

MORGAN OFFSHORE WIND PROJECT: GENERATION ASSETS

Applicant's Response to IP submissions submitted at Deadline 2

Deadline: 3

Application Reference: EN010136

Document Number: MRCNS-J3303-RPS-10185

Document Reference: S_D3_3

12 November 2024

F01



Image of an offshore wind farm

MORGAN OFFSHORE WIND PROJECT: GENERATION ASSETS

Document status

Version	Purpose of document	Authored by	Reviewed by	Approved by	Review date
F01	Deadline 3	RPS	Morgan Offshore Wind Ltd.	Morgan Offshore Wind Ltd.	November 2024

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MORGAN OFFSHORE WIND PROJECT: GENERATION ASSETS

Contents

1 APPLICANT’S RESPONSE TO IP D2 SUBMISSIONS 1
 1.1 Introduction 1

2 RESPONSES TO IP D2 SUBMISSIONS 2
 2.1 Marine Management Organisation (MMO) 2
 2.2 National Federation of Fishermen's Organisations (NFFO)'s Written Representation 40
 2.3 Natural England (NE)..... 46

Tables

Table 2.1: REP2-029 – Marine Management Organisation (MMO). 2
 Table 2.2: REP1-031 – National Federation of Fishermen's Organisations (NFFO) Written Representation 40
 Table 2.3: REP1-031 – Natural England. 46

MORGAN OFFSHORE WIND PROJECT: GENERATION ASSETS

Glossary

Term	Meaning
Applicant	Morgan Offshore Wind Limited.
Development Consent Order (DCO)	An order made under the Planning Act 2008 granting development consent for one or more Nationally Significant Infrastructure Project (NSIP).
Environmental Statement	The document presenting the results of the Environmental Impact Assessment (EIA) process for the Morgan Offshore Wind Project.
Expert Working Group (EWG)	Expert working groups set up with relevant stakeholders as part of the Evidence Plan process.
Marine licence	The Marine and Coastal Access Act 2009 requires a marine licence to be obtained for licensable marine activities. Section 149A of the Planning Act 2008 allows an applicant for a DCO to apply for a 'deemed' marine licence as part of the DCO process.
Maximum Design Scenario (MDS)	The scenario within the design envelope with the potential to result in the greatest impact on a particular topic receptor, and therefore the one that should be assessed for that topic receptor.
Morgan Array Area	The area within which the wind turbines, foundations, inter-array cables, interconnector cables, offshore export cables and offshore substation platforms (OSPs) forming part of the Morgan Offshore Wind Project will be located.
Morgan Offshore Wind Project: Generation Assets	This is the name given to the Morgan Generation Assets project as a whole (includes all infrastructure and activities associated with the project construction, operations and maintenance, and decommissioning).

Acronyms

Acronym	Description
CBRA	Cable Burial Risk Assessment (
CEA	Cumulative Effects Assessment (
CMS	Construction Method Statement
CRM	Collision Risk Modelling
DCO	Development Consent Order
dMLs	deemed Marine Licences
EIA	Environmental Impact Assessment
EMP	Environmental Management Plan
ES	Environmental Statement
EWG	Expert Working Group
FIR	Fisheries Industry Representative
FLCP	Fisheries liaison and co-existence plan
HRA	Habitats Regulations Assessments

MORGAN OFFSHORE WIND PROJECT: GENERATION ASSETS

Acronym	Description
INNS	Invasive non-native species
IPMP	In Principle Monitoring Plan
IP	Interested Party's
JNCC	Joint Nature Conservation Committee
MDS	Maximum Design Scenarios
MMO	Marine Management Organisation
MMMP	Marine Mammal Mitigation Protocol
MPCP	Outline marine pollution contingency plan
NAS	Noise Abatement Systems
NFFO	National Federation of Fishermen's Organisations
NRW	Natural Resources Wales
OFLCP	Outline Fisheries Liaison and Coexistence Plan
PEIR	Preliminary Environmental Information Report
PM	Primary Measures
SAC	Special Areas of Conservation
SMZ	Scallop Mitigation Zone
SNCB	Statutory Nature Conservation Bodies
SoCG	Statement of Common Ground
SSC	Suspended Sediment Concentration
SSSI	Site of Special Scientific Interest
TM	Tertiary Measures
TTS	Temporary Threshold Shift
UKHO	United Kingdom Hydrographic Office
UWSMS	underwater sound management strategy
UXO	Unexploded ordnance
WFA	Welsh Fishermen's Association
WFA-CPC	Welsh Fishermen's Association - Cymdeithas Pysgotwyr Cymru
WFC	Whitehaven Fishermen's Co-operative

Units

Unit	Description
kJ	kilojoule
km	Kilometre

1 Applicant's response to IP D2 submissions

1.1 Introduction

- 1.1.1.1 Following Deadline 2, Morgan Offshore Wind Limited (the Applicant), has taken the opportunity to review each of the submissions received from stakeholders.
- 1.1.1.2 Details of the Applicant's response to each of the Interested Party's (IP) submissions are set out in the subsequent sections of this document and its annex.
- 1.1.1.3 The Applicant has numbered the responses to submissions in line with the Planning Inspectorate's document library with subsequent paragraph numbering.
- 1.1.1.4 Following annex was produced to support the Applicant's response:
- Annex 3.1 to the Applicant's response to Written Representations from the Marine Management Organisation at Deadline 2.

2 RESPONSES TO IP D2 SUBMISSIONS

2.1 Marine Management Organisation (MMO)

Table 2.1: REP2-029 – Marine Management Organisation (MMO).

Reference	Written Submission at DL2	Applicant's response
REP2-029.1	<p>1.Comments on Pre-Examination Procedural Deadline Submissions</p> <p>1.1.PD1-006 Applicant's response to Relevant Representation from Marine Management Organisation: Fish and Shellfish 4.6.5 (Annex 3.1)</p> <p>1.1.1. The MMO notes that the modelled 207 dB re 1µPa SPLpk contour has been presented, based upon the Popper et al. (2014) threshold for mortality and potential mortal injury to eggs and larvae for a 5.5 metre (m) diameter pin pile and the maximum hammer energy of 4,400 kilojoules (kJ) as requested. The MMO thanks the Applicant for this.</p>	<p>The Applicant welcomes MMO's responses and the engagement from MMO.</p> <p>The Applicant notes the MMO's Written Submission regarding the provision of mapped contours for eggs and larval mortality with thanks.</p> <p>No action is required by the Applicant.</p>
REP2-029.2	<p>1.1.2 Regarding Figure 1.1 of Annex 3, the MMO notes, from the clarified modelling, the range of impact for mortality and potential mortal injury to cod eggs and larvae from the source of piling is 394m. Although eggs and larval mortality will occur at points where piling takes place across the array, as demonstrated by Figure 1.1, this represents a small area of impact relative to the wider extent of the mapped high intensity cod spawning ground and the MMO is content that the level of impact demonstrated by Figure 1.1 is acceptable and has no further comments to make at this time.</p>	<p>The Applicant notes the MMO's Written Submission regarding the acceptability of impact ranges for cod eggs and larvae with thanks. No action is required by the Applicant.</p>
REP2-029.3	<p>1.1.3 In relation to Section 1.2.2 of Annex 3.1 which relate to the contour decibel levels presented in Figures 3.8, 3.9, 3.10 and 3.11 of the fish ecology chapter, the MMO does not agree with the approach of deriving the modelled underwater noise (UWN) contours from the</p>	<p>The Applicant notes the MMO's Written Submission and has provided updated contour plots in S_D3_3.1 Annex 3.1 to the Applicant's response to Written Representations from the MMO F01, showing contours for Temporary Threshold Shift (TTS), Recoverable Injury and Mortality for Group 3 and 4 static fish receptors in the SELcum metric. These contour plots are less conservative than those used for the fish and shellfish underwater sound assessment [APP-021] and showed a slight</p>

MORGAN OFFSHORE WIND PROJECT: GENERATION ASSETS

Reference	Written Submission at DL2	Applicant's response
	<p>SELs metric to provide a visual representation of the relevant SELcum thresholds. Please refer to response RR-020.55 in Table 1 for further details.</p>	<p>decrease compared to the original assessment, but the areas affected have not significantly changed overall and therefore the assessment conclusions remains the same.</p>
<p>REP2-029.4</p>	<p>1.1.4 In relation to Section 1.2.3 of Annex 3.1, the MMO thanks the Applicant for clarifying that the UWN contours presented in Figure 3.14 of the fish ecology chapter display single point piling for a hammer energy of 3,000 kJ to demonstrate the behavioural ranges associated with this lower hammer energy which will represent the maximum hammer energy at 75% of piling. The MMO notes that the Applicant also highlights UWN contours for the behavioural range of impact in cod at their spawning grounds associated with the maximum hammer energy (4,400 kJ) are presented in Figure 3.5.</p>	<p>The Applicant notes the MMO's Written Submission regarding provision of underwater sound contours relating to behavioural ranges for the lower hammer energy of 3,000 kJ, along with those for the maximum hammer energy of 4,400 kJ. No action is required by the Applicant.</p>
<p>REP2-029.5</p>	<p>1.1.5 For the reasons outlined in response RR-020.56 in Table 1 below, the MMO considers that the studies are not appropriate for the purpose of defining a threshold to model behavioural responses in cod at their spawning grounds. The MMO is not aware of a quantitative threshold which would be suitable for the purpose of modelling behavioural responses in wild Atlantic cod. However, cod are broadcast spawners with pelagic larvae so are not reliant on particular seabed habitats for reproduction in the same way that herring are. This means that cod have the ability to move throughout the spawning ground and undertake spawning, without their ability to spawn being impaired if they cannot reach a specific area or habitat due to excessive noise disturbances. As Figure 1.1 demonstrates, the high and low intensity cod spawning grounds are quite extensive in the region, and, therefore, behavioural responses to UWN in cod are less of a concern than they are for herring, as in theory, cod could move away from the affected area and spawn elsewhere within their spawning ground. In this sense,</p>	<p>The Applicant notes the MMO's Written Submission regarding behavioural thresholds for and spawning ecology of cod. A detailed response regarding assessment of behavioural effects to cod is provided in the Applicant's response to REP2-MMO.15.</p> <p>Please refer to the Applicant's response to REP2-029.3 which provides updated injury contour plots for cod in the SELcum metric to allow further interrogation of the potential for physiological effects. These contours are less conservative than the contours used within the fish and shellfish underwater sound assessment, and the areas impacted decreased slightly compared to the original assessment, but did not change significantly overall and therefore the assessment conclusion remains the same. The Applicant considers this issue is now resolved with the information set out in S_D3_3.1, Annex 3.1 to the Applicant's response to Written Representations from the MMO F01, providing the requested clarification from the MMO.</p>

MORGAN OFFSHORE WIND PROJECT: GENERATION ASSETS

Reference	Written Submission at DL2	Applicant's response
	the physiological risks to cod from UWN are of greater concern.	
REP2-029.6	1.1.6 The MMO requests that the range of impact from UWN based on the thresholds for Group 3 fish with high hearing sensitivity for mortality and potential mortal injury (207 cumulative sound exposure level (SELcum)), recoverable injury (203 SELcum), and TTS (186 SELcum), as per the pile driving threshold guidelines described by Popper et al. (2014), are presented so that the physiological risks to cod can be assessed.	Please refer to the Applicant's response to REP2-029.3.
REP2-029.7	1.1.7 In relation to Sections 1.2.4 and 1.2.5 of Annex 3.1, the MMO thanks the Applicant for clarifying that a pile diameter of 5.5m has been used in modelling the impacts of underwater sound from piling on fish. The MMO is content with the maximum design scenario (MDS) used and has no further comments to make on this matter at this present time.	The Applicant notes the MMO's Written Submission regarding confirmation of the pile diameter used for underwater sound modelling with thanks. No action is required by the Applicant.
REP2-029.8	1.1.8 In relation to Section 1.2.6 of Annex 3.1, as per the MMO comments in response RR020.57 in Table 1, the MMO supports the commitment to develop the underwater sound management strategy (UWSMS). However, the MMO does not consider that this commitment alone is sufficient to remove the need for a seasonal piling restriction during the cod spawning season (January to April inclusive). Given that modelling for the range of impact for physiological effects (mortality and potential mortal injury, recoverable injury, and TTS, as per the pile driving threshold guidelines described by Popper et al. (2014)) with regard to cod has not been provided, the MMO deems that it is not appropriate to remove the recommended restriction. As per the MMO comments in RR-020.55 of Table 1, the MMO requests that the Applicant presents the range of impact from UWN based on the thresholds for Group 3 fish with high hearing sensitivity for mortality and potential mortal injury (207 cumulative sound exposure level (SELcum)), recoverable injury (203 SELcum), and	<p>The Applicant notes the MMO's Written Submission regarding the Underwater Sound Management Strategy and seasonal restrictions. Please refer to the response to REP2-029.3 for the provision of updated contour plots showing injury ranges from Popper <i>et al.</i> (2014) with respect to cod spawning grounds in the SELcum metric.</p> <p>The Applicant and the MMO are continuing to engage on the need for seasonal restrictions and management of the effects of piling noise during fish spawning periods through the UWSMS. The Applicant welcomes the MMO support regarding the commitment to develop the underwater sound management strategy (UWSMS).</p>

MORGAN OFFSHORE WIND PROJECT: GENERATION ASSETS

Reference	Written Submission at DL2	Applicant's response
	TTS (186 SELcum) so that the risk to adult cod which may be spawning in the vicinity of the array can be appropriately assessed.	
REP2-029.9	1.1.9 The MMO is of the opinion that it is acceptable for the UWSMS to be developed and mitigation options to be explored post-consent, with input from stakeholders, but the requested piling restrictions for cod and herring must be conditioned onto the DML as a minimum and should only be varied or amended once satisfactory evidence that the range of impact from UWN has been reduced is provided for review and deemed acceptable. The MMO is also content to review any new wording on these conditions to allow for flexibility to be built in. See MMO responses RR-020.59 and RR-020.60 for details of why the Applicant's commitment to developing the UWSMS is not sufficient evidence to remove the recommended seasonal piling restrictions for cod and herring at this stage.	<p>The Applicant notes the MMO's Written Submission regarding the Underwater Sound Management Strategy and seasonal restrictions.</p> <p>The Applicant maintains that the most appropriate approach to manage the risk of potential underwater sound impacts is through development and implementation of the UWSMS, in collaboration with the MMO, as per the response to REP2-029.8 above. Notwithstanding this, the Applicant recognises and welcomes the ongoing engagement with the MMO on this matter, with the updated modelling presented in S_D3_3.1 Annex 3.1 to the Applicant's response to Written Representations from the MMO F01 expected to facilitate progression on this matter.</p>
REP2-029.10	<p>1.2.PD1-007 Applicant's response to Relevant Representations from Marine Management Organisation (RR-020): Underwater Sound</p> <p>1.2.1 See MMO response to RR-020.84 in Table 1. [MMO Table 1 extracted from row 21 below]</p>	The Applicant notes the MMO's Written Submission.
REP2-029.11	<p>1.3. PD1-008 Applicant's response to Relevant Representation from Marine Management Organisation: Fish and Shellfish 4.6.12 (Annex 3.3)</p> <p>1.3.1 The MMO does not consider the approach, as detailed in Annex 3.3, to modelling UWN impact ranges for mortality and potential mortal injury, recoverable injury, and TTS is acceptable based on their justification that the contours currently presented "are derived from the contours generated for the single strike sound exposure level (SELss) metric to provide a representation of the relevant cumulative sound exposure level (SELcum) thresholds". This approach is unnecessary as Popper et al. (2014) clearly defines</p>	Please refer to the Applicant's response to REP2-029.3.

MORGAN OFFSHORE WIND PROJECT: GENERATION ASSETS

Reference	Written Submission at DL2	Applicant's response
	evidence-based thresholds for mortality and potential mortal injury, recoverable injury, and TTS effects in fish, based on the SELcum metric so there is no need for the inference of new thresholds from the SELss metric.	
REP2-029.12	It is important that Figures are provided which present the correct thresholds for the range of impact from UWN based on the thresholds for Group 3 fish with high hearing sensitivity for mortality and potential mortal injury (207 cumulative sound exposure level (SELcum)), recoverable injury (203 SELcum), and TTS (186 SELcum) based on the pile driving threshold guidelines described by Popper et al. (2014). This key evidence is needed in order to assess the risk of physiological injuries to adult spawning cod from UWN appropriately.	Please refer to the Applicant's response to REP2-029.3.
REP2-029.13	1.3.2The MMO is content that nursery grounds for cod and herring are not shown within Figures 3.8, 3.9 and 3.10 and 3.11 given how widespread these areas are. The MMO is also content with the Applicant's justification that temporary avoidance of affected nursery ground areas is poses less of a risk to the reproductive success of herring and cod than avoidance of spawning grounds.	The Applicant notes the MMO's Written Submission regarding cod and herring nursery grounds with thanks. No action is required by the Applicant.
REP2-029.14	1.3.3 In relation to Section 1.2.2 and 1.2.3 of Annex 3.3 regarding herring; the MMO thanks the Applicant for restating that the assessment of behavioural effects to herring in response to UWN from piling is underpinned by the use of a sound level of 135 dB re 1µPa2 .s SELss, as per Hawkins et al., (2014). The MMO notes the Applicant's objections to using the 135 dB threshold of Hawkins et al., (2014), but given an absence of other peer-reviewed empirical evidence of behavioural responses in clupeid fishes to support an alternative threshold for impulsive noise, Hawkins et al., (2014) is still considered the best available scientific evidence by the MMO. Please see MMO response RR-020.56 in Table 1 as to why the studies by Doksæter et al., (2012)	The Applicant notes the MMO's Written Submission regarding herring behavioural criteria and clarification regarding the modelling of single piling for 4,400 kJ and 3,000 kJ with thanks. No action is required by the Applicant.

MORGAN OFFSHORE WIND PROJECT: GENERATION ASSETS

Reference	Written Submission at DL2	Applicant's response
	<p>and McCauley et al., (2000) are not suitable for the purpose of defining a threshold for modelling behavioural responses in Atlantic herring at their spawning grounds. The MMO further thanks the Applicant for recognising that the 135 dB threshold of Hawkins et al., (2014) is the more precautionary of the two proposed thresholds. The MMO notes clarified UWN modelling maps for behavioural responses in herring relative to the Isle of Man herring spawning ground, for single piling with a 4,400 kJ hammer energy and with a 3,000 kJ hammer energy.</p>	
<p>REP2-029.15</p>	<p>1.3.4 In relation to Section 1.2.2 and 1.2.3 of Annex 3.3 regarding cod; the MMO notes the assessed range of behavioural impact for cod using a sound level of 160 dB re 1µPa SPLpk as the response threshold. Clarified UWN modelling maps for behavioural responses in cod relative to their spawning ground, based on a 160 dB re 1µPa SPLpk response threshold have also been presented. Please see MMO response RR-020.56 in Table 1 as to why the studies by Doksæter et al., (2012) and McCauley et al., (2000) are not suitable for the purpose of defining a threshold for modelling behavioural responses in cod at their spawning grounds. The limitations of these studies are also relevant to cod. The MMO requests that appropriate modelling using the Popper et al. (2014) criteria should be presented.</p>	<p>The Applicant notes the MMO's Written Submission regarding defining behavioural criteria for cod. Doksæter <i>et al.</i> (2012) and McCauley <i>et al.</i> (2000) are two of a range of studies referenced to provide an indication of suitable criteria for assessing cod behaviour, with other studies also being factored into this. The sound level of 160dB re 1µPa SPLpk was first presented to stakeholders, with rationale for using this noise level, at Expert Working Group 02 in November 2022 (APP-090), with no objections raised in applying these criteria for the assessment of behavioural effects to cod. This was also presented in the Preliminary Environmental Information Report (Morgan Offshore Wind Limited, 2023) with no objections raised in Section 42 consultation responses (APP-088).</p> <p>The Applicant notes the MMO comments regarding the application of Popper <i>et al.</i> (2014) criteria to assess behavioural effects to cod. Popper <i>et al.</i> (2014) does not provide quantitative criteria to support behavioural assessment for fish, only qualitative criteria. The Applicant has sought to take a more precautionary approach than adopting the TTS threshold as a proxy for behavioural effects and as set out above the noise level used to inform the assessment (i.e. 160dB re 1µPa SPLpk criteria) was drawn from a range of literature sources to provide a precautionary indication of potential for behavioural effects to cod.</p> <p>It is the Applicant's understanding that the points of difference in relation to cod behavioural responses (and noise levels associated with them) would not make a material difference to the conclusions of the impact assessment. Volume 2, Chapter 3: Fish and shellfish ecology (APP-021), which concluded that there is a risk of an effect of moderate significance, which is significant in EIA terms, on cod spawning when the Morgan Generation Assets is considered cumulatively with other projects in the Irish Sea.</p> <p>As such, the Applicant has included cod as a key species in the UWSMS and has acknowledged that mitigation will be required to reduce the magnitude of the impact of underwater noise from piling on cod during their spawning season. These measures are set out in section 1.8 of the UWSMS. The MMO acknowledge that it is acceptable for the UWSMS to be developed and</p>

MORGAN OFFSHORE WIND PROJECT: GENERATION ASSETS

Reference	Written Submission at DL2	Applicant's response
		mitigation options to be explored post-consent, although discussions are continuing with respect to the mitigation measures to be included in the UWSMS during Examination.
REP2-029.16	<p>1.4.PD1-017 Applicant's Response to Relevant Representations</p> <p>1.4.1 The MMO welcomes the submission of this response, specifically Table 2.20 which refers to the Applicant's response to MMO comments raised in the MMOs Relevant Representation (RR-020). The MMO provided initial comments regarding DCO/ DML within the Deadline 1 submission. Further responses to the Applicant's comments can be found in Table 1 below.</p>	The Applicant notes the MMO's Written Submission and has responded to each point below.
REP2-029.17	<p>Table 1. MMO Response to Applicants Pre-examination Procedural Deadline Submission</p> <p>The MMO maintains the position that a document showing compliance with all plans is submitted as even those that are not applicable need to be revised to show that each policy has been assessed. The MMO has reviewed the Planning Statement (J2) and has identified that the following policies within the North West Offshore Marine Plan Policy have not been assessed for compliance: NW-ACC-1, NW-AGG-3, NW-AQ-2, NWCAB-2, NW-CC-1, NW-CCUS-1, NWCCUS-2, NW-CCUS-3, NW-DD-3, NWDEF-1, NW-FISH-1, NW-INNS-2, NW-ML1, NW-ML-2, NW-MPA-2, NW-MPA-3, NW-MPA-4, NW-OG-2, NW-PS-4, NWUWN-1.</p>	The Applicant has provided a response to the MMO at Deadline 2 within Annex 3.1 to the Applicant's response to Written Representations from the Marine Management Organisation at Deadline 2 (REP2-006).
REP2-029.18	Please see response to RR-020.2 above.	The Applicant has provided a response to the MMO at Deadline 2 within Annex 3.1 to the Applicant's response to Written Representations from the Marine Management Organisation at Deadline 2 (REP2-006).
REP2-029.19	The MMO's general position is that UXO activities are sought within a separate marine licence due to the nature of the impacts. The MMO is currently discussing the inclusion of the UXO clearance within the DML and will provide further comments in due course. The MMO is content for the UXO investigation activities to be included and recommend this is a clearly identifiable activity within the DML.	The Applicant has included all necessary activities for the construction and operations and maintenance of the Morgan Generation Assets in the application for development consent, in order to ensure a comprehensive application, and all such activities have been subject to a robust assessment process. This includes UXO clearance activities. Conditions attached to the dMLs within the draft DCO ensure that mitigation is finalised and agreed with the MMO in consultation with the relevant SNCB post-consent, through the MMMP and UWSMS.

