is aware that the separate DCO for the Morgan and Morecambe Offshore Wind Farms Transmission Assets has now been submitted to the Planning Inspectorate, providing a greater level of certainty regarding timescales.</p> <p>With the above in mind, the Applicant is asked to:</p> <ul style="list-style-type: none"> i) Provide additional justification for the seven-year period sought, to include a timeline of events post-consent that could potentially result in a delay to commencement and a chart of the alternative construction timelines so that a five-year and seven-year commencement can be compared. ii) Clarify what a seven-year commencement period would mean for the assessments in the ES and HRA in terms of validity of the survey data sets, and the cumulative/in-combination assessments.
DCO 1.5	Applicant	<p>Requirement 1(2): Time Limits - Challenge Period</p> <p>Clarify if there are any other examples than Yorkshire Green as a precedent (paragraph 5.10 of the EM [REP1-023]) for extending the period to one year for commencement if a legal challenge is submitted, and provide further explanation to justify your request for this extended period.</p>

ExQ1: Tuesday 29 October 2024

Responses due by Deadline 3: Tuesday 12 November 2024

ExQ1	Question to:	Question:
DCO 1.6	Applicant	<p>Requirement 2(1): Design parameters</p> <p>For the avoidance of ambiguity, consider amending this Requirement to clarify that the entirety of all turbine generators (including rotor swept area) must be contained within the order limits.</p>
DCO 1.7	Applicant	<p>Requirement 2(2): Table 1 and Schedule 3 part 2 paragraph 10</p> <p>With regard to sub-scenarios for different proportions of piled and gravity base foundations, clarify ambiguity between the MDS as assessed in the ES and the drafting of [REP2-011] R2(2) Table 1 and Schedule 3 Part 2 Para 10 Parameters]: "<i>The authorised development must be constructed in accordance with the parameters assessed in the environmental statement and set out in Table 1</i>".</p>
DCO 1.8	Applicant	<p>Requirement 2(2): Table 1 Parameters and Schedules 3 & 4 Condition 10 Table 2 Parameters</p> <p>There are a number of parameters which are included in the maximum design parameter tables of the ES, but which are not reflected in Table 1 of the draft DCO. The Applicant should ensure any parameters which should be included within the dDCO/DML are included within the draft DCO and DMLs as appropriate and that the parameters used are consistent between the them and the ES. Specifically, consider if the following should be included in the draft DCO, and if not, explain why not:</p> <ul style="list-style-type: none"> i) The maximum number of pin piles. ii) The maximum area of cable protection (as well as volume). iii) The maximum height above LAT of towers, masts and cranes on Offshore Substation Platforms (OSP)? (Project Description Table 3.8 of [APP-010] refers).
DCO 1.9	Defence Infrastructure Organisation Marine Management Organisation NATS Safeguarding	<p>Requirement 3: Aviation Safety</p> <p>The DIO, MMO and NATS are asked whether they seek conditions controlling lighting of turbines be included within DML conditions as well as in DCO Requirement 3 [REP2-011] regarding both aviation safety and marine navigational safety.</p>
DCO 1.10	Applicant	<p>Requirement 7 (and Schedules 3 & 4 paragraph 9): Amendments to approved details</p> <p>The Applicant quotes the Norfolk Boreas made DCO as precedent [REP1-023], but that DCO has a substantially more comprehensive drafting, including a sub-paragraph (2). The Applicant</p>

ExQ1	Question to:	Question:
		is asked to add further detail to this draft requirement and attempt to secure MMO agreement, having regard to the MMO's WR [REP1-048] .
Schedules 3 & 4 – draft Deemed Marine Licences		
DCO 1.11	Applicant	<p>Schedules 3 and 4 – general</p> <p>Check the draft DMLs for any potential ambiguity as to which “<i>statement</i>” is referred to in each condition.</p>
DCO 1.12	Applicant	<p>Schedules 3 and 4 – Paragraph 2(e) Licencing of Unexploded Ordnance clearance</p> <p>Justify further the inclusion of unexploded ordnance (UXO) <u>clearance</u> within the DMLs rather than under separate licencing, having regard to the MMO's D2 submission and any ongoing discussions.</p>
DCO 1.13	Marine Management Organisation	<p>Schedules 3 and 4 – Paragraph 6 decommissioning</p> <p>The Applicant's response to Natural England RR-026.D26 and RR-026.F16 [PD1-017], states that “<i>It is the Applicant's intention to secure decommissioning activities through separate standalone marine licences at the relevant time.</i>”</p> <p>The MMO is asked:</p> <ul style="list-style-type: none"> i) If it satisfied with that procedure and with draft DCO Schedules 3 & 4 paragraph 6. ii) If the production of an outline Offshore Decommissioning Plan should be secured by condition in the draft DMLs.
DCO 1.14	Applicant Marine Management Organisation	<p>Schedules 3 and 4, Paragraph 9</p> <ul style="list-style-type: none"> i) The Applicant is asked to correct the revised wording in the draft DCO [REP2-011] which has a proofreading error missing out the word “or” before the new words “will not”. ii) The MMO is asked to clarify if it would like any further action taken with regard to the drafting of the DMLs Paragraph 9.
DCO 1.15	Marine Management Organisation	<p>Schedules 3 and 4 Condition 13 (3) Activities in the Outline Offshore Operations and Maintenance Plan (OOMP)</p> <p>Is the MMO satisfied with the range of activities identified in the Outline OOMP [APP-079] Table 1.2] and does it accept the qualification presented by [APP-079] paragraph 1.3.1.3]:</p>

ExQ1	Question to:	Question:
		<p>"Maintenance due to unexpected occurrences cannot be anticipated and therefore cannot be included within the application for Development Consent or within this plan."</p>
DCO 1.16	Applicant	<p>Schedules 3 and 4 Condition 13 (3) Further to the MMO's justification in [REP1-048], reconsider the MMO's request that the word 'substantially' is removed from this condition and justify why the draft DCO should not be so amended; [PD1-017] does not provide sufficient justification.</p>
DCO 1.17	Applicant	<p>Schedule 3 Condition 13 (4)</p> <ul style="list-style-type: none"> i) Why is Schedule 4 differently subdivided compared with Schedule 3, and 13(4) is missing from Schedule 4? ii) Comment in detail on Natural England's request for an additional condition that no cable protection may be deployed later than 10 years post-construction.
DCO 1.18	Marine Management Organisation	<p>Schedules 3 and 4 Condition 15 (11) Which does the MMO consider would be the most appropriate Plan to secure "periodic validation surveys of cable burial and protection" post-construction, as proposed by the Applicant in the mitigation and monitoring schedule (item 7.27 [REP2-015]).</p>
DCO 1.19	Applicant	<p>Schedules 3 and 4 Part 2 Condition 20(a)(ii) Further to the concern of the MCA [REP1-051] about potential impacts of micro-siting structures on maintaining adequate search and rescue (SAR) access and operations, the Applicant is asked to:</p> <ul style="list-style-type: none"> i) Confirm how lines of orientation and SAR lanes would be controlled through the agreement of final layout and secured through the DMLs, amending the definitional interpretation as necessary in the draft DCO. ii) Reconsider how two SAR lanes of 500m each could be maintained between turbine rotor blade diameter/swept area. iii) Amend the dimension in Condition 20(a)(ii) micro-siting of structures as appropriate. iv) Amend the dimensions in Project Description Table 3.7 Layout development principles 5 and 6 as appropriate.

ExQ1	Question to:	Question:
DCO 1.20	Applicant	<p>Schedules 3 and 4 Condition 20 (1)(d) Construction Method Statement</p> <p>The Mitigation and Monitoring Schedule [REP2-015] identifies how relevant mitigation measures will be secured through the DCO and it notes that an Offshore Construction Method Statement (CMS) is secured in each Marine Licence in Schedules 3 and 4 (condition 20(d)). The Applicant is asked why an outline CMS has not been submitted with the Application, especially as a number of mitigation measures that would feature within the document (for example scour protection management and minimising sandwave clearance) have been included in the modelled scenarios to reduce the significance of effect, and as the wording in the dDCO is as follows: “<i>an offshore construction method statement in accordance with the construction methods assessed in the environmental statement</i>”?</p>
DCO 1.21	Marine Management Organisation	<p>Schedules 3 & 4 Part 2 Condition 20(1)(d)(i): cable installation plan</p> <p>Historic England (paragraph 2.7 [REP1-046]) advises that pre-commencement surveys should be analysed to actively inform cable route selection in relation to features of known or potential archaeological interest. Paragraph 7.4 also refers to this. The outline written scheme of investigation (WSI) (paragraph 1.6.2.10 [APP-069] commits to archaeologist input to acquisition of survey data as the project progresses. Paragraph 1.6.3.1] requires archaeologist input to preparation of cable route clearance. However, Historic England recommends (paragraphs 10.3 and 10.4 [REP1-046]) that all such post-consent survey and data analysis “<i>must occur in a timely way to inform any pre-construction finalisation.</i>”</p> <p>The MMO is asked what additional security it would like to see provided by amendment to the outline WSI and the draft DMLs to enable the MMO advised by Historic England to be satisfied before construction commences that layout, cable routing and engineering design finalisation has been adequately informed in a timely way by archaeological survey data and analysis. Condition 20(1)(f) and/or Condition 20(2) and/or Condition 27 are also potentially affected.</p>
DCO 1.22	Marine Management Organisation	<p>Schedules 3 and 4 Part 2 Condition 20(1)(d)(i)(cc): cable monitoring burial surveys post-construction</p> <p>The MMO is asked if the CMS is an appropriate and adequate means to secure “<i>periodic validation surveys of cable burial and protection</i>” in the Operations and Maintenance phase, as proposed by the Applicant in the mitigation and monitoring schedule (item 7.27 [REP2-015]), considering that it is essentially a plan for the construction phase.</p>

ExQ1	Question to:	Question:
DCO 1.23	Applicant	Schedules 3 and 4 Part 2 Condition 20(1)(e): Environmental Management Plan contents Confirm the expected contents of the proposed Offshore Environmental Management Plan and the Marine Pollution Contingency Plan.
DCO 1.24	Marine Management Organisation	Schedules 3 and 4 Part 2 Condition 20(1)(e): Environmental Management Plan Having regard to the Applicant's explanation in its written hearing summaries (item 41 [REP1-0041]), would the MMO confirm the following: <ul style="list-style-type: none"> i) When it would expect final versions of these plans to be submitted for consultation with the MMO and other stakeholders. ii) Whether these plans should include reporting obligations to the Isle of Man authorities. iii) If a separate EMP for the decommissioning phase should be secured by the DCO if made.
DCO 1.25	Marine Management Organisation	Schedules 3 and 4 Part 2 Condition 20(1)(e)(v) The MMO is asked to clarify: <ul style="list-style-type: none"> i) Whether it sufficient that the proposed Scallop Mitigation Zone (SMZ) is secured only through the outline FLCP, such that it would only effectively be secured under the condition to develop an offshore EMP. ii) The proposed SMZ is not referenced on the Works Plan [APP-082] whereas the outline fisheries liaison and co-existence plan (FLCP) [REP2-019] illustrates an "indicative SMZ". Sould the Works Plan be amended to show the "indicative" SMZ and should co-ordinates for the SMZ be included in the draft DCO/DMLs?
DCO 1.26	Applicant	Schedule 4 Condition 20(g): Aids to navigation management plan Correct the reference to condition 18 in Schedule 4 to read condition <u>16</u> (Schedule 3 is correctly drafted in this regard).
DCO 1.27	Applicant Marine Management Organisation	Schedules 3 & 4 Condition 20(h) <ul style="list-style-type: none"> i) The ExA notes that Condition 20(h) of the draft DMLs [REP2-011] requires submission of a final Marine Mammal Mitigation Protocol (MMMP) for approval for piling operations and Unexploded Ordnance (UXO) clearance. Can the Applicant clarify if Condition 23(b) of the draft DMLs is therefore necessary and if so, why?

ExQ1: Tuesday 29 October 2024

Responses due by Deadline 3: Tuesday 12 November 2024

ExQ1	Question to:	Question:
		<ul style="list-style-type: none"> ii) In the event that there would be more than one final MMMP, can the Applicant comment if there is a need for coordination of their provisions to ensure consistency? iii) Can the Applicant clarify why Condition 20(h) does not contain a requirement for the MMO to consult the relevant statutory conservation nature body. iv) Can the Applicant and the MMO clarify if they would have any objection to including a provision that requires the MMO to consult the Isle of Man Government before approval of any MMMP? v) Can the Applicant clarify if Condition 28(3) of the draft DMLs should be incorporated into Condition 20(h).
DCO 1.28	Maritime and Coastguard Agency	<p>Schedules 3 and 4 Condition 25: Offshore safety management</p> <p>Can the MCA clarify if there is any MCA guidance regarding safety related to offshore renewable energy installations, other than MGN654 that should be expressly included in this condition.</p>
DCO 1.29	Applicant	<p>Schedules 3 and 4 Condition 27: Pre-construction monitoring</p> <p>Natural England (section 3.2, [REP1-054]) advises that geophysical survey design and analysis should be conducted in such a way as to enable adequate data collection for long term comparisons of change effects. Do you agree and if yes, how would that be secured through the IPMP?</p>
DCO 1.30	Applicant	<p>Schedules 3 and 4 Condition 29(6): Post-construction monitoring</p> <p>Review if a new condition 29(6) requested by the MMO should be worded ‘shall’ or ‘must’ instead of “<i>will</i>”?</p>
DCO 1.31	Applicant	<p>Schedules 3 and 4 Condition 29 Post-construction monitoring</p> <p>Provide further justification for the Applicant’s position in [PD1-017] resisting any monitoring on the basis that the EIA shows no significant effects in EIA terms, having regard to the potential need for adaptive mitigation and management and that the MMO’s [RR-020] and NE’s [RR-026] as well as the IoM Government’s [RR-015] express concerns that conditions included within the draft DMLs do not secure any ecological monitoring post-construction. NE recommends that Monitoring of benthic, offshore ornithology and marine mammals should be conditioned, and the IoM Government and MMO seek monitoring of fisheries and cable burial.</p>

