



THE PLANNING ACT 2008

THE INFRASTRUCTURE PLANNING (EXAMINATION PROCEDURE) RULES
2010

Morgan Offshore Wind Farm: Generation Assets

Natural England's comments on Examining Authority's Written Questions (ExQ1) [PD-004]

For:

The construction and operation of the Morgan Offshore Wind Project: Generation Assets located approximately 37 km from the Northwest English Coast in the Irish Sea.

Planning Inspectorate Reference EN010136

12 November 2024

| Question to: | Question: | Natural England Response: |
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| 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,</p> |

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| | | 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. | |
| 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] | <p>Natural England provides the following clarifications on our Risk and Issues Log:</p> <p>Each comment has been assigned a RAG rating depending on the scale of significance, as defined in our ‘How to Read Risk and Issues Log’ tab.</p> <p>If an issue which was initially classed as Red or Amber in our Risk and Issues Log is resolved during the Examination, we will reflect that by updating the comment to green if there is a broad agreement. In some cases where Natural England doesn’t agree with the Applicant’s position or approach but are satisfied that for <u>this particular project</u> it is unlikely to make a material difference to our advice, the comment will be updated to yellow.</p> <p>Due to the high workload highlighted in our Relevant Representations across all the Round 4 projects, and the overlap with the Morgan and Morecambe Transmission Assets Relevant Representations period, Natural England do not have capacity to engage any further with yellow comments, given that they will not materially affect the outcomes of the assessment in this instance. Therefore, we advise that we have no further comments to make on the following, and therefore from our perspective these issues can be considered closed:</p> <ul style="list-style-type: none"> • C9 [PD1-017 RR-26.C9] • C16 [PD1-017 RR-26.C16] |

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| | | <ul style="list-style-type: none"> • F2/ F11 [PD1-017 RR-26.F2/F11] • F7 [PD1-017 RR-26.F7] • 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> | <ul style="list-style-type: none"> • C36 [PD1-017 RR-026.C36] • C39 [PD1-017 RR-026.C39] • C40 [PD1-017 RR-026.C40] • C41 [PD1-017 RR-026.C41] <p>We have provided further clarification on the following comments within our Risk and Issues Log submitted at Deadline 3 (Appendix I3):</p> <ul style="list-style-type: none"> • C5/ C21/ C43 • 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] • F10 [PD1-017 RR-26.F10] • G17 [PD1-017 RR-26.G21] |
| 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> | <p>Natural England welcomes the Applicant’s inclusion of monitoring proposals across several receptors in the revised updated Offshore IPMP submitted at Deadline 2. We have acknowledged this in our updated response to the Offshore In-Principal Monitoring Plan (Appendix H3) and also reflected this in comments D23, F4 and F14 in our Risk and Issues Log (Appendix I3).</p> <p>However, we note that the ExA have requested further information, particularly in relation to ornithological monitoring as set out in ref: MO 1.13. Natural England is supportive of this request and advise that once the Applicant has considered this request and updated their Offshore IPMP accordingly, we will provide comments at the subsequent deadline.</p> |

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| | | <p>(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? Can the MMO and NE:</p> <p>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]?</p> | |
| CE Cumulative Effects | | | |
| CE 1.7 | Natural England | <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]. 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. Could Natural England clarify if it has any further comments on this matter, and does it continue to recommend a</p> | <p>Natural England notes the Applicants position. Whilst Natural England’s overarching advice on stranded assets remains unchanged, we highlight that the submission of the Morgan and Morecambe Transmission Assets Application in October 2024 provides an opportunity for issues raised in regard to holistically assessing the project to be addressed. However, this is dependent upon CEA and in-combination assessments being updated accordingly to reflect any changes made during the two examinations.</p> <p>We do note that at the scheduled determination date for the Morgan generation assets, the transmission asset Examination is unlikely to have concluded and/or the Examiners report to DESNZ will not be available. Therefore, and depending on the extent of outstanding issues in relation to the transmissions assets and the cumulative/in-combination assessments, it is plausible that the decision maker may wish to consider the use of a condition along</p> |