MORGAN OFFSHORE WIND PROJECT: GENERATION ASSETS

Reference	Written Submission at DL2	Applicant's response
	<p>If the Examining Authority (ExA) and Secretary of State (SoS) are minded to include UXO clearances the DML should be updated to ensure these activities are set out as a separate activity taking into account activities 10-13 under section 66(1) (licensable marine activities) of the Marine and Coastal Access Act, 2009 (the 2009 Act). This would also include any lift and shift opportunities.</p> <p>The MMO also requests the number of UXOs to be fully assessed at this stage and the maximum number to be included within the DML. The MMO has reviewed the Underwater Sound Management Strategy (Document reference J13) which indicates a maximum UXO clearance number of 13. The MMO requests clarification on this number.</p>	<p>The Applicant has updated the dMLs within the draft DCO to separate out UXO clearance as a specific authorised activity under paragraph 2.</p> <p>The Applicant has also updated the dMLs to specify the maximum number of UXO that the dMLs authorise to be cleared. The Applicant can confirm this is a maximum of 13.</p>
REP2-029.20	The MMO welcomes this update.	The Applicant notes this response.
REP2-029.21	Please see MMO comments within section 2 of this document regarding Article 7.	The Applicant has responded within section 2 below.
REP2-029.22	Please see MMO comments within section 2 of this document regarding the use of maintain and materially.	The Applicant has responded within section 2 below.
REP2-029.23	Please see MMO comments within section 2 of this document regarding the provisions of section 72.	The Applicant has responded within section 2 below.
REP2-029.24	<p>The MMO does not agree with the Applicant's response.</p> <p>These changes are necessary to ensure that the power to amend or vary is consistent with the requirements of the EIA regime as explained in the case of R. (Barker) v Bromley LBC [2007] 1 A.C. 470. That case concluded that EIA will be required at stages subsequent to an initial grant of consent where those likely significant effects were not identified at the earlier consenting stage. It follows that a mechanism to permit a variation or amendment will not be lawful until it prevents any possibility of a materially new or different significant environmental effects arising as a result of the variation</p>	The Applicant confirms that it updated paragraph 9 of each dML at Deadline 2 to reflect the MMO's preferred wording.

MORGAN OFFSHORE WIND PROJECT: GENERATION ASSETS

Reference	Written Submission at DL2	Applicant's response
	<p>or amendment.</p> <p>The MMO notes that the Applicant informed the MMO during a meeting dated 21 October 2024 that Paragraph 9 will be amended as requested. The MMO will review the updated DML once submitted and if updated would consider this point to be resolved.</p>	
REP2-029.25	<p>The MMO acknowledges the Applicant's comments. The MMO believes a timescale to discharge a document is inappropriate.</p> <p>The MMO has internal Key Performance Indicators (KIPs) which work towards a 13- week turn around. The MMO will never unduly delay but cannot be bound by arbitrary deadlines imposed by the Applicant since this would potentially prejudice other licence applications by offering expediency to the Applicant at the expense of other applications. It is also unclear what consequences would result if this deadline was not met, and how that would impact on the MMO's regulatory function.</p> <p>The MMO would highlight that this has been requested by the MMO since the Hornsea Project Three Offshore Wind Farm Examination. Since this examination, there is even more of a concern that more and more time is being spent working to determine documents submitted. There are a number of instances on projects where the submission at the four or six month date does not include everything that is required or within the outline plans and is more of a compliance requirement to ensure something is submitted in line with the consent. This leads to requests for additional information and multiple rounds of consultation and updates to ensure enough information is provided for the MMO to make a determination. It is becoming increasingly difficult to review the first submission of a document and therefore delays to the determination could cause significant impact to both the MMO and the Applicant.</p>	<p>The Applicant will continue to engage with the MMO to seek to agree the stated timescales within conditions for review and approval of documents and plans.</p>

MORGAN OFFSHORE WIND PROJECT: GENERATION ASSETS

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	<p>In relation to precedented timescales within other offshore wind DCOs. The MMO, of course, accept that there is a need for consistency in decision making. However, a decision maker is not bound by previous decisions and can depart from them where there is good reason to do so.</p> <p>The MMO would reiterate that it does not delay approvals unnecessarily and believes more realistic timescales should be included to allow for the Applicant to account for this within their programming.</p> <p>However, without prejudice to this position, the MMO believes that if time scales are included within the DML for plans then these should be six months not four months and is open to discussions on which documents must be six months and which documents could be four months to take into account the concerns that the Applicant may have. The MMO will continue to work with the Applicant to advise on any plans or documents that could have a four-month timescale.</p>	
<p>REP2-029.26</p>	<p>The MMO believes that 'in accordance' is enough to allow any changes to the operations and maintenance plan. The outline operations and maintenance plan must have the minimum requirements the MMO and other Interested Parties believe is required at this stage. The inclusion of 'substantially' does not provide any additional requirements of the condition and is a surplus requirement.</p> <p>The MMO would highlight that although each case is reviewed on a case by case basis this wording has not been used in similar Offshore Wind DCOs granted recently.</p> <p>The MMO notes that the Applicant informed the MMO during a meeting dated 21 October 2024 that the condition wording will be amended as requested. The MMO will review the updated DML once submitted and if updated would consider this point to be resolved.</p>	<p>The Applicant confirms that it updated each dML at Deadline 2 to reflect the MMO's preferred wording.</p>

MORGAN OFFSHORE WIND PROJECT: GENERATION ASSETS

Reference	Written Submission at DL2	Applicant's response
REP2-029.27	The MMO welcomes this update.	The Applicant notes this response.
REP2-029.28	The MMO welcomes this update.	The Applicant notes this response.
REP2-029.29	<p>The MMO has noted the Applicant's comments and although the condition was included due to 'the impact of that project on sensitive habitats and species.', if any monitoring shows an impact higher than predicted within the Environmental statement the MMO may require additional monitoring or mitigation at the post consent stage.</p> <p>The MMO will review the monitoring requirements and condition and provide further updates in due course.</p>	The Applicant notes this response and will await any further comments.
REP2-029.30	The MMO notes this and will review and provide any additional comments in due course.	The Applicant notes this response and will await any further comments.
REP2-029.31	<p>The MMO has previously requested the removal of this clause. That is because it unnecessarily duplicates the effect of s.86 of the 2009 Act.</p> <p>The MMO welcomes the applicant's comments regarding Force Majeure in point RR-020.33 of document PD1-017 regarding the Applicant's response to Relevant Representations. The MMO is currently reviewing the Applicant's comment and will provide a response in due course.</p>	The Applicant notes this response and will await any further comments.
REP2-029.32	<p>Coastal Processes</p> <p>The MMO welcomes the Applicants Response and has provided further comments below.</p>	The Applicant notes the MMO's Written Submission.
REP2-029.33	No further Comment	No response required.
REP2-029.34	The Applicant's response to the request for extent estimations is reasonable: the scour protection will depend on the foundation type that has not been agreed on yet.	The Applicant can confirm that the detail of design and construction will be outlined within the Offshore Construction Method Statement (CMS) developed in consultation with MMO. This will include an assessment of the magnitude of scour in comparison to the volumes of scour protection at the locations where it is proposed. This is secured within the DCO dMLs (REP2-011, S_D2_7) under Schedules 3 and 4, Part 2, condition 20(1)(d)(ii).

MORGAN OFFSHORE WIND PROJECT: GENERATION ASSETS

Reference	Written Submission at DL2	Applicant's response
	The MMO requests that the Applicant explicitly states that the comment RR-020.36 will be addressed or please refer to a relevant document that already addresses it.	The Applicant considers that this provides clarity that comment RR-020.36 will be addressed in the Offshore CMS and that this matter is now closed.
REP2-029.35	<p>The Applicant cites another report (ABPmer, 2023) saying that there is limited amount of sediment to be scoured, hereby limiting the maximal scour depth. Furthermore, and similarly to RR-020.36, the final design has not been agreed, so they cannot calculate potential scour.</p> <p>The MMO is content that the Applicant will submit an Offshore Construction Method Statement (CMS) developed in consultation with MMO and construction cannot commence until the CMS is submitted and approved by the MMO. The MMO will look to include this as a condition on the DML.</p>	The Applicant welcome this Written Submission from MMO and notes that development and agreement of an Offshore CMS is secured within the DCO dML (S_D3_6 Draft DCO F05) under Schedules 3 and 4, Part 2, condition 20(1)(d).
REP2-029.36	The Applicant's response agrees with the comment, so the issue can be considered as resolved.	The Applicant welcomes this Written Submission from MMO and notes that this matter is now closed.
REP2-029.37	<p>Dredge and Disposal</p> <p>The MMO notes that the Applicant will provide a draft decommissioning plan for the Morgan Generation Assets to be submitted with the decommissioning programme prior to construction commencing.</p> <p>The MMO is content with this provided that the decommissioning programme is updated during the Morgan Generation Assets lifespan to take account of changing good practice and new technologies and that the scope of the decommissioning works are determined by the relevant legislation and guidance at the time of decommissioning.</p>	The Applicant welcomes the MMO's Written Submission that the draft decommissioning plan should be submitted prior to commencing construction, and can confirm that the decommissioning programme will be updated during the Morgan Generation Assets lifespan to take account of changing good practice and new technologies and that the scope of the decommissioning works are determined by the relevant legislation and guidance at the time of decommissioning.
REP2-029.38	No further action required	No response required.
REP2-029.39	The MMO notes the Applicant's response and further states that, in line with OSPAR guidance, properties of the chemicals paints and coatings used should be	Schedules 3 and 4, Part 2, Condition 18(2) of the dMLs within the draft DCO (REP2-011) require that any coatings and treatments are suitable for use in the marine environment and are used in accordance with guidelines approved by the Health and Safety Executive and the Environment

MORGAN OFFSHORE WIND PROJECT: GENERATION ASSETS

Reference	Written Submission at DL2	Applicant's response
	<p>notified to the MMO for approval prior to use. This request was incorporated into the MMOs Relevant Representation RR-020.41 regarding the Mitigation and Monitoring Schedule.</p>	<p>Agency Pollution Prevention Control Guidelines. Condition 20(1)(e)(ii) further requires the offshore Environmental Management Plan to include details of a chemical risk assessment, including information regarding how and when chemicals are to be used, stored and transported in accordance with recognised best practice guidance.</p>
<p>REP2-029.40</p>	<p>The MMO welcomes this approach and will work with the Applicant.</p>	<p>The Applicant considers that matter to now be closed.</p>
<p>REP2-029.41</p>	<p>The MMO welcomes the confirmation of the collection storage and methodology to be undertaken for the analysis of samples by relevant validated laboratories. In addition, The MMO notes a good description of the analysis for trace heavy metals analysis showed the results would be appropriate for use with comparison to England's agreed action levels for dredged material.</p> <p>The MMO is continuing to discuss the disposal site designation with the Applicant so this can be stipulated within the DML and will provide the ExA an update in due course.</p>	<p>The Applicant welcomes the MMO's confirmation that the information provided by the Applicant (PD1-017) has demonstrated that the methods of analysis for trace heavy metals are appropriate for use with comparison to England's agreed action levels for dredged material. The Applicant therefore considers that matter to now be closed.</p>
<p>REP2-029.42</p>	<p>Benthic Ecology No response required</p>	<p>No response required.</p>
<p>REP2-029.43</p>	<p>No response required</p>	<p>No response required.</p>
<p>REP2-029.44</p>	<p>An assessment of the prevalence / abundance of sediment bound paint flakes pre- and post-construction would further our understanding of this potential impact on benthic ecology. However, the MMO notes that no further assessment of this impact has been proposed. This is in line with other similar developments where Applicants have not been required to undertake additional monitoring or research.</p> <p>Adequate sampling of the pre-construction condition is a pre-requisite for robust comparison with post-construction condition and the MMO requests the Applicant to seek opportunities for collaboration</p>	<p>The Applicant welcomes the MMO's confirmation that they are in agreement with the scoping of impacts in Volume 2, Chapter 2: Benthic subtidal ecology (APP-020) and the Applicant has submitted an updated Statement of Common Ground between the Applicant and the MMO at Deadline 3 (S_D3_MMO SoCG_Marine Management Organisation F02) which includes this update.</p> <p>With regards to the assessment and monitoring of paint flakes pre- and post-construction, the Applicant notes the MMO's comments that an assessment and monitoring of this impact has not been required for other similar developments. The Applicant therefore maintains that no further monitoring beyond that already outlined in the Offshore in-principle monitoring plan (REP2-013) is required for the Morgan Generation Assets. The Applicant notes that this matter is now resolved and will be reflected in the SoCG.</p>

MORGAN OFFSHORE WIND PROJECT: GENERATION ASSETS

Reference	Written Submission at DL2	Applicant's response
	<p>between researchers and industry to ensure that the opportunity to investigate this relatively recently identified potential impact to benthic ecology (see Tagg et al. 2024) is not missed.</p> <p>The MMO have advised the Applicant that MMO.BE.5 in the Statement of Common Ground (SoCG) can be changed to 'agreed' as there is an agreement to the scoping of impacts for the EIA for Benthic Subtidal and Intertidal Ecology.</p>	
REP2-029.45	<p>The MMO welcomes the Applicant's commitment to review suitable imagery acquired during monitoring related to maintenance activities for the presence of Invasive Non-Native Species (INNS) which will allow for an assessment of unambiguous INNS. However, the presence of cryptic INNS will not be adequately assessed through review of this imagery alone.</p> <p>The MMO notes that no significant effect from INNS was predicted within the Environmental Statement because of the Applicants commitment to adopt measures which act to reduce the likelihood of introduction of INNS. However, should INNS be identified during review of the imagery, the MMO requests that the Applicant reconsiders the collection of samples to:</p> <ol style="list-style-type: none"> 1) confirm species identification and; 2) understand the fouling assemblage more fully to include cryptic INNS 	<p>The Applicant notes the MMO's comments with regards to cryptic invasive non-native species (INNS). The Applicant can confirm that, should the monitoring related to INNS as outlined in the Offshore in-principle monitoring plan (REP2-013) detect the presence of INNS, the Applicant will commit to considering the feasibility of collecting samples of the communities colonising the seabed infrastructure for further analysis of INNS. The Applicant would note, however, that the feasibility of the collection of such samples would be dependent on the technical specifications of the equipment available at the time to undertake the surveys as well as health and safety considerations. The Applicant will however commit to exploring this as an adaptive management measure which would be discussed with the MMO as part of the development of the monitoring plan post-consent, secured within the DCO dMLs (S_D3_6 Draft DCO F05) under Schedules 3 and 4, Part 2, condition 20(1)(c).</p>
REP2-029.46	<p>Fish ecology</p> <p>The Applicant has noted the observations made and provided clarification that the parameters used to define the Maximum Design Scenarios (MDS) for each impact assessment carried out in the ES are selected from the project design envelope to represent the with the maximum effect for a particular impact and receptor</p>	<p>The Applicant notes the MMO's Written Submission regarding clarification of the Maximum Design Scenarios (MDS) with thanks. No action is required by the Applicant, and this matter is considered closed.</p>

MORGAN OFFSHORE WIND PROJECT: GENERATION ASSETS

Reference	Written Submission at DL2	Applicant's response
	<p>topic.</p> <p>This is acceptable and the MMO thanks the Applicant for clarifying this.</p>	
REP2-029.47	Please see response to RR-020.48 above	Please refer to the Applicant's response to REP2-029.46.
REP2-029.48	Please see response to RR-020.48 above	Please refer to the Applicant's response to REP2-029.46.
REP2-029.49	The MMO is content that the MDS for impacts to fish receptors from UWN as a result of piling is appropriate.	The Applicant notes the MMO's Written Submission confirming that the MMO is content with the MDS for underwater sound impacts from piling with thanks. This matter is considered closed.
REP2-029.50	The Applicant has clarified that they have two scenarios which cover OSP foundation installation. The first is that four OSPs with four-legged jacket foundations, requiring three piles per leg would be deployed (leading to a total of 48 piles installed), the second scenario is that a single OSP with a six-legged jacket foundation requiring three piles per leg would be installed (resulting in a total of 18 piles installed). The MMO is therefore content that the MDS for the piling of OSPs is appropriate and thanks the Applicant for providing clarification.	The Applicant notes the MMO's Written Submission regarding clarification of the MDS with thanks. No action is required by the Applicant, and this matter is considered closed.
REP2-029.51	The MMO thanks the Applicant for providing clarification.	The Applicant notes the MMO's Written Submission regarding provision of clarification with thanks. No action is required by the Applicant, and this matter is considered closed.
REP2-029.52	The required clarifications of the MDS have now been provided and the MMO thanks the Applicant for this	The Applicant notes the MMO's Written Submission regarding clarification of the MDS with thanks. No action is required by the Applicant, and this matter is considered closed.
REP2-029.53	<p>The Applicants response has not resolved the issue.</p> <p>In Figures 3.8, 3.9, 3.10 and 3.11 of the fish ecology chapter of the ES, thresholds for mortality and potential mortal injury, recoverable injury, and TTS are presented which were not consistent with the pile driving threshold guidelines described by Popper et al. (2014). The Applicant justifies this by outlining that the contours modelled "are derived from the contours generated for the single strike sound exposure level (SELss) metric to provide a representation of the relevant cumulative</p>	Please refer to the Applicant's response to REP2-029.3.

MORGAN OFFSHORE WIND PROJECT: GENERATION ASSETS

Reference	Written Submission at DL2	Applicant's response
	<p>sound exposure level (SELcum) thresholds”.</p> <p>However, this approach is unnecessary and departs from normal practice. Popper et al. (2014) clearly defines evidencebased thresholds for mortality and potential mortal injury, recoverable injury, and TTS effects in fish, based on the SELcum metric so there is no need for the Applicant to infer new thresholds from the SELss metric. Further, it appears that different thresholds for the same effect have been inferred in the different figures; for example, Figure 3.10 displays a TTS contour of 145 dB for a static receptor whereas Figure 3.11 displays noise contours of 142 dB for TTS for a static receptor.</p> <p>The MMO requests that the modelling outputs presented in Figures 3.8, 3.9, 3.10 and 3.11 of the fish ecology chapter be amended.</p> <p>The MMO requests that the Applicant presents the range of impact from UWN based on the thresholds for Group 3 fish with high hearing sensitivity for mortality and potential mortal injury (207 cumulative sound exposure level (SELcum)), recoverable injury (203 SELcum), and TTS (186 SELcum) as per the pile driving threshold guidelines described by Popper et al. (2014).</p>	
REP2-029.54	<p>The MMO acknowledges the clarification that the assessment of behavioural effects in herring at their spawning ground in response to piling noise, is based on the maximum range of behavioural effect modelled which uses the appropriately precautionary 135 dB re 1µPa2.s, as per Hawkins et al. (2014). The MMO notes that it is still not entirely clear how the threshold of 160dB re 1µPa SPL peak has been derived. The MMO further notes that the studies which the Applicant has used to determine this threshold are not wholly appropriate for this purpose. For example, the study by</p>	<p>The Applicant notes the MMO's Written Submission regarding application of the 135 dB re 1µPa2.s behavioural threshold for herring and acknowledging the errata regarding the conversion between sound metrics with thanks, and acknowledges the MMO's feedback regarding the additional studies referenced. No further action is required by the Applicant.</p>

MORGAN OFFSHORE WIND PROJECT: GENERATION ASSETS

Reference	Written Submission at DL2	Applicant's response
	<p>Doksæter et al., (2012) is based on the behavioural responses of captive herring exposed to naval sonar transmissions, however it is important to note that no comparison between noise emissions from naval sonar and impulsive piling has been made in this study, and that animals in tanks or large enclosures show very different responses to behavioural stimuli than wild animals (Popper et al., 2014). Further, the Applicant claims that the study by McCauley et al., (2000) examined behavioural reactions by the clupeid Perth herring, <i>Nematalosa vlaminghi</i> (Munro 1957) in response to impulsive air guns, but does not acknowledge that 'Perth herring' is a colloquial term for an Australian species of anadromous (migratory) shad (Smith et al., 2024) which is unlikely to share the same specific reproductive ecology as Atlantic herring (<i>Clupea harengus</i>).</p> <p>These studies are therefore not suitable for the purpose of defining a threshold for use in modelling behavioural responses in Atlantic herring at their spawning grounds. The limitations of these studies are also relevant to cod. The MMO thanks the Applicant for recognising that references to 135 dB re 1µPa_{2.s} SELs and 160 dB re 1µPa SPL_{pk} being roughly equivalent are included in error within the ES and should be disregarded. It is not appropriate to make conversions between UWN metrics as relations between metrics is highly contextual and any "conversion" is subject to various uncertainties. Doing so also removes defined noise thresholds from their biological context.</p>	
REP2-029.55	<p>The MMO supports the commitment to develop an Underwater Sound Management Strategy (UWSMS) to manage the effects of underwater sound to non-significant levels to ensure no residual significant effect.</p> <p>This commitment alone is not sufficient to remove the need for a seasonal piling restriction during the herring</p>	<p>The Applicant notes and welcomes the MMO's Written Submission regarding the Underwater Sound Management Strategy (UWSMS) and seasonal restrictions.</p> <p>The Applicant and the MMO held a meeting regarding underwater sound impacts on 24/10/2024, and further discussions are ongoing in relation to the potential requirement of seasonal restrictions or noise abatement systems to reduce effects on spawning herring during the period indicated. The Applicant awaits the forthcoming Defra marine noise policy and will provide a detailed response</p>

MORGAN OFFSHORE WIND PROJECT: GENERATION ASSETS

Reference	Written Submission at DL2	Applicant's response
	<p>spawning season (September to October, inclusive) which was recommended in MMO-RR-020 in order to protect spawning herring, and their eggs and larvae, from UWN disturbances during the spawning season.</p> <p>Both Figures 3.4 and 3.6 from the fish ecology chapter show that the UWN contours for the 135 dB behavioural response threshold as per Hawkins et al. (2014), <u>fully overlap with the high intensity herring spawning grounds in the southeast of the Isle of Man, and partially overlap with the high intensity herring spawning grounds in the north and northeast of the Isle of Man.</u></p> <p>Given that no tangible mitigation strategies (using noise abatement technologies or otherwise) for reducing the range of behavioural effects in herring at their spawning ground from UWN, appear to have been outlined in detail at this point in the process, the MMO considers that <u>it is not appropriate to remove the requested restriction.</u></p> <p>Given the availability of effective alternatives to unmitigated piling – i.e. noise abatement measures to reduce noise at source - unmitigated pile driving cannot be justified on the basis that there are no realistic alternatives. Noise abatement measures would reduce the range of potential impact from UWN on sensitive species and habitats, an issue which is especially pressing given the wider context of the current expansion of offshore wind developments in the Irish Sea.</p> <p>To ensure adequate preparations are made and potential delays avoided, The MMO states that it is in the Applicant's interest to plan for and to incorporate noise abatement measures at the earliest opportunity.</p> <p>The MMO is content for the UWSMS to be finalised post-consent, however, removing the recommended</p>	<p>once available. The Applicant believes the UWSMS is therefore the best approach to consider the range of mitigation options and appropriate mitigation required.</p> <p>The Applicant and the MMO are continuing to engage on the need for seasonal restrictions and management of the effects of piling noise during fish spawning periods through the UWSMS. The Applicant welcomes the MMO's support for the ongoing development of the UWSMS, and the Applicant has provided further clarifications on underwater sound overlaps with cod and herring spawning grounds (S_D3_3.1 Annex to the Applicant's response to Written Representations from the MMO F01) to further address this.</p>

MORGAN OFFSHORE WIND PROJECT: GENERATION ASSETS

Reference	Written Submission at DL2	Applicant's response
	<p>restriction on piling during the herring spawning season would be premature as the Applicant has yet to present any evidence of the specific measures (including the use of Noise Abatement Systems (NAS)) which will be used to reduce UWN emissions to within acceptable levels relative to the herring spawning ground.</p> <p>Until such evidence is presented, the MMO's strongly believes and requests that a seasonal piling restriction is necessary in order to protect spawning herring, and their eggs and larvae, during the spawning season (September to October, inclusive) and that the restriction remains on the face of the DML. The implementation of adequate noise abatement strategies may remove the need for seasonal piling restrictions, however the Applicant must demonstrate that the range of impact from UWN in relation to spawning herring is adequately reduced.</p> <p>In relation to the Site Integrity Plan (SIP) (North Sea) the MMO would highlight that this process was set out for a specific reason for in-combination impacts only, any concerns to the project alone were discussed and agreed/concluded at the consenting stage. At this stage the impacts on fish for Morgan OWF is for the project alone and therefore it is not the same and the need for a restriction still stands without the evidence requested. The Principle of the UWSMS was agreed during the Evidence Plan Process, however this did not include all the required information and the MMO requires further information to be confident that a conclusion of no impact can be agreed without specific details.</p> <p>The MMO welcomes further discussion on the seasonal restriction wording to include flexibility within the condition, including that of the UWSMS.</p>	
REP2-029.56	See related comments within section 1.1. of this document.	The Applicant notes the MMO's Written Submission and has provided feedback to the relevant points in REP2-029.1 to 9.