ExQ1	Question to:	Question:
Other		
DCO 1.32	Applicant	<p>Schedule 5: Certified Documents</p> <p>The Applicant is asked to check the documents contained within the certified documents and in particular the referencing for the Environmental Statements, considering the additional clarification notes and errata submitted to date.</p>
DCO 1.33	Applicant	<p>Made Development Consent Orders</p> <p>Paragraph 4.4 of the EM [REP1-023] refers to comparable precedent orders. Triton Knoll Offshore Wind Farm Order 2013 and the National Grid (Yorkshire Green Energy Enablement Project) Order 2024 have been deleted from the previous version [AS-005] but both of these Orders are referred to within the EM.</p> <p>Could the Applicant include both of these projects within the table at paragraph 4.4 of the EM, or clarify why they have been deleted?</p>
HRA Habitats Regulations Assessment		
HRA 1.1	Applicant Natural Resources Wales	<p>Habitats Regulations Assessment Derogation</p> <p>NPS EN-1 paragraph 5.4.27 states that a derogation case should be provided by an Applicant as soon as is reasonably possible and before the close of the examination if a Statutory Nature Conservation Body (SNCB) gives an indication in Examination that the Proposed Development is likely to adversely impact the integrity of habitat sites.</p> <p>NE [RR-026] and [REP1-053] have stated it is not satisfied that it can be excluded beyond reasonable scientific doubt that the Proposed Development would have an adverse effect alone or in-combination on the integrity of the following sites:</p> <ul style="list-style-type: none"> • Liverpool Bay Special Protection Area (SPA); • Morecambe Bay and Duddon Estuary SPA and Ramsar; • Ribble and Alt Estuaries SPA and Ramsar; • Bowland Fells SPA; • Isles of Scilly SPA; and

ExQ1	Question to:	Question:
		<ul style="list-style-type: none"> Flamborough and Filey Coast SPA. <p>The ExA notes that in recent decisions on offshore windfarms, the Secretary of State has agreed that derogations cases are required in relation to effects on the Flamborough and Filey Coast SPA.</p> <p>The Applicant is requested to provide an in principle derogations case in view of the SNCB position. The ExA is mindful of the Secretary of State’s duties under the Conservation of Habitats and Species Regulations 2017 and the Conservation of Offshore Marine Habitats and Species Regulations 2017, and of the impact of this submission on the smooth running of the Examination.</p>
HRA 1.2	Natural Resources Wales	<p>Welsh Designated Sites</p> <p>NRW [RR-027, point 25] has stated that it cannot yet reach conclusions on the level and significance of impacts to Welsh designated site features from the project alone, based on the information currently provided.</p> <p>NRW is requested to confirm its position whether an adverse effect beyond reasonable scientific doubt cannot be ruled out for any European site.</p>
HRA 1.3	Applicant	<p>Design Envelope</p> <p>The HRA has assessed a worst-case scenario of up to 96 turbines with a maximum rotor diameter of 250m and maximum blade tip above LAT of 293m. Schedule 2 of the draft DCO [REP2-011] allows up to 96 turbines with a maximum rotor diameter of 320m and maximum blade tip above Lowest Astronomical Tide (LAT) of 364m.</p> <p>Can the Applicant explain why it considers the HRA has assessed the worst-case scenario and provide assurances that impacts of greater magnitude than have been assessed would not occur?</p>
HRA 1.4	Natural England Natural Resources Wales	<p>Barrier Effects</p> <p>The Applicant states that “<i>The likelihood of the Morgan Array Area resulting in barrier effects for qualifying features of SPAs are low...</i>” (paragraph 1.4.5.16 of [APP-099]). The screening</p>

ExQ1	Question to:	Question:
		<p>matrices [APP-099] further explain that this is due to the large foraging ranges used by seabirds and the large distances from the Morgan Array Area at which the SPAs are located. Do NE and NRW agree with the Applicant's statements and that barrier effects can be screened out for all phases?</p>
HRA 1.5	Applicant Natural England Natural Resources Wales	<p>In-combination Effects at Screening</p> <p>Section 1.4 of the HRA Stage 1 Screening Report [APP-099] details the Applicant's overarching approach to assessing in-combination effects. For screening LSE in combination, it states that it is not necessary to consider in-combination effects for sites/ features for which an LSE 'alone' has been identified – rather, it is for those where no LSE was concluded.</p> <p>However, this is contradicted in numerous screening matrices which state that (ExA emphasis): "Where the additional mortality associated with the Morgan Generation Assets is zero birds or it has been concluded for the project alone that there is no LSE it is considered that the Morgan Generation Assets will not act in-combination with other plans and projects and therefore no LSE is concluded" (eg. Table 1.67 note g [APP-099]).</p> <p>The ExA notes the Applicant's commitment to assessing in-combination effects where no LSE from the project alone has been concluded, as set out in section 1.4 of the HRA Stage 1 Screening Report [APP-099].</p> <ul style="list-style-type: none"> i) Can the Applicant provide such an assessment, where this has not been done within the HRA and identify the projects or plans considered? ii) Do NE or NRW consider that there is the potential for an in-combination LSE for any site/ feature where the Applicant has excluded a LSE from the project alone?
HRA 1.6	NatureScot Northern Ireland Department of Agriculture, Environment and Rural Affairs JNCC	<p>HRA Stage 1 and Stage 2 Assessments</p> <p>The sites for which LSE could not be excluded include those in Wales, Northern Ireland and Scotland.</p> <p>NE's RR [RR-026] highlights need for Applicant to consult the relevant SNCBs on impacts to non-English sites. NRW's RR [RR-027] highlights concerns with the assessment.</p>

ExQ1	Question to:	Question:
		<p>The SNCBs for Scotland and Northern Ireland (NatureScot, and the Department of Agriculture, Environment and Rural Affairs (DAERA)) have been invited to participate in the Examination as Other Persons in Appendix B of the ExA's Rule 6 letter [PD-001].</p> <p>The Applicant's response to NE [RR-026] [PD1-017], p142] confirms that it has consulted with all relevant stakeholders, including NatureScot, and refers to the Consultation Report [APP-088], the Technical Engagement Plan [APP-094] and appendix D Part 4 [APP-092].</p> <p>Can NatureScot, DAERA and the JNCC confirm whether they are in agreement with the outcomes of the Applicant's HRA [APP-096, 097, 098, 099] and [APP-100] for the relevant non-English sites?</p>
HRA 1.7	Applicant	<p>HRA Stage 2 Assessment – SPA/ Ramsars</p> <p>Table 1.46 (Summary of integrity test: Step 1) [APP-098] states that the breeding seabird assemblage feature of Rathlin Island SPA has been carried forward to Integrity Test: Step 2.</p> <p>Table 1.47 (SPAs and Ramsar sites and relevant offshore ornithological features for which the potential for adverse effects on integrity (AEol) could not be discounted in the integrity test: Step 1) [APP-098] does not include Rathlin Island SPA. Section 1.6.2 (Rathlin Island SPA – feature accounts) lists guillemot of the Rathlin Island SPA, but not the breeding seabird assemblage feature.</p> <p>Can the Applicant confirm the outcome of the Step 1 integrity test for all features of the Rathlin Island SPA and if necessary, provide the feature account information for the breeding seabird assemblage feature omitted from Section 1.6.2?</p>
HRA 1.8	Applicant	<p>HRA Stage 2 assessment – Special Area of Conservation (SAC) – Construction Method Statement</p> <p>The Applicant's Stage 2 SAC Report [APP-097] appears to rely upon measures in an Offshore Construction Method Statement (CMS) to avoid adverse effects on the qualifying features of the River Eden SAC from EMF associated with subsea electric cables. Table 1.20 [APP-097] makes the commitment to bury cables "where possible".</p> <p>Whilst submission and approval of an Offshore CMS is secured as condition 20(1)(d) of the deemed marine licence(s) within the draft DCO [REP2-011], an outline Offshore CMS has not</p>

ExQ1	Question to:	Question:
		<p>been submitted. The ExA therefore lacks confidence that the relevant commitment(s) would be secured.</p> <p>Can the Applicant provide an outline Offshore CMS, which encapsulates all relevant measures, can be referred to within relevant conditions and be certified within the DCO?</p>
HRA 1.9	Applicant Natural England Natural Resources Wales	<p>HRA Stage 2 Assessment – SAC Condition Assessments</p> <p>The Stage 2 SAC Report [APP-097] notes that condition assessments are not available for a number of SACs. Can the Applicant and NE/ NRW confirm whether condition assessments have since become available or are likely to become available during the course of the examination for any of the following:</p> <ul style="list-style-type: none"> • River Derwent and Bassenthwaite Lake SAC; • Solway Firth SAC; • North Anglesey Marine/ Gogledd Môn Forol SAC; • North Channel SAC; • Murlough SAC; • The Maidens SAC; • Bristol Channel Approaches/ Dynesfeydd Môr Hafren SAC; • Lundy SAC; and • Isles of Scilly Complex SAC.
HRA 1.10	Applicant	<p>Conservation Objectives</p> <p>Conservation Objectives are provided only for the SPAs/ Ramsars which reached Integrity Test: Step 2. The ExA will be considering the potential for adverse effects on all European sites that have reached Stage 2 in light of their conservation objectives.</p> <p>The Applicant is requested to:</p> <ul style="list-style-type: none"> i) Provide conservation objectives for all European sites for which a Likely Significant Effect has been identified.

ExQ1	Question to:	Question:
		ii) Confirm whether any qualifying features of the European sites assessed in the Stage 2 SPA/ Ramsar Report [APP-098] are in unfavourable condition and/ or have a restore Conservation Objective target?
HRA 1.11	Applicant Natural England	<p>Environmental Management Plan and Liverpool Bay SPA</p> <p>NRW in its RR [RR-027] raises concerns around impacts to red-throated diver and common scoter of Liverpool Bay SPA from vessel movements, noting that the offshore EMP would include measures to minimise disturbance to rafting birds from transiting vessels. The Stage 2 SAC Report [APP-097] and Stage 2 SPA/Ramsar Report [APP-098] rely upon measures in an Offshore EMP to avoid adverse effects on marine mammal and offshore ornithological qualifying features.</p> <p>The Applicant has responded to concerns raised by NE and NRW [RR-026; RR-027] regarding potential disturbance and displacement impacts from vessel movements on qualifying features of Liverpool Bay SPA (page 144 [PD1-017]). NRW [REP1-056] has subsequently stated that “... based on the adoption of best practice vessel operations to minimise disturbance it is likely that an AEoSI from operation and maintenance vessel movements can be ruled out...”.</p> <p>Can the Applicant provide an outline Offshore EMP to provide assurance that all measures relied upon to avoid AEoI are secured? This should include any proposed measures to minimise disturbance to rafting birds from transiting vessels, noting this is a specific concern of NE [RR-026] and NRW [RR-027] in relation to qualifying features of Liverpool Bay SPA.</p> <p>Can Natural England subsequently confirm whether the Applicant’s response addresses their concerns and what mitigation, if any, would allow them to agree that an AEoI could be excluded?</p>
HE Historic Environment		
Marine Archaeology		
HE 1.1	Historic England	<p>Dimensional Parameters for Archaeological Exclusion Zones</p> <p>Historic England is asked to confirm whether the dimensional parameters for Archaeological Exclusion Zones proposed in the Outline Written Scheme of Investigation (WSI) [APP-069] are acceptable.</p>

ExQ1	Question to:	Question:
HE 1.2	Historic England	<p>Assessment of Residual Risk of Harm to Archaeology</p> <p>In paragraph 4.11 Historic England’s WR [REP1-046] HE does not agree the conclusion of no significant effects after mitigation in the ES [APP-026], on the basis that the assessment does not accurately reflect the residual risk of harm to archaeological assets despite embedded mitigation proposed. Historic England is asked to comment further on whether it is satisfied with the response given by the Applicant at section 2.4 [REP2-005] and if not, what it would need to be satisfied that effects after mitigation would not be significant in EIA terms.</p>
HE 1.3	Historic England	<p>Revised Mitigation and Means of Securing the Commitments</p> <p>Please review and confirm your acceptance or otherwise of the amended mitigation and means of securing the commitments in the revised Mitigation and Monitoring Plan [REP2-016] with tracked changes].</p>
HE 1.4	Applicant	<p>Additional Security for Effective Pre-Construction Response to Archaeological Survey</p> <p>With regard to Historic England’s concerns [REP1-046] that the DMLs should secure that any archaeological investigation in the pre-construction phase would “<i>adequately inform the planning and engineering design</i>”, can it propose alternative wording of a DML condition to give comfort by clearly specifying that a post-consent WSI must address that point.</p>
HE 1.5	Applicant	<p>Improvements to the Outline Offshore WSI</p> <p>In section 7 of Historic England’s WR [REP1-046] HE makes a number of requests for editing and improvement of the outline offshore WSI for archaeology, particularly regarding survey methodology. To capture your responses to Historic England’s WR, the ExA requests that you produce an amended outline WSI by Deadline 4 to enable further review by Historic England and to assist the final SoCG at Deadline 6.</p>
HE 1.6	Applicant	<p>Cable Survey Requirements During Operations and Maintenance</p> <p>In paragraph 2.8 Historic England’s WR [REP1-046] HE advises that cable survey requirements during operations and maintenance need to be adequately informed by an understanding of dynamic seabed conditions (to manage risk of adverse effects to archaeology).</p> <p>Advise what commitment is proposed to ensure this and how it would be secured.</p>