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| | | requirement is imposed similar to that recommended for Triton Knoll? | the lines recommended by the Triton Knoll Examining Authority to manage any risks. |
| HRA Habitat 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 • Flamborough and Filey Coast SPA. | <p>Natural England considers the risk of adverse effects on the SPAs listed is generally low, and that the submission of in-principle compensatory measures with respect to English SPAs is unlikely to be necessary. This may not be the case for Welsh or Scottish SPAs however, and the advice of NRW and NatureScot should be sought.</p> <p>However, at present it is not possible for Natural England to definitively rule out adverse effects, for the following reasons:</p> <p>Liverpool Bay SPA – we have outstanding concerns regarding the disturbance and displacement effects on red-throated diver and common scoter due to the vessel movements during the construction and operations & maintenance (o&m) phases. See response to HRA1.5 below.</p> <p>Other SPAs – whilst the collision risk on the classified features of these sites is likely to be low, the Applicant’s reluctance to provide impact assessment outputs in line with all elements of SNCB advice means that we cannot confidently rule out adverse effects in-combination with other plans and projects. However, we are hopeful that should such outputs be provided, this issue should be resolvable.</p> |

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| | | <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> | <p>We understand that the Applicant is submitting a further Cumulative Effects Assessment (CEA) at Deadline 3 that we would also wish to review before confirming our integrity advice.</p> <p>We highlight that a greater ‘air gap’ between the turbine blades and the sea surface will reduce the potential collision risk from the project, which would further decrease the likelihood of adverse effects. It would also help address the contribution of the project to the potentially significant cumulative EIA-level impact on great black-backed gull.</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</p> | <p>Natural England consider that for designated sites within English jurisdiction, the likelihood for an in-combination LSE for any site/feature where the Applicant has excluded an LSE from the project alone is low.</p> <p>However, we continue to be concerned that the Screening Report did not identify an LSE from the project alone for red-throated diver and common scoter at Liverpool Bay SPA, as referenced in our Relevant Representations ([RR-026], B41 and B53).</p> <p>We advise that the Applicant should consider Liverpool Bay SPA at the appropriate assessment stage, and include the Natural England Best Practice Protocol for vessel movements within 2km of the SPA as a mitigation measure</p> |

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| | | <p>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? | <p>in order to rule out an AEol. We advise that this commitment should be secured within the Outline EMP (please also see our response to question HRA 1.11).</p> <p>We defer to NRW for comment on sites within their jurisdiction.</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</p> | <p>Natural England can confirm that the condition assessments for the SACs listed within Natural England’s jurisdiction are not available. We defer to NRW to comment on SACs within their jurisdiction.</p> |

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| | | <p>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 1.11 | 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</p> | <p>Natural England notes and welcomes the request from the ExA to the Applicant to provide an outline Offshore EMP. We advise that the adoption of best practice vessel operations to minimise disturbance from o&m vessel movements should be included within the outline Offshore EMP. We have supplied a copy of Natural England's Best Practice Protocol in our Relevant Representations ([RR-026], B41). Once this mitigation is secured within the outline Offshore EMP and submitted into Examination, it is likely that we can agree that an AEoI from operation and maintenance vessel movements can be ruled out.</p> |

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| | | <p>movements on qualifying features of Liverpool Bay SPA (page 144 [PD1-017]). NRW [REP1-056] has subsequently stated that “... <i>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...</i>”.</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 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 “prepared to agree with the assessment presented that effects during construction, operations and maintenance, and decommissioning of the Morgan</p> | <p>Natural England defer to Historic England for comment on documents which relate to World Heritage Sites (WHS). However, we highlight that we reviewed the SLVIA reports following acceptance of the Application and raised a technical issue with the SLVIA assessment visualisations in the cover letter of our Relevant Representations [RR-026, Section 5.6]. However, we advise that issue has now been</p> |