MORGAN OFFSHORE WIND PROJECT: GENERATION ASSETS

Reference	Written Submission at DL2	Applicant's response
REP2-029.57	See related comments within section 1.1. of this document.	
REP2-029.58	See related comments within section 1.1. of this document.	
REP2-029.59	The MMO notes the applicant's response and has provided a response below.	The Applicant notes the MMO's Written Submission.
REP2-029.60	It has been clarified that all references to the Morgan Generation Assets in the CEA UWN assessment are based upon installation of 454 pin piles with a maximum hammer energy of up to 4,400 kJ. The MMO is content that the Applicant's response appropriately addresses MMO concerns.	The Applicant notes the MMO's Written Submission regarding confirmation of the piling scenario assessed within the underwater sound Cumulative Effects Assessment (CEA) for Morgan Generation Assets with thanks. No action is required by the Applicant, and this matter is considered closed.
REP2-029.61	It has been clarified that all references to the Morgan Generation Assets in the CEA UWN assessment are based upon installation of 454 pin piles with a maximum hammer energy of up to 4,400 kJ. The MMO is content that the Applicant's response appropriately addresses MMO concerns.	
REP2-029.62	The MMO is generally content that the Applicant's CEA is sufficiently precautionarily and supports their conclusion of a predicted moderate adverse effect for sound-sensitive species, cod and herring, which is significant in EIA terms and requiring mitigation. The MMO therefore determines that the following points within the Applicant's SoCG can be amended from 'ongoing point of discussion' to 'agreed': MMO.FSF.9 MMO.FSF.10 MM.FSF.11	The Applicant notes the MMO's Written Submission regarding confirmation that the CEA for underwater sound from piling is sufficiently precautionary and welcomes the updated status to points MMO.FSF.9 to 11 of the Statement of Common Ground (REP1-035) as agreed.
REP2-029.63	See related comments within section 1.3. of this document.	The Applicant notes the MMO's Written Submission and has provided responses to comments from section 1.3 of this Written Response in REP2-MMO.10 to 15.

MORGAN OFFSHORE WIND PROJECT: GENERATION ASSETS

Reference	Written Submission at DL2	Applicant's response
REP2-029.64	<p>The MMO is content with the Applicant's conclusion that seabed sediments within the Morgan Array area are generally not high-value as herring spawning habitat, and that the area to the north of the Morgan boundary has been appropriately recognised by the Applicant as a herring spawning ground.</p> <p>The MMO does not consider that further action is necessary.</p>	<p>The Applicant notes the MMO's Written Submission confirming agreement that seabed sediments within the Morgan Array Area are generally not high value as herring spawning habitat with thanks, and considers this matter closed.</p>
REP2-029.65	<p>The MMO agrees that the characterisation of sandeel potential habitat is sufficient to inform the EIA. Effects of temporary habitat loss and physical disturbance to sandeel habitat may occur during construction of the wind farm, although this will likely be limited to the area where suitable sediments are located.</p> <p>Although the evidence presented thus far shows that the Morgan Array area overlies a matrix of preferred, marginal, as well as some unsuitable sediment types for sandeel, given the wider availability of seabed substrates that are suitable as sandeel habitat <u>outside the array area</u>, the MMO is content that the magnitude of temporary habitat loss and physical disturbance during construction of the wind farm is unlikely to result in significant adverse effects on sandeels in the area.</p> <p>The MMO is of the opinion that the evidence presented is sufficient to amend points MMO.FSF.2, FSF.6 and MMO.FSF.7 of the Applicant's SoCG from 'ongoing point of discussion' to 'agreed'. The Applicant's broad approach to characterisation of the baseline environment for fish and shellfish is appropriate.</p>	<p>The Applicant notes the MMO's Written Submission confirming agreement that the characterisation of sandeel potential habitat is sufficient to inform the EIA with thanks, and considers this matter closed.</p>
REP2-029.66	<p>See MMO response to RR-020.67.</p>	<p>Please refer to the Applicant's response to REP2-029.65.</p>
REP2-029.67	<p>The MMO is content that no further action is necessary.</p>	<p>The Applicant notes the MMO's Written Submission confirming agreement with the fish and shellfish ecology study and baseline characterisation area presented within Volume 4, Annex 3.1:</p>

MORGAN OFFSHORE WIND PROJECT: GENERATION ASSETS

Reference	Written Submission at DL2	Applicant's response
	<p>The MMO recognises that the Applicant defined an appropriately large study area and provided a full characterisation of fish ecology receptors in the fish and shellfish ecology technical report. Nonetheless, it would be helpful in, in future applications, tables similar to Table 3.11 included all key sensitive fish receptors within the vicinity of the project works which were being carried forwards for further assessment rather than those which immediately overlap the project array. This will provide a neat presentation for reviewers which makes clear the key sensitive fish receptors which the Applicant has highlighted as being of particular interest within their application.</p>	<p>Fish and shellfish ecology technical report (APP-051) and acknowledges the advice provided for future applications with thanks. The Applicant considers this matter closed.</p>
REP2-029.68	<p>The MMO's original comment related to the mischaracterisation of impacts to fish from permanent habitat loss as 'long term' habitat loss which implies temporary loss or change to habitats over an undefined but 'long-term' period of time.</p> <p>Where scour protection, turbine foundations or other project infrastructure is not removed following the end of the project's lifetime, this would represent a permanent alteration to the habitat.</p> <p>The Applicant's response is that "long term habitat loss is considered to represent permanent habitat loss", in which case the MMO requests that the term permanent habitat loss is more representative of what the Applicant means and is assessing.</p>	<p>The Applicant notes the MMO's Written Submission and agrees that permanent habitat loss from scour and cable protection left <i>in situ</i> during the decommissioning phase has been assessed as set out within section 3.9.5 of Volume 2, Chapter 3: Fish and shellfish ecology (APP-021). The Applicant is content to use this term to describe these impacts as recommended by the MMO.</p> <p>Impacts related to turbine foundations have been categorised as long term as these will be removed during the decommissioning phase of the project and are therefore excluded from the permanent habitat loss total presented in paragraph 3.9.5.31 of Volume 2, Chapter 3: Fish and shellfish ecology (APP-021).</p>
REP2-029.69	No further action is required	The Applicant notes the MMO's Written Submission with thanks.
REP2-029.70	No further action is required	The Applicant notes the MMO's Written Submission with thanks.
REP2-029.71	<p>Shellfish Ecology No further action is required</p>	The Applicant notes the MMO's Written Submission with thanks.
REP2-029.72	No further action is required	The Applicant notes the MMO's Written Submission with thanks.

MORGAN OFFSHORE WIND PROJECT: GENERATION ASSETS

Reference	Written Submission at DL2	Applicant's response
REP2-029.73	No further action is required	The Applicant notes the MMO's Written Submission with thanks.
REP2-029.74	No further action is required	The Applicant notes the MMO's Written Submission with thanks.
REP2-029.75	The MMO thanks the applicant for providing clarification on this matter and has no further comments to add at this time.	The Applicant notes the MMO's Written Submission with thanks.
REP2-029.76	The MMO thanks the applicant for providing clarification on this matter and has no further comments to add at this time.	The Applicant notes the MMO's Written Submission with thanks.
REP2-029.77	The MMO thanks the applicant for providing clarification on this matter and has no further comments to add at this time.	The Applicant notes the MMO's Written Submission with thanks.
REP2-029.78	See MMO response to RR-020.84 below.	The Applicant notes and welcomes the MMO's Written Submission.
REP2-029.79	See MMO response to RR-020.84 below.	The Applicant notes and welcomes the MMO's Written Submission.
REP2-029.80	See MMO response to RR-020.84 below.	The Applicant notes and welcomes the MMO's Written Submission.
REP2-029.81	See MMO response to RR-020.84 below.	The Applicant notes and welcomes the MMO's Written Submission.
REP2-029.82	The MMO has reviewed the following document: Annex 3.2_Morgan Gen Response to RR-020_MMO_UWS_4.9.5 TO 4.9.9 regarding the assessment of simultaneous piling, and the MMO thanks the Applicant for this information. This additional evidence is welcomed for transparency and completeness, as it was not clear in the original underwater noise assessment why various assumptions and choices had been made. The MMO advises that it would be helpful for future reporting if such information is included within the main underwater noise assessment.	The Applicant notes and welcomes the MMO's Written Submission.
REP2-029.83	Nothing to add at this deadline.	The Applicant notes the MMO's Written Submission.
REP2-029.84	The MMO welcomes this clarification and has nothing to add at this deadline. The MMO will maintain a watching	The Applicant notes the MMO's Written Submission with thanks.

MORGAN OFFSHORE WIND PROJECT: GENERATION ASSETS

Reference	Written Submission at DL2	Applicant's response
	brief on any issues in relation to the Outline fisheries liaison and co-existence plan or commercial fisheries.	
REP2-029.85	The MMO welcomes this clarification and has nothing to add at this deadline. The MMO will maintain a watching brief on any issues in relation to the Outline fisheries liaison and co-existence plan or commercial fisheries.	The Applicant notes the MMO's Written Submission with thanks.
REP2-029.86	The MMO welcomes this clarification and has nothing to add at this deadline. The MMO will maintain a watching brief on any issues in relation to Shipping and Navigation.	The Applicant notes the MMO's Written Submission with thanks.
REP2-029.87	Nothing to add at this deadline.	The Applicant notes and welcomes the MMO's Written Submission.
REP2-029.88	Nothing to add at this deadline.	The Applicant notes and welcomes the MMO's Written Submission.
REP2-029.89	See response to RR-020.92	The Applicant notes the MMO's Written Submission.
REP2-029.90	<p>The MMO notes that the UWSMS is a live document which will be updated through discussions with stakeholders, and, if NAS is required, will include this detail clearly in the final MMMP and UWSMS.</p> <p>As per MMO's original comment, the MMO requests that NAS (bubble curtain) is required for ALL high order clearance, and it is in the interest of the Applicant to plan for this at the earliest opportunity.</p> <p>The MMO would also highlight that this is consistent with the standard requirements within the conditions for all 2024 and 2025 UXO marine licences.</p>	<p>The Applicant notes the MMO's Written Submission. The Applicant re-iterates that the Applicant will follow any published guidelines on noise abatement at the time the UWSMS (APP-068) is finalised. As highlighted by the MMO, the UWSMS (APP-068) is a live document which will be updated through discussions with stakeholders, and if there is a requirement to use NAS, the Applicant will include this detail clearly in the final UWSMS (and the final MMMP), which will be discussed with stakeholders and agreed with MMO prior to commencement of construction.</p> <p>The Applicant highlights the discussion held with the Applicant, the MMO, Cefas and Natural England (24/10/2024) in which REP2-029.90 was raised. Following this discussion it is the Applicant's understanding that the MMO consider that the development and finalisation of the MMMP and UWSMS (APP-068) are considered sufficient to manage appropriate mitigation for UXO clearance, and that the development and finalisation of these documents, in consultation with relevant stakeholders should be sufficient to allow this point to be closed.</p>
REP2-029.91	<p>The MMO notes that the UWSMS is a live document which will be updated through discussions with stakeholders, and, if NAS is required, will include this detail clearly in the final MMMP and UWSMS.</p> <p>As per MMO's original comment, the MMO requests that NAS (bubble curtain) is required for ALL high order clearance, and it is in the interest of the Applicant to</p>	See response to REP2-029.90 above.

MORGAN OFFSHORE WIND PROJECT: GENERATION ASSETS

Reference	Written Submission at DL2	Applicant's response
	<p>plan for this at the earliest opportunity.</p> <p>The MMO would also highlight that this is consistent with the standard requirements within the conditions for all 2024 and 2025 UXO marine licences.</p>	
REP2-029.92	Nothing further to add.	The Applicant notes and welcomes the MMO's Written Submission.
REP2-029.93	The MMO acknowledges this comment and will continue to keep a watching brief on the document and consultee responses.	The Applicant notes and welcomes the MMO's Written Submission.
REP2-029.94	The MMO looks forward to reviewing the updated Plan.	The Applicant notes the MMO's Written Submission. An updated outline FLCP was submitted at Deadline 2 (REP2-019). The final FLCP will be agreed post-consent.
REP2-029.95	Nothing to add at this deadline	The Applicant notes and welcomes the MMO's Written Submission.
REP2-029.96	<p>The MMO notes Natural England's concerns that the range of predicted collision impacts presented in the HRA are not based on the collision risk modelling (CRM) calculated using the SNCB advised model parameters. NE has requested an updated assessment which clearly presents CRM outputs based on all SNCB advised parameters.</p> <p>NE also raised outstanding concerns relating to displacement assessments and subsequent apportioning undertaken. The MMO note that NE consider the full range of SNCB advised displacement and mortality rates must be considered when apportioning impacts.</p> <p>The MMO will keep a watching brief of updates to the HRA and any resolutions to this point.</p>	<p>The Applicant notes the MMO's Written Submission.</p> <p>The Applicant has responded to Natural England's concerns as part of the Applicant's response to Natural England's Relevant Representation (PD1-017). To summarise, the Applicant has presented assessments that include collision risk estimates calculated using Natural England's recommended parameters in both Volume 2, Chapter 5: Offshore ornithology (APP-023) and HRA Stage 2 information to support an appropriate assessment Part Three: Special Protection Areas and Ramsar Site assessments (APP-098). The Applicant has also provided displacement assessments incorporating Natural England's preferred displacement and mortality rates in Volume 2, Chapter 5: Offshore ornithology (APP-023) and the Displacement Rates Clarification Note submitted at Deadline 1 (REP1-011).</p>
REP2-029.97	<p>The MMO notes that the Applicant has provided comments in REP1-010 - Response to Hearing action points regarding offshore Ornithology issues raised at ISH1.</p> <p>The MMO will keep a watching brief of NE response to this document.</p>	The Applicant notes the MMO's Written Submission.

MORGAN OFFSHORE WIND PROJECT: GENERATION ASSETS

Reference	Written Submission at DL2	Applicant's response
REP2-029.98	Nothing to add at this deadline.	The Applicant notes the MMO's Written Submission.
REP2-029.99	The MMO welcomes this clarification and has nothing to add at this time.	The Applicant notes and welcomes the MMO's Written Submission.
REP2-029.100	<p>2.MMO comments on the updated DCO/DML (REP1-021)</p> <p>2.1. The MMO acknowledges the revisions to the draft DCO (dDCO) which have been submitted by the applicant in their Deadline 1 submission. The MMO provided initial comments on the dDCO in its Deadline 1 submission, which have been included for reference in Table 1. The MMO hopes to see further amendments to the dDCO during the examination process.</p>	<p>The Applicant does not have anything material to add at this stage to its previous response to item RR-020.9 within the Applicant's Response to Relevant Representations [PD1-017].</p> <p>The Planning Act 2008 is clear that marine licences may be deemed in a DCO in appropriate areas (s149A) and that a DCO may include such further provisions ancillary to the operation of that dML (s122(3)), including transfer along with the benefit. There is no legal barrier to including these provisions in the draft DCO and there is a clear advantage to doing so for the reasons set out in RR-20.9 [PD1-017].</p> <p>This has been accepted by the Secretary of State in a number of offshore wind farm DCOs and is well precedented.</p> <p>The Applicant notes that it has made a number of changes to Article 7 in the draft DCO, as set out in response to the Examining Authority's question DCO1.2.</p>
REP2-029.101	<p><u>Transfer of the Benefit of the Order</u></p> <p>2.2.1 The MMO objects to the provisions relating to the process of transferring and/or granting the deemed marine licences set out in the draft DCO at Article 7.</p>	Please see response to REP2-029.100.
REP2-029.102	2.2.2 If the application for the DCO is granted, the MMO will be the regulatory authority responsible for the enforcement of the provisions of the DMLs. As a result, it must retain a record of the DML and who holds the benefit of that license in order to be able to fulfil its statutory responsibilities as it does in respect of any other Marine Licence.	Please see response to REP2-029.100.
REP2-029.103	<p>2.2.3 The Marine and Coastal Access Act ("the 2009 Act") addresses the procedure for transfer of a Marine Licence as follows:</p> <p>"(7) On an application made by a licensee, the licensing authority which granted the licence—</p> <p>(a) may transfer the licence from the licensee to another person, and</p> <p>(b) if it does so, must vary the licence accordingly.</p>	Please see response to REP2-029.100.

MORGAN OFFSHORE WIND PROJECT: GENERATION ASSETS

Reference	Written Submission at DL2	Applicant's response
	(8) A licence may not be transferred except in accordance with subsection (7)."	
REP2-029.104	2.2.4 The purpose of these provisions is to ensure that there is at all times a record of the person who has the benefit of the licence. That is because pursuant to the 2009 Act section 65(1), no person may carry on a licensable marine activity, or cause or permit any other person to carry on such an activity, except in accordance with a marine licence granted by the appropriate licensing authority. A person who contravenes section 65(1), or fails to comply with any condition of a marine licence, commits an offence (see section 85(1) of the 2009 Act).	Please see response to REP2-029.100.
REP2-029.105	2.2.5 Thus, it is a key part of the enforcement provisions of the 2009 Act, that the MMO maintains a record of the person who has the benefit of a marine licence at all times.	Please see response to REP2-029.100.
REP2-029.106	2.2.6 In practice, the process of obtaining a transfer is relatively quick. Whilst the MMO officially indicates that this can take up to 13 weeks, it is an administrative task and in practice often much quicker and around six weeks. The MMO is not required to consult with any other body. As far as it is aware, the MMO has never refused a request to transfer a Marine Licence.	Please see response to REP2-029.100.
REP2-029.107	<u>The current draft DCO Article 5 Procedure</u> 2.2.7 As presently drafted, dDCO Article 7(2) creates a power whereby the undertaker can: "a) transfer to another person ("the transferee") any or all of the benefit of the provisions of this Order (excluding licence 1 or licence 2) and such related statutory rights as may be agreed between the undertaker and the transferee; and b) grant to another person ("the lessee") for a period agreed between the undertaker and the lessee any or all of the benefit of the provisions of this Order (excluding licence 1 or licence 2) and such related	Please see response to REP2-029.100.

MORGAN OFFSHORE WIND PROJECT: GENERATION ASSETS

Reference	Written Submission at DL2	Applicant's response
	<p>statutory rights as may be so agreed, except where paragraph (6) applies, in which case the consent of the Secretary of State is not required.”</p>	
<p>REP2-029.108</p>	<p>2.2.8 Article 7(3) provides a power to the undertaker to: “a) where an agreement has been made in accordance with paragraph (2)(a), transfer to the transferee the whole of licence 1 or licence 2 (as appropriate) and such related statutory rights as may be agreed between the undertaker and the transferee; and b) where an agreement has been made in accordance with paragraph (2)(b), grant to the lessee for the duration mentioned in paragraph (2)(b), the whole of licence 1 or licence 2 (as appropriate) and such related statutory rights as may be so agreed, except where paragraph (6) applies, in which case the consent of the Secretary of State is not required.”</p>	<p>Please see response to REP2-029.100.</p>
<p>REP2-029.109</p>	<p>2.2.9 The consent of the Secretary of State to a transfer/grant pursuant to Article 7(2) or 7(3) is required except where Article 7(6) applies. Where the Secretary of States consent is required, the dDCO Article 7(4) provides that: The Secretary of State must consult the MMO before giving consent to the transfer or grant to another person of the benefit of the provisions of the deemed marine licences (see dDCO Article 7(4)). The MMO notes that it is not explicitly stated that 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.</p>	<p>Please see response to REP2-029.100.</p>
<p>REP2-029.110</p>	<p>2.2.10 The Secretary of State's consent to the transfer or grant of a DML is not required and thus there is no requirement for consultation with the MMO prior to the undertaker making that transfer or grant where: “a) the transferee or lessee is the holder of a licence under section 6 of the 1989 Act (licences authorising supply etc.).“</p>	<p>Please see response to REP2-029.100.</p>

MORGAN OFFSHORE WIND PROJECT: GENERATION ASSETS

Reference	Written Submission at DL2	Applicant's response
REP2-029.111	<p><u>The Basis for Objection</u> 2.2.12 The MMO raises objection to Article 7 in relation to:</p> <ul style="list-style-type: none"> a) The procedure seeking to duplicate the existing statutory regime set out in s72 of the 2009 Act; b) The proposed procedure being cumbersome, more administratively burdensome, slower and less reliable than the existing statutory regime set out in s72 of the 2009 Act; c) No pre-consultation required with the Secretary of State; d) The power for an undertaker to grant a DML; e) The power to grant a DML for a period of time; f) The basis for disapplication of the need for Secretary of State's consent to a transfer/grant for DML is unrelated to any matters relating to marine licensing. g) The absence of any power provided to the MMO to change the DML held in its records to reflect any transfer. h) The overall effect on the ability of the MMO to enforce the marine licensing regime in respect of any transferred or granted DML. 	Please see response to REP2-029.100.
REP2-029.112	<p><u>Previous DCOs</u> 2.2.13 It is acknowledged that DCOs previously granted have removed the effect of s72 of the 2009 Act and made provision for the transfer of DMLs including by way of example, Sheringham Dudgeon OFW, Times Tideway Tunnel DCO and Sizewell C DCO.</p>	Please see response to REP2-029.100.
REP2-029.113	<p>2.2.14 However, it is to be noted that in very few, if any, do the relevant ExAs explain the rationale for the approach adopted. The same is true of the relevant decision letters. To date, the Applicant has not provided the MMO with any ExA Report or Decision letter which explains why the approach it seems to adopt in the dDCO is appropriate nor indeed to be preferred to the existing statutory procedures.</p>	Please see response to REP2-029.100.