ExQ1	Question to:	Question:
HE 1.7	Applicant	<p>Micrositing Allowance Related to Archaeological Mitigation</p> <p>Review with Historic England and report on any consequential effects to archaeological impact mitigation of changing the micrositing allowance in response to MCA's SAR requirements from 125m to the 50m dimension predated in previous made orders for OWFs, and update the Layout principles 5 and 6 accordingly.</p>
HE 1.8	Applicant	<p>SoCG with Historic England</p> <p>Submit a SoCG with Historic England at Deadline 3.</p>
HE 1.9	Applicant	<p>Paragraph Numbering of page 37 of the ES Volume 2, Chapter 8</p> <p>The paragraph numbering of page 37 of the ES Chapter 8 [APP-026] is incorrect, therefore the Applicant should submit a corrected version.</p>
Terrestrial Heritage Assets		
HE 1.10	Isle of Man Government Territorial Seas Committee	<p>Setting of Isle of Man Heritage Assets</p> <p>Table 1.2 (and Figures 1.6 and 1.7) of the Cultural Heritage Assessment in ES Volume 4, Annex 8.2 [APP-062] indicates that there are 44 Ancient Monuments, 195 Registered Buildings and 18 Conservation Areas on the IoM within the settings study area and ZTV for the Proposed Development. Similarly, Figure 1.9 and Table A.2 set out the heritage assets on the Isle of Man taken forward for assessment.</p> <p>The IoM Government's LIR [REP1-047] does not include any commentary on effects on setting of terrestrial heritage assets on the IoM. Whilst noting that the Applicant has submitted a 'letter of comfort' from Manx National Heritage [REP1-036], it is not an IP in this Examination.</p> <p>Could the Isle of Man Government:</p> <ol style="list-style-type: none"> i) Explain whether Manx National Heritage forms part of the Isle of Man Government, and if it has any comments to make on the 'letter of comfort' from Manx National Heritage. ii) Provide details of any policies and/or legislation which apply to consideration of the settings of heritage assets. iii) Confirm whether it is in agreement with the Applicant's approach to assessment in section 8.5.2 of ES Volume 2, Chapter 8 [APP-026] which notes that in the absence of a formal definition of the setting of a historic asset on the IoM, the definition used for this assessment is the one defined in the UK's National Planning Policy Framework, an

ExQ1	Question to:	Question:
		<p>approach that has previously been used with the approval of Manx National Heritage on other projects on the IoM.</p> <p>iv) Provide details of the status of the IoM’s heritage assets taken forward for assessment including any descriptions or assessments of their significance that are available.</p> <p>v) Confirm whether it is satisfied with the selection of viewpoints within the vicinity of a range of the Isle of Man’s heritage assets as included in ES Volume 4, Annex 10.6 [APP-039, 40, 41, 42, 43 and APP-044].</p> <p>vi) Provide comment on whether it is satisfied with the content of ES Volume 2, Chapter 8 [APP-026] and ES Volume 4, Annex 8.2, the Cultural Heritage Assessment [APP-062], relating to:</p> <ul style="list-style-type: none"> ○ The list of heritage assets taken through to assessment (Table A.2 [APP-062]), and the Applicant’s reasons for scoping out other heritage assets set out in the Gazetteer (pages 120 to 145 [APP-062]). ○ The conclusions of [APP-026] relating to effects on setting of Isle of Man heritage assets both project-alone (section 8.8.7) and cumulatively (section 8.10.6). In particular, the ExA seeks your comments on cumulative Scenario 3, which concludes moderate adverse effects (significant in EIA terms) for: the Point of Ayre lighthouse (147); the Point of Ayre fog horn (297); the small lighthouse on the Point of Ayre Beach known as Winkie (298); and the Maughold lighthouse (300).
HE 1.11	Historic England Natural England	<p>World Heritage Sites</p> <p>The ExA notes from Historic England’s WR [REP1-046] that it is “<i>prepared to agree with the assessment presented that effects during construction, operations and maintenance, and decommissioning of the Morgan Generation project on the assessed designated historic assets within the English study area are not significant in EIA terms</i>” (para 4.9) and that it has “<i>no further comment or other advice to offer regarding the conclusions drawn by the Applicant, as relevant to any cumulative impact on the setting of heritage assets in the English coastal zone</i>” (para 6.3).</p> <p>However, no specific comments are made by Historic England or Natural England regarding the Applicant’s assessment of World Heritage Sites (WHS), of which both Hadrian’s Wall and</p>

ExQ1	Question to:	Question:
		<p>the English Lake District were scoped out of assessment for the reasons given in Appendix B of the Cultural Heritage Assessment [APP-062].</p> <p>Nonetheless, the Seascape Landscape and Visual Impact Assessment (SLVIA) includes at Annex 10.5 [APP-038] an assessment of effects of the Proposed Development on the English Lake District WHS, and there are a number of viewpoints taken from within the WHS (Figures A.1 to A.3 [APP-038] and Annex 10.6 [[APP-039, 40, 41, 42, 43 and APP-044]]).</p> <p>Historic England and Natural England are asked:</p> <ol style="list-style-type: none"> i) Whether they agree with the Applicant's reasons for scoping the WHS out of the Heritage Impact Assessment. ii) Provide comment on the above-mentioned SLVIA documents which relate to the WHS.
MFS Marine Fish & Shellfish Ecology		
MFS 1.1	Applicant	<p>References for mitigation proposed in ES Volume 2, Chapter 3</p> <p>References to "section 3.7.1.2" throughout ES Volume 2, Chapter 3 [APP-021] for mitigation proposed appear to be incorrect. Confirm if these references intend to refer to section (paragraph) 3.8.1.2 of [APP-021]. If so, this should be reflected in an errata document.</p>
MFS 1.2	<p>Marine Management Organisation</p> <p>Natural England</p> <p>Natural Resources Wales</p>	<p>Seasonal Exclusion Period for Piling</p> <p>A seasonal piling restriction has been suggested by Natural England [RR-026] and the MMO [RR-020] to mitigate underwater sound and vibration effects on herring and cod during installation of the offshore substation. The Applicant's Deadline 1 submission in response to Issue Specific Hearing 1 Action Point 14 [REP1-009] states that the application of blanket seasonal restrictions at this stage could be disproportionate to the ecological risk.</p> <ol style="list-style-type: none"> i) What is the MMO and Natural England's view on the proportionality point? ii) Is any further evidence available to help define an appropriate and informed 'sensitive' exclusion period for the area of the Proposed Development? iii) Could a refined spatial piling exclusion area be defined instead of an exclusion period over the whole array area? iv) Noting that soft-start ramp ups has been explicitly rejected by the MMO, Natural England and NRW as a primary mitigation measure to reduce the risk of injury/mortality

ExQ1	Question to:	Question:
		<p>to fish, what type of measures are feasible and specific to fish that could prevent the need for a seasonal piling restriction?</p> <p>v) Are any changes necessary to the draft DCO/DMLs to reflect seasonal piling restrictions as a fallback position in the event that appropriate post consent controls/measures are not able to be agreed in the final Underwater Sound Management Strategy?</p>
MFS 1.3	Applicant Marine Management Organisation Natural England	<p>Scoped Out Impacts</p> <p>In its Scoping Opinion the Planning Inspectorate advised that it was not content to scope out the possible impacts of underwater wind turbine sound and it reserved its position on scoping out underwater sound from vessels. There does not appear to be any information on wind turbine sound impacts on fish and shellfish receptors during the operational phase submitted. The ExA notes the justification provided in Table 3.8 of ES Volume 2, Chapter 3 [APP-021] but is unclear if the evidence referenced can be applied to turbines of the size and number proposed.</p> <p>i) Can the Applicant provide project specific information on underwater sound from wind turbines during the operational phase?</p> <p>ii) Can the MMO and NE advise of any specific concerns regarding potential underwater sound from turbines and/ or vessels during the operational phase impacting fish and shellfish receptors?</p>
MFS 1.4	Applicant	<p>Maximum Design Scenario Discrepancies in Table 3.18</p> <p>The MDS for long term habitat loss during Construction, Operations and Maintenance Phases in Table 3.18 of ES Volume 2, Chapter 3 [APP-021] states up to 1,309,252m² of long term habitat loss in total, with 735,488m² from the presence of up to 68 wind turbine foundations and 24,964m² from the presence of four OSPs on suction bucket four legged jacket foundations with scour protection; and 510,000m² of habitat loss from cable protection for inter-array and inter-connector cables, and 38,000m² of habitat loss for cable crossing protection. However, the MDS for introduction and colonisation of hard structures states up to 1,791,198m² of artificial structures comprising of up to 68 turbines and four OSPs on suction bucket foundations with scour protection, and the same amount of cable protection as that stated in the MDS for 'long term habitat loss'.</p> <p>i) Can the Applicant explain why the MDS figures for long term habitat loss and the introduction and colonisation of hard structures are not the same m² areas when the</p>

ExQ1	Question to:	Question:
		<p>same number and type of turbines/OSPs and length/width/percentage of scour and cable protection parameters are used for the MDS in both impacts?</p> <p>In addition, the justification column for the MDS for long term habitat loss and the introduction and colonisation of hard structures states the MDS for both impacts is based on the maximum number of wind turbine and OSP foundation types. Given that the maximum number of wind turbines proposed in the Application is 96, it is unclear why the MDS for both impacts refers to 68 turbines only.</p> <p>ii) The Applicant is required to review the discrepancy in the MDS and justification columns in Table 3.18 and submit an updated ES Chapter if revisions are required.</p>
MFS 1.5	Applicant	<p>Possible Correction to Paragraph 3.9.2.11</p> <p>Paragraph 3.9.2.11 of ES Volume 2, Chapter 3 [APP-021] refers to the magnitude of impact on “<i>most subtidal IEFs</i>”. The ExA assumes that this is this meant to say, “<i>most fish and shellfish ecology IEFs</i>”.</p> <p>Can the Applicant clarify and include any revision in the errata sheet.</p>
MFS 1.6	Applicant Marine Management Organisation Natural England	<p>Recovery Period for Temporary Habitat Loss/Disturbance</p> <p>Paragraph 3.9.2.18 of ES Volume 2, Chapter 3 [APP-021] states that the recoverability and rate of recovery of an area after large scale seabed disturbance is linked largely to substrate type, but that gravelly and sandy habitats, similar to those found in the Morgan fish and shellfish ecology study area, have been shown to return to baseline species abundance in 5-10 years.</p> <p>Paragraph 3.9.2.61 states that the MDS for the decommissioning phase assumes that all foundations and cables will be removed and that the decommissioning sequence will generally be a reverse of the construction sequence.</p> <p>Assuming that it would take another 5-10 years post decommissioning to return to the baseline species abundance, can the Applicant, the MMO and Natural England advise why the impact of construction and decommissioning on large scale seabed disturbance should not be reconsidered as a long-term habitat loss impact.</p>
MFS 1.7	Applicant	<p>Inter-related Effects</p> <p>Paragraph 3.9.3.6 of ES Volume 2, Chapter 3 [APP-021] states that sound sources such as cable installation are non-percussive and will result in much lower sound levels and therefore</p>

ExQ1: Tuesday 29 October 2024

Responses due by Deadline 3: Tuesday 12 November 2024

ExQ1	Question to:	Question:
		<p>smaller injury ranges than those predicted for piling, and so are not considered further for effect on fish and shellfish receptors. While the effect of two or more pressures acting together may not necessarily be additive this does not rule out such a possibility occurring.</p> <p>Can the Applicant advise whether there would be any inter-related effects on fish and shellfish receptors from these non-percussive operations occurring at the same time as piling, and if not, why not.</p>
MFS 1.8	Applicant	<p>Piling MDS Clarification</p> <p>Paragraph 3.9.3.8 of ES Volume 2, Chapter 3 [APP-021] states that the pin piling activities are represented by the installation of up to 64 pin piled four legged jacket foundations with one pile per leg (up to 256 piles total). Paragraph 3.9.3.9 then states that up to 96 gravity base foundations will be installed but 10 might need ground strengthening using pin piles at 15 per foundation (up to 150 piles total).</p> <p>The MDS for piling in ES Volume 2, Chapter 4 (see Table 4.16 [AS-010]) states that up to 32 gravity base foundations will be installed, with up to 10 possibly needing strengthening.</p> <p>Please clarify which is the correct number of gravity base foundations in the MDS for piling sound given the discrepancy in the aforementioned ES Chapters?</p>
MFS 1.9	Applicant	<p>Cumulative Effect Underwater Sound Discrepancies</p> <p>Paragraph 3.11.3.7 of ES Volume 2, Chapter 3 [APP-021] relating to cumulative impacts from underwater sound, states that in cumulative effects Scenario 3 (Tier 1) the effects to cod from the addition of the Mona Offshore Wind Farm in construction phase are considered not significant. In addition, cod is not mentioned at all for cumulative impacts with Awel y Mor in Paragraph 3.11.3.7. However, in supporting Table 3.35 for Scenario 3, Tier 1, the cumulative significance of effect for cod is reported as moderate adverse, which is significant in EIA terms. The Applicant is requested to review these discrepancies and provide an updated assessment.</p>
MM Marine Mammals		
MM 1.1	Applicant	<p>Concurrent Piling</p> <p>Can the Applicant:</p> <ul style="list-style-type: none"> i) Clarify what is meant by concurrent piling, i.e. two rigs at one turbine site, or one rig only at two turbine sites.