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| | | <p>Generation project on the assessed designated historic assets within the English study area are not significant in EIA terms” (para 4.9) and that it has “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” (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 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> | <p>resolved, as set out in our Risk and Issues Log (Appendix I3), and therefore we do not have any outstanding concerns with the SLVIA assessment regarding potential impacts on designated landscapes, including the Lake District National Park.</p> |
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| | | <ul 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 1.2 | <p>Marine Management Organisation Natural England 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> <ul 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? | <p>Natural England notes that the seasonal piling restriction was raised by the MMO and CEFAS. However, we support the advice given by the MMO and CEFAS. And continue to defer to them on this matter.</p> |

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| | | <p>iii) Could a refined spatial piling exclusion area be defined instead of an exclusion period over the whole array area?</p> <p>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 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</p> | <p>Natural England highlights that underwater noise from turbines are not typically assessed for fish receptors because at present there is limited evidence/information to suggest a need to do so. However, for all fish related underwater noise assessments relating to this project we defer to Cefas's technical expertise.</p> |

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| | | <p>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> <ul style="list-style-type: none"> i) Can the Applicant provide project specific information on underwater sound from wind turbines during the operational phase? 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? | |
| 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</p> | <p>Natural England agrees with the ExA that more persistent impacts from habitat disturbance, may be considered long term. However, there remains an argument for EIA impacts to still be considered temporary. This is because following cessation of disturbance, there is evidence that fish populations can recover and without further seabed disturbance be maintained over the operational phase of the windfarm and/or post decommissioning. Therefore, we advise that any further habitat disturbance impacts from decommissioning should be considered as a separate discrete impact.</p> <p>Natural England highlights that lasting habitat loss would occur where infrastructure is installed for the lifetime of the project. However, we do believe that mitigation</p> |

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| | | that the decommissioning sequence will generally be a reverse of the construction sequence. 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. | measures for loss of supporting habitat for fish and shellfish are not required for this project. |
| MM Marine Mammals | | | |
| 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> | Natural England agree that there is limited evidence to inform an assessment on masking. However, we highlight that with the implementation of NAS, the personified areas will be smaller which would reduce the impact of masking. |
| MM 1.8 | Marine Management Organisation Natural England | <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,</p> | Natural England advise that the Soloway and Dahl (2014) is widely accepted with regards to the UXO High Order Clearance Sound Modelling, despite its age. |

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| | | acoustic modelling was undertaken following the methodology described in Soloway and Dahl (2014). 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? | |
| 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. Can the MMO, Natural England and NRW confirm if they are confident that mitigation options exist to reduce the residual effects.</p> | <p>NAS are proven to reduce the level of noise generated at source and its propagation through the marine environment. As the noise levels are reduced at or close to the source, the range and area over which noise-related impacts occur will be reduced significantly.</p> <p>We highlight that Defra are actively considering updating marine noise policy, and that an announcement is likely to be made in the near future. The policy direction is towards an expectation that all offshore wind developers carrying out pile driving activity in English waters should demonstrate that they have utilised best endeavours to deliver noise reductions through the use of primary and/or secondary noise mitigation methods in the first instance, from January 2025 onwards. We will keep the Examination updated on any policy changes.</p> |
| MM 1.13 | Applicant Marine Management Organisation Natural England Natural Resources Wales | <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</p> | Natural England advise there is 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. |

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| | | that sound emissions from vessels will likely deter animals from the potential zone of impact. 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? | Therefore this should be adequately assessed within the cumulative assessment. |
| 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 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.</p> | <p>The new UXO guidance is an updated joint statement due to be published the same time as the anticipated updated marine noise policy, as outlined in MM 1.12.</p> <p>The current joint statement on UXO clearance is here - Marine environment: unexploded ordnance clearance joint interim position statement - GOV.UK</p> <p>For completeness, the current UXO mitigation guidance from JNCC is here - JNCC guidelines for minimising the risk of disturbance and injury to marine mammals whilst using explosives JNCC Resource Hub</p> |
| 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</p> | Natural England is content with the removal of scare changers from the MMMP. No alternative measures are required. |