MORGAN OFFSHORE WIND PROJECT: GENERATION ASSETS

Reference	Written Submission at DL2	Applicant's response
REP2-029.114	<p>2.2.16 The MMO notes within Rampion 2 OWF Examination Dogger Bank Creyke Beck Offshore Wind Farm was raised as a precedent. The ExA in that case addressed the issue of transfer at paragraph 15.25 and following. At Para15.26 it explained that the Applicant in that case and the MMO had reached agreement in relation to the issue of transfer as follows: “The MMO also requested that additional drafting be included in Article 8, such that it would be consulted prior to any transfer of the benefits of the Order, providing details such as the person responsible for carrying out the activities, location and timing of works etc (REP-274). The applicant and the MMO reached agreement on this point, such that version 5 of the draft DCO included the proposed insertion of a clause at Article 8(7) which would require the undertaker to consult the MMO prior to the transfer to another person; and inclusion of an amendment to Article 8(9) which requires the MMO to be informed in writing within 14 days (previously 21 days) should any agreement come into effect which transfers the relevant provisions to another person (REP- 480). These proposed changes have been carried forward into Article 8 of the ExA's recommended DCO, together with some minor changes to the drafting in the interests of clarity, which don't materially alter the intention and effect of the articles which have been subject to examination.”</p>	Please see response to REP2-029.100.
REP2-029.115	<p>2.2.17 Thus, the Dogger Bank decision did not determine that the mechanism now proposed is to be preferred to the statutory mechanisms – rather it was a compromise reached between the parties in that case. The MMO has consistently challenged provisions of this nature in draft DCOs as the existing statutory procedure is to be preferred to mitigate risk on all parties by using established mechanisms.</p>	Please see response to REP2-029.100.
REP2-029.116	<p>2.2.18 None of the ExA Reports or Decision Letters relating to the Sheringham Shoal and Dudgeon</p>	Please see response to REP2-029.100.

MORGAN OFFSHORE WIND PROJECT: GENERATION ASSETS

Reference	Written Submission at DL2	Applicant's response
	<p>Extensions Offshore Wind Farm Order 2024 raised by the Applicant contain any rationale for the transfer provisions. In addition to this no other projects (Hornsea Four Offshore Wind Farm Order 2023, East Anglia One North Offshore Wind Farm Order 2022, East Anglia Two Offshore Wind Farm Order 2022, Sizewell C or Thames Tideway Tunnel) contain any rationale.</p> <p>To date the Applicant has not identified any reasoned justification in any previous decision which explains why the transfer process which it proposes is justified and to be preferred over the existing statutory mechanism.</p>	
<p>REP2-029.117</p>	<p>2.2.19 The MMO, of course, accept that there is a need for consistency in decision making. However, a decision maker is not bound by previous decisions and can depart from them where there is good reason to do so.</p>	<p>Please see response to REP2-029.100.</p>
<p>REP2-029.118</p>	<p>2.2.20 If the Secretary of State in the present case determined that on balance, the existing statutory mechanisms relating to transfer of marine licenses is to be preferred to the mechanism proposed in the dDCO, then it is open to him to so determine provided he gives reasons for so doing. The absence of any reasoned decision which determines the point previously and which provides a rationale for departing the existing statutory mechanism is a reason to look at this issue again.</p>	<p>Please see response to REP2-029.100.</p>
<p>REP2-029.119</p>	<p><u>Materially Inferior Procedure</u></p> <p>2.2.21 As explained above, the statutory system for transfer requires an application to the MMO. There is no further consultation, and the transfer is given effect by amendment to the licence holder section of the Marine Licence. The MMO does not have any relevant statutory or non-statutory policy relating to the transfer of a licence – it is essentially a purely administrative act to ensure that the licence contains the name of the person with the benefit of the licence. As explained, as far as the MMO is concerned it has never refused an application for a transfer.</p>	<p>Please see response to REP2-029.100.</p>

MORGAN OFFSHORE WIND PROJECT: GENERATION ASSETS

Reference	Written Submission at DL2	Applicant's response
REP2-029.120	<p>2.2.22 In contrast, the dDCO Article 7 procedure requires:</p> <ul style="list-style-type: none"> a) An application to the Secretary of State; b) Consultation with the MMO; c) A decision by the Secretary of State; d) Notification of the decision; 	Please see response to REP2-029.100.
REP2-029.121	<p>2.2.23 Given the contrast between the two procedures, the MMO does not consider that the dDCO procedure has any material procedural or administrative advantages over the existing statutory process. Indeed, the dDCO procedure is decidedly more complex, is more administratively burdensome for all parties, and will take longer to give effect to a transfer. The MMO believes that as a result the dDCO should be amended to remove the mechanisms to enable transfer of the DMLs and to remove the exclusion of the existing s72 process; the statutory regime which already exists is a much better option for all and should remain applicable.</p>	Please see response to REP2-029.100.
REP2-029.122	<p><u>Pre-application consultation with the Secretary of State</u> 2.2.24 The MMO notes that there is not a mechanism for pre-consultation with the Secretary of State – should the Secretary of State decide to include the transfer of benefit this pre-consultation would be welcomed in the form of the following wording: “(X) 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.”</p>	Please see response to REP2-029.100.
REP2-029.123	<p><u>The Grant of a DML</u> 2.2.25 dDCO Articles 7(2)(b) and 7(3)(b) seek to make provision for the undertaker to “grant” another person the “benefit of the provisions of the Order (including the deemed marine licences for Article 7(3)(b)) and such related statutory rights as may be so agreed” or “the whole of any of the deemed marine licences and such related statutory rights as may be so agreed”.</p>	Please see response to REP2-029.100.

MORGAN OFFSHORE WIND PROJECT: GENERATION ASSETS

Reference	Written Submission at DL2	Applicant's response
REP2-029.124	2.2.26 This appears to be drawn from Article 9(1)(b) of the Sizewell C DCO, although it is unclear from the wording of that provision whether the power to grant “the benefit of the provisions of this Order and such related statutory rights” includes the power to grant a new DML to a third party. Further, the rationale for the inclusion of such a power or the basis upon which it is to be exercised is not explained in the DCO, the ExA Report or the Decision Letter for the Sizewell C project.	Please see response to REP2-029.100.
REP2-029.125	2.2.27 The Applicant has not justified or explained: a) Why it is necessary for it to have the power to grant a DML; b) Why it is necessary for it to have the power to grant a DML when it would have a power to transfer a DML; c) The basis on which such a power to grant will be exercised; d) The basis on which it will determine whether or not grant a DML e) The basis on which it will determine the conditions to be imposed on the grant of a DML; f) Why it is appropriate for it to be able to grant DMLs without the consent of the Secretary of State or the MMO.	Please see response to REP2-029.100.
REP2-029.126	2.2.28 The MMO considers that the power sought for the undertaker to grant a DML would confuse and usurp its statutory function. It would allow licences to be granted on terms wholly different from those accepted as part of the DCO process. The power to grant a DML should therefore be removed from the dDCO.	Please see response to REP2-029.100.
REP2-029.127	2.2.29 In the event that its primary position that the existing statutory mechanism should remain applicable is rejected, the MMO considers that, at most, the power to transfer the benefit of an existing DML to another person is all that is required.	Please see response to REP2-029.100.
REP2-029.128	<u>A Time Limited DML</u> 2.2.30 dDCO Article 7 (3)(b) seeks to make provision for	Please see response to REP2-029.100.

MORGAN OFFSHORE WIND PROJECT: GENERATION ASSETS

Reference	Written Submission at DL2	Applicant's response
	a DML to be granted by the undertaker to another person for a limited period of time.	
REP2-029.129	2.2.31 The only precedent for this provision which the MMO has found is Article 9(1)(b) of the Sizewell C DCO, to the extent that that power applies to DMLs (which is unclear). The Sheringham DCO does not provide a power for the undertaker to grant a DML for a limited period of time.	Please see response to REP2-029.100.
REP2-029.130	2.2.32 The Applicant has not explained why these provisions are necessary or why a departure from the statutory provisions within the 2009 Act is justified.	Please see response to REP2-029.100.
REP2-029.131	2.2.33 In the event that its primary position that the existing statutory mechanism should remain applicable is rejected, the MMO considers that, if the intention is to enable the transfer of the benefit of a DML to a third party for a defined period of time, with the benefit of that DML then reverting to the undertaker at the end of that period, a provision can be drafted to give effect to this.	Please see response to REP2-029.100.
REP2-029.132	<u>Disapplication of the Secretary of State's Consent</u> 2.2.34 As explained above, Article 7(6) disapplies the need for the consent of the Secretary of State to be obtained and the need for any consultation with the MMO where: (a) the transferee or lessee is the holder of a licence under section 6 of the 1989 Act	Please see response to REP2-029.100.
REP2-029.133	2.2.35 Whilst it is recognised that the drafting here reflects earlier DCOs, the rationale for the removal of the need for consent or consultation when this criteria is met has not been explained. The Applicant has not explained why the fact that the transferee holds a s6 licence should mean that the consent of the Secretary of State is not required nor that consultation with the MMO is unnecessary.	Please see response to REP2-029.100.
REP2-029.134	2.2.36 In the absence of any clear justification for excluding a consent process, consent should be	Please see response to REP2-029.100.

MORGAN OFFSHORE WIND PROJECT: GENERATION ASSETS

Reference	Written Submission at DL2	Applicant's response
	<p>required to reflect the process in section 72 of the 2009 Act. In other words, a transfer of a DML should not be given effect unless it has been approved by a decision maker. The MMO's primary position is that the statutory mechanism should remain applicable and that it should remain the relevant decision maker. If that is rejected then the next best option would be for the Secretary of State to be the relevant decision maker but unable to consent to the transfer without the approval of the MMO. If that is rejected, then the next best option would be for the Secretary of State to be the relevant decision maker in consultation with the MMO.</p> <p>It is not acceptable, however, for the Applicant (or any successor) to be able to transfer a DML to whomever they wish whenever they wish which is eventually the effect of the provisions in the dDCO.</p>	
<p>REP2-029.135</p>	<p><u>Power to Amend DMLs to Reflect a Transfer</u> 2.2.37 The MMO is a statutory body. As a result, it can only act where it has statutory power to do so. The dDCO provides for the transfer of a DML, however it does not give the MMO the power to amend the DML it holds in its records upon notification that a transfer is to occur. This has the potential to cause real difficulties going forward since, in the absence of such a power, the MMO records will not be changed. This is likely to cause significant administrative difficulties and could result in obstacles to enforcement.</p>	<p>Please see response to REP2-029.100.</p>
<p>REP2-029.136</p>	<p>1.2.38 Such a confusion is but one symptom of the complications which result from the dDCO's proposed transfer mechanism. This reinforces the MMO's primary position that the existing statutory mechanism is to be preferred and to remain applicable.</p>	<p>Please see response to REP2-029.100.</p>
<p>REP2-029.137</p>	<p>1.2 39 If the Secretary of State was to retain the Article, then the MMO would still require the Applicant to submit a DML variation to the MMO to ensure the undertaker is updated to the correct entity within the DML and within the MMO's systems.</p>	<p>Please see response to REP2-029.100.</p>

MORGAN OFFSHORE WIND PROJECT: GENERATION ASSETS

Reference	Written Submission at DL2	Applicant's response
REP2-029.138	<p><u>Overall Effect on Ability to Enforce</u> 2.2.40 As drafted, the ability to transfer licences, grant licences for a limited time, to transfer/grant without consultation and without providing a power for the MMO to amend its records, will give rise to significant enforcement difficulties for the MMO and has the potential to prejudice the operation of the system of marine regulatory control in relation to the proposed development. Further, the dDCO procedure is administratively burdensome and time consuming.</p>	Please see response to REP2-029.100.
REP2-029.139	<p>2.2.41 All of these difficulties can be avoided by retaining the existing statutory regime which is simple to operate and relatively speedy. The best way forward for all concerned is to retain the statutory procedure for transfer as set out in s72 of the 2009 Act. This will also require changes to Part 1 Paragraph 7 of each dDML.</p>	Please see response to REP2-029.100.
REP2-029.140	<p><u>Schedule 3 and 4 (Deemed Marine Licences)</u> <u>Part 1: paragraph 9</u> 2.3.1 The MMO seeks changes to Part 1 paragraph 9 to both DMLs. The MMO's proposed amendments are shown in bold (the Applicant's wording struck through): "Part 1: Paragraph 9: "Any amendments to or variations from the approved details, plans or schemes must be in accordance with the principles and assessments set out in the environmental statement, and approval for an amendment or variation may only be given where it has been demonstrated to the satisfaction of the MMO that it is unlikely to will not give rise to any material new or materially different environmental effects from those assessed in the environmental statement."</p>	The Applicant confirms that it updated each dML at Deadline 2 to reflect the MMO's preferred wording.
REP2-029.141	<p>2.3.2 This change is necessary to ensure that the power to amend or vary is consistent with the requirements of the EIA regime as explained in the case of <u>R. (Barker) v Bromley LBC [2007] 1 A.C. 470</u>. That case concluded that EIA will be required at stages subsequent to an initial grant of consent where those likely significant effects were not identified at the earlier consenting</p>	Please see response REP2-029.140.

MORGAN OFFSHORE WIND PROJECT: GENERATION ASSETS

Reference	Written Submission at DL2	Applicant's response
	stage. It follows that a mechanism to permit a variation or amendment will not be lawful until it prevents any possibility of a materially new or different significant environmental effects arising as a result of the variation or amendment.	
REP2-029.142	2.3.3 As stated in Table 1, the MMO notes that the Applicant informed the MMO during a meeting dated 21 October 2024 that Paragraph 9 will be amended as requested. The MMO will look out for this in the updated DML and consider this point to be resolved.	Please see response REP2-029.140.
REP2-029.143	<u>Condition 19</u> 2.3.4 Condition 19 Force Majeure provides as follows: "If, due to stress of weather or any other cause, the master of a vessel determines that it is necessary to deposit the authorised deposits within or outside of the Order limits because the safety of human life or of the vessel is threatened, within 48 hours the undertaker must notify full details of the circumstances of the deposit to the MMO."	The Applicant notes that this is under review by the MMO and will await any further comments.
REP2-029.144	2.3.5 The MMO has previously requested the removal of this clause. That is because it unnecessarily duplicates the effect of s.86 of the 2009 Act. If it is to be retained, then the relationship between this clause and section 86 of the 2009 Act should be clarified.	The Applicant notes that this is under review by the MMO and will await any further comments.
REP2-029.145	2.3.6 The MMO welcomes the applicant's comments regarding Force Majeure in point RR-020.33 of document PD1-017 regarding the Applicant's response to Relevant Representations. The MMO is currently reviewing the Applicant's comment and will provide a response in due course.	The Applicant notes that this is under review by the MMO and will await any further comments.
REP2-029.146	3.MMO comments on the Applicants response to Seasonal Piling Restrictions (REP1-009) 3.1 The MMO case team are still consulting with its technical advisors and will therefore provide detailed	The Applicant notes that the MMO intend to respond on this point at Deadline 3.

MORGAN OFFSHORE WIND PROJECT: GENERATION ASSETS

Reference	Written Submission at DL2	Applicant's response
	<p>responses to this document separately or within the MMO's Deadline 3 response.</p>	
<p>REP2-029.147</p>	<p>4.MMO comments on the Applicant's response on the Statement of Common Ground between Morgan Offshore Wind Limited and the Marine Management Organisation (REP1-035)</p> <p>4.1. The MMO attended a meeting with the Applicant on 9th October 2024 in which the categorisation of issues listed in the Statement of Common Ground (SoCG) were discussed. There was no disagreement between the MMO and the Applicant as to the status of any listed issues. Confirmation of the MMO's position on outstanding issues is summarised below. As requested by the ExA, the MMO will provide updated comments on the Statement of Commonality at Deadline 3.</p>	<p>The Applicant notes the MMO's Written Submission and welcomes their engagement on the SoCG.</p>
<p>REP2-029.148</p>	<p>4.2. The MMO has identified several points within the Applicant's SoCG which can be amended from 'Ongoing point of discussion' to 'Agreed'. These are highlighted in Table 1 which refers to MMO comments from RR-020 and the MMO's review of the Applicants pre-examination procedural deadline submissions.</p>	<p>The Applicant notes the MMO's Written Submission and welcomes their engagement on the SoCG.</p>
<p>REP2-029.149</p>	<p>4.3. There are several points which are an ongoing point of discussion regarding Marine Policy, dDCO, and the dDML (Table 1.10 REP1-035). These have been discussed in more detail in the above Table 1.</p>	<p>See responses to REP2-029.17 and REP2-029.100 to 145 above.</p>

2.2 National Federation of Fishermen's Organisations (NFFO)'s Written Representation

Table 2.2: REP1-031 – National Federation of Fishermen's Organisations (NFFO) Written Representation

Reference	Written Representation Comment	Applicant's response
REP2-031.1	<p>To whom it may concern,</p> <p>This written representation forms the response from the NFFO and WFA-CPC to key documentations of concern to the fishing industry as part of the examination of the Morgan offshore wind project generation assets. The National Federation of Fishermen's Organisation (NFFO) represents the interests of over 400 commercial fishing businesses in England and Wales.</p> <p>The Welsh Fishermen's Association (WFA-CPC) represents over 200 commercial fishing businesses in Wales. Please treat this written representation as a joint representation from both the NFFO and the WFA-CPC.</p>	<p>The Applicant thanks the NFFO for their written representation and has progressed a Statement of Common Ground (SoCG) with the NFFO and WFA (and WFC), which was submitted at Deadline 2 (REP2-025). The Applicant will continue to engage with the NFFO on any ongoing points of discussion.</p>
REP2-031.2	<p>Commercial fisheries have existed in the proposed region for generations and are already faced with extensive spatial restrictions such as existing and proposed offshore wind developments, Marine Protected Areas and legislative restrictions in the region. The area is economically important to fishing fleets from all the devolved UK administrations, with a variety of gear type being deployed, both static and mobile. Further displacement of commercial fishing in the region will result in economic harm, through loss of earnings from the ground and additional operating costs due to increased steaming times during construction and operation of the project.</p>	<p>The Applicant notes the comment from the NFFO and has assessed these issues in Volume 2, Chapter 6: Commercial fisheries (APP-024).</p>
REP2-031.3	<p>The response below is in response to specific concerns we have with regards the outline Fisheries Liaison and Co-existence Plan (FLCP).</p>	<p>The Applicant thanks the NFFO for their comments and has submitted an updated version of the Outline Fisheries Liaison and Coexistence Plan (FLCP) at Deadline 2 (REP2-019) and Deadline 3 (S_D3_12 Outline Fisheries Liaison Co-existence Plan F03).</p>

MORGAN OFFSHORE WIND PROJECT: GENERATION ASSETS

Reference	Written Representation Comment	Applicant's response
REP2-031.4	<p>Fisheries Liaison and Coexistence plan Many of the suggestions and commitments highlighted in the FLCP are targeted towards static gear fisheries. As highlighted in the ES and supporting documentation, the region supports a diverse fishing fleet including both static and mobile gear types.</p>	<p>The OFLCP (S_D3_12 Outline Fisheries Liaison Co-existence Plan F03) has been prepared to cover all the key sectors active in the commercial fisheries study area. Whilst it is noted that there are specific sections focussed on static gear fisheries, i.e. Section 1.3.4 Removal of static gear prior to construction or maintenance activities, there is also clear focus on mobile fisheries (in particular, the key scallop dredge fisheries) in this region. This is reflected in specific measures within the OFLCP developed in response to concerns raised by the mobile gear fleets.</p> <p>While the Applicant refers the NFFO to Table 1.2 of the OFLCP (S_D3_12 Outline Fisheries Liaison Co-existence Plan F03) for detailed specifics on each measure, the following provides a high-level breakdown of the Primary Measures (PM) and Tertiary Measures (TM), highlighting whether they are applicable to static gear fisheries, mobile fisheries, or both:</p> <ul style="list-style-type: none"> • PM01 – Mobile gear only • PM02 – Mobile gear only • PM03 – Both • PM04 – Both • PM05 – Both • PM06 – Mobile gear only • TM01 – Both • TM02 – Both • TM03 – Both • TM04 – Both • TM05 – Both • TM06 – Both • TM07 – Both • TM08 – Both • TM09 – Both • TM10 – Mobile gear only • TM11 – Both • TM12 – Both • TM13 – Both • TM15 – Both • TM16 – Both • TM17 – Mobile gear only
REP2-031.5	<p>The scope of the FLCP needs to be balanced across all sectors with specifics important to each sector included.</p>	<p>Refer to the response provided in REP2-031.4.</p>
REP2-031.6	<p>1.1.1.8. It is appreciated that the scope of the FLCP is defined, however as the scope of the FLCP covers construction/operation and decommissioning phases, we would expect to see a review timetable associated with the FLCP to periodically review any updates required between construction and decommissioning. The reference to a live document (1.1.1.10) does not</p>	<p>The OFLCP has been updated and resubmitted at Deadline 3 (S_D3_12 Outline Fisheries Liaison Co-existence Plan F03) to state that the FLCP will be periodically reviewed before construction, during the operations and maintenance phase and before decommissioning.</p>

MORGAN OFFSHORE WIND PROJECT: GENERATION ASSETS

Reference	Written Representation Comment	Applicant's response
	mandate a periodic review but only commits to further development.	
REP2-031.7	1.1.1.14 Figure 1.2 describes the NFFO as a fisheries service provider. The NFFO only act as a Fisheries Industry representative under fisheries liaison. NFFO Services act as a Fisheries Service Provider but this is a separate company to the NFFO, this change is requested for clarity in Figure 1.2.	The OFLCP has been updated and resubmitted at Deadline 3 (S_D3_12 Outline Fisheries Liaison Co-existence Plan F03), Figure 1.2 now states "NFFO Services".
REP2-031.8	1.1.1.16 What is meant by "sufficient notice" for relocation of static gear. Sufficient notice for a contractor is likely to be very different for a small-scale potting vessel. We would expect to see a commitment to a minimum of 14 days' notice here.	Table 1.1: Timescales for distribution of Morgan Generation Assets information to commercial fisheries stakeholders has been updated in the revised OFLCP submitted at Deadline 3 (S_D3_12 Outline Fisheries Liaison Co-existence Plan F03) so that 14 days notice (previously 7 days), will now be provided prior to the commencement of any site surveys and/or construction and operations/maintenance activities. A similar 14-day notice period for the relocation of static gear has been specified within the updated OFLCP, which has been resubmitted at Deadline 3 (S_D3_12 Outline Fisheries Liaison Co-existence Plan F03).
REP2-031.9	1.1.1.16 The commitment to OFLOs and guard vessels is welcome, however we would like to see a commitment to using local guard vessels and OFLO's wherever possible. Not only is this part of mitigation but is best practice to use local expertise to help deconflict issues.	The Applicant thanks the NFFO for their comment and has submitted an updated version of the OFLCP at Deadline 2 (REP2-019) and Deadline 3 (S_D3_12 Outline Fisheries Liaison Co-existence Plan F03). Paragraph 1.2.1.3 of the OFLCP, now refers 'To utilise regional OFLO and guard vessels, where appropriate, during the construction, operation and maintenance and decommissioning phases.' The OFLCP has been updated and resubmitted at Deadline 3 (S_D3_12 Outline Fisheries Liaison Co-existence Plan F03) to better reflect the use of regional guard vessels.
REP2-031.10	Table 1.1 describes the minimum notice to be given for works as 7-days. This is not sufficient, we would expect a minimum notice of 14 days for all works with the exception of in an emergency. This is the minimum required, especially if fishing gear is to be relocated.	The Applicant thanks the NFFO for their comment and has submitted an updated version of the OFLCP at Deadline 2 (REP2-019) and Deadline 3 (S_D3_12 Outline Fisheries Liaison Co-existence Plan F03). Table 1.1 of the OFLCP now refers to a distribution of information at least 14 days prior to survey mobilisation or commencement of offshore construction activities.
REP2-031.11	Table 1.2 Cable burial and risk assessment has not been submitted as part of the examination process, this is one of the key documents the NFFO review as part of the examination process. A commitment to undertaking a risk assessment pre-installation is	The Cable Burial Risk Assessment (CBRA) document is a document that will be developed post-consent. The Applicant has updated the OFLCP at Deadline 2 (REP2-019). Specifically, the commitments relating to the CBRA now state that cable protection and target cable burial depth will be determined to minimise the risk of snagging hazards and cable protection as far as possible, as well as taking account of potential seabed change where possible.