ExQ1	Question to:	Question:
		<p>ii) Provide evidence of the measures that would be put in place to ensure that no more than two concurrent piling events would take place and set out how this would be secured in the DCO.</p>
MM 1.2	<p>Applicant Marine Management Organisation Natural England Natural Resources Wales</p>	<p>Concurrent Piling and Unexploded Ordnance (UXO) Clearance Can the Applicant:</p> <p>i) Advise if it is feasible that piling and UXO clearance activities may be undertaken concurrently? If so what are the implications for potential injury/disturbance to marine mammals (and fish).</p> <p>Can the IPs:</p> <p>ii) Advise whether there is a necessity to restrict or control the possibility of concurrent piling and UXO clearance activities?</p>
MM 1.3	Applicant	<p>Marine Mammal Mitigation Protocol (MMMP): Points of Clarification At Issue Specific Hearing 1 the Applicant explained that a separate Marine Licence will need to be sought prior to construction for pre-construction geophysical and geotechnical surveys. The MMMP is intended to reduce or eliminate the risk of injurious effects of underwater sound due to piling, UXO clearance and geophysical surveys on marine mammals, yet if pre-construction geophysical and geotechnical surveys are to be controlled by separate marine licence, the mitigation measures in the MMMP will not be triggered for those operations. This seems at odds with paragraph 1.5.1.2 of the outline MMMP [APP-072] which states that the specific measures to mitigate the injurious effects of UXO clearance, piling and geophysical surveys during the pre-construction and construction phases of the Morgan Generation Assets will be determined post-consent in consultation with the licensing authority (MMO) and SNCBs.</p> <p>i) Can the Applicant therefore confirm for the avoidance of doubt that the MMMP will specifically apply to pre-construction geophysical surveys if they involve sound generating activities such as multibeam echosounders and sub-bottom profilers, and if so which condition(s) in the dDMLs would trigger the submission and approval of a final MMMP before pre-construction geophysical surveys could be conducted?</p> <p>ii) Would the definition of ‘commence’ (which currently excludes pre-construction surveys) need to be amended? If not, how would pre-construction geophysical surveys currently excluded in the definition of commence be controlled, monitored and mitigated?</p>

ExQ1	Question to:	Question:
MM 1.4	Applicant	<p>Acoustic Deterrent Devices (ADDs)</p> <p>Table 4.17 of ES Volume 2, Chapter 4 [AS-010] sets out the possible mitigation measures that may be employed for marine mammals. For piling operations ADDs are noted in the outline MMMP [APP-072] as one such possible mitigation measure. Paragraph 4.9.3.15 explains that the <i>Lofitech</i> ADD is one of the loudest devices available.</p> <p>While it is acknowledged that the choice of ADD has not yet been confirmed, can the Applicant explain whether the sound impacts associated with ADDs has been assessed? If not, why not?</p>
MM 1.5	Marine Management Organisation Natural England Natural Resources Wales	<p>Masking</p> <p>In relation to the assessment of effects from underwater sound on marine mammals the Applicant states at Paragraph 4.9.1.2 of ES Volume 2, Chapter 4 [AS-010] that there is insufficient evidence to properly evaluate masking and no relevant threshold criteria to enable a qualitative assessment.</p> <p>Can the MMO, Natural England and NRW advise if they agree with this statement? If not can they suggest whether the Applicant needs to address the masking scenario?</p>
MM 1.6	Applicant	<p>Hammer Energies</p> <p>Paragraph 4.9.1.20 of ES Volume 2, Chapter 4 [AS-010] states that the harbour porpoise dose response curve was derived from measurements taken at Beatrice Offshore Wind Farm and was based on piling at much smaller hammer energies (average of ~ 1,000 kJ). Paragraph 4.9.2.5 goes on to say that the scenarios modelled for Morgan were based on the absolute maximum hammer energies of 4,400 kJ or 3,000 kJ ... The piling campaign was developed with the lowest achievable hammer energy...</p> <p>Noting that the hammer energies proposed for Morgan (3,000 kJ and 4,400 kJ) are significantly larger than those used in Beatrice, which installed jacket foundations, can the Applicant explain:</p> <ul style="list-style-type: none"> i) The basis for determining the hammer energies proposed for Morgan. ii) Why lower hammer energies (such as in Beatrice) are not considered suitable.
MM 1.7	Applicant	<p>Minor corrections of paragraph numbers</p> <p>On page 121 of 479 in ES Volume 2, Chapter 4 [AS-010] the first paragraph of the Minke Whale section starts with A.1.1.1.1 but should start with 4.9.2.88 with the subsequent</p>

ExQ1	Question to:	Question:
		<p>paragraphs renumbered accordingly. Provide an updated Chapter 4 by Deadline 6 with the numbering corrected to aid the ExA's referencing during reporting.</p>
MM 1.8	<p>Marine Management Organisation Natural England</p>	<p>UXO High Order Clearance Sound Modelling</p> <p>Paragraph 4.9.3.2 ES Volume 2, Chapter 4 [AS-010] relating to UXO clearance states that sound modelling for high order detonation, acoustic modelling was undertaken following the methodology described in Soloway and Dahl (2014).</p> <p>Given the 2014 date of the Soloway and Dahl publication, can the MMO and NE advise if this is the most up to date/ best practice method?</p>
MM 1.9	<p>Applicant</p>	<p>UXO Clearance Rates</p> <p>Paragraph 4.9.3.6 of ES Volume 2, Chapter 4 [AS-010] and Paragraph 1.4.3.9 of the Outline MMMP [APP-072] regarding the magnitude of UXO clearance during construction, state that the aim is to enable clearance of “at least” one UXO per tide cycle.</p> <p>Can the Applicant advise on how many clearances could take place per tide cycle and if more than one whether an accumulated impact been assessed in the ES and HRA? If only one UXO clearance will be undertaken per tidal cycle then the words “at least one” need to be replaced with “only one” and revised documents submitted with that change enacted.</p>
MM 1.10	<p>Applicant</p>	<p>Behavioural Responses to Underwater Sound</p> <p>The ES [AS-010] suggests that the behavioural response effects on marine mammals from elevated underwater sound is reversible and receptors are expected to recover within hours/days following the cessation of the sound producing activity.</p> <p>The ExA acknowledges that there may be breaks between construction activity to enable a receptor to recover from the impact, however, NRW has noted in its WR [REP1-056] that the potential effects of aggregate exposures to one or multiple pressures has not been discussed. Natural England also made reference to a study by Yang <i>et al</i> (2021) in [RR-026] (Ref C12) which stated if cortisol levels persist elevated for extended period of time (exposure to high or cumulative sound levels for days to months), the high hormone level can have negative effects on immune response, growth and reproduction.</p> <p>Can the Applicant advise:</p> <ol style="list-style-type: none"> i) If it has considered the Yang et al study.

ExQ1	Question to:	Question:
		ii) Whether the magnitude should be upgraded to medium as suggested by NE in light of the Yang et al study. iii) Why it has not carried out an assessment of the potential effects of aggregate exposure.
MM 1.11	Applicant	<p>Interpretation of significance levels</p> <p>The ExA notes numerous instances in Marine Mammals ES Volume 2, Chapter 4 [AS-010] where significance of effect could be one of two options (eg minor or moderate). Natural England also raised this issue in [RR-026] and believes that a precautionary principle should be applied, especially where a Rochdale envelope has been used.</p> <p>The ExA notes the Applicant's response [PD-017] (RR-026.C1/C11/C17/C35) but would like the Applicant to provide justification for why it has used the lower value of two options for PTS injury to harbour porpoise from UXO clearance (moderate instead of major)? The lower value has been reported in the project only and cumulative effects conclusions and lacks justification. Please note that it will be insufficient of the Applicant to respond to the ExA by simply stating that the final significance is based upon the topic expert's professional judgement as to which outcome delineates the most likely effect. The ExA will require a more detailed response to this question.</p>
MM 1.12	Marine Management Organisation Natural England Natural Resources Wales	<p>Cumulative Underwater Sound: Residual Effects</p> <p>The cumulative effects assessment in ES Volume 2, Chapter 4 Marine Mammals [AS-010] identifies potentially significant adverse residual effects in terms of cumulative piling sound impacts on Bottlenose Dolphin and cumulative UXO clearance sound on harbour porpoise. The Applicant proposes that mitigation measures will be developed in consultation with the licensing authority and SNCBs post-consent to reduce any potential residual effects for Bottlenose Dolphin and Harbour Porpoise.</p> <p>Can the MMO, Natural England and NRW confirm if they are confident that mitigation options exist to reduce the residual effects.</p>
MM 1.13	Applicant Marine Management Organisation Natural England	<p>Cumulative Assessment – Injury due to Collision with Vessels</p> <p>Table 4.57 in ES Volume 2, Chapter 4 [AS-010] relating to the cumulative increased likelihood of injury due to collision with vessels suggests that sound emissions from vessels will likely deter animals from the potential zone of impact.</p>

ExQ1	Question to:	Question:
	Natural Resources Wales	Given that this part of the Irish Sea is well-trafficked with vessels, and given the potential temporal and spatial overlap with other projects, can the Applicant, the MMO, NE and NRW clarify if there a possibility that an animal fleeing the sound of construction/maintenance vessels (or indeed piling/ UXO clearance) from one project might find themselves within the zone of influence of another project?
MM 1.14	Applicant	<p>Cumulative Effects, Cross Referencing Corrections</p> <p>In Appendix A1 of ES Volume 2, Chapter 4 [AS-010] the Applicant should correct discrepancy at Paragraph A.1.1.1.63 which states “maximum number of animals predicted to be disturbed is up to 2,112 (Table A.8)...” The ExA believes that the table that should be referenced is Table A.2 and not Table A.8.</p> <p>The Applicant should also:</p> <ul style="list-style-type: none"> • Include reference to Table A.1 alongside Table A.2 in paragraph A.1.1.1.7. • Include reference to Table A.2 alongside Table A.1 in paragraph A.1.1.1.62. • Include reference to Table A.2 alongside Table A.1 in paragraph A.1.1.6.64. • Review all cross references to Tables within Appendices A & B of ES Volume 2, Chapter 4 to ensure that the correct tables are cited in the text. • Submit a revised version of ES Volume 2, Chapter 4 (not simply an update to the Errata Sheet) with these changes made.
MM 1.15	Applicant	<p>Cumulative Effects Clarifications 1</p> <p>Paragraph A.1.1.2.32 of ES Volume 2, Chapter 4 [AS-010] states that the maximum cumulative number of harbour porpoises potentially affected by PTS from Morgan Generation Assets, Morgan and Morecambe Transmission Assets and Tier 1 projects is 650 animals, yet the figures supplied in Table A.7 for harbour porpoise whether summed or not, do not reflect the 650 number.</p> <p>Can the Applicant review and advise how the 650 number was arrived at.</p>
MM 1.16	Applicant	<p>Cumulative Effects Clarifications 2</p> <p>Section B.4.2.1 of Appendix B of ES Volume 2, Chapter 4 [AS-010], which relates to the results of the Marine Mammal Population Modelling for Bottlenose Dolphin, outlines the modelling population trajectory based on the Morgan Generation Assets project alone using two fertility</p>

ExQ1	Question to:	Question:
		<p>rates (0.22 and 0.3) for both maximum temporal and spatial scenarios. However, Section B.4.2.2, which outlines the modelling population trajectory for cumulative projects, uses only the 0.22 fertility rate.</p> <p>Can the Applicant advise why the 0.3 fertility rate has been excluded for cumulative projects.</p>
MM 1.17	Applicant	<p>Injury and Disturbance to Marine Mammals from Vessels</p> <p>Natural Resources Wales in its WR [REP1-056] reiterated its concerns regarding the Applicant's inadequate justification for an overall conclusion of low magnitude for injury and disturbance to marine mammals from vessels.</p> <p>Notwithstanding the submission of Annex 3.5 [PD1-010] which aimed to address NRW's concerns, the ExA requires the Applicant to submit a revised assessment (project only and cumulative) in accordance with the NRW suggestion of adapting the approach taken for the Wylfa Newydd project to gauge the number of animals affected by this impact pathway, or provide a comprehensive response as to why such an assessment does not need to be carried out.</p>
MM 1.18	Applicant	<p>Noise Abatement Systems (NAS)</p> <p>Both Natural England and the MMO reiterate in their WRs [REP1-048] and [REP1-053] the need for the Applicant to commit to NAS and not just consider it. NRW also state that NAS should be given more serious consideration [REP1-056].</p> <p>Can the Applicant advise why it is reluctant to commit to the deployment of NAS.</p>
MM 1.19	Applicant	<p>Update to Outline Marine Mammal Mitigation Protocol (MMMP)</p> <p>In its RR [RR-026] Natural England noted that there was no requirement to use ADDs during the geophysical surveys and requested an update to the MMMP [APP-072]. The Applicant noted the representation [PD1-017] (RR-026.C30) but made no amendment to the MMMP.</p> <p>The Applicant is requested to submit a revised version of the outline MMMP with removal of ADD reference in Paragraph 1.9.2.2 for the avoidance of doubt that ADD is not under consideration as mitigation for geophysical surveys.</p>
MM 1.20	Natural England	<p>Joint Nature Conservation Committee (JNCC) Guidance on UXO Clearance</p> <p>In the Applicant's response to Relevant Representations [PD1-017] it makes reference to new guidance being published soon by the JNCC on UXO clearance. As the consultee authorised</p>

ExQ1: Tuesday 29 October 2024

Responses due by Deadline 3: Tuesday 12 November 2024

ExQ1	Question to:	Question:
		to exercise the JNCC's functions in English Waters, can Natural England advise when publication of this guidance is expected, and if not, can it advise what guidance is currently in place and submit it into the Examination.
MM 1.21	Natural England	<p>Scare Chargers for UXO Clearance</p> <p>In its RR [RR-026] Natural England raised concern (C4) that it does not support the use of scare charges for UXO clearance and request this measure is removed from the final MMMP. Can NE explain if it is seeking inclusion of an alternative mitigation measure for impacts to marine mammals, or just removal of scare charges for UXO clearance?</p>
MM 1.22	Natural England	<p>Marine Mammal Sensitivity and Prey Availability</p> <p>In its RR [RR-026] Natural England raised concern (C18) that the Applicant had been inconsistent in its approach to assigning the sensitivity score for effects on marine mammals due to changes in prey availability. The Applicant's response [PD1-017] (RR-026.C18) stated that Minke whale are considered to have reliance on herring, whereas harbour porpoise and seal have ability to switch prey, and hence have different sensitivity.</p> <p>Can Natural England advise if Minke whale sensitivity should be upgraded to high based on single prey reliance? The ExA notes that Natural England has greyed out the C18 field in its Deadline 1 submission [REP1-053], which suggests NE does not think it will make a material difference, but clarity on this matter is required.</p>
MM 1.23	Applicant Natural England	<p>Sub-Bottom Profiler Surveys</p> <p>Natural England maintains that mitigation for displacement of harbour porpoises caused by SBP surveys should be identified (NE Risk and Issues Log C37, REP2-033).</p> <p>Can the Applicant identify appropriate mitigation measures that could be included in a future iteration of the outline MMMP?</p> <p>NE are then invited to provide a subsequent response.</p>
European Protected Species Licences		
MM 1.24	Marine Management Organisation	<p>European Protected Species (EPS) licences</p> <p>The MMO is responsible for wildlife licensing of activity in English waters.</p>