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| | | 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? | |
| 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. 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> | Natural England is content with the assigned sensitivity score for minke whales. Due to the vulnerability of harbour porpoise and harbour seal to changes in prey availability, we advised that their assigned sensitivity score should be upgraded to medium. |
| 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</p> | Natural England notes the ExA's request for the Applicant to identify appropriate mitigation measures. Once the |

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| | | SBP surveys should be identified (NE Risk and Issues Log C37, REP2-033). Can the Applicant identify appropriate mitigation measures that could be included in a future iteration of the outline MMMP? NE are then invited to provide a subsequent response. | Applicant has provided this information, we will respond at the subsequent deadline. |
| MP Marine Physical Processes and Benthic Ecology | | | |
| 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 | Natural England is also unclear on the Applicant's disposal options for ballast material at decommissioning. We would welcome further clarity from the Applicant on what is meant by 'reused or disposed of offsite' which has been stated in the Applicant's response ([PD1-017], RR-026.D20). Until more information is provided on the proposed location for ballast disposal, Natural England is unable to advise with any certainty on the likelihood and significance of any disposal on designated sites within English waters. |

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| | | <p>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.</p> | |
| MP 1.5 | <p>Applicant Marine Management Organisation Natural England</p> | <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 “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.”</p> <p>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</p> | <p>Until the Applicant has provided the information requested by the ExA at (i) Natural England is unable to advise with certainty on the likelihood of secondary scour occurring and where it does what the significance will be. However, from the information we have seen there is potential that the impacts will not be significant from a nature conservation perspective and subject to further information being provided this matter could be readily resolved.</p> <p>For awareness, secondary scour is specific to the location, the marine processes occurring and the type and design of infrastructure placed in/on the seabed. Therefore, all projects have a risk of secondary scour occurring, but for some projects like Scroby Sands OWF or Race Bank OWF the impacts are more severe, not only impacting the wider environment, but also structural integrity. But in all cases the implications are likely to be the same i.e., requirement for further scour prevention to be placed on the seabed and removal at the time of decommissioning.</p> |

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| | | <p>provisions will be in place to deal with scour in the event that the protection measures fail.</p> <p>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.</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. 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</p> | <p>Natural England will respond to the Applicant’s suggested wording at the subsequent deadline. However, we highlight that decommissioning will be subject to whole new EIA Application process in which relevant pre (decommissioning) application monitoring surveys will be required, which would negate the need for this condition</p> <p>But, whilst not a standard requirement on OWF development presently, there is an evidence gap in regard colonisation of infrastructure. Therefore, we would welcome monitoring over the next 10 years/ during the operational life of the project to fill that evidence gap.</p> |

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| | | <p>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. Natural England and the MMO are invited to respond to the Applicant's suggested wording at the subsequent deadline. | |
| 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</p> | Natural England welcomes this request from the ExA and will submit a response to the Applicant's response at Deadline 5 if required. |

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| | | <p>clearance on the most likely (common) UXO clearance of 130kg. However, the absolute maximum UXO clearance could be a 907kg high order explosion. 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. The MMO and NE are requested to submit a response to the Applicant's response at Deadline 5.</p> | |
| MO Marine Ornithology | | | |
| 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 on offshore ornithology.</p> <p>Additional relevant documentation has been submitted by the Applicant at Deadline 2 [REP2-005, REP2-021, REP2-022, REP2-023]. 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</p> | <p>Natural England have provided a response to the documentation submitted by the Applicant at Deadlines 1 and 2. Our response is provided in Appendix B3 and updates to the Risk and Issues Log have been made (Appendix I3).</p> |