MORGAN OFFSHORE WIND PROJECT: GENERATION ASSETS

Reference	Written Representation Comment	Applicant's response
	unlikely to allow fisheries stakeholders to review and comment on any concerns prior to work commencing. Further commitments in Table 2 for cable mitigations need to be reviewed alongside the CMS and CSIP.	
REP2-031.12	Table 1.2. The mitigation of a scallop mitigation zone is welcomed. However it is essential that for scallop fisheries to return to fish the area, cables are laid in a manner that will facilitate this mitigation.	The Applicant welcomes NFFO's support of the SMZ and in the updated OFLCP submitted at Deadline 2 (REP2-019) and Deadline 3 (S_D3_12 Outline Fisheries Liaison Co-existence Plan F03), paragraph 1.3.6.3 notes that whilst cables and cable protection are not excluded from the SMZ, the absence of wind turbines and offshore substation platforms within the SMZ will reduce the number of cables required compared to other parts of the Morgan Array area and the Applicant will seek to minimise cable routing through the area where possible.
REP2-031.13	Table 1.2 timely and efficient distribution of NTMs – this needs to be a minimum of 14 days.	Table 1.1 of the OFLCP submitted at Deadline 2 (REP2-019) and Deadline 3 (S_D3_12 Outline Fisheries Liaison Co-existence Plan F03) now refers to a distribution of information at least 14 days prior to survey mobilisation or commencement of offshore construction activities.
REP2-031.14	Table 1.2. Fisheries activity monitoring. In the opinion of the NFFO, this is one of the key, non-structural commitments of this project. This monitoring plan will allow an empirical approach to understanding fisheries impact, displacement and also the "return to fish" mitigation. We would suggest all developers undergoing examination follow this good example. The only improvement we would suggest, is to use all available data beyond VMS to fully understand fisheries activities (eg iVMS when available and AIS).	The Applicant welcomes and thanks the NFFO for support of this monitoring and updated this commitment at Deadline 2 in the OFLCP (REP2-019) to also include iVMS, when available. The Applicant would also like to make the NFFO aware that an additional monitoring commitment was included in the OFLCP at Deadline 2. The objective of the monitoring is to establish a baseline of the presence of queen scallop within the core grounds in and around the Morgan Array Area and, post construction, to identify changes to queen scallop from the baseline conditions. Whilst the focus of the monitoring is on addressing concerns relating to effects on queen scallop, consideration will also be given to presence of king scallop. The Applicant will also seek alignment in methodology with other regional monitoring programmes to ensure maximum value is achieved by the monitoring programme.
REP2-031.15	1.3.3 This section suffers from the need to balance the FLCP across phases of the morgan project. Pre-construction and construction activities will require agreements between the developer and fisheries stakeholders to remove static gear from an area as needed, as per FLOWW guidelines, this is due to embedded mitigation not being in place during these phases. Post construction, the FLCP can define an expectation of static gear being moved due to embedded mitigation being in place. This whole section needs to reflect the different needs for the different phases.	Please note that in the updated OFLCP submitted at Deadline 3 (S_D3_12 Outline Fisheries Liaison Co-existence Plan F03), this section is now Section 1.3.4 'Removal of static gear prior to construction or maintenance activities.' The Applicant considers that there is embedded mitigation in the construction phase to avoid the entire Morgan Array Area being closed to fishing operations, detailed as follows: <ul style="list-style-type: none"> • 500 m construction safety zone around vessels installing wind turbines and offshore substation platforms during their construction • 50 m safety zone around each item of infrastructure during the construction phase, where no construction works are taking place on that infrastructure (for example, where a wind turbine generator is incomplete or is in the process of being tested before commissioning).

MORGAN OFFSHORE WIND PROJECT: GENERATION ASSETS

Reference	Written Representation Comment	Applicant's response
		<ul style="list-style-type: none"> It is proposed that rolling advisory exclusion zones of 500 m will also be present around vessels installing inter-array cables and interconnector cables. <p>These are commitments in the OFLCP under TM07 and TM08, and this has now been made clearer in the updated OFLCP (S_D3_12 Outline Fisheries Liaison Co-existence Plan F03). There will also be Notice to Mariners and Offshore Fisheries Liaison Officers. The Applicant has successfully undertaken surveys to date with cooperation from fishermen in the region.</p> <p>Where it is considered necessary, the Applicant will enter into evidence-based agreements where a discrete area needs to be closed to fishing activity for a sustained period of time, through the same mechanisms used in throughout the industry and aligned with the FLOWW guidelines.</p> <p>The Applicant will engage further with the NFFO in preparation of the Final FLCP.</p>
REP2-031.16	1.1.1.33 The NFFO do not support the developer removing static gear without the written authority of the owner, irrespective of a developers need or inclusion in the DML. There is no legal justification for this, it will class as the illegal removal of a fisher's asset.	<p>Please note that in the updated OFLCP submitted at Deadline 2 (REP2-019), the paragraph that this relates to is now 1.3.4.2 and under Section 1.3.4 'Removal of static gear prior to construction or maintenance activities.'</p> <p>As detailed within the OFLCP (REP2-019), all efforts will be made to use the Fisheries Industry Representative (FIR) and other relevant contacts, to identify any static gear so that the owner can move it (subject to an appropriate notice period being given). However, if any static gear remains that is, (a) unmarked and (b) the Applicant/FIR is unable to identify the owner, then the Applicant reserves the right to undertake this activity to avoid potentially lengthy delays to offshore works due to the presence of unmarked/unclaimed gear.</p>
REP2-031.17	1.35 The minimisation process of a scallop mitigation zone is welcomed. However, it is essential that for scallop fisheries to return to fish the area, cables are laid in a manner that will facilitate this mitigation.	See response to REP2-031.11.
REP2-031.18	1.1.1.38 For true mitigation and use of the scallop mitigation zone (SMZ), the burial depth of cables in this area is of paramount importance. A possible minimum cable burial depth of 0.5m will only allow for approximately 0.2m clearance between the maximum penetration depth of a scallop dredge and the cable asset. We would expect, for asset protection, and to reduce snagging risk, this minimum depth is avoided in the SMZ.	See response to REP2-031.10 and REP2-031.11.
REP2-031.19	Further comment: There is growing concern on the reliability of the	The Applicant acknowledges the comment regarding cable burial reliability over the Morgan Generation Assets' lifespan and recognises similar challenges have been faced by other offshore

MORGAN OFFSHORE WIND PROJECT: GENERATION ASSETS

Reference	Written Representation Comment	Applicant's response
	<p>modelling used by offshore developers regards cable burial and the chance of cable exposure over the lifetime of the project. It has been demonstrated at several operational wind farms that the target burial depth during construction has not been of sufficient depth resulting in remediation. There have been sites with extensive areas of cables exposed within an array that has resulted in a monitor only approach as opposed to remediation or mitigation measures. We would expect to see a commitment from the developer to remediate any cable exposures as soon as possible, if this is not the case the risk to fisheries stakeholders completely negates the return to fish mitigation during the operational phase.</p>	<p>wind farm projects in the UK. The cable burial risk assessment will inform the cable burial depth, which will be dependent on ground conditions as well as external risks. It should be highlighted that the Applicant has anticipated and included reburial events as part of the Project Design Envelope, which is reflected in the draft DCO and ensures remedial action if cable exposures were to occur.</p> <p>Additionally, the Morgan Generation Assets has committed to monitoring of cables and their burial status, which will be included in the Offshore CMS. Information distribution will be aimed to be provided within three days for notification of buried cables exposure on or above the seabed to the regional fisheries contact(s) and 24 hours for notification of damage to the Morgan Generation Assets. The revised OFLCP (REP2-019) submitted at Deadline 2 does refer to the notification of changes to the status of infrastructure including cable exposure during the operations and maintenance phase, to ensure fisheries stakeholders are aware of the increased risk in specific areas.</p> <p>Within the updated OFLCP (S_D3_12 Outline Fisheries Liaison Co-existence Plan F03) submitted at Deadline 3, the Applicant has also committed to the use of (regional) guard vessels where required, should cables become exposed. This will ensure navigational safety and minimise the potential risk of gear snagging posed by exposed cables until such risks have been mitigated.</p> <p>It would be in the Applicant's interest as well as the fisheries stakeholders to remediate any cable exposures as soon as practical.</p>

MORGAN OFFSHORE WIND PROJECT: GENERATION ASSETS

2.3 Natural England (NE)

Table 2.3: REP1-031 – Natural England.

Reference	Written Submission at DL2	Applicant's response
REP2-032.1	<p>The following constitutes Natural England's formal statutory response for Examination Deadline 2.</p> <p>1. Deadline 2 Submissions</p> <p>Natural England has reviewed the relevant documents submitted by the Applicant at Deadline 1. Please find an update of Natural England's position regarding these documents in Table 1 below, including anticipated timing of responses. In addition, Natural England is also submitting the following detailed responses, signposted from Table 1, within the following thematic appendices:</p> <ul style="list-style-type: none"> • EN01036 489980 - Morgan Offshore Wind Project: Generation - Appendix I1 - Natural England's Risk and Issues Log Deadline 2 	<p>The Applicant notes Natural England's written submission and looks forward to the forthcoming responses.</p>
REP2-032.2	<p>2. Applicant's Deadline 1 submissions in relation to offshore ornithology</p> <p>Natural England notes that the Applicant has submitted several documents relevant to our key concerns on offshore ornithology at Deadline 1. Due to the volume of documents to review and the need to provide consistent SNCB advice across the Mona and Morgan Projects, Natural England will provide a response to these documents at Deadline 3. As a general comment on the documents submitted, we note that the Applicant has carried out multiple quantifications of impacts based on different approaches and parameters (i.e. the Applicant's preferred approach and the SNCBs advised approach). For example, results from the CEA and in-combination gap filling note (REP1-010) have not been propagated through into the Applicant's updated assessments. Therefore we highlight that it is difficult to follow what impact estimates the Applicant intends on using in the Application and which documents they are located in. This will be essential for future projects to access in order to populate their cumulative and in-</p>	<p>The Applicant notes Natural England's written submission. The Applicant submitted the following technical notes at Deadline 1 relevant to offshore ornithology:</p> <ul style="list-style-type: none"> • REP1-010: Annex 4.5 to Response to Hearing Action Point 15: Offshore Ornithology CEA and In-combination Gap-filling of Historical Projects Note • REP1-011: S_D1_4.6 Displacement Rates Clarification Note • REP1-012: S_D1_4.7 Annex 4.7 to Response to Hearing Action Point 15: Apportioning Sensitivity Analysis • REP1-013: S_D1_4.8 Annex 4.8 to Response to Hearing Action Point 15: Great Orme Head SSSI Clarification Note. <p>These technical notes have been provided to address questions from interested parties on the assessments within the Environmental Statement, to provide clarity on the assessment approaches taken, alternative approaches considered and confirm the assessment conclusions within the Environmental Statement chapter. The Application guide is updated at every deadline listing all the Examination documents including the new documents submitted at each Deadline (S_D2_2 Application Guide (Tracked) (REP2-004)). Where clarification or additional information is not altering the assessment conclusions, the Applicant does not consider it to be necessary (or proportionate) to update the Environmental Statement (Volume 2, Chapter 5 Offshore ornithology (APP-023)) and Information to Support the Appropriate Assessment (ISAA) (HRA Stage 2</p>

MORGAN OFFSHORE WIND PROJECT: GENERATION ASSETS

Reference	Written Submission at DL2	Applicant's response
	<p>combination assessments. We therefore request that, once SNCB methodological concerns have been addressed, that the Applicant submits a 'final position' summary document into Examination that details or tabulates the impact estimates according to the SNCB advised approach and that of the Applicant.</p>	<p>information to support an appropriate assessment Part Three: Special Protection Areas and Ramsar Site assessments (APP-098)).</p>
<p>REP2-032.3</p>	<p>3. Technical notes to address the first set of Issue Specific Hearing (ISH) Action Points While Natural England welcomes the provision of the technical notes to address the first set of Issue Specific Hearing (ISH) Action Points relating to environmental matters; Natural England advises that unless there are further updates to Environmental Statement (ES) chapters, and/or named plans, any responses and commitments made by the Applicant within these documents will not be secured and therefore will not necessarily be 'pulled through' to the post-consent phases. We therefore require our risks and issues to be addressed by the Applicant in updated ES chapters, named plans and DCO/dML conditions, in order to provide a clear audit trail through to the post consent phases. All documents (including technical notes) should be clearly catalogued by the Applicant for easy reference during these phases (some of which last 10+ years) as the Planning Inspectorate (PINs) do not retain this information on their website. In order to not confuse matters during the remainder of the Examination and reflecting the number of outstanding issues; it would be beneficial for the Applicant to focus on updating the Environmental Statement and/or named plans to reflect outcomes/agreements/commitments during Examination. If this is not undertaken, where the Applicant's representations have structured their responses as standalone 'comments on comments', Natural England will only be able to provide limited responses.</p>	<p>The Applicant notes Natural England's written submission.</p> <p>Any new commitments agreed to through the Examination will be presented in the Applicant's Commitments Register (formerly titled 'Mitigation and monitoring schedule'). The Mitigation and monitoring schedule was updated at Deadline 2 (REP2-016). The Applicant is preparing the Commitments Register in line with the Planning Inspectorate's latest advice note. This will be adapted from the Mitigation and monitoring schedule (REP2-015) and will be submitted at Deadline 4. Where clarification or additional information is not altering the assessment conclusions, the Applicant does not consider it to be necessary (or proportionate) to update the Environmental Statement.</p> <p>All commitments made by the Applicant will be implemented through the post-consent plans as secured in the deemed Marine Licences of the draft DCO. All documents have been clearly referenced throughout responses and submitted documents. The Application guide is updated at every deadline listing all the Examination documents including the new documents submitted at each Deadline (S_D3_2 Morgan Gen_ Application Guide F06).</p>

MORGAN OFFSHORE WIND PROJECT: GENERATION ASSETS

Reference	Written Submission at DL2	Applicant's response
REP2-032.4	<p>4. Documents received at the Pre-Examination Procedural Deadline</p> <p>We note that the Applicant submitted documents prior to the Pre-Examination Procedural Deadline. Natural England has reviewed these documents and where relevant, provided responses and updates within our Risk and Issues Log. We have provided a summary of Natural England's response/position summary on each of these documents in Annex 1 of this letter for clarity.</p>	<p>The Applicant notes Natural England's written submission however would clarify that the Applicant provided documents at the Procedural Deadline (rather than prior to the Procedural Deadline).</p>
REP2-032.5	<p>Annex 1: Natural England's Response to the Applicant's Documents Submitted at the Pre-Exam Procedural Deadline and Deadline 1 Relevant to our Remit Natural England's Response/Position Summary Pre-Exam Procedural Deadline – 27 August 2024</p> <p>PD1-001 Pre-Exam Procedural Deadline Submission - Procedural Deadline Cover Letter</p> <p>Natural England has no comments to make on this document.</p>	<p>The Applicant notes Natural England's written submission.</p>
REP2-032.6	<p>PD1-002 Pre-Exam Procedural Deadline Submission - The Applicant's Errata Sheet</p> <p>Natural England provided an update in our Risk and Issues Log across several topic areas at Deadline 1 in relation to this document.</p>	<p>The Applicant notes Natural England's written submission.</p>
REP2-032.7	<p>PD1-004 Pre-Exam Procedural Deadline Submission - The Applicant's Examination Progress Tracker and Statement of Commonality</p> <p>Natural England provided a comment on this in section 2 of our cover letter for Deadline 1 (ref: EN010136 488771).</p>	<p>The Applicant notes Natural England's written submission.</p>
REP2-032.8	<p>PD1-009 Pre-Exam Procedural Deadline Submission - Annex 3.4 to the Applicant's Response to Relevant Representation from Natural England and Natural Resources Wales: Interrelated Effects</p>	<p>The Applicant notes Natural England's written submission and welcomes that this matter is now 'Green' in the Risk And Issues Log (REP2-033).</p>

MORGAN OFFSHORE WIND PROJECT: GENERATION ASSETS

Reference	Written Submission at DL2	Applicant's response
	<p>Natural England provided an update in our Risk and Issues Log (Marine Mammals tab) at Deadline 1 in relation to this document.</p>	
<p>REP2-032.9</p>	<p>PD1-0010 Pre-Exam Procedural Deadline Submission - Annex 3.5 to the Applicant's response to Relevant Representations from Natural England (RR-026) and Natural Resources Wales (RR- 027): Impacts on Marine Mammals and Elevated Underwater Sound Due to Vessel Use</p> <p>NE notes the document Annex 3.5 submitted at the pre-examination procedural deadline and comments made within. We have reviewed this document; however, it has not addressed our written concerns.</p>	<p>The Applicant notes that there is no change to Natural England's position at this deadline. The Applicant believes that the response provided (see Applicant's Response to Relevant Representations (PD1-017)) is sufficient to resolve this point, and to alleviate Natural England's concerns. The Applicant is therefore engaging with Natural England to clarify if there are any matters outstanding, and what further information can be provided to resolve them (if required).</p>
<p>REP2-032.10</p>	<p>PD1-0011 Pre-Exam Procedural Deadline Submission - Annex 3.6 to the Applicant's response to Relevant Representations from Natural England (RR-026.E.7)</p> <p>Natural England provided an update in our Risk and Issues Log (Fish and Shellfish Ecology tab) at Deadline 1 in relation to this document.</p>	<p>The Applicant notes Natural England's written submission and welcomes that this matter is now 'Green' in the Risk And Issues Log (REP2-033).</p>
<p>REP2-032.11</p>	<p>PD1-0012 Pre-Exam Procedural Deadline Submission - Annex 3.7 to the Applicant's Response to Relevant Representations from Natural England: RR-026.GEN.21</p> <p>Natural England provided an update in our Risk and Issues Log (SLVIA tab) at Deadlines 1 and 2 in relation to this document.</p>	<p>The Applicant notes Natural England's written submission and welcomes that this matter is now 'Green' in the Risk And Issues Log (REP2-033).</p>
<p>REP2-032.12</p>	<p>PD1-0013 Pre-Exam Procedural Deadline Submission - Annex 3.7 to the Applicant's Response to Relevant Representations from Natural England: RR-026.A.21 Appendix A: 39.6° Horizontal frame of view wireline and photomontages –Part 1 (Figures 75 – 95</p>	<p>The Applicant notes Natural England's written submission and welcomes that this matter is now 'Green' in the Risk And Issues Log (REP2-033).</p>

MORGAN OFFSHORE WIND PROJECT: GENERATION ASSETS

Reference	Written Submission at DL2	Applicant's response
	<p>Natural England provided an update in our Risk and Issues Log (SLVIA tab) at Deadlines 1 and 2 in relation to this document.</p>	
<p>REP2-032.13</p>	<p>PD1-0014 Pre-Exam Procedural Deadline Submission - Annex 3.7 to the Applicant's Response to Relevant Representations from Natural England: RR-026.A.21 Appendix A: 39.6° Horizontal frame of view wireline and photomontages – Part 2 (Figures 96 – 117)</p> <p>Natural England provided an update in our Risk and Issues Log (SLVIA tab) at Deadlines 1 and 2 in relation to this document.</p>	<p>The Applicant notes Natural England's written submission and welcomes that this matter is now 'Green' in the Risk And Issues Log (REP2-033).</p>
<p>REP2-032.14</p>	<p>PD1-0015 Pre-Exam Procedural Deadline Submission - Annex 3.8 to the Applicant's response to Relevant Representations from Natural England (RR-026)</p> <p>Natural England notes the Applicant's submission in relation to stranded assets and has no further comments to make. Natural England's position remains unchanged but envision no further engagement is required on this matter.</p>	<p>The Applicant notes Natural England's written submission and that they have no further comments on this matter.</p>
<p>REP2-032.15</p>	<p>PD1-0016 Pre-Exam Procedural Deadline Submission - Annex 3.9 to the Applicant's response to the Relevant Representation by Natural England (RR-026.B.36) [REGIONAL BREEDING POPULATIONS ANNEX]</p> <p>Natural England notes the Applicant's response and has no further comments to make.</p>	<p>The Applicant notes Natural England's written submission and that they have no further comments on this matter.</p>
<p>REP2-032.16</p>	<p>PD1-0017 Pre-Exam Procedural Deadline Submission - S_PD_3 Applicant's Response to Relevant Representations</p> <p>Natural England has reviewed these responses and where necessary updated our Risk and Issues Log at Deadlines 1 and 2. However, as stated in our response to the Rule 6 Letter, we do not intend to comment on</p>	<p>The Applicant notes Natural England's written submission.</p>

MORGAN OFFSHORE WIND PROJECT: GENERATION ASSETS

Reference	Written Submission at DL2	Applicant's response
	any direct responses by the Applicant or other Interested Parties on our representations unless new technical information is included.	
REP2-032.17	<p>Natural England's Response/Position Summary Offshore Ornithology – Deadline 1 Submissions</p> <p>REP1-010 S_D1_4.5 Annex 4.5 to Response to Hearing Action Point 15: Offshore Ornithology CEA and In-combination Gap-filling of Historical Projects Note</p> <p>Natural England will provide a response to this document at Deadline 3.</p>	The Applicant notes Natural England's written submission and looks forward to Natural England's response at Deadline 3.
REP2-032.18	<p>REP1-011 S_D1_4.6 Displacement Rates Clarification Note</p> <p>Natural England will provide a response to this document at Deadline 3.</p>	The Applicant notes Natural England's written submission and looks forward to Natural England's response at Deadline 3.
REP2-032.19	<p>REP1-012 S_D1_4.7 Annex 4.7 to Response to Hearing Action Point 15: Apportioning Sensitivity Analysis</p> <p>Natural England will provide a response to this document at Deadline 3.</p>	The Applicant notes Natural England's written submission and looks forward to Natural England's response at Deadline 3.
REP2-032.20	<p>REP1-013 Annex 4.8 to Response to Hearing Action Point 15: Great Orme Head SSSI Clarification Note</p> <p>Natural England has no comment to make on this document and defers to Natural Resources Wales (NRW).</p>	The Applicant notes that Natural England has no comments to make on this document and that they defer to NRW on this matter.
REP2-032.21	<p>REP1-027 S_D1_11 Offshore ornithology baseline characterisation (Tracked)</p> <p>Natural England will provide a response to this document at Deadline 3.</p>	The Applicant notes Natural England's written submission.
REP2-032.22	<p>Natural England's Response/Position Summary General – Deadline 1 Submissions</p>	The Applicant notes Natural England's written submission and that they have no comments to make on this document.