ExQ1	Question to:	Question:
		<p>The Applicant [APP-064] states that any necessary EPS licences would be applied for post grant of DCO. The Applicant does not explain which species this may/would relate to, but it is likely to be marine mammals.</p> <p>Can the MMO confirm if it is satisfied with the Applicant's approach as set out in [APP-064] to submit any necessary EPS licence applications post-consent?</p>
<p>MP Marine Physical Processes and Benthic Ecology</p>		
MP 1.1	Applicant	<p>Foundation Choice</p> <p>Within MDS Tables 1.13 and 2.16 of ES Volume 2, Chapters 1 and 2 respectively [APP-013 and APP-020] in relation to potential impact 'increased suspended sediment concentrations and associated deposition', the Applicant has stated that the MDS for foundation installation comprises 45 three legged jacket piles and 23 conical gravity base foundations. The justification column of these tables states that "<i>the maximum number of three legged jacket pile foundations to be installed for the largest wind turbine generators is 45 out of the 68 generators. Therefore the remaining 23 foundations are identified as conical gravity based foundations for the purpose of assessing suspended sediment concentrations.</i>"</p> <p>Can the Applicant explain why these foundation types (three-legged jacket piles/ conical gravity bases and no suction bucket foundations) and the particular split of 45/23 are suggested as having the worst case impact.</p>
MP 1.2	Applicant	<p>Gravity Base Ballast Amounts</p> <p>Paragraph 1.9.2.5 of ES Volume 2, Chapter 1 [APP-013] and paragraph 2.9.3.13 of Chapter 2 [APP-020], which relate to increase in suspended sediments during construction, states that it is proposed that a small proportion of the dredged material from site preparation, 7,000m³ per foundation, may be sequestered as ballast within the gravity base foundation with a maximum total volume of 490,000m³.</p> <p>The MDS for 'increase in suspended sediments' in Tables 1.13 and 2.16 of Chapters 1 and 2 respectively states that there will be 23 conical gravity base foundations. In this scenario the ballast required would be substantially less than 490,000m³ based on 7,000m³ for 23 foundations.</p> <p>The Applicant is required to review this and provide some clarification to the ExA on the misalignment of the figures.</p>

ExQ1	Question to:	Question:
MP 1.3	Applicant Natural England	<p>Ballast Material Disposal</p> <p>Paragraph 1.9.2.34 of ES Volume 2, Chapter 1 [APP-013] which relates to increase in suspended sediments, states that during decommissioning of gravity bases the ballast material will be disposed of 'off-site'. The ExA notes the Applicant's response to Natural England's Relevant Representation on the fate of ballast material [PD1-017] (RR-026.D20) but the ExA still remains unclear by what is meant by off-site disposal given the Applicant's reliance on a post consent decommissioning plan.</p> <ul style="list-style-type: none"> i) Can the Applicant provide more information on the likely possible disposal options for ballast material at decommissioning? ii) Can Natural England advise if it is satisfied with the Applicant's response in [PD1-017] (RR-026.D20) that any potential changes to sediment budgets or sediment transport regimes as a result of the Morgan Generation Assets will not cumulatively impact with the Mona Offshore Wind Project.
MP 1.4	Applicant	<p>Sandwave Recharge and Subtidal Habitat IEF Recovery</p> <p>Paragraph 1.9.5.14 of ES Volume 2, Chapter 1 [APP-013] which relates to sediment transport, states that the material which will be removed from the sandwaves to allow passage of the cable burial tool will not be removed from the site but will be relocated in close proximity to the sandwave such that it is readily available for sandwave recharge. Similarly it is stated in Paragraph 2.9.2.8 of ES Volume 2, Chapter 2 [APP-020] which relates to temporary subtidal habitat disturbance, that disturbed habitats are likely to recover from sandwave/boulder/UXO clearance as any mounds of cleared material will erode over time and displaced material will rejoin the natural sedimentary environment.</p> <p>Can the Applicant advise:</p> <ul style="list-style-type: none"> i) The timeframe for subtidal habitat IEF recovery, noting that paragraph 2.9.2.11 [APP-020] simply states that the impact is predicted to be short to medium term duration. Does the Applicant also intend to monitor the process and if not, why not. ii) The timeframe for sandwave recovery, and whether and how often it intends to monitor the process. If not, why not. iii) Clarify what effects cable removal at decommissioning stage may have on said sandwaves.

ExQ1	Question to:	Question:
MP 1.5	Applicant Marine Management Organisation Natural England	<p>Secondary Scour</p> <p>Both the MMO and Natural England have raised concerns that secondary scour has been scoped out of the ES. The Applicant's response [PD1-017] stated that <i>“secondary scour has been assessed within the context of impacts to sediment transport and sediment transport pathways due to presence of infrastructure in section 1.9.5 of Volume 2, Chapter 1: Physical processes (APP-013) for the operations and maintenance phase. Where scour protection measures are to be furnished, they will be subject to engineering design to ensure they minimise as much as practical the occurrence of scour. Therefore, any residual/secondary scour would be very localised and of negligible magnitude.”</i></p> <ul style="list-style-type: none"> i) Can the Applicant advise how it has arrived at the conclusion of negligible magnitude given that final design of scour protection is not yet determined, whether secondary scour will be monitored over time, and what provisions will be in place to deal with scour in the event that the protection measures fail. ii) Can the MMO and Natural England comment on the likelihood of scour occurring if best practice scour protection methods are employed, and provide examples of where secondary scour has occurred on other operational windfarms and what the implications were.
MP 1.6	Marine Management Organisation	<p>Drilling Arisings</p> <p>The Planning Inspectorate advised the Applicant at Scoping stage that the ES should identify the likely site for disposal of drilling arisings and include an assessment of effects from these activities. Schedule 1, Part 1, 1(f) of the draft DCO [REP2-011] seeks to consent <i>‘the removal of material from the seabed and the disposal of inert material of natural origin within the Order Limits produced during construction drilling...’</i>. The Morgan Array Area Site Characterisation Report [APP-067] also states that drill arisings may consist of large, granular materials that are too large to be moved by tidal currents and may remain in situ for long periods of time.</p> <p>Can the MMO advise if it is satisfied with the proposed disposal arrangement without knowing the exact scope for this potential impact and without further conditions.</p>
MP 1.7	Applicant	<p>Monitoring – Invasive Non-Native Species (INNS)</p> <p>Section 2.9.7 of ES Volume 2, Chapter 2 [APP-020] relating to the increased risk of introduction and spread of INNS states that the removal of encrusted growth from turbines may</p>

ExQ1	Question to:	Question:
		<p>occur during the operations and maintenance phase and that it may have the potential to introduce INNS. The ExA notes the Applicant’s intention to submit a Biosecurity Risk Assessment and INNS Management Plan post consent, but what specific INNS monitoring commitments are proposed during operations and maintenance phases? If none, provide justification particularly (but not exclusively) in light of the concerns expressed by the IoM Government in its LIR [REP1-047] and the comments made in relation to sampling by the MMO [REP2-029], RR-020.47].</p>
MP 1.8	Applicant	<p>Maximum Design Scenario Discrepancies</p> <p>The MDS for long term habitat loss during Construction, Operations and Maintenance Phases in Table 2.16 of ES Volume 2, Chapter 2 [APP-020] states up to 1,309,252m² of long term habitat loss in total, with 735,488m² from the presence of up to 68 wind turbine foundations and 24,964m² from the presence of four OSPs on suction bucket four legged jacket foundations with scour protection; and 510,000m² of habitat loss from cable protection for inter-array and inter-connector cables and 38,000m² of habitat loss for cable crossing protection.</p> <p>However, the MDS for introduction of artificial structures states up to 1,791,198m² of artificial structures comprising of up to 68 turbines and four OSPs on suction bucket foundations with scour protection, and the same amount of cable protection as that stated in the MDS for ‘long term habitat loss’.</p> <p>i) Can the Applicant explain why the MDS figures for long term habitat loss and the introduction of artificial structures are not the same m² areas when the same number and type of turbines/OSP and length/width/percentage of scour and cable protection parameters are used for the MDS in both impacts?</p> <p>In addition, the justification column for the MDS for long term habitat loss states that the MDS is based on the largest wind turbine and OSP foundation types, while the justification for the MDS for introduction of artificial structures states that the MDS is based on the maximum number of wind turbine and OSP foundation types. Given that the maximum number of wind turbines proposed in the Application is 96, it is unclear why the MDS for the introduction of artificial structures refers to 68 turbines only.</p> <p>ii) The Applicant is required to review the discrepancies in the MDS and justification columns in Table 2.16 and submit an updated ES Chapter if revisions are required.</p>

ExQ1	Question to:	Question:
MP 1.9	Applicant	<p>Assessment of Significant Effects</p> <p>Paragraph 2.9.3.14 of ES Volume 2, Chapter 2 [APP-020] which relates to increased suspended sediment concentrations, states that “as outlined in Table 2.16, the MDS for foundation installation assumes all wind turbine and OSP foundations will be installed by drilling a 16m diameter monopile to a depth of 60m at a rate of 0.73 m/h.” However, Table 2.16 outlines 45 three-legged jacket piles and 23 conical gravity base foundations.</p> <p>Review Section 2.9.3 of ES Volume 2, Chapter 2 and confirm that it is based on the MDS parameters in Table 2.16 and not on monopile foundations.</p>
MP 1.10	Applicant Natural England Marine Management Organisation	<p>Inter-related Effects: monitoring and surveying</p> <p>Several ES chapters have referred to the possible biodiversity benefits from the introduction of artificial structures and the potential for increased foraging opportunities for fish and thus increased prey opportunities for marine mammals, as well as potential benefits to the fisheries from colonisation of the structures and reef effects allowing species like crab and lobster for example to expand their habitats.</p> <p>The ExA notes that the evidence presented for such benefits is limited and not conclusive, to the extent that it is not possible for the Applicant to quantify the biodiversity benefit that artificial structures may have over time and thus also not possible to appraise the future impact of the subsequent loss of that biodiversity benefit during the decommissioning stage when the artificial structures are removed.</p> <ul style="list-style-type: none"> i) The Applicant is asked to justify as to why it does not intend to undertake any operational phase monitoring to verify and supplement the findings of the ES in this regard. ii) The Applicant is requested to suggest wording for a condition being added to the DMLs requiring that a survey of any species, habitats and reef structures present on the foundation structures is undertaken prior to decommissioning. <p>Natural England and the MMO are invited to respond to the Applicant’s suggested wording at the subsequent deadline.</p>
MP 1.11	Applicant	<p>Cable Burial Depth</p> <p>The Scottish Fishermen’s Federation (SFF) [REP1-059] have expressed notable concern with a 0.5m minimum cable burial depth, suggesting that this is not deep enough and that they</p>

ExQ1	Question to:	Question:
		<p>would become exposed quickly following construction, leaving it unsafe to fish/tow over. The SFF requests that the developer should be committing to a deeper cable burial depth of say 1.5 - 3m. It is noted that within ES Volume 2, Chapters 1 and 2 [APP-013 and APP-020] that there is repeated mention of a commitment to bury cables where possible, however a target depth is not mentioned, rather the chapters simply refer to “a sufficient target depth”.</p> <p>While it is acknowledged that a Cable Burial Risk Assessment and Burial Assessment Study, to be prepared post consent would establish the burial depth and method, can the Applicant advise whether the implications of a cable burial depth of up to 3m has been appraised within the MDS in the physical processes and benthic subtidal ecology assessments. If not, please account for the repeated references in Table 6.4 in ES Volume 2, Chapter 6 (Commercial Fisheries) [APP-024] of a maximum burial depth of 3m and why this has not been assessed in ES Volume 2, Chapters 1 and 2.</p>
MP 1.12	Applicant Marine Management Organisation Natural England	<p>Unexploded Ordnance Clearance Impacts</p> <p>The ExA notes that UXO clearance has not been considered for impacts on physical processes and benthic habitats. While the ExA acknowledges the Applicant’s response on this matter to Natural England [PD1-017] (RR-26.D17 and RR-26.F15), the ExA notes that paragraph 2.9.2.9 of ES Volume 2, Chapter 2 [APP-020] seems to base the impacts of UXO clearance on the most likely (common) UXO clearance of 130kg. However, the absolute maximum UXO clearance could be a 907kg high order explosion.</p> <p>The Applicant is asked to direct the ExA to the details of the worst case (907kg) assessment for physical processes and benthic subtidal ecology receptors. If such an assessment has not been undertaken, one is required to be carried out and Chapters 1 and 2 updated by no later than Deadline 4.</p> <p>The MMO and NE are requested to submit a response to the Applicant’s response at Deadline 5.</p>
MP 1.13	Applicant	<p>Cumulative Effects Assessment ES Volume 2, Chapter 2: Significance of Effect</p> <p>Paragraph 2.6.2.8 of ES Volume 2, Chapter 2 [APP-020] which relates to impact assessment methodology, states that any effects with a significance level of minor or less have been concluded to be not significant in terms of the EIA Regulations. However, there are discrepancies in some of the cumulative effects assessment conclusions for reported minor adverse effects. For example, in Table 2.28, cumulative temporary habitat disturbance/loss</p>

ExQ1	Question to:	Question:
		<p>during construction is reported in all three scenarios as “<i>minor adverse significance, which is not significant in EIA terms</i>”, yet during operations and maintenance and decommissioning phases, the minor adverse significance of effect is reported as “<i>significant in EIA terms</i>”. Similarly in Table 2.30, minor adverse effects are reported as significant in EIA terms in all three scenarios, yet in Table 2.31 minor adverse effects are reported as not significant in EIA terms.</p> <p>The Applicant is required to revisit the methodology and to correct any errors. However, if minor adverse significance of effects are considered significant in EIA terms for some sub topics and not for others then the rationale for this should be clearly explained in the Cumulative Effects Assessment tables (in light of the statement in paragraph 2.6.2.8 of the Chapter), and the rationale for not including any further mitigation or monitoring should also be clearly explained.</p>
MO Marine Ornithology		
MO 1.1	Applicant	<p>SNCB Advice Note</p> <p>In August 2024 the ‘Joint advice note from the Statutory Nature Conservation Bodies (SNCBs) regarding bird collision risk modelling for offshore wind developments’ was published, subsequent to the acceptance of the DCO application for Examination.</p> <p>Can the Applicant provide comment as to whether there are any implications for the ES and HRA for the Proposed Development resulting from this recent guidance?</p>
MO 1.2	Applicant	<p>Birds of Conservation Concern – Breeding Seabirds</p> <p>On 2 September 2024 the latest status assessment of breeding seabird species in the UK was published. This addendum completes the 2021 Birds of Conservation Concern 5 review and updates the second International Union for Conservation of Nature Red List review of extinction risk for breeding seabird species in Great Britain.</p> <p>Can the Applicant provide comment as to whether there are any implications for the ES and HRA for the Proposed Development resulting from this recent publication?</p>
MO 1.3	Natural England Natural Resources Wales	<p>Deadline 2 submissions for SNCBs review</p> <p>The ExA notes Natural England has confirmed it will provide at Deadline 3 a response to documentation submitted by the Applicant at Deadline 1, relevant to the SNCB’s key concerns</p>