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| | | elements of the Applicant’s responses have addressed their concerns. | |
| 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> <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. The ExA also notes that there appears</p> | <p>Natural England welcomes the ExA request for the Applicant to consistently present the air gap, and to 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. We are satisfied with the Applicant’s response to our comments in relation to clearly presenting the minimum air gap for this particular project. However, we agree that this should be updated for consistency in the Application documents as per the ExA request.</p> <p>As noted in HRA1.1 above, we highlight that increasing the air gap has the potential to reduce the collision risk to seabirds, We would therefore welcome further investigation by the Applicant of whether the air gap can be increased in a way that reduces the collision risk without affecting project viability.</p> |

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| | | <p>to be an inconsistent approach to presentation of the MDS for the air gap between various documents. The Applicant is asked to: 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> <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]. Could Natural England confirm if the update reflects their comments</p> | <p>Natural England note that document submitted by the Applicant [REP1-026] reflect changes to the baseline characterisation for age class data. Natural England did not raise anything on this matter during our Relevant Representations. Therefore this document does not reflect any changes made to our R&I Log.</p> |

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| | | made in Table 2 of (B4 to B12) [RR-026] or whether it requires any additional information. | |
| 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 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. 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. 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 “seabird populations will be much less robust to any additional mortality arising from offshore wind farm developments”, 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. The Applicant in its responses to both NE and</p> | Natural England advise that the HPAI note provided in Annex 2 of our Relevant Representations [RR-026] is the most up-to-date version. |

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| | | <p>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. | |
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| | | <p>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> <p>Can the RSPB:</p> <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;</p> | <p>Natural England acknowledge the Applicant's response and advise that we are broadly content with the Applicant's responses regarding sabbatical birds at Deadlines 1 and 2. However, we advise that the wording within the submitted assessment should be updated with the clarification given by the Applicant in their response (B.69, B.70 [PD1-017]).</p> |

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| | | <p>the Applicant should confirm that this is the case and edit text for clarity as necessary. 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. 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 11 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</p> | <p>Natural England advises that the Applicant's response (RR-026.B.68 and RR-027.27 [PD1-017]) does not address our initial advice. We reiterate that the SNCBs do not support the Applicant's methodology for kittiwake age apportioning, as we did during the pre-application phase. We continue to advise that the Applicant use the 84.11% of adults recorded in the Morgan site-specific DAS data to undertake kittiwake age apportioning and submit this into Examination to allow Natural England to provide advice based on an impact assessment that uses our advised parameters.</p> |

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| | | <p>to Morgan Generation Assets. 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 underestimate (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. 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 1.13 | 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.</p> | <p>Natural England is supportive of the ExA request for the Applicant to include ornithological monitoring of key ornithology receptors within the IPMP and appropriately secure it within the draft DCO, drawing on SNCB advice. Ideally, this will be a collaborative assessment across the Mona and Morgan Generation projects with a focus on</p> |

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| | | <p>Establishing and agreeing the uncertainties and 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</p> | <p>receptors which are not usually the subject of post-construction monitoring. For example, Digital Aerial Surveys (DAS) monitoring of manx shearwater displacement from OWF array areas could fill an important evidence gap. Natural England would welcome further engagement once the Applicant has proposed ornithological monitoring within the IPMP.</p> |
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| | | <p>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 “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” (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> | |
| SLV Seascape, Landscape and Visual | | | |
| SLV 1.7 | <p>Historic England Natural England 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</p> | <p>Natural England defer to Historic England for comment on documents which relate to World Heritage Sites (WHS). However, we highlight that we reviewed the SLVIA reports following acceptance of the Application and raised a technical issue with the SLVIA assessment visualisations in the cover letter of our Relevant Representations [RR-026, Section 5.6]. However, we advise that issue has now been resolved, as set out in our Risk and Issues Log (Appendix I3), and therefore we do not have any outstanding concerns with the SLVIA assessment regarding potential impacts on</p> |

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| | | 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. | designated landscapes, including the Lake District National Park. |
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