MORGAN OFFSHORE WIND PROJECT: GENERATION ASSETS

Reference	Written Submission at DL2	Applicant's response
	<p>REP1-001 S_D1_1 Deadline 1 Cover Letter</p> <p>Natural England has no comments to make on this document.</p>	
REP2-032.23	<p>REP1-004 S_D1_3 Hearing Summaries Prelim Meeting and ISH1</p> <p>Natural England has no comments to make on this document.</p>	The Applicant notes Natural England's written submission and that they have no comments to make on this document.
REP2-032.24	<p>REP1-005 S_D1_4 Response to Hearing Action Points</p> <p>Natural England has no comments to make on this document but notes the Applicant's response to Hearing Action Points in relation to stranded assets; HAP_ISH 1_11 and HAP_ISH 1_12. Natural England's position remains unchanged but envisions no further engagement is required on this matter.</p>	The Applicant notes Natural England's written submission and that they have no further comments on this matter.
REP2-032.25	<p>REP1-007 S_D1_4.2 Annex 4.2 to Response to Hearing Action Point 11: Decision Letter of Triton Knoll Offshore Wind Farm Order 2013</p> <p>Natural England notes the Applicant's submission in relation to stranded assets and has no further comments to make. Natural England's position remains unchanged but envisions no further engagement is required on this matter.</p>	The Applicant notes Natural England's written submission and that they have no further comments on this matter.
REP2-032.26	<p>REP1-008 S_D1_4.3 Annex 4.3 to Response to Hearing Action Point 12: Examining Authority's</p> <p>Natural England notes the Applicant's submission in relation to stranded assets and has no further comments to make. Natural England's position remains unchanged but envision no further engagement is required on this matter.</p>	The Applicant notes Natural England's written submission and that they have no further comments on this matter.
REP2-032.27	<p>REP1-009 S_D1_4.4 Annex 4.4 Applicant's Response to Hearing Action Point HAP_ISH1_14: Applicants response to Seasonal Piling Restrictions</p>	The Applicant notes that Natural England has no comments to make on this document and that they defer to MMO on this matter.

MORGAN OFFSHORE WIND PROJECT: GENERATION ASSETS

Reference	Written Submission at DL2	Applicant's response
	Natural England has no comments to make on this document and defers to the Marine Management Organisation (MMO).	
REP2-032.28	REP1-017 S_D1_5 Report on Interrelationships with Other Infrastructure Projects Natural England has no comments to make on this document. We will provide a response to the Applicant's Offshore Ornithology CEA and In-combination Gap-filling of Historical Projects Note at Deadline 3.	The Applicant notes Natural England's written submission and that they have no comments to make on this document.
REP2-032.29	REP1-018 S_D1_6 The Applicant's Examination Progress Tracker and Statement of Commonality Natural England provided a comment on this in section 2 of our cover letter for Deadline 1 (ref: EN010136 488771).	The Applicant notes Natural England's written submission.
REP2-032.30	REP1-020 S_D1_7 The Applicant's Errata Sheet (Tracked) Natural England acknowledge the Applicant's errata sheet and where necessary, updates have been provided in our Risk and Issues Log in relation to this document. If ornithology comments are required in response to this document, these will be provided at deadline 3.	The Applicant notes Natural England's written submission.
REP2-032.31	REP1-022 S_D1_8 Draft Development Consent Order (Tracked) Natural England has provided an update in our Risks and Issues log in relation to this document.	The Applicant notes Natural England's written submission.
REP2-032.32	REP1-024 S_D1_9 Explanatory Memorandum (Tracked) Natural England has no comments to make on this document.	The Applicant notes Natural England's written submission and that they have no comments to make on this document.
REP2-032.33	REP1-025 S_D1_10 Schedule changes to dDCO	The Applicant notes Natural England's written submission.

MORGAN OFFSHORE WIND PROJECT: GENERATION ASSETS

Reference	Written Submission at DL2	Applicant's response
REP2-033.1	<p>Natural England has provided updates where necessary in our Risk and Issues Log in relation to this document.</p> <p>Appendix A - Development Consent Order (DCO) and Deemed Marine Licence (dML) A1/A5</p> <p>The DCO and dMLs do not accurately capture all the required maximum parameters of the proposed works. Important metrics such as the maximum area and volume of scour and cable protection and the number and size of Unexploded Ordnance (UXOs) that can be detonated through High Order Detonations have not been included.</p> <p>Update at Deadline 2</p> <p>The applicant has provided the maximum volume of scour protection in the draft DCO and dMLs. However, maximum area of scour and maximum volume and area for the cable protection have still not been provided. The number and size of UXOs that can be denoted through High Order Detonations have not been included. Therefore no change to our position at Deadline 2.</p>	<p>The maximum number of UXOs (13) that will be cleared will be included in the updated deemed marine licences in the draft DCO (S_D3_6 Draft DCO F05) submitted at Deadline 3 as requested.</p>
REP2-033.2	<p>A2/A9</p> <p>The pre-construction documentation required under the dMLs condition 20 is to be provided four months prior to commencement. Due to the increasing complexity of construction of large offshore works, six months is now considered an appropriate period.</p> <p>Update at Deadline 2</p> <p>In the response to Relevant Representations document (ref: PD1-017), the Applicant has responded to this comment and stated they will discuss with natural England and the MMO on timescales. However, no further updated have been provided into examination from the Applicant on this matter. Therefore no change to our position at Deadline 2.</p>	<p>The Applicant is in discussion with the MMO regarding suitable timescales for review of pre-construction documents and discharge of relevant conditions. The Applicant will also discuss this with Natural England once it has a response from the MMO.</p>

MORGAN OFFSHORE WIND PROJECT: GENERATION ASSETS

Reference	Written Submission at DL2	Applicant's response
REP2-033.3	<p>A3/A8</p> <p>There is no condition requiring an updated Offshore Operations and Maintenance Plan (OOMP) be submitted, with the SNCB consulted prior to approval. The condition should also secure that no cable protection should be deployed later than 10 years post construction. Permission for any further cable protection works after that time should be sought through a new Marine Licence.</p> <p>Update at Deadline 2</p> <p>We note that condition 13(3) of each dMLs and draft DCO require that an OOPM is submitted, with SNCB consulted prior to approval and must provide for review and resubmission every three years during the operational phase. However, the condition does not secure that no cable protection should be deployed later than 10 years post-construction. Therefore our concerns have been partially resolved at Deadline 2.</p>	<p>The Applicant notes Natural England's written submission and welcomes that this matter is partially resolved with the inclusion of the Offshore operations and maintenance plan submission within the dMLs of the draft DCO.</p> <p>As set out in the response to relevant representations (point RR-026.G.20 in document PD1-01), the Applicant has included all reasonably predictable operations and maintenance activities within the Morgan Generation Assets application and assessed the potential impacts of those within the Environmental Statement. The Applicant does not consider there to be any reasonable basis on which to impose a time-limit on the activities authorised by the dMLs in the manner suggested by Natural England.</p>
REP2-033.4	<p>A4/A11</p> <p>The monitoring conditions included within the dMLs do not secure any ecological monitoring. Monitoring of benthic, ornithological and marine mammals should be secured through appropriate conditions.</p> <p>Update at Deadline 2</p> <p>No change</p>	<p>The Applicant has updated the In-Principle Monitoring Plan (S_D2_9 Offshore in-principle monitoring plan (Clean) (REP2-013)) and the Mitigation and Monitoring Schedule (S_D2_10 Mitigation and Monitoring Schedule F02 (REP2-015)) submitted at Deadline 2. The Offshore IPMP includes ecological monitoring and will be agreed with the MMO, as required by the conditions of the dMLs within the draft DCO. The draft DCO includes within the dMLs condition 20(1)(c) which state the Applicant must provide:</p> <p><i>A monitoring plan (which accords with the offshore in principle monitoring plan) to include details of proposed pre-construction surveys, baseline report format and content, construction monitoring, post-construction monitoring and related reporting in accordance with conditions 27, 28 and 29 to be submitted to the MMO...</i></p> <p>Thereby securing ecological monitoring through the dMLs (S_D2_7 Draft Development Consent Order F04 (REP2-011)).</p>
REP2-033.5	<p>A6</p> <p>The Applicant should update the dMLs to include the maximum hammer energy that may be used. This should be presented as a maximum for each different foundation type (monopile, pin pile etc), as it is a key</p>	<p>The Applicant has updated the dMLs within the draft DCO at Deadline 3 to include maximum hammer energy and address this comment.</p>

MORGAN OFFSHORE WIND PROJECT: GENERATION ASSETS

Reference	Written Submission at DL2	Applicant's response
	<p>metric for the potential impact on marine mammals and fish.</p> <p>Update at Deadline 2 The Applicant has ammended the condition 20(1)(d)(iii) of each deemed marine licence in schedules 3 and 4 of the draft DCO to secure that piling methods are specified and submitted for approval as part of the construction method statement. However, maximum hammer energy has not been provided as requested. Therefore no change to our position at Deadline 2.</p>	
REP2-033.6	<p>A7 Micro-siting around features of conservation importance, such as reef of Annex I quality, is a standard mitigation. We recommend that the requirement to consider micro siting around features of conservation importance is secured within the dMLs.</p> <p>Update at Deadline 2 No change</p>	<p>The Applicant recognises that this has been a standard condition on many dMLs where Annex I habitats are, or have the potential to be, present. Based on the characterisation surveys undertaken to inform the ES, that is not the case for the Morgan Array Area. Notwithstanding this, the Applicant has updated the dMLs within the draft DCO at Deadline 3 to include micrositing to avoid Annex I reef (insofar as recorded in the baseline characterisation surveys) and therefore addressed this comment.</p>
REP2-033.7	<p>A10 The Underwater Sound Management Strategy will need to be supplied for both piling and UXO detonation. A minimum of two documents for each licence. This mitigation strategy is required due to the potential for in combination impacts and it is important that the document not be provided too early. Therefore, Natural England requests condition 22 require the plans to be submitted no later than 6 months and no sooner than 9 months prior to the activity.</p> <p>Update at Deadline 2 No change</p>	<p>As set out in the response to relevant representations (point RR-026.A.12 in document PD1-01), the Applicant considers that the specification of timings in the manner suggested is too prescriptive to be included within the relevant condition of the dMLs. This would provide a window of just three months to submit the plan, and even a short delay in commencement of activities would render the approved plan invalid based on the suggested amendment.</p> <p>The Applicant will submit the underwater sound management strategy at a point where it is considered suitably developed to be approved by the MMO in consultation with Natural England. As such, the Applicant does not consider it necessary to amend the condition in the dMLs.</p>
REP2-033.8	<p>Appendix B - Offshore Ornithology B1</p>	<p>The Applicant notes that Natural England will respond to the Applicant's submissions on this point at Deadline 3.</p>

MORGAN OFFSHORE WIND PROJECT: GENERATION ASSETS

Reference	Written Submission at DL2	Applicant's response
	<p>Natural England also advise that the Round 4 Irish Sea windfarms should be using the same data to conduct their cumulative and in-combination assessments and urge collaboration on this aspect. This is important both with respect to historic projects and the Round 4 projects themselves, especially as these projects are in examination simultaneously and the impact estimates may be considered subject to change.</p> <p>Update at Deadline 2 No change - additional material on this point was submitted at Deadline 1 which NE will respond to at Deadline 3</p>	
<p>REP2-033.9</p>	<p>B2 Natural England have outstanding concerns relating to both the Collision Risk Modelling (CRM) and displacement assessments and subsequent apportioning undertaken by the Applicant which we consider currently preclude any consideration of the conclusions drawn by the Applicants assessments. Key issues are the use of appropriate flying bird density data, not using SNCB preferred flight speed parameters and using specific displacement and mortality rates of auks, rather than the SNCB advised ranges.</p> <p>Greater clarity and transparency is required on the results of assessments, and how these are used in later stages (e.g. apportioning), especially those using various CRM parameters. Furthermore, we consider that the full range of SNCB advised displacement and mortality rates must be considered when apportioning impacts.</p> <p>Update at Deadline 2 No change - additional material on this point was submitted at Deadline 1 which NE will respond to at Deadline 3</p>	<p>The Applicant notes that Natural England will respond to the Applicant's submissions on this point at Deadline 3.</p>

MORGAN OFFSHORE WIND PROJECT: GENERATION ASSETS

Reference	Written Submission at DL2	Applicant's response
REP2-033.10	<p>B4 Copy paste error. Table A.2 is titled the same as previously presented table. Update table title for clarity.</p> <p>Update at Deadline 2 In the Applicant's Errata sheet (REP1-020) Errata Number 12 from table 1.2222 - table has been updated</p>	<p>The Applicant notes Natural England's written submission and welcomes that this matter is now 'Green' in the Risk And Issues Log (REP2-033).</p>
REP2-033.11	<p>B7 Table 1.19 is not supplied in full. The Applicant should provide the complete table in an updated assessment.</p> <p>Update at Deadline 2 In the Applicant's Errata sheet (REP1-020) Errata number 13 from table 1.2222 - table has been updated</p>	<p>The Applicant notes Natural England's written submission and welcomes that this matter is now 'Green' in the Risk And Issues Log (REP2-033).</p>
REP2-033.12	<p>B9 It is highly likely that little gulls observed at the project will also be using the nearby Liverpool Bay SPA and therefore it would be appropriate for the assessment to consider the implications of this.</p> <p>Update at Deadline 2 No change</p>	<p>The Applicant notes that there is no change to Natural England's position at this deadline. The Applicant believes that the response provided (see Applicant's Response to Relevant Representations (PD1-017)) is sufficient to resolve this point, and to alleviate Natural England's concerns. The Applicant is therefore engaging with Natural England to clarify if there are any matters outstanding, and what further information can be provided to resolve them (if required).</p>
REP2-033.13	<p>B10 Natural England question if it is safe to assume that flying and sitting birds do not have different distributions assumption for the key species. Natural England advise that it may be necessary to use the design-based density estimates for CRM unless the Applicants approach can be demonstrated to accurately describe the densities of flying birds within the array area.</p> <p>Update at Deadline 2 No change - additional material on this point was submitted at Deadline 1 which NE will respond to at Deadline 3</p>	<p>The Applicant notes that Natural England will respond to the Applicant's submissions on this point at Deadline 3.</p>

MORGAN OFFSHORE WIND PROJECT: GENERATION ASSETS

Reference	Written Submission at DL2	Applicant's response
REP2-033.14	<p>B16</p> <p>The Applicant should clarify and confirm the method used for CRM and update the submitted documents to reflect this. Regardless of the method used, clarification is required on the bird density data considered. We highlight that supply of the bootstrapped data is required not only to verify the sCRM, but also to enable future access for consideration in cumulative and in-combination assessments.</p> <p>Update at Deadline 2 No change</p>	<p>The Applicant notes that there is no change to Natural England's position at this deadline. The Applicant believes that the response provided (see Applicant's Response to Relevant Representations (PD1-017)) is sufficient to resolve this point, and to alleviate Natural England's concerns. The Applicant is therefore engaging with Natural England to clarify if there are any matters outstanding, and what further information can be provided to resolve them (if required).</p>
REP2-033.15	<p>B17</p> <p>Natural England note that the great black-backed gull bird length SD has been updated since the provision of draft advice and agreement on the parameters to be used during the EWG engagement process. Natural England are content with the parameters used for the assessment. However, we suggest that if the Applicant undertakes any further CRM the EWG is consulted to confirm the latest guidance is followed.</p> <p>Update at Deadline 2 No change</p>	<p>The Applicant welcomes Natural England's response and notes that updates are not required to the modelling already undertaken. As state in PD1-017, the Applicant confirms that the EWG will be consulted if the Applicant undertakes any further CRM.</p>
REP2-033.16	<p>B19</p> <p>Natural England do not consider it appropriate to use the proportion of birds in flight across the entire surveyed area (array+10km buffer) to estimate the proportions of birds in flight within the array area only, and thus calculate the densities of flying birds that will be considered by CRM. Natural England advise that abundance and density estimates (with associated CIs) of birds on the water and in flight should be calculated separately using design-based methods. For CRM, these densities of birds in flight should be an accurate representation of the data collected within the array</p>	<p>The Applicant notes that Natural England will respond to the Applicant's submissions on this point at Deadline 3.</p>

MORGAN OFFSHORE WIND PROJECT: GENERATION ASSETS

Reference	Written Submission at DL2	Applicant's response
	<p>area specifically. Thus, given the uncertainties around the proportions of birds in flight from the model-based density estimates, we advise design-based density estimates of flying birds within the array area should be used in preference. However, in the first instance we recommend a basic analysis to determine if the proportion of birds in flight in the array only is broadly comparable to that across the entire survey area. This may give some comfort that the Applicants approach is appropriate, or alternatively, that further investigation or use of design based estimates is required.</p> <p>Update at Deadline 2 No change - additional material on this point was submitted at Deadline 1 which NE will respond to at Deadline 3</p>	
<p>REP2-033.17</p>	<p>B21 Natural England advise that the Applicant's chosen methodology for calculating density estimates does not follow best practice guidance. Further, we do not consider it appropriate to take an average of confidence limits. The Applicant should present an updated assessment in line with Natural England's advice on this matter.</p> <p>Update at Deadline 2 No change</p>	<p>The Applicant notes that there is no change to Natural England's position at this deadline. The Applicant believes that the response provided (see Applicant's Response to Relevant Representations (PD1-017), comment RR-026.B.62) is sufficient to resolve this point, and to alleviate Natural England's concerns. The Applicant is therefore engaging with Natural England to clarify if there are any matters outstanding, and what further information can be provided to resolve them (if required).</p> <p>In addition, the Applicant has submitted a clarification note illustrating that the application of the proportions of birds in flight from the survey area (instead of those from the array area only) makes no difference to the resulting collision risk estimates whilst providing a more robust approach (see REP2-021).</p> <p>The Applicant also highlights that Natural England's best practice guidance does not provide a detailed methodology for the production of density estimates but does recommend the use of model-based approaches (e.g. MRSea) (Parker <i>et al.</i>, 2022). The Applicant has followed the advice provided in Parker <i>et al.</i> (2022) and presented the proposed approach to density estimation as part of the Preliminary Environmental Information Report and throughout pre-application consultation as part of the Evidence Plan process and received no objection to the approach applied as part of the application.</p>
<p>REP2-033.18</p>	<p>B22 Natural England highlight that the estimates calculated using SNCB advised parameters should be progressed through all stages of the assessment. Impacts</p>	<p>The Applicant notes that there is no change to Natural England's position at this deadline. The Applicant believes that the response provided (see Applicant's Response to Relevant Representations (PD1-017) comment RR-026.B.63) is sufficient to resolve this point, and to alleviate Natural England's concerns. Collision risk estimates calculated using Natural England's</p>

MORGAN OFFSHORE WIND PROJECT: GENERATION ASSETS

Reference	Written Submission at DL2	Applicant's response
	<p>estimated using the SNCB advised approach must be considered for apportioning, when calculating increases in baseline mortality, and in any subsequent PVA. For clarity, Natural England request that the results of CRM arising from the SNCB advised flight speed and avoidance rates are highlighted in updated tables.</p> <p>Update at Deadline 2 No change</p>	<p>recommended parameters have been presented throughout the application (e.g. see the first rows in Tables 1.6, 1.7, 1.8, 1.9, 1.10 and 1.11 in APP-055). The Applicant is therefore engaging with Natural England to clarify if there are any matters outstanding, and what further information can be provided to resolve them (if required).</p>
REP2-033.19	<p>B23</p> <p>Natural England are not persuaded that the use of flight speeds derived by Skov et al (2018) as proposed is appropriate. Further, we urge general caution when proposing alternative parameters due to the methods used to define avoidance rates. The calculation of avoidance rates involves a comparison of how many collisions are predicted by the model, in the absence of avoidance and using given parameters, with real-world collision data collected from wind farms. If the model parameters are changed so that fewer collisions are predicted in the absence of avoidance, then a lower avoidance rate may also be warranted - the smaller the gap between predicted (without avoidance) and observed collisions, the lower the avoidance rate. If the Applicant wishes to retain their review of evidence and proposed updates to flight speed parameters, a full consideration of the implications of this should be reflected within that review i.e. that other parameters may also need to be recalculated.</p> <p>Update at Deadline 2 No change</p>	<p>The Applicant notes that there is no change to Natural England's position at this deadline. The Applicant believes that the response provided (see Applicant's Response to Relevant Representations (PD1-017) comment RR-026.B.64) is sufficient to resolve this point, and to alleviate Natural England's concerns.</p>
REP2-033.20	<p>B24</p> <p>Natural England do not currently consider the use of species-specific rates to be appropriate for CRM. In short, this is because the paucity of offshore, species-specific data undermines the confidence we can place</p>	<p>The Applicant provided a full response to this comment when it was raised as part of Natural England's relevant representation (see Applicant's Response to Relevant Representations [PD1-017] comment RR-026.B.65). Irrespective of previous comments, collision risk estimates calculated using Natural England's recommended parameters have been progressed through all stages of the assessments presented. .</p>

MORGAN OFFSHORE WIND PROJECT: GENERATION ASSETS

Reference	Written Submission at DL2	Applicant's response
	<p>in species-specific rates at this stage. Further, some of the high value collision data collected offshore could not confirm specific species identifications, so there is more data to inform grouped rates in some cases. Again, we highlight that the estimates calculated using SNCB advised parameters should be progressed through all stages of the assessment.</p> <p>Update at Deadline 2 No change</p>	
REP2-033.21	<p>B26 Natural England advise that Seabirds Count data be used for apportioning to colonies in the breeding season. The Applicant should present an updated assessment using Seabirds Count data. For apportioning in the non-breeding season, the Applicants approach remains appropriate.</p> <p>Update at Deadline 2 No change - additional material on this point was submitted at Deadline 1 which NE will respond to at Deadline 3</p>	<p>The Applicant notes that Natural England will respond to the Applicant's submissions on this point at Deadline 3.</p>
REP2-033.22	<p>B27 The Applicant has followed a method developed by Hornsea Project Two to undertake kittiwake age apportioning which SNCBs do not support. Natural England reiterate the SNCB advice provided to the EWG, that we do not agree with the use of this method. Natural England advise a more appropriate approach for age-apportioning kittiwakes in the breeding season would be to simply use the 84.11% of adults recorded in the Morgan site-specific DAS data. Alternatively, given the general uncertainty around the value of ageing data for kittiwakes we advise the Applicant should take a precautionary approach and assume all birds present in the breeding season are adults for the purposes of impact assessment.</p>	<p>The Applicant provided a full response to this comment when it was raised as part of Natural England's relevant representation (see Applicant's Response to Relevant Representations [PD1-017]). Further, the Applicant has prepared a clarification note (Document reference: S_D3_11 Kittiwake apportioning clarification note F01) on this point for submission at Deadline 3.</p> <p>The conclusions of this note show that the exclusion of older immatures from the apportioning value applied for kittiwake at relevant SPAs makes no difference to the conclusions reached in HRA Stage 2 information to support an appropriate assessment Part Three: Special Protection Areas and Ramsar Site assessments (APP-098) and other associated documents submitted to the Examination.</p>