ExQ1	Question to:	Question:
		<p>on offshore ornithology. Additional relevant documentation has been submitted by the Applicant at Deadline 2 [REP2-005, REP2-021, REP2-022, REP2-023].</p> <p>Natural England and NRW are requested to respond to documentation relevant to the SNCB's key concerns on offshore ornithology which has been submitted by the Applicant at Deadlines 1 and 2 and to confirm which elements of the Applicant's responses have addressed their concerns.</p>
MO 1.4	Applicant	<p>Cumulative Effects Assessment Methodology 1</p> <p>The Applicant's response to Natural England's comments that it does not consider the CEA to be sufficiently robust [PD1-017 p.110-111] states that it has presented an approach that "goes beyond that presented for any previous offshore wind farm application, quantifying the impacts for projects where quantitative project-specific information is available and, where such data are not available, considering any available qualitative project-specific information".</p> <p>Can the Applicant explain this statement and summarise what sets its approach apart from other OWF applications, giving specific examples specifically in relation to ornithology.</p> <p>Note: The ExA acknowledges the 'gap filling' note submitted at D1 [REP1-010] and will await comments from the SNCBs on this before asking any further questions on this matter.</p>
MO 1.5	Natural Resources Wales	<p>Cumulative Effects Assessment Methodology 2</p> <p>NRW [RR-027] refer to ongoing internal discussions regarding the development of an approach which may help address the issue of uncertainty with (qualitative) assessments of projects for which data is unavailable.</p> <p>Can NRW provide an update on this, including timescales, and any other relevant information which may assist in the ExA's consideration of this matter.</p>
MO 1.6	Applicant Natural England	<p>"Air Gap" (Blade Clearance)</p> <p>ES Volume 1, Chapter 3 [APP-010] Table 3.5 and Volume 2, Chapter 5 [APP-023] Tables 5.25 and 5.26 set out a minimum lower blade tip height of 34m above Lowest Astronomical Tide (LAT). Table 1.4 of ES Volume 4, Annex 5.3 [APP-055], in setting out the wind turbine parameters in the MDS, states an air gap of 30m above mean sea level (MSL). The glossary refers to Air Gap as "The gap between the sea and the lowest point of a wind turbine rotor blade. Expressed in relation to sea level (e.g. MSL, LAT or HAT)".</p>

ExQ1	Question to:	Question:
		<p>Natural England’s RR [RR-026] (Appendix B B3/B18/B52) requests presentation of the air gap above Highest Astronomical Tide (HAT) to facilitate comparison with other projects, and sets out a required minimum air gap of 22m relative to HAT. The Applicant [PD1-017] confirms that the minimum air gap at HAT would be 26m, and confirms that the model has been parameterised to ensure the model uses MSL. Whilst the minimum lower blade tip above LAT is stated in draft DCO Requirement 2 (table 1) and DML condition 10 (tables 2 and 3) as 34m above LAT, the distance above HAT is not.</p> <p>The ExA also notes that there appears to be an inconsistent approach to presentation of the MDS for the air gap between various documents.</p> <p>The Applicant is asked to:</p> <ul style="list-style-type: none"> i) Provide an update to the relevant Tables in the above-mentioned documents and consistently present the air gap, expressed above LAT, HAT and MDS. ii) Express the air gap within the draft DCO (Requirement 2 and DML condition 10) as a minimum above HAT as well as LAT, clearly stating the differential between LAT and HAT in metres. <p>Natural England are asked to confirm if it is satisfied with the Applicant’s response to their comments in relation to the minimum air gap [PD1-017] or whether it requires any further information on this point.</p>
MO 1.7	Natural England	<p>Baseline Characterisation</p> <p>ES Volume 4, Annex 5.1 [REP1-026] has been updated at D1. The Applicant states that these are minor amendments which have no material effect and there is no change to the conclusions of no significant effect in terms of EIA and no adverse effect on integrity in regards of HRA. These amendments follow the Errata Sheet issued at the Procedural Deadline [PD1-003].</p> <p>Could Natural England confirm if the update reflects their comments made in Table 2 of (B4 to B12) [RR-026] or whether it requires any additional information.</p>
MO 1.8	The Applicant Natural England Royal Society for the Protection of Birds	<p>Highly Pathogenic Avian Influenza (HPAI)</p> <p>Paragraph 5.5.6.3 [APP-023] of ES Volume 2, Chapter 5 refers to 61 bird species being affected by HPAI, in particular gannet and great skua. Paragraph 5.6.2.4 states that the overall</p>

ExQ1	Question to:	Question:
		<p>recoverability defined for the purposes of assessment is based on the longer-term population trends and not the impacts caused by HPAI which are as yet unknown.</p> <p>Natural England [RR-026 and REP1-053] refer to a lack of consideration of HPAI and at Annex 2 provides its September 2022 advice on impact assessment.</p> <p>The Royal Society for the Protection of Birds (RSPB) [RR-035] acknowledge that it is currently unclear what the population scale impacts of the HPAI will be, but note that it is likely that they will be severe, meaning that “<i>seabird populations will be much less robust to any additional mortality arising from offshore wind farm developments</i>”, and therefore advises a high level of precaution to be included in examination of impacts arising from the Proposed Development. It also does not consider that such concerns have been adequately considered in the Assessment.</p> <p>The Applicant in its responses to both NE and the RSPB [PD1-017] states that the effect of HPAI has been considered in line with Natural England’s guidance, and refers to ES Volume 2, Chapter 5 [APP-023] paragraph 5.6.2.4 of and assessments for individual species in section 5.9. The Applicant considers it has incorporated HPAI into the assessments as best as possible, based on the available information.</p> <p>Can the Applicant:</p> <ul style="list-style-type: none"> i) Signpost the ExA to the individual species assessments which are of relevance in terms of potential HPAI effects in section 5.9 of ES Volume 2, Chapter 5 [APP-023] or elsewhere in the submission, and provide any additional or updated information on HPAI which would assist the Examination. ii) ‘HPAI’ is not listed in the acronyms list for ES Volume 2, Chapter 5 [APP-023]. Ensure it is added to any future version. <p>Can Natural England:</p> <ul style="list-style-type: none"> iii) Provide clarification on whether Annex 2 [RR-026] is up-to-date, in particular point 11 which refers to advice to Defra underpinning an English Seabird Conservation and Recovery Plan. iv) Provide details of the most up-to-date version of this document and point to its contents which the ExA should be aware of. <p>Can the RSPB:</p>

ExQ1	Question to:	Question:
		<p>v) Provide a response to the Applicant's response to RRs [PD1-017] (in particular references RR-035.10, 35 and 37) and confirm if you consider any additional information or assessment is required from the Applicant, and why, regarding HPAI effects.</p>
MO 1.9	Applicant Natural England	<p>Sabbatical Birds</p> <p>Natural England in its Risk & Issues Log (B28 to B30 [REP1-053]) acknowledge that sabbatical birds represent a knowledge gap for ecologically realistic impact assessments, but advise that integrity judgements should be based on assessments that do not remove sabbatical birds at the apportioning phase, and that the Applicant should ensure assessments that do not apportion sabbatical birds are clearly presented, and that those mortality assessments are considered in relation to baseline mortality and taken through to population viability analysis where required.</p> <p>NE assumes that impact assessments that have removed sabbaticals are not actually progressed through all stages of assessment; the Applicant should confirm that this is the case and edit text for clarity as necessary.</p> <p>The Applicant's response to RR-026 (B.69, B.70 [PD1-017]) confirms that the proportion of any impact that may be attributable to sabbatical birds has only been considered qualitatively and has not been incorporated into any apportioning calculations, stating that this is in alignment with NE's recommendations and that it has applied the best available evidence in a qualitative fashion within the assessments.</p> <p>Natural England is asked to explain if the Applicant's responses at Deadlines 1 and 2 are sufficient or if any additional information is required.</p> <p>The Applicant is asked to provide any further clarification sought by Natural England.</p>
MO 1.10	Natural England Natural Resources Wales The Applicant	<p>Kittiwake Age Apportioning</p> <p>Natural England (Appendix B B35 [RR-026] and Appendix I1 B27, B35, B50 [REP1-053] and NRW (paragraph 21 [RR-027] and paragraph 50 [REP1-056]) have not reviewed the displacement assessment for Kittiwake because it is not considered to be an accurate reflection of SNCB advice. The use of the kittiwake adult proportion that was calculated for Hornsea 2 is considered by both Natural England and NRW to be inappropriate to apply to Morgan Generation Assets.</p>

ExQ1	Question to:	Question:
		<p>The Applicant's response (RR-026.B.68 and RR-027.27 [PD1-017] maintains, as discussed in ES Volume 4, Annex 5.5: Offshore ornithology apportioning technical report [APP-057], the approach applied is ecological valid whilst remaining precautionary and is still highly likely to return an immature proportion that is an under-estimate (and therefore over-estimate the adult proportion). NRW are also directed to section 1.3.3 of the 'Orme Head SSSI Clarification Note' [REP1-013] regarding apportioning of kittiwake in the breeding season.</p> <p>Natural England and NRW are asked to confirm if they are satisfied with the Applicant's response or whether any additional information or assessment is required.</p> <p>Can the Applicant confirm whether using 84.11% of adults for the breeding season (in line with the advice from the SNCBs) would result in a material change to its ES and HRA assessments.</p>
MO 1.11	Natural Resources Wales	<p>Pen y Gogarth / Great Orme Head Site of Special Scientific Interest (SSSI)</p> <p>The Applicant's response [REP1-013] to NRW's RR [RR-027] provides further clarification and updated assessments regarding species that are features of the Pen y Gogarth / Great Orme Head SSSI (kittiwake, guillemot and razorbill).</p> <p>NRW are asked to confirm if it is satisfied with this response or whether any additional information is required.</p>
MO 1.12	Isle of Man Government	<p>Manx Shearwater</p> <p>Section 2.4 of the Isle of Man Government's Local Impact Report [REP1-047] notes particular concerns regarding impacts on Manx shearwaters and great black backed gulls. The RSPB also raise key concerns regarding effect on Manx shearwater [RR-035].</p> <p>Can the Isle of Man Government clarify:</p> <ul style="list-style-type: none"> i) The conservation status of these species on the Isle of Man. ii) Whether they agree with the methodology and impacts in ES Volume 2, Chapter 5 [APP-023] having regard to the RSPB comments on this species. iii) Any further comments to substantiate its concerns.
MO 1.13	Applicant	<p>Ornithological Monitoring</p> <p>Natural England highlights the importance of the In-Principle Monitoring Plan (IPMP) and the emphasis being placed by projects currently in the post-consent phase on it when setting monitoring requirements and parameters. Establishing and agreeing the uncertainties and</p>

ExQ1	Question to:	Question:
		<p>evidence gaps of the EIA and/or the HRA is necessary to inform what monitoring should be undertaken, and advice is provided within NE’s submission which should be addressed by the Applicant in the next version of their IPMP.</p> <p>Paragraphs 2.8.83 to 2.8.87 and 2.8.295 of NPS EN-3 set out the importance of monitoring specifically in relation to offshore wind. Where requested by the Secretary of State, applicants are required to undertake environmental monitoring (e.g. ornithological surveys) prior to and during construction and operation. This will enable an assessment of the accuracy of the original predictions and improve the evidence base for future mitigation and compensation measures, enabling better decision-making in future EIAs and HRAs.</p> <p>In respect of ornithology, no post-consent monitoring is proposed for bird species in the submitted IPMP [REP2-013]. The ExA notes the Applicant’s position (pages 106 and 150 [PD1-017] that very small predicted impacts are not considered to justify monitoring and it would be difficult to define options that would achieve statistical robustness. It is also noted that monitoring may not be undertaken on other recent OWFs (for example Walney Extension). The reasoning given is not adequate justification in this case given the presence of knowledge and evidence gaps which NE highlights that “<i>Data acquired during post-consent monitoring could be used to validate predictions and assumptions made within the application and also help to detect unforeseen effects and address uncertainty. This is particularly valuable for receptors not usually the subject of post-construction monitoring e.g. manx shearwater</i>” (paragraph 16 [REP1-054]).</p> <p>The Applicant is asked to include ornithological monitoring of key ornithology receptors within the IPMP and appropriately secure it within the draft DCO, drawing on SNCB advice.</p>
MO 1.14	Applicant Morecambe Offshore Windfarm Ltd	<p>Morecambe Offshore Windfarm: Generation Assets, Collaborative Monitoring</p> <p>Paragraph 2.8.87 of NPS EN-3 states that “<i>Where appropriate, applicants are also encouraged to consider monitoring collaboratively with other developers and sea users. Work is ongoing between government and industry to support effective collaboration and the development of monitoring at a strategic level</i>”.</p> <p>The ExA is aware that the submitted IPMP for Morecambe Offshore Windfarm: Generation Assets (EN010121 [APP-148]) includes provision for ornithological monitoring.</p> <p>The Applicant and Morecambe Offshore Windfarm Ltd are both asked to:</p>