MORGAN OFFSHORE WIND PROJECT: GENERATION ASSETS

Reference	Written Submission at DL2	Applicant's response
	<p>Update at Deadline 2 No change</p>	
<p>REP2-033.23</p>	<p>B28 Natural England acknowledges that sabbaticals represent a knowledge gap for ecologically realistic impact assessments. However, we do not believe that simply removing them from assessments during apportioning is appropriate. We therefore welcome the presentation of results derived from adult populations that have not been altered to take sabbaticals into account. We advise that integrity judgements should be based on assessments that do not remove sabbatical birds at the apportioning stage.</p> <p>Update at Deadline 2 No change</p>	<p>The Applicant provided a full response to this comment when it was raised as part of Natural England's relevant representation (see Applicant's Response to Relevant Representations [PD1-017] comment RR-026.B.69).</p> <p>As previously stated, the Applicant has followed Natural England's recommended approach and has not included sabbaticals in any apportioning calculations. The Applicant therefore considers that this point can be closed.</p>
<p>REP2-033.24</p>	<p>B29 Natural England consider it of fundamental importance that the discussion around sabbatical rates remains evidence-based and fully considers the quality of any evidence, its more general applicability, the high levels of uncertainty and significant residual knowledge gaps. Natural England advise that the Applicant should ensure assessments that do not apportion sabbatical birds are clearly presented, and that those mortality estimates are considered in relation to baseline mortality and taken through to PVA where required.</p> <p>Update at Deadline 2 No change</p>	<p>The Applicant provided a full response to this comment when it was raised as part of Natural England's relevant representation (see Applicant's Response to Relevant Representations [PD1-017] comment RR-026.B.74). The Applicant considers that its response addresses Natural England's comments.</p>
<p>REP2-033.25</p>	<p>B31 For the great black-backed gull PVA, the Applicant has used the herring gull survival rates, including using the adult herring gull figure. Natural England advise using the herring gull 0-1 year survival rate and the adult great</p>	<p>The Applicant provided a full response to this comment when it was raised as part of Natural England's relevant representation (see Applicant's Response to Relevant Representations [PD1-017] comment RR-026.B.72). The Applicant's approach has aligned with guidance provided by Natural England pre-application. The Applicant considers that its response addresses Natural England's comments.</p>

MORGAN OFFSHORE WIND PROJECT: GENERATION ASSETS

Reference	Written Submission at DL2	Applicant's response
	<p>black-backed gull rate detailed in Horswill and Robinson, which is considered precautionary in terms of weighted mean survival rates for 1% thresholds.</p> <p>Update at Deadline 2 No change</p>	
REP2-033.26	<p>B32</p> <p>Natural England note that the Applicant presents two total mortality impacts for consideration by PVA of great black backed at the Isles of Scilly (IoS) SPA. Two different avoidance rates are detailed. However, it is not clear here if all other parameters considered in the CRM to derive these estimates are in line with SNCB advice, or those preferred by the Applicant (or a mixture). Please clarify the parameters used to derive mortality estimates considered in the PVA models. Natural England reiterate that we will only consider the findings based on our recommended parameters when making integrity judgements.</p> <p>Update at Deadline 2 No change</p>	<p>The Applicant provided a full response to this comment when it was raised as part of Natural England's relevant representation (see Applicant's Response to Relevant Representations [PD1-017] comment RR-026.B.73). As previously stated, collision risk estimates reflecting Natural England's recommended parameters are incorporated into the PVA models presented and therefore the Applicant considers that this point can be closed.</p>
REP2-033.27	<p>B33</p> <p>The Applicant presents evidence relating to displacement of auks to justify the consideration of 50% displacement rates and 1% mortality rates in the assessment, drawing on APEM (2002) and MacArthur Green (2023). Natural England do not agree with the Applicant's interpretation of this evidence, and highlight that a recent study in the German North Sea suggested that displacement of auks could be occurring at much greater distances from OWFs (up to 19.5km) than are currently considered by best practice impact assessments (Peschko et al, 2024). Natural England therefore advise that SNCB guidance is followed throughout the assessments so we can provide our advice into the Examination.</p>	<p>The Applicant notes that Natural England will respond to the Applicant's submissions on this point at Deadline 3.</p>

MORGAN OFFSHORE WIND PROJECT: GENERATION ASSETS

Reference	Written Submission at DL2	Applicant's response
	<p>Update at Deadline 2 No change - additional material on this point was submitted at Deadline 1 which NE will respond to at Deadline 3.</p>	
REP2-033.28	<p>B36 Our pre-application advice detailed a pragmatic hierarchical method to 'gap-fill' the Irish Sea cumulative & in-combination assessments, given the number of historic projects in the Irish Sea (Annex I). The proposed approach was relatively basic, with acknowledged limitations but was designed to generate indicative estimates for currently unknown (zeroed) impacts. This would then enable more informed expert judgement to be made on the likelihood of significant impacts and Adverse Effect on Integrity (AEoI), and thus if further investigation by a more rigorous assessment was warranted. Despite this, the Applicant's cumulative and in-combination assessments still do not quantitatively consider impacts from a number of relevant projects due to the acknowledged lack of data. Impacts specified as 'unknown' have been assessed qualitatively, but ultimately treated as zero. This approach will inevitably underestimate impacts and compromises future assessments for any further development in the region. Natural England continue to advise this approach is unacceptable, and hence consider it inappropriate to comment on the potential significance of cumulative or in-combination impacts presented.</p> <p>Update at Deadline 2 No change - additional material on this point was submitted at Deadline 1 which NE will respond to at Deadline 3.</p>	<p>The Applicant notes that Natural England will respond to the Applicant's submissions on this point at Deadline 3.</p>
REP2-033.29	<p>B37</p>	<p>The Applicant provided a full response to this comment when it was raised as part of Natural England's relevant representation (see Applicant's Response to Relevant Representations [PD1-</p>

MORGAN OFFSHORE WIND PROJECT: GENERATION ASSETS

Reference	Written Submission at DL2	Applicant's response
	<p>While Natural England consider that project alone impacts are likely to be relatively small, a number of methodological issues must be resolved before we can take an informed view on the conclusions of the assessment. Natural England advise updating the assessments and their conclusions as required.</p> <p>Update at Deadline 2 No change</p>	<p>017)). In addition, the Applicant has submitted a number of clarification notes that discuss the issues raised by Natural England and provide further information that should allow Natural England to close many, if not all of the points raised.</p>
REP2-033.30	<p>B41</p> <p>Natural England advise that red-throated diver and common scoter at Liverpool Bay SPA should be assessed in the HRA Stage 2 ISAA Part 3 report. Vessel traffic should be considered from port to site as well as within the array, and any overlap with protected sites and the distribution of these features within the site properly considered. We note the commitment to secure and adhere to best practice vessel operations to minimise disturbance and suggest that the assessment fully considers the value and potential effectiveness of such measures. As regards suitable measures, Natural England has developed a Best Practice Protocol setting out some examples.</p> <p>Update at Deadline 2 No change</p>	<p>The Applicant provided a full response to this comment when it was raised as part of Natural England's relevant representation (see Applicant's Response to Relevant Representations [PD1-017]). The Applicant considers that its response addresses Natural England's comments.</p> <p>The Applicant has also responded to the ExA's question on this matter in HRA 1.11 (S_D3_4 Applicant's Response to Examining Authority's Written Questions (ExQ1) F01).</p>
REP2-033.31	<p>B47</p> <p>Natural England do not consider the Applicant's use of single values of 50% displacement and 1% mortality to be appropriate. We continue to advocate for a range based approach to displacement assessments to capture the very high levels of uncertainty in potential rates of both displacement and mortality, and advise that the project fully considers the SNCB advised ranges of displacement and mortality rates in all assessments.</p>	<p>The Applicant notes that Natural England will respond to the Applicant's submissions on this point at Deadline 3.</p>

MORGAN OFFSHORE WIND PROJECT: GENERATION ASSETS

Reference	Written Submission at DL2	Applicant's response
	<p>Update at Deadline 2 No change - additional material on this point was submitted at Deadline 1 which NE will respond to at Deadline 3.</p>	
REP2-033.32	<p>B48 Natural England are not persuaded that the evidence on displacement effects presented is sufficient to justify the Applicants position. We highlight that a comprehensive evidence review has not been undertaken and the interpretation of some evidence is questionable. Natural England advise that a range of displacement rates should be considered (30-70%) throughout the assessments.</p> <p>Update at Deadline 2 No change - additional material on this point was submitted at Deadline 1 which NE will respond to at Deadline 3.</p>	The Applicant notes that Natural England will respond to the Applicant's submissions on this point at Deadline 3.
REP2-033.33	<p>B49 Natural England are concerned that the range of predicted collision impacts presented in the Step 1 assessment tables of the HRA Stage 2 ISSA Part 3 (SPAs and Ramsars) are not based on the results of CRM calculated using the SNCB advised model parameters. Natural England reiterate that we will only consider the conclusions of assessments that follow SNCB guidance and therefore seek an updated assessment which clearly presents CRM outputs based on all SNCB advised parameters.</p> <p>Update at Deadline 2 No change - additional material on this point was submitted at Deadline 1 which NE will respond to at Deadline 3.</p>	The Applicant notes that Natural England will respond to the Applicant's submissions on this point at Deadline 3.

MORGAN OFFSHORE WIND PROJECT: GENERATION ASSETS

Reference	Written Submission at DL2	Applicant's response
REP2-033.34	<p>B53</p> <p>Natural England advise that if vessel movements are expected to transit through the Liverpool Bay SPA then they should strictly adhere to pre-existing shipping routes to reduce the risk of additional disturbance to wintering red throated diver and common scoter. The levels of existing shipping traffic, as well as red-throated diver and common scoter density distribution in those areas may require consideration to ascertain the likely additional impacts of vessel movements associated with the project.</p> <p>Update at Deadline 2 No change</p>	<p>The Applicant provided a full response to this comment when it was raised as part of Natural England's relevant representation (see Applicant's Response to Relevant Representations [PD1-017]). The Applicant considers that its response addresses Natural England's comments.</p> <p>The Applicant has also responded to the ExA's question on this matter in HRA 1.11 (S_D3_4 Applicant's Response to Examining Authority's Written Questions (ExQ1) F01).</p>
REP2-033.35	<p>B54</p> <p>The Applicant has not proposed any post-consent monitoring in relation to offshore ornithology. We advise that the Applicant should commit to post-consent monitoring in relation to key offshore ornithology receptors, drawing on SNCB advice regarding potential risks and Natural England's Phase IV post-consent monitoring and environmental considerations in our Best Practice Advice. We advise that Natural England should be consulted on the suitability of any post consent monitoring proposed.</p> <p>Update at Deadline 2 No change</p>	<p>The Applicant provided a full response to this comment when it was raised as part of Natural England's relevant representation (see Applicant's Response to Relevant Representations [PD1-017]). The Applicant considers that its response addresses Natural England's comments.</p> <p>The Applicant has also responded to the ExA's questions on this matter in MO 1.13 and GEN 1.8 (S_D3_4 Applicant's Response to Examining Authority's Written Questions (ExQ1) F01).</p>
REP2-033.36	<p>B55</p> <p>While we are in general agreement with the Applicant that their project-alone impacts are low, Natural England do not currently consider it appropriate to comment on the assessment conclusions. This is due to a number of methodological issues. We would particularly highlight the issues arising from deviations from SNCB advice in the assessment of displacement and collision, and</p>	<p>The Applicant provided a full response to this comment when it was raised as part of Natural England's relevant representation (see Applicant's Response to Relevant Representations [PD1-017]). In addition, the Applicant has submitted a number of clarification notes that discuss the issues raised by Natural England and provide further information that should allow Natural England to close many, if not all of the points raised. .</p>

MORGAN OFFSHORE WIND PROJECT: GENERATION ASSETS

Reference	Written Submission at DL2	Applicant's response
	<p>especially the consideration of historic impacts in the cumulative and in-combination assessments.</p> <p>Update at Deadline 2 No change</p>	
<p>REP2-033.37</p>	<p>Appendix C - Marine Mammals C1, C11 & C35</p> <p>Natural England have concerns on the assessment methodology. We see the issues as follows:</p> <ul style="list-style-type: none"> • Dual effect categories in the assessment matrix where in certain cases non-significant and significant effects can result from the same combination of magnitude and sensitivity. It is generally accepted that the assessment should follow the precautionary principle thus further justification is needed when lower effect categories are chosen. Or, ideally, dual categories in the matrix should be avoid. • Terminology used to base the conclusions of the assessment is not defined thus there is uncertainty as to what spatial or temporal scale terms such 'short term', 'medium term', long term', "temporary", "small scale", "regional", 'highly localised' mean. <p>The assessment methodology be revised.</p> <p>Update at Deadline 2 No change</p>	<p>The Applicant notes that Natural England's submission (REP2-033.37) is as per Natural England's Relevant Representation (RR-026.C.1). The Applicant responded to the Relevant Representation at the Procedural Deadline (see RR-026.C.1, RR-026.C.11 and RR-026.C.35 in S_PD_3 Applicant's Response to Relevant Representations (PD1-017)).</p> <p>The Applicant notes that there is no change to Natural England's position at this deadline. The Applicant believes that the response provided (see RR-026.C.1, RR-026.C.11 and RR-026.C.35 in S_PD_3 Applicant's Response to Relevant Representations (PD1-017)) is sufficient to resolve this point, and to alleviate Natural England's concerns. The Applicant is therefore engaging with Natural England to clarify if there are any matters outstanding, and what further information can be provided to resolve them (if required).</p>
<p>REP2-033.38</p>	<p>C2 & C12</p> <p>Natural England has concerns regarding the conclusion of negligible magnitude for injury and disturbance to marine mammals, especially harbour porpoises, from elevated underwater sound due to piling activities. We note that the assigned magnitude in the previous iteration of the assessment presented at PEIR was low thus we ask for further justification why this score has been downgraded. At PEIR, Natural England stated that "we do not agree that assigned magnitude low is</p>	<p>The Applicant notes that Natural England's submission (REP2-033.38) is as per Natural England's Relevant Representation (RR-026.C2 and RR-026.C12). The Applicant responded to Natural England's Relevant Representation at the Procedural Deadline (see RR-026.C2 and RR-026.C12 in S_PD_3 Applicant's Response to Relevant Representations (PD1-017)). The Applicant notes that there is no change to Natural England's position at this deadline. The Applicant believes that the response provided (see RR-026.C2 and RR-026.C12 in S_PD_3 Applicant's Response to Relevant Representations (PD1-017)) is sufficient to resolve this point, and to alleviate Natural England's concerns. The Applicant is therefore engaging with Natural England to clarify if there are any matters outstanding, and what further information can be provided to resolve them (if required).</p>

MORGAN OFFSHORE WIND PROJECT: GENERATION ASSETS

Reference	Written Submission at DL2	Applicant's response
	<p>appropriate for Permanent Threshold Shift (PTS) as it is irreversible injury. As per magnitude definition (Table 9.11 ...“the impact would lead to permanent effects on individuals”...), the more appropriate score would medium”.</p> <p>Revise the assigned magnitude scores in relation to injury and disturbance from piling activity.</p> <p>Update at Deadline 2 No change</p>	
<p>REP2-033.39</p>	<p>C3 & C13</p> <p>There is over-reliance in the assessment on Acoustic Deterrent Devices (ADDs) as a key mitigation tool to prevent the injury while the impact of the additional noise produced by ADDs has not been taken into the consideration.</p> <p>The onus should be on reducing the noise at the source as a priority (please see our advice below on Noise Abatement Systems (NAS)). Furthermore, careful consideration needs to be given when choosing the right type of ADD to be used to balance prevention of injury with production of unnecessary noise with potential negative effects.</p> <p>If relying on ADDs as a main mitigation tool to reduce the risk of injury, the impact of additional noise produced by ADDs, and any unintended consequences, should be acknowledged and considered in the assessment which is especially important for harbour porpoises and cumulative assessment.</p> <p>Update at Deadline 2 No change</p>	<p>The Applicant notes that Natural England's submission (REP2-033.39) is as per Natural England's Relevant Representation (RR-026.C3 and RR-026.C13). The Applicant responded to the Relevant Representation at the Procedural Deadline (see RR-026.C3 and RR-026.C13 in S_PD_3 Applicant's Response to Relevant Representations (PD1-017)). The Applicant notes that there is no change to Natural England's position at this deadline. The Applicant believes that the response provided (see RR-026.C3 and RR-026.C13 in S_PD_3 Applicant's Response to Relevant Representations (PD1-017)) is sufficient to resolve this point, and to alleviate Natural England's concerns. The Applicant is therefore engaging with Natural England to clarify if there are any matters outstanding, and what further information can be provided to resolve them (if required).</p>
<p>REP2-033.40</p>	<p>C4</p> <p>Natural England does not support use of scare charges for UXO clearance thus we advise that this measure is removed from the final Marine Mammal Mitigation</p>	<p>The Applicant notes that Natural England's submission (REP2-033.40) is as per Natural England's Relevant Representation (RR-026.C.4). The Applicant responded to the Relevant Representation at the Procedural Deadline (see RR-026.C.4 in S_PD_3 Applicant's Response to Relevant Representations (PD1-017)). The Applicant notes that there is no change to Natural England's</p>

MORGAN OFFSHORE WIND PROJECT: GENERATION ASSETS

Reference	Written Submission at DL2	Applicant's response
	<p>Protocol (MMMP).</p> <p>Update at Deadline 2 No change</p>	<p>position at this deadline. The Applicant believes that the response provided (see RR-026.C.4 in S_PD_3 Applicant's Response to Relevant Representations (PD1-017)) is sufficient to resolve this point, and to alleviate Natural England's concerns. The Applicant is therefore engaging with Natural England to clarify if there are any matters outstanding, and what further information can be provided to resolve them (if required).</p>
<p>REP2-033.41</p>	<p>C5, C21 & C43</p> <p>Standard industry mitigation measures are intended to minimise the risk of injury, thus they cannot be used as a justification to conclude that there will be no significant disturbance of the species.</p> <p>Mitigation measures aimed to reduce disturbance should be considered instead of relying on measures for reducing the risk of injury. This needs to be revised throughout the assessment.</p> <p>Update at Deadline 2 No change</p>	<p>The Applicant notes that Natural England's submission (REP2-033.41) is as per Natural England's Relevant Representation (C1 of RR-026). The Applicant responded to the Relevant Representation at the Procedural Deadline (see RR-026.C.5, RR-026.C.21 and RR-026.C.42 in S_PD_3 Applicant's Response to Relevant Representations (PD1-017)). The Applicant notes that there is no change to Natural England's position at this deadline. The Applicant believes that the response provided (see RR-026.C.5, RR-026.C.21 and RR-026.C.42 in S_PD_3 Applicant's Response to Relevant Representations (PD1-017)) is sufficient to resolve this point, and to alleviate Natural England's concerns. The Applicant is therefore engaging with Natural England to clarify if there are any matters outstanding, and what further information can be provided to resolve them (if required).</p>
<p>REP2-033.42</p>	<p>C7</p> <p>Natural England strongly advises the Applicant to commit to using noise abatement (NAS) as mitigation during construction.</p> <p>Noise abatement systems are proven to reduce the level of noise generated by piling 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. Defra will be publishing a marine noise policy paper soon (announced at MMO workshop, 13th March 2024) which will include the expectation that all offshore wind pile driving activity in English waters will be required to 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. We expect that the majority of piling from 2025 onwards will not be able to go ahead without noise abatement in place.</p>	<p>The Applicant notes that Natural England's submission (REP2-033.42) is as per Natural England's Relevant Representation (RR-026.C.7). The Applicant responded to the Relevant Representation at the Procedural Deadline (see RR-026.C.7 in S_PD_3 Applicant's Response to Relevant Representations (PD1-017)).</p> <p>The Applicant has also responded to the ExA's question on this matter in MM 1.18 (S_D3_4 Applicant's Response to Examining Authority's Written Questions (ExQ1) F01).</p> <p>Therefore the Applicant remains confident that the Underwater sound management strategy (UWSMS) (APP-068) is the best approach to mitigate the potential impacts of underwater sound which includes NAS as a potential further mitigation option (as stipulated within the Outline UWSMS) if required.</p>

MORGAN OFFSHORE WIND PROJECT: GENERATION ASSETS

Reference	Written Submission at DL2	Applicant's response
	<p>We strongly advise that the Applicant fully commits to using NAS as mitigation to reduce both injury and disturbance to marine mammals receptors during the construction activities (i.e. piling and high order UXO clearance).</p> <p>Update at Deadline 2 No change</p>	
<p>REP2-033.43</p>	<p>C8 & C32</p> <p>Natural England notes that the Applicant did not propose monitoring for marine mammals within the Mitigation and Monitoring Schedule document and the Offshore In-principle Monitoring Plan.</p> <p>We do not agree that because no significant impacts are predicted, no monitoring is required. Marine mammal monitoring should be undertaken in addition to the standard monitoring of underwater noise generated from the piling of the first four piles. Further detailed discussion is required on the monitoring plans.</p> <p>The Applicant should compile an in-principle monitoring plan for marine mammals. Detailed requirements for In Principal monitoring (IPMP), can be found in: Offshore Wind Marine Environmental Assessments: Best Practice Advice for Evidence and Data Standards Phase IV: Expectations for monitoring and environmental requirements at the post-consent phase. This document outlines Natural England's recommendations for an effective IPMP and should be considered when planning monitoring post-consent.</p> <p>Update at Deadline 2 No change</p>	<p>The Applicant notes that Natural England's submission (REP2-033.43) is as per Natural England's Relevant Representation (RR-026.C.8). The Applicant responded to the Relevant Representation at the Procedural Deadline (see RR-026.C8 and RR-026.C32 in S_PD_3 Applicant's Response to Relevant Representations (PD1-017)). The Applicant notes that there is no change to Natural England's position at this deadline. The Applicant believes that the response provided (see RR-026.C8, and RR-026.C.32 in S_PD_3 Applicant's Response to Relevant Representations (PD1-017)) is sufficient to resolve this point, and to alleviate Natural England's concerns. The Applicant is therefore engaging with Natural England to clarify if there are any matters outstanding, and what further information can be provided to resolve them (if required).</p>
<p>REP2-033.44</p>	<p>C15</p>	<p>The Applicant notes that Natural England's submission (REP2-033.44) is as per Natural England's Relevant Representation (RR-026.C.15). The Applicant responded to the Relevant Representation</p>