ExQ1	Question to:	Question:
		<p>i) Explain what are the differences in effects to ornithological receptors that have triggered monitoring in the case of Morecambe OWF but not for the Proposed Development?</p> <p>ii) Comment on whether collaborative ornithological monitoring is being considered between Morgan and Morecambe, and if so, the form which this is likely to take.</p> <p>iii) Include collaborative monitoring in the next version of the Interrelationship Report [REP1-017] (for ornithology and any other topics as applicable).</p>
MO 1.15	Ørsted IPs	<p>Ørsted IPs Environmental Concerns</p> <p>The Ørsted IPs refer to environmental concerns which relate to ornithology and the CEA, questioning the robustness of the assessments [PD1-024], REP1-060, REP1-061, REP1-062, REP1-063, REP1-064 and REP1-066. The responses state that Natural England have raised similar concerns and that it will be best placed to further address the issues raised.</p> <p>Can the Ørsted IPs clarify whether they will be making further submissions regarding ornithology which may specifically related to the OWFs which it operates, or if they are content to defer the matter to Natural England.</p>
MO 1.16	The Applicant	<p>Outstanding Ornithological Matters</p> <p>Based on the current outstanding ornithological matters between the Applicant and the SNCBs, is there any information or additional survey work being requested by them that is likely to be delayed or submitted later in the Examination, or post-consent? If yes, provide the likely timescales for submission.</p>
MO 1.17	The Applicant	<p>Isle of Man Ramsar sites</p> <p>The Isle of Man is not an EEA State and thus is not signed up to the Habitats/Birds Directives and do not designate SPAs and SACs. However, they are signatories to the Ramsar Convention.</p> <p>Can the Applicant confirm whether any consideration has been given to the potential for effects on the following Isle of Man Ramsar sites (potential and listed) and if so, confirm the conclusions in this regard?</p> <ul style="list-style-type: none"> • Ballaugh Curragh Ramsar site; • Central Valley Curragh proposed Ramsar site; • Dalby Peatlands proposed Ramsar site;

ExQ1	Question to:	Question:
		<ul style="list-style-type: none"> • Gob ny Rona, Maughold Head and Port Cornaa proposed Ramsar site; • Southern Coasts and Calf of Man proposed Ramsar site; and • The Ayres proposed Ramsar site.
INF Other Offshore Infrastructure and Activities		
INF 1.1	Applicant	<p>Co-operation or co-existence agreements with other infrastructure operators</p> <p>Further to submissions regarding potential agreements, including (but not limited to) Morecambe Offshore Windfarm Ltd [RR-022], Moir Vannin Offshore Wind Farm Limited [RR-021] and Harbour Energy/ Chrysaor Resources [REP1-044], can the Application provide:</p> <ol style="list-style-type: none"> i) A table which can be updated throughout the Examination on discussions regarding progress towards any co-operation and co-existence agreements (if necessary; or an alternative type of agreement) between both existing and proposed offshore infrastructure. This should include expected timescales for completion of such agreements. ii) Clarify how such agreements could be secured in the draft DCO, including triggers for provision and how they could be discharged.
INF 1.2	Harbour Energy/ Chrysaor Resources	<p>Response to Harbour Energy Written Representations</p> <p>The Applicant’s response to Harbour Energy (Table 2.3 [REP2-005]) regards the range of potential effects cited including restriction of helicopter access, safety issues, potential disruption of decommissioning activities and associated economic loss and the need for the DCO to secure a Co-operation and Co-existence Agreement.</p> <p>The Applicant states “<i>the Order Limits do not overlap with the marine corridors requested by Harbour Energy, and that the draft DCO and dMLs (REP1-021) do not allow for the Applicant to conduct works, including siting of temporary navigational aids or markers, outside of the Order Limits. This is noted in the Applicant’s position in the SoCG with Harbour Energy submitted at Deadline 1 (REP1-031). As such, the Applicant would have no ability to adversely impact Harbour Energy’s activities in the manner envisaged, and such a condition is unnecessary</i>” (ref. REP1.044-17 Table 2.3 [REP2-005]). The Applicant maintains that the co-ordination of marine activities and process for communication is considered to be a logistical matter that can be co-ordinated post-consent between the parties using industry standard practices, and that such a Co-operation and Co-existence Agreement is not required.</p>

ExQ1	Question to:	Question:
		The ExA requests Harbour Energy to provide comment on the Applicant's response.
Wake Effects/ Energy Yields		
INF 1.3	Applicant	<p>Potential wake effects 1</p> <p>Paragraph 1.2.3.7 of [REP1-016] refers to key tests for the SoS to consider, including risk to other industries, avoiding or minimising disruption or economic loss or any adverse effect on safety to other offshore industries, and their future viability and safety.</p> <p>The Ørsted IPs [PD1-024, REP1-060, REP1-061, REP1-062, REP1-063, REP1-064] and [REP1-066] and [REP2-027] consider that the potential effect on the energy yield of other operational offshore wind farms is not just in relation to economic loss or viability and safety. They maintain that a wake assessment is also tool for evaluating the benefits of the Project in terms of net emissions reductions and climate change, and also one of good design.</p> <p>The Ørsted IPs also contend that the Applicant's reliance on compliance with the boundary requirements in TCE's Round 4 Leasing Information Memorandum to justify not carrying out an assessment is insufficient, given that the TCE memorandum relied on was not prepared for the purposes of providing guidance on this matter, or for generally regulating effects between sea users in the consenting process.</p> <p>The Applicant is asked to:</p> <ul style="list-style-type: none"> i) Provide a response regarding net effects on emission reductions and good design. ii) Provide details of TCE's Round 4 leasing criteria in respect of the minimum imposed distances. iii) Submit a copy of the 2023 Frazer-Nash study referred to in paragraph 1.2.4.1 of [REP1-016].
INF 1.4	Barrow Offshore Wind Limited Burbo Extension Limited Walney Extension Limited Morecambe Wind Limited Walney (UK) Offshore Windfarms Limited	<p>Potential wake effects 2</p> <p>Further to the responses submitted by the Ørsted IPs [PD1-024, REP1-060, REP1-061, REP1-062, REP1-063, REP1-064, REP1-066] and the not agreed matter in the SoCG [REP2-027], the Ørsted IPs are asked to submit to the Examination any available evidence and data that you wish to rely on to support your contention of potential for loss of yield due to wake effects, including evidence base on their existing portfolio of OWFs, and answer the following:</p>

ExQ1	Question to:	Question:
	<p>Ørsted Burbo (UK) Limited (collectively “the Ørsted IPs”)</p>	<ul style="list-style-type: none"> i) Agreement that Table 9.8 of [APP-027] accurately reflects the approximate distances between the proposed Morgan array area and the operational wind farms that you represent. ii) Provide a plan/map which marks on the distances from each of Ørsted IP’s OWFs to the Morgan order limits. iii) Noting that the distance and orientation/wind direction of each of the Ørsted IP’s OWFs varies, do the Ørsted IPs have concerns about all of the operational projects that you represent, or would effects be more pronounced for particular operational projects. iv) Are you able to specify if there is a distance at which wake effects are substantially reduced, and the factors which affect loss of yield? v) The likelihood of loss due to both direct and indirect effects. vi) Comments on any other matters which form the basis for the Crown Estate’s stipulation of a 7.5km separation distance between OWF arrays. vii) Whether lack of prescription in EIA regulations or precedent for wake assessment are obstacles to making estimation or quantification of likely effects. viii) What level of information might reasonably be considered as an ‘assessment’ having been carried out in accordance with NPS EN-3 paragraphs 2.8.197 and 2.8.198].
<p>INF 1.5</p>	<p>The Applicant</p>	<p>Potential wake effects 3</p> <p>The ExA notes that the Applicant does not consider that there is a basis in legislation or policy for a wake effects assessment to be required as part of the consideration of the Application, and even if such an assessment were required, the data needed is not available and there is no robust and recognised approach for such an assessment [REP1-016].</p> <p>However, the Ørsted IPs [REP1-060, REP1-061, REP1-062, REP1-063, REP1-064 and REP1-066] maintain that NPS EN-3 provides a policy basis and that the necessary data and modelling tools to undertake such an analysis can be made available to the Applicant.</p> <p>Having regard to the provisions of section 2.8 of NPS EN-3 and the particular circumstances of this case, and in order to provide reassurance the ExA requests that the Applicant undertakes a reasonable best efforts assessment of potential wake effects on other operational and consented offshore wind farms in the vicinity of the Proposed Development. At Deadline 3, the Applicant should set out a timeframe for the completion and submission of such an</p>

ExQ1	Question to:	Question:
		assessment into the Examination of this assessment, which must be by Deadline 5 at the latest (and earlier if possible) in order to allow an opportunity for other IPs to comment on the findings.
INF 1.6	The Ørsted IPs The Applicant	Potential wake effects 4 In the event that no wake assessment was undertaken during the Examination, would both the Applicant and the Ørsted IPs comment whether a requirement along the same lines of Requirement 25 of The Awel y Mor Offshore Wind Farm Order 2023 (requiring such an assessment post-consent) would be justified and would meet the relevant legal and policy tests.
INF 1.7	The Ørsted IPs The Applicant	The Ørsted IPs To seek greater efficiency and coherence of tracking issues in the Examination, could further representations from two or more Ørsted IPs be combined and responded to without multiple copy-paste of near identical representations and responses than exemplified in [REP2-005] ?
SN Shipping and Navigation		
SN 1.1	Maritime and Coastguard Agency	Navigational safety authority in Isle of Man Territorial Waters Please confirm whether the MCA (on behalf of the UK Government Department of Transport) is the navigation authority for Isle of Man Territorial Waters (outside harbour limits) as well as for the territorial waters and EEZ waters of Great Britain and Northern Ireland; and if not, who exercises in those waters the equivalent role or roles to those of the MCA.
SN 1.2	Maritime and Coastguard Agency	Sea lanes essential to international navigation within the UK EEZ Please confirm the following: <ul style="list-style-type: none"> i) If any of the navigational routes passing to east, south or west of the Proposed Development are considered by the MCA to be recognised 'sea lanes essential to international navigation' in terms of UNCLOS Article 60(7). ii) Whether any of the routes in (i) above might be considered to be designated and charted as a Traffic Separation Scheme (TSS) in the foreseeable future. iii) The minimum width between obstructions to navigation that a TSS would require.

ExQ1	Question to:	Question:
SN 1.3	Maritime and Coastguard Agency	<p>Sea lanes essential to international navigation within Isle of Man territorial sea</p> <p>Further to the MCA’s Written Representation at Deadline 1 [REP1-051, item 9] regarding a residual separation distance of only 2.6nm of sea space between the boundary of the proposed Mooir Vannin offshore wind development and the proposed northern boundary of the Morgan Generation Assets Proposed Development about 50metres inside UK EEZ waters, could the MCA clarify:</p> <ul style="list-style-type: none"> i) Does that sea space between the two proposed developments constitute a ‘sea lane essential to international navigation’ in terms of UNCLOS Article 60(7). ii) What alternative separation distance might be sufficient to ensure that interference to international navigation through that sea space by would be unlikely in adverse metocean conditions, whether approaching Douglas Harbour or on international passage to the east of the Isle of Man. iii) Whether any part of that sea space between the two proposed offshore wind developments referred to above might be considered for designation and charting as a TSS in the foreseeable future, summarising considerations that would be taken into account in that regard.
SN 1.4	Maritime and Coastguard Agency	<p>Stakeholder engagement post-consent</p> <ul style="list-style-type: none"> i) In addition to monitoring and reporting, can the MCA confirm if continued stakeholder engagement post-construction is required to achieve compliance with the recommendations of Marine Guidance Note MGN654, in addition to monitoring and reporting other as noted in paragraph 6.6(c), or by any other MGN. ii) Does the MCA have guidance to offer on the minimum appropriate frequency of stakeholder engagement throughout the operation/maintenance phase and should it be secured explicitly by condition in the DMLs.
SN 1.5	Maritime and Coastguard Agency	<p>Marine Guidance notes other than MGN654</p> <p>Would the MCA please confirm if there are any MGNs other than MGN654 that should be required to be followed in mitigation plans secured by the draft DCO/DMLs including the Outline Fisheries Liaison and Coexistence Plan [APP-065], the Outline Vessel Traffic Management Plan [APP-071] and the Outline Offshore Operations and Management Plan [APP-079]?</p>

ExQ1	Question to:	Question:
SN 1.6	Maritime and Coastguard Agency	<p>Minimum infrastructure spacing</p> <ul style="list-style-type: none"> i) Please confirm that you accept the Applicant’s proposal (as confirmed at ISH1) that the layout development principle “<i>minimum infrastructure spacing of 1,400m</i>” is to be measured from <u>centre points</u> of structures and is subject to reduction by the micrositing allowance and constructional tolerance dimension. ii) Please clarify what constructional tolerance dimension you would consider normal and acceptable in addition to the micrositing allowance that you have yet to agree with the Applicant and the MMO.
SN 1.7	Isle of Man Government (Territorial Sea Committee)	<p>Moor Vannin navigational risk and safety assessment</p> <p>Please confirm the assumptions of the Applicant for the Morgan Generation Assets Proposed Development in its ES Volume 2, Chapter 7 [APP-025] and restated in [PD1-017, RR-021.7] that:</p> <ul style="list-style-type: none"> i) Potential navigational safety effects, including any arising from cumulative and/or interactive impacts together with the Morgan Generation Assets Proposed Development, will be addressed through the development consent process for the Moor Vannin OWF project, as assumed by the Applicant. ii) Navigational Risk Assessment for the Moor Vannin OWF project consent application will be required by the relevant authority in the Isle of Man to follow the guidance of UK MCA Marine Guidance Note MGN654 and its Annex 1 ‘Methodology for Assessing Marine Navigational Safety and Emergency Response Risks’.
SN 1.8	Moor Vannin Offshore Wind Farm Limited	<p>Cumulative and inter-related navigational risk assessment between Moor Vannin and Morgan OWF developers</p> <ul style="list-style-type: none"> i) Provide an update report on contact between the Moor Vannin OWF project developer and the Applicant for the Morgan Generation Assets project, specifically having regard to navigational safety concerns expressed by the MCA in [REP1-051]. ii) Advise if a Cumulative Regional Navigational Risk Assessment (NRA) will be carried out to take account of existing infrastructure in the east Irish Sea plus the proposed Morgan Generation Assets and Morecambe Generation Assets and Mona offshore wind projects.

ExQ1	Question to:	Question:
		iii) Summarise the policy considerations related to navigational safety and coexistence with other sea users which are being taken into account by Mooir Vannin Offshore Wind Farm Limited.
SN 1.9	Moor Vannin Offshore Wind Farm Limited	<p>Finalising design envelope and NRA for the Moor Vannin OWF application</p> <p>Could Moor Vannin Offshore Wind Farm Limited confirm when it anticipates finalising its design envelope and NRA for application to the relevant consenting authority(ies), and will it be collaborating with the developer of the Morgan Generation Assets project in updating the Cumulative Regional NRA such that it might helpfully inform the ExA before the close of Examination.</p>
SN 1.10	IoM Steam Packet Company	<p>Analysis of effect of route deviations</p> <p>Further to its Written Representation, IoM Steam Packet Company (IoMSPC) is invited to submit an analysis of deviations required by the effect of the Proposed Development alone and the cumulative effect of proposed development of Morgan, Morecambe and Ørsted wind farms on the IoMSPC Liverpool-Douglas and Heysham-Douglas services and consequent effects including fuel consumption and in-port operations.</p>
SN 1.11	Stena Line	<p>Analysis of effect of route deviations</p> <p>Further to its Relevant Representation [RR-039] Stena Line is invited to submit its own analysis of deviations required by the effect of the Proposed Development alone and the potential cumulative effect of proposed development of the proposed Morgan, Mona, Morecambe and Moor Vannin OWFs on the Stena Line Liverpool-Belfast services and consequent effects including fuel consumption and in-port operations.</p>
SN 1.12	Stena Line	<p>Sea lanes and strategic shipping routes</p> <p>Stena Line contends in its current SoCG with the Applicant [REP1-040, Stena.SN.21] that its Liverpool-Belfast route “<i>current passage is a recognised sea lane</i>”. Having regard to the Applicant’s case stated in its ES [APP-025, para 7.9.2.3] please provide further evidence substantiating that contention with regard to UNCLOS Article 60(7) and if you wish, specifically citing any case law or other relevant precedent distinguishing ‘recognised sea lanes’ from “<i>strategic routes essential to regional, national and international trade, lifeline ferries ...</i>” and “<i>major commercial navigation routes</i>” in terms of [NPS EN-3, paragraphs 2.8.328 and 2.8.329 respectively].</p>

ExQ1	Question to:	Question:
SN 1.13	Stena Line	<p>Adverse weather routing north-east of the Isle of Man</p> <p>With regard to [APP-025] para 7.9.4.30] please provide further information about your adverse weather passage planning for the Heysham-Belfast (or reverse) routing that passes north-east of the Isle of Man, noting:</p> <ul style="list-style-type: none"> i) In what conditions passage east of the Isle of Man would be preferred to passage south of the Isle of Man. ii) Approximately how many times in the last five years that passage plan has been used. iii) Navigational constraints (e.g. under-keel clearance, exclusion zones, etc.) that bear on your contention that the presence of either the Proposed Development (Morgan) either alone or cumulatively with the proposed Mooir Vannin project might make that adverse weather routing unusable. iv) What the likely adverse effects of not being able to take that route would be.
SN 1.14	Applicant and other IPs	<p>Degree of interference to Navigation and Shipping</p> <p>The Applicant and other IPs are invited to suggest how the SoS could consider the strictures of NPS EN-1 paragraph 4.1.7 and NPS EN-3 paragraph 2.8.329 concerning ‘unacceptable interference to Navigation and Shipping’, with specific consideration of who should determine whether interference is acceptable or unacceptable with regard to potential impacts to Isle of Man interests.</p>
SN 1.15	Applicant and Stena Line	<p>Risk assessment with regard to the Mooir Vannin proposal</p> <p>To clarify the SoCG [REP1-040], pages 8 and 9] please confirm (either jointly or separately) whether there is a disagreement about the level and nature of risk assessed with regard to the navigational risk between the Proposed Development and the Mooir Vannin proposal as it is currently known, and if so the substance of that disagreement, and whether Stena Line had the opportunity to scrutinise and comment in detail on navigation simulation in that sea space carried out with IoMSPC masters.</p>
SN 1.16	Applicant	<p>Commitments to post-construction monitoring of shipping and navigation effects</p> <p>Provide clarification of the commitments in the IPMP to post-construction monitoring of shipping and navigation effects, how those commitments would accord with the guidance in</p>

ExQ1	Question to:	Question:
		MGN654 in this regard, and for how long after construction is completed that monitoring would be continued and how it would be reported to the relevant authorities.
SN 1.17	Applicant	<p>Cumulative Safety Risks with the Mooir Vannin proposed OWF</p> <p>In [REP1-051] the MCA notes that allision and collision risk between the Morgan Array Area and Mooir Vannin OWF Scoping Boundary are assessed as unacceptable in the findings of the Cumulative Regional NRA and the MCA expects the two developers to “reach agreement for increasing the sea space between the two sites to ensure the navigation risks are tolerable”. Further to [APP-011], sections 4.1.7 and 4.2.2], explain to what extent the Mooir Vannin OWF proposed order limits were considered at the time the proposed order limits for Morgan Generation assets were reduced in area and suggest how EN-3 paragraph 2.8.331 should be considered in this regard, specifically considering that the Mooir Vannin OWF application may not be subject to the consent of the UK SoS or other UK Government department.</p>
SN 1.18	Applicant	<p>Adaptive management of effects on vessel routing and safety</p> <p>In the event that monitoring of impacts on vessel routing and safety found that the effects were greater than those predicted in the NRA, what additional adaptive management and mitigation measures could be adopted, and how do the DMLs as drafted provide security that they would be adopted?</p>
SN 1.19	Applicant	<p>Update to Cumulative Regional Navigational Risk Assessment with further information on new projects</p> <p>Reconsider and respond whether (in addition to and to inform a sensitivity analysis of the CEA) an update or addendum to the Cumulative Regional NRA should be submitted subsequent to additional information having become available (whether through published proposals or through the activities of the Marine Navigation Engagement Forum or through direct contact with the developers) on the Morecambe OWF Generation Assets and Mooir Vannin OWF projects.</p>
SN 1.20	Applicant	<p>Maritime SAR and Emergency Response Co-operation measures</p> <p>With regard to the IoMSPC SoCG comments [REP1-033], SAR.1 and SAR.2] can you provide further assurance about what Search and Rescue (SAR) and Emergency Response Co-operation Plan mitigation for increased navigational safety risks might be during the</p>

ExQ1	Question to:	Question:
		construction period and before the Millom West decommissioning is complete (including any effects on VHF communications and shipborne radar during SAR)?
SN 1.21	Applicant	<p>Assessment of port effects of amendments to adverse weather passage plans</p> <p>Signpost and summarise to what extent likely consequential effects on road traffic and transport and port operations resulting from amendments to adverse weather passage plans have been assessed and quantified for scheduled ferry services, in relation to services between Heysham and Douglas and Heysham and Belfast affected by the Proposed Development alone.</p>
SN 1.22	Applicant	<p>Potential for electromagnetic deviation effects on ships' compasses</p> <p>In [REP1-051] the MCA sets out its expectation for a pre-construction compass deviation study and post-construction monitoring; submit a revised draft condition or conditions in the draft DMLs to secure these actions.</p>
SLV Seascape, Landscape and Visual		
SLV 1.1	Applicant	<p>SLVIA Viewpoint Selection</p> <p>ES Volume 2, Chapter 10 [APP-014] section 10.3 sets out the stakeholders from which feedback was requested on the candidate representative viewpoints. Section 10.4.5 indicates that representative viewpoints were agreed with statutory consultees.</p> <p>Table 10.7 summarises the key matters raised during pre-application consultation and paragraph 10.3.1.2 states that further detail is presented in Annex 10.2, however there is no detail relating to consultation responses contained within this Annex. Whilst the responses from a limited range of stakeholders are included in Table 10.7, it is unclear whether there was any engagement from the other authorities listed at paragraph 10.3.1.1.</p> <p>Could the Applicant confirm if any of the stakeholders listed provided specific comments on any of the representative viewpoints at pre-application, and details of those comments as applicable.</p>
SLV 1.2	Applicant	<p>SLVIA Methodology and Guidance</p> <p>Section 1.4.1 of ES Volume 4, Annex 10.4 [APP-037] sets out the guidance used for the SLVIA. There is particular emphasis on the DTI Guidance (2005). The ExA is aware of the recent publication of the Technical Guidance Note: Note and Clarifications on Aspects of</p>

ExQ1	Question to:	Question:
		<p>Guidelines for Landscape and Visual Impact Assessment 3 (Landscape Institute, August 2024) (TGN).</p> <ul style="list-style-type: none"> i) Given the age of some of the guidance and the scale of wind turbines at the time of the DTI Guidance, could the Applicant clarify if there is any more up-to-date guidance or study papers that the ExA should be aware of which is specific to OWF proposals and/or assessment of seascape? ii) The Applicant is asked to confirm whether the August 2024 TGN Note has any implications for the SLVIA.
SLV 1.3	Applicant	<p>Cumulative Visual Effects: Raad ny Foillan Coast Path, Douglas and Laxey</p> <p>ES Volume 2, Chapter 10 [APP-014] paragraphs 10.9.4.58 to 10.9.4.59 and paragraphs 10.9.4.116 to 10.9.4.117 set out the significance of the cumulative visual effects during operation on users of the Raad ny Foillan Coast Path and individuals at the coastal settlements of Douglas and Laxey as moderate to major adverse and not significant. Paragraph 10.13.2.3, in summarising cumulative effects, notes “<i>potential</i>” significant cumulative effects. Table 10.24 sets out the cumulative effects on the Coast Path and Douglas/Laxey seafronts as moderate to major adverse (not significant).</p> <p>Whilst the ExA notes that GLVIA3 explains that there are ‘no hard or fast rules about what effects should be deemed to be significant’, it also notes that ES Volume 4, Annex 10.4 [APP-037] section 1.4 sets out that Table 6 of the Guidance on the Assessment of the Impact of Offshore Wind Farms: Seascape and Visual Impact Report (Department of Trade and Industry, 2005) (DTI Guidance) is utilised in the SLVIA. The approach to moderate seascape and visual effects is explained in paragraph 1.4.1.6 of ES Volume 4, Annex 10.4 [APP-037], and whilst the Applicant recognises that Table 6 sets out moderate effects as “<i>potentially significant</i>”, the ExA notes that major/moderate effects are identified as significant.</p> <ul style="list-style-type: none"> i) Could the Applicant clarify this inconsistency, and the meaning of ‘potentially significant’, having regard to the methodology used for the significance of effect. ii) The Applicant is asked to review the significance of effects for each relevant receptor to ensure a consistent approach.

ExQ1	Question to:	Question:
SLV 1.4	Isle of Man Government	<p>SLVIA Methodology and Viewpoints – Isle of Man</p> <ul style="list-style-type: none"> i) The IoM Government is asked to confirm if it is satisfied with the range, location, accuracy and quality of viewpoints on the Isle of Man as listed at Table 10.19 [APP-014] and shown within ES Volume 4, Annex 10.6 [APP-039, 40, 41, 42, 43 and APP-044], and if not, provide suggestions for additional/alternative viewpoints. ii) Does the IoM Government agree with the Applicant’s assessment of effects on users of the Raad ny Foillan Coast Path and individuals at the coastal settlements of Douglas and Laxey as moderate to major adverse and not significant? (refer to previous question for the references).
SLV 1.5	Applicant	<p>Visual effects on people using the main ferry routes</p> <p>A “moderate to major” adverse effect during operation is identified in ES Volume 2, Chapter 10 [APP-014] for visual effects on people using the main ferry routes, but it is unclear in paragraph 10.13.1.4 and Table 10.23 whether this effect is assessed as significant.</p> <p>Paragraph 10.5.2.7 notes that ‘<i>For the purposes of this assessment, any effects with a significance level of substantial or major have been deemed significant in terms of The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017</i>’ and ‘<i>An accumulation of individual moderate effects, for instance those experienced during a journey undertaken by the same visual receptor, may also be judged as significant in some circumstances</i>’.</p> <p>Table 10.24, in summarising potential cumulative effects, sets out operational visual effects on the main ferry routes as “minor to moderate adverse” (scenario 2) and “moderate adverse” (scenario 3), both classified as not significant.</p> <p>The Applicant is asked to:</p> <ul style="list-style-type: none"> i) Provide an overall summary of significance of the effect for people using main ferry routes, including at viewpoints 22 and 23. ii) Explain why the cumulative effect is summarised as a lesser effect during operation than the project alone.

ExQ1	Question to:	Question:
SLV 1.6	Applicant	<p>Marine Character Area 38</p> <p>Can the Applicant explain why the assessments of effects for Marine Character Area 38, are inconsistently rated "<i>moderate to major adverse</i>" are reported as "<i>not significant</i>" [APP-014 paras 10.8.2.15 and 10.8.2.22] and "<i>(significant)</i>" in [APP-014, Table 10.23].</p>
SLV 1.7	<p>Historic England</p> <p>Natural England</p> <p>Natural Resources Wales</p>	<p>National and International Designations</p> <p>The SLVIA study area includes the following designated sites:</p> <ul style="list-style-type: none"> • Isle of Anglesey National Landscape • The Lake District National Park • The English Lake District World Heritage Site <p>Historic England, Natural England and NRW are asked whether they have any specific comments to make on ES Volume 4, Annex 10.5: International and nationally designated landscape study [APP-038], as this is not referenced in responses received to date. The IPs are also directed to Question [HE 1.11] and may wish to combine answers.</p>
SLV 1.8	Applicant	<p>Existing Offshore Wind Turbines – height difference</p> <p>Appendix B (B.1) of ES Volume 2, Chapter 10 [APP-014] sets out the heights of the turbines within the existing OWFs within the Irish Sea. The Applicant is asked to provide a visual representation to show the differing heights of each relevant OWF and the MDS for the wind turbines within the Proposed Development.</p>
SLV 1.9	Newton with Clifton Parish Council	<p>Effects on Coastal Character</p> <p>Your Relevant Representation [RR-003] and Procedural Deadline submission [PD1-022] refers to concerns about effects on landscape and coastal character, amongst other issues.</p> <p>Can the Parish Council clarify whether your concerns relate to the onshore works only (which do not form part of this Application), or if you have concerns about the proposed wind turbines and other offshore infrastructure in terms of its landscape and visual effects?</p>

ExQ1: Tuesday 29 October 2024

Responses due by Deadline 3: Tuesday 12 November 2024

ExQ1	Question to:	Question:
SE Socio-Economic		
SE 1.1	Applicant	Use of term “medium (adverse) significance” Explain the CEA of “medium (adverse) significance” in ES Volume 2, Chapter 13 (Table 13.89 pages 170 and 171 [APP-017]) and why, if this is an erroneous reference to moderate significance, it is not considered significant in EIA terms.