MORGAN OFFSHORE WIND PROJECT: GENERATION ASSETS

Reference	Written Submission at DL2	Applicant's response
	<p>It was estimated that there will be an additional 1,929 installation vessel movements during the construction phase within the Morgan Array Area thus there will be a significant increase in traffic in the area outside of the shipping lanes.</p> <p>We also note that the estimated number of animals disturbed by vessels is based on the static impact radii (Table 4.44) thus the conclusions of the assessment are not based on the realistic scenarios. As such, this assessment should be revised, particularly the magnitude, taking into account the increase in the number of vessels in the project area compared to baseline as well as sensitivity of harbour porpoise to vessel noise. This is of particular importance for cumulative assessment with other projects.</p> <p>Furthermore, we do not agree with the statement: "Given the existing levels of vessel activity in the Morgan shipping and navigation study area it is expected that marine mammals could tolerate the effects of disturbance..." considering that the tolerance threshold levels of harbour porpoises to vessel disturbance are not known, claims such as this cannot be made.</p> <p>N.B. The same comment applied to HRA Stage 2 Information to support an appropriate assessment, paragraph 1.6.4.315.</p> <p>Revise the assessment for disturbance from elevated underwater sound due to vessel use and other (non-piling) sound producing activities.</p> <p>Update at Deadline 2 NE notes the document Annex 3.5 submitted by the Applicant at the pre-examination procedural deadline. We have reviewed this document, however, it has not addressed our written concerns.</p>	<p>at the Procedural Deadline (see RR-026.C15 in S_PD_3 Applicant's Response to Relevant Representations (PD1-017) and Annex 3.5 – Applicant's response to Relevant Representations from Natural England (RR-026) and Natural Resources Wales (RR-027): Impacts on Marine Mammals and Elevated Underwater Sound Due to Vessel Use (PD1-010).</p> <p>The response provided in Annex 3.5 (PD1-010) sets out the relevant consultation for the marine mammal assessment of elevated underwater sound due to vessel use and other (non-piling) sound producing activities, and responded directly to the Relevant Representation by drawing from further detail from the studies already presented in the marine mammal assessment (of elevated underwater sound due to vessel use and other (non-piling) sound producing activities) as well as drawing from several relevant studies published since the finalisation of the ES assessment, which provide further support for the Applicant's conclusion of low magnitude presented in section 4.9.4 in Volume 2, Chapter 4: Marine mammals (APP-022).</p> <p>Furthermore, the Applicant highlights that in response to NRW's Written Representation (REP1-056.59, Applicant's Response to Written Representations (REP2-005), the Applicant provided the following response:</p> <p><i>"The Applicant highlights, as per their response to NRW's Relevant Representation (RR-036), in which the matter of disturbance from vessel noise was raised, that the ranges/numbers of animals disturbed presented are based on responses to moving vessels gathered from a literature review of empirical data from field studies, therefore not based on static impact radii.</i></p> <p><i>The Applicant welcomes the agreement from NRW that it would be unrealistic to assess injury and disturbance from vessel use by presenting a sum of the impact ranges of all vessels.</i></p> <p><i>NRW stated "this does not preclude the need to propose an alternative method to gauge the number of animals affected by this impact pathway", and the Applicant highlights that an alternative method was proposed and used in the assessment in AS-010, which provided numbers of animals disturbed per vessel using highly precautionary impact ranges from literature. The Applicant also quantified the elevation in the number of vessels above the baseline. The Applicant did not go further and sum the impact ranges of all vessels, as, in agreement with NRW, this would be unrealistic and lead to a highly over-amplified assessment.</i></p> <p><i>The Applicant reviewed the suggested Wylfa Newydd assessment, highlighting NRW state in "This is by no means prescriptive and other approaches can be taken". The Applicant highlights the Wylfa Newydd study had a maximum impact range of 60 m, whilst the assessment presented in AS-010 presented modelled ranges of ~4 km. In any case, as described above, the assessment applied a highly conservative disturbance range of up to 7 km (based on a literature review) and therefore this represents a ~3 km buffer around the modelled impact range of ~4 km. The Wylfa Newydd study also assessed harbour porpoise responses using different and older thresholds for a "minor" behavioural effect, which were derived from single airgun impulses (i.e., not a continuous threshold) and therefore the approach is not comparable.</i></p>

MORGAN OFFSHORE WIND PROJECT: GENERATION ASSETS

Reference	Written Submission at DL2	Applicant's response
		<p><i>The Applicant highlights that the conservative range of 7 km is far enough from the North Anglesey Marine/Gogledd Môn Forol SAC (which lies 28.2 km from the Morgan Array Area) and that there would be no time/area threshold exceedance (JNCC, Natural England, and DAERA, 2020) (exceeding the threshold could indicate significant disturbance), and therefore no potential adverse effect on the site integrity of the North Anglesey Marine/Gogledd Môn Forol SAC, for which harbour porpoise are a feature. The Applicant considers that the marine mammal assessment in AS-010 has gone above and beyond previously accepted DCO applications such as Awel y Môr Offshore Wind Farm, and that further calculations would not change the outcome of the assessment.</i></p> <p><i>The Applicant also reviewed the use of “habituation” from PEIR to Environmental Statement as requested by NRW and amended the discussion in AS-010 to focus more on tolerance to vessel noise (NRW stated “it is reasonably likely that boat noise as a stressor is tolerated by marine mammals”). In their response to NRW’s Relevant Representation (RR-036) the Applicant highlighted a number of studies which demonstrated that marine mammals remain in areas of high vessel traffic with no detected change in foraging behaviour that the speed of the vessel was an important factor in the direct response of animals (Hao et al., 2024).</i></p> <p><i>The Applicant agrees with NRW that direct measures of associated energetic costs of exposure to be used in Population Consequence of Disturbance (PCoD) models would be useful, to be able to link disturbance parameters to fitness and population dynamics, however given this work remains ongoing, it cannot be incorporated.</i></p> <p><i>Therefore, the Applicant considers the conclusion of low magnitude is acceptable and robust and reiterates the inclusion of the Offshore Environmental Management Plan (EMP) which includes measures to minimise disturbance to marine mammals (and rafting birds) from transiting vessels, including reduction in speeds where an animal is in the vicinity of a moving vessel.”</i></p> <p><i>The Applicant notes that Natural England have confirmed receipt of document Annex 3.5 (PD1-010), but that Natural England state that this document has not addressed their concerns. The Applicant believes that the response provided in Annex 3.5 (PD1-010) is sufficient to resolve this point, and to alleviate Natural England’s concerns. The Applicant is therefore engaging with Natural England to clarify if there are any matters outstanding, and what further information can be provided to resolve them (if required).</i></p>
<p>REP2-033.45</p>	<p>C22 Given the cumulative number of vessels across all projects as well as large disturbance ranges for some vessels of up to 20km, Natural England does not agree with the assigned magnitude score ‘low’ for disturbance from elevated underwater sound due to vessel use and other (non-piling) sound producing activities. The assessment should be revised accordingly.</p>	<p>The Applicant notes that Natural England’s submission (REP2-033.45) is as per Natural England’s Relevant Representation (RR-026.C.22). The Applicant responded to the Relevant Representation at the Procedural Deadline (see RR-026.C22 in S_PD_3 Applicant’s Response to Relevant Representations (PD1-017) and Annex 3.5 – Applicant’s response to Relevant Representations from Natural England (RR-026) and Natural Resources Wales (RR-027): Impacts on Marine Mammals and Elevated Underwater Sound Due to Vessel Use (PD1-010).</p> <p>The response provided for RR-026.C22 (in S_PD_3 Applicant’s Response to Relevant Representations (PD1-017)) also makes reference to Annex 3.5 ((PD1-010). Furthermore, the</p>

MORGAN OFFSHORE WIND PROJECT: GENERATION ASSETS

Reference	Written Submission at DL2	Applicant's response
	<p>Update at Deadline 2 NE notes the document Annex 3.5 submitted by the Applicant at the pre-examination procedural deadline. We have reviewed this document, however, it has not addressed our written concerns.</p>	<p>Applicant highlights that in response to NRW's Written representation (REP1-056.59, Applicant's Response to Written Representations (REP2-005)), the Applicant provided the response as noted in REP2-033.44 above.</p> <p>The Applicant notes that Natural England have confirmed receipt of document Annex 3.5 (PD1-010), but that Natural England state that this document has not addresses their concerns. The Applicant believes that the response provided in Annex 3.5 (PD1-010) and RR-026.C2 in S_PD_3 Applicant's Response to Relevant Representations (PD1-017) is sufficient to resolve this point, and to alleviate Natural England's concerns. The Applicant is therefore engaging with Natural England to clarify if there are any matters outstanding, and what further information can be provided to resolve them (if required).</p>
<p>REP2-033.46</p>	<p>C30 There is no requirement to use ADDs during the geophysical surveys. Thus, this mitigation should not be considered for these activities and the MMMP updated accordingly.</p> <p>Update at Deadline 1 NE acknowledges that the Final MMMP will be developed in consultation with relevant stakeholders, including NE. However, our position will remain unchanged until we have seen the final version.</p> <p>Update at Deadline 2 No change</p>	<p>The Applicant can confirm that ADDs will not be used as mitigation for geophysical surveys, this commitment was made at Deadline 2 (e.g. REP1-054.5 in S_D2_3_Morgan Gen_Applicants response to Written Representation_F01 (REP2-005)) therefore the Applicant believes this matter can be closed.</p>
<p>REP2-033.47</p>	<p>C37 Natural England disagrees with the conclusion regarding the pre-construction site investigation surveys.</p> <p>Natural England does not consider that a period of several months can be considered a 'very short duration'. New data collected in Wales by Veneruso et al. 2024 should be given credence in the assessment especially given very large disturbance ranges (17.3km). We advise that appropriate mitigation is</p>	<p>The Applicant provided a full response to this comment when it was raised as part of Natural England's relevant representation (see Applicant's Response to Relevant Representations [PD1-017]). The Applicant considers that its response addresses Natural England's comments.</p>

MORGAN OFFSHORE WIND PROJECT: GENERATION ASSETS

Reference	Written Submission at DL2	Applicant's response
	<p>considered for these surveys within the MMMP and UWSMP.</p> <p>Update at Deadline 1 Natural England notes the applicant's errata sheet addition to correct the term "very short duration". However, our concerns around SBP displacement still remain.</p> <p>Update at Deadline 2 No change</p>	
REP2-033.48	<p>Appendix D - Physical Processes</p> <p>D1 Not all worse case scenarios for marine process are agreed. Applicant to provide the necessary updated project parameters, evidence and assessment in updated Application documents.</p> <p>Update at Deadline 2 In the response to Relevant Representations document (PD1-017, comment ref: RR-026.D.9), the Applicant confirmed further reduction of interconnector cable sandwave clearance width from 104m to 80m. We note this update has been reflected through the total disposal captured within updates to Schedules 3 and 4, Condition 2(g) of the Draft DCO at Deadline 1. NE welcomes this update but advises this should also be captured and updated in the ES named plan or technical document and carried through into any assessment. Therefore our concerns have not been resolved at Deadline 2</p>	<p>The Applicant acknowledges the response from Natural England and confirms that the project parameter refinement which has been undertaken is a reduction from the MDS applied in the assessment presented within Volume 2, Chapter 1: Physical processes (APP-013). Furthermore, the reduction in sandwave clearance does not alter the outcome of the assessment, in which a negligible impact was concluded.</p> <p>The Morgan Generation Assets EIA process employed an MDS approach, also known as the 'Rochdale Envelope' approach (Volume 1, Chapter 5: Environmental impact assessment methodology (APP-012)), consistent with the Planning Inspectorate's Advice Note Nine: Rochdale Envelope (2018). The assessment was therefore conducted on the basis of a realistic 'worst case' scenario (i.e. the maximum project design parameters). Throughout the course of the Examination, and post consent, the project will be refined within the project design envelope as the detailed design is progressed. The principle of the EIA Directive is to determine and understand likely significant effects on the environment and the Environmental Statement (ES) relates to the MDS defined from the project design envelope. The physical processes assessment presented within Volume 2, Chapter 1: Physical processes (APP-013) concluded that there were no significant effects. It would not be proportionate to redraft the ES to reflect refinements which are within the envelope and for which the assessment remains valid with no significant impacts identified. Further refinement will be outlined in the Offshore Construction Method Statement (CMS) secured within the DCO dMLs (REP2-011), Schedules 3 and 4, Part 2, condition 20(1)(d).</p>
REP2-033.49	<p>D3 Natural England advises that not all potential pressures/impacts have been considered/assessed.</p>	Please see the Applicant's response in REP2-033.48.

MORGAN OFFSHORE WIND PROJECT: GENERATION ASSETS

Reference	Written Submission at DL2	Applicant's response
	<p>Updated ES chapters should be submitted which includes and assesses these pressures/impacts across the EIA.</p> <p>Update at Deadline 2 We note that any changes to the MDS parameters for sandwave clearance should be reflected in an updated version of the ES. Therefore, our position remains unchanged.</p>	
REP2-033.50	<p>D4 Further consideration of the mitigation hierarchy is required to ensure that environmental impacts are reduced as much as possible. And All embedded mitigation measures proposed should be secured in the DCO/dML.</p> <p>Update at Deadline 2 No change</p>	<p>The Applicant reiterates that, as outlined in the Mitigation and monitoring schedule (REP2-015), mitigation measures proposed are secured in the DCO/dML. Development and agreement of mitigation measures within the Offshore CMS is secured within the DCO dMLs (REP2-011), Schedules 3 and 4, Part 2, condition 20(1)(d).</p>
REP2-033.51	<p>D5 Natural England advises that as per Offshore Wind Best Practice guidance on 'Tiers' and inclusion of projects within in-combination assessments; that further plans/projects should be included within the assessment.</p> <p>Natural England advises that the CEA is updated to include all projects which are having ongoing impacts to marine process and those where there is sufficient evidence in the public domain to undertake an assessment.</p> <p>Update at Deadline 2 We draw the Examiners attention to the response to Relevant Representations document (PD1-017, comment refs: RR-026.D.7, RR-026.D.22 and RR-026.D.27). The Applicant confirmed they have considered the projects that NE flagged in our Relevant</p>	<p>The Applicant notes Natural England's written submission and welcomes that this matter is now 'Green' in the Risk And Issues Log (REP2-033).</p>

MORGAN OFFSHORE WIND PROJECT: GENERATION ASSETS

Reference	Written Submission at DL2	Applicant's response
	<p>Representations and excluded them due to the CEA study area. We note the response and advise that no further engagement is required on this matter and therefore our comments have been resolved. However, we continue to advise that the CEA, in-combination assessments and HRA across the Irish Sea Round 4 projects are considered holistically.</p>	
REP2-033.52	<p>D6 We advise that further detail is required in the project description to inform the Maximum Design Scenario (MDS) and Environmental Impact Assessment (EIA).</p> <p>Update at Deadline 2 No change</p>	Please see the Applicant's response in REP2-033.48.
REP2-033.53	<p>D7 Natural England queries if the width MDS parameters are realistic for sandwave clearance?</p> <p>Natural England advises that further evidence is required to support the realistic MDS parameters as set out in the DCO/dML.</p> <p>Update at Deadline 2 We note that any changes to the MDS parameters for sandwave clearance should be reflected in an updated version of the ES. Therefore, our position remains unchanged.</p>	Please see the Applicant's response in REP2-033.48.
REP2-033.54	<p>D8 Further detail on the cable crossing design parameters and impacts assessment are required. These should be in with Natural England's Best Practice Guidance Phase III. Once this is provided we believe that this matter can be readily resolved.</p> <p>Update at Deadline 2 We note the Applicant's response to our Relevant</p>	The Applicant has included provision for up to ten crossings in the project design on a precautionary basis. It is not anticipated that cable crossings will be required as there are no recorded existing cables within the Morgan Array Area, however the location of these crossings, if any are required, will be specified in the Offshore CMS in adherence to the Applicant's commitments secured under Schedules 3 and 4, Condition 20(1)(d) of the dMLs within the draft DCO (REP2-011).

MORGAN OFFSHORE WIND PROJECT: GENERATION ASSETS

Reference	Written Submission at DL2	Applicant's response
	<p>Representations on this matter (PD1-017, comment ref: RR-026.D.10). We recognise that the Applicant has provided some further detail, however we continue to advise that the Applicant should include further details at the consenting stage on locations of cable crossings to provide confidence to competent authorities.</p>	
<p>REP2-033.55</p>	<p>D9/D17 Further detail to inform MDS figures for cable repairs and WTG/OSP maintenance e.g. seabed footprint disturbed due to cable repair and infrastructure maintenance, sediment displaced during cable repair and reburial and any associated cable protection is required. Ideally this information would also be included within an Outline Operation and Maintenance Plan and submitted into examination.</p> <p>Update at Deadline 2 No change - we note the Applicant's response but our position remains that MDS for cable repairs and WTG/OSP maintenance should be included within an Outline Operation and Maintenance Plan and submitted into examination.</p>	<p>The Applicant confirms that the greatest foreseeable number of cable reburial and repair events is included within Volume 1, Chapter 3: Project description (APP-010) and the Outline offshore operations and maintenance plan (APP-079) which is secured under Schedules 3 and 4, Condition 13(3) of the dMLs within the draft DCO (REP2-011). We hope that this confirmation resolves Natural England's points on this matter.</p>
<p>REP2-033.56</p>	<p>D11 Natural England notes that there are site specific surveys referenced throughout the chapter which have not been provided with the ES reports. We advise that these should be provided to ensure there are no issues with the EIA as presented.</p> <p>Update at Deadline 2 No change</p>	<p>As outlined previously in the Applicant's response to Natural England at the Procedural Deadline (PD1-017, R-026.D.13), the Applicant has already provided the Gardline (2022) and XOcean (2022) documents to Natural England via an online file transfer platform with email notification dated 11 July 2023 and received confirmation of receipt, as part of the Expert Working Group (EWG) process. The Applicant has reached out to Natural England to ask if they require the documents to be resent to them. The documents are very detailed and therefore there is a very large file size and so cannot be sent by email. Further to this, the Applicant can confirm that the Gardline (2022) and XOcean (2022) documents contain detailed technical information relating to these surveys, all relevant information from which has been summarised in Volume 4, Annex 1.1: Physical processes technical report (APP-033) and Volume 4, Annex 2.1: Benthic subtidal ecology technical report (APP-050), as appropriate. The Applicant can confirm that these documents do not contain any new information that changes the benthic subtidal ecology baseline or any of the conclusions of the assessments presented in Volume 2, Chapter 2: Benthic subtidal ecology (APP-020).</p>

MORGAN OFFSHORE WIND PROJECT: GENERATION ASSETS

Reference	Written Submission at DL2	Applicant's response
REP2-033.57	<p>D13 Natural England requests that the Applicant confirms all physical processes and impact pathways have been identified and therefore assessed.</p> <p>Update at Deadline 2 No change - please see comment 1 of this log.</p>	<p>The Applicant confirmed that all physical processes have been identified and assessed in the Applicant's Response to Relevant Representations (PD1-017, RR-026.D.15).</p>
REP2-033.58	<p>D14 Given the active sediment transport in the study area and the availability of recharge material, we advise that consideration should be given to sandwave recovery monitoring in post-installation surveys. Appropriate survey design and power analysis should be conducted to ensure that adequate data is collected for long term comparisons of the effect of change compared to baseline data.</p> <p>Update at Deadline 2 No change</p>	<p>The Applicant has provided further information regarding sandwave monitoring and seabed recovery in the Applicant's Response to Written Representations (REP2-005, REP1-054.17) and an updated In Principle Monitoring Plan (REP2-013) submitted at Deadline 2 to resolve this matter.</p>
REP2-033.59	<p>D15 Natural England advises that physical process impacts due to UXO clearance should be considered and assessed within updated Application documents.</p> <p>Update at Deadline 2 No change</p>	<p>The Applicant provided further justification for the scoping out of UXO clearance from the assessment undertaken in Volume 2, Chapter 1: Physical processes (APP-013) including the scale and extent of any potential craters and highlighted the recoverability of the seabed in the Applicant's Response to Relevant Representations (PD1-017, RR-026.D.17). It was also noted that UXO clearance has been assessed in terms of benthic habitat and temporary habitat disturbance/loss in section 2.9.2 of Volume 2, Chapter 2: Benthic subtidal ecology (APP-020).</p> <p>The Applicant considers that the Applicant's Response to Relevant Representations (PD1-017, RR-026.D.17) fully addresses the point raised.</p>
REP2-033.60	<p>D16 Impacts of seabed scour due to the presence of windfarm infrastructure during the operation and maintenance phase has not been included as an impact. Natural England advises that this impact should be considered and assessed by the Applicant and included in the updated application documents.</p>	<p>The Applicant provided further detail on this assessment of seabed scour in the Applicant's Response to Relevant Representations (PD1-017, RR-026.D.18). This outlined that scour protection is to be provided as a primary measure as part of the Morgan Generation Assets and secondary scour has been considered within the assessment undertaken in Volume 2, Chapter 1: Physical processes (APP-013).</p>

MORGAN OFFSHORE WIND PROJECT: GENERATION ASSETS

Reference	Written Submission at DL2	Applicant's response
	<p>Update at Deadline 2 No change</p>	
REP2-033.61	<p>D18 Further information on the impacts to the wider marine environment and sediment transport budget as a result of sediment extraction in order to stabilise conical gravity based foundations and disposal of ballast at the time of decommissioning is required. Ideally the latter would be included in an Outline Decommissioning Plan and submitted to support the consenting phase</p> <p>Additionally, we advise that further information is provided on the ballast proposal in-combination with the Mona Offshore Wind Farm Project proposals.</p> <p>Update at Deadline 2 No change</p>	<p>The Applicant provided further clarification on the potential impact of the sediment extraction for use as ballast within gravity based foundation both on the basis of the Morgan Generation Assets and cumulatively with the Mona Offshore Wind Project along with the decommissioning strategy in the Applicant's Response to Relevant Representations (PD1-017, RR-026.D.20) and confirmed that this was consistent with the assessment undertaken in Volume 2, Chapter 1: Physical processes (APP-013).</p> <p>The Applicant notes that there is no change to Natural England's position at this deadline. The Applicant believes that the response provided is sufficient to resolve this point, and to alleviate Natural England's concerns. The Applicant is therefore engaging with Natural England to clarify if there are any matters outstanding, and what further information can be provided to resolve them (if required).</p>
REP2-033.62	<p>D19 The Applicant to check and confirm figures for ballast within the gravity base foundation and ensures that correct volumes are included in any assessment and the DCO/DML.</p> <p>Update at Deadline 2 No change</p>	<p>The Applicant provided clarification on the ballast figures in the Applicant's Response to Relevant Representations (PD1-017, RR-026.D.21) and confirmed that this was consistent with the assessment undertaken in Volume 2, Chapter 1: Physical processes (APP-013).</p> <p>The Applicant will include the volumes in the dMLs. The Applicant believes that the response provided is sufficient to resolve this point, and to alleviate Natural England's concerns. The Applicant is therefore engaging with Natural England to clarify if there are any matters outstanding, and what further information can be provided to resolve them (if required).</p>
REP2-033.63	<p>D20 There are several projects which seem to be missing from the CEA. We advise that these projects are either in pre-application stages or have submitted their relevant applications and have the potential to interact with Morgan Generation Assets.</p> <p>Natural England advises that the Applicant should review the projects taken forward into the CEA and update the assessment accordingly.</p>	<p>The Applicant notes Natural England's written submission and welcomes that this matter is now 'Green' in the Risk And Issues Log (REP2-033).</p>

MORGAN OFFSHORE WIND PROJECT: GENERATION ASSETS

Reference	Written Submission at DL2	Applicant's response
	<p>Update at Deadline 2 We draw the Examiners attention to the response to Relevant Representations document (PD1-017, comment refs: RR-026.D.7, RR-026.D.22 and RR-026.D.27). The Applicant confirmed they have considered the projects that NE flagged in our Relevant Representations and excluded them due to the CEA study area. We note the response and advise that no further engagement is required on this matter and therefore our comments have been resolved. However, we continue to advise that the CEA, in-combination assessments and HRA across the Irish Sea Round 4 projects are considered holistically.</p>	
REP2-033.64	<p>D21 Natural England advises that pre construction geotechnical data should be used to inform the CBRA. We also advise that we should be consulted on the suitability of the OCMS ahead of commencement activities. This should be secured in the DCO/dML.</p> <p>Update at Deadline 2 The Applicant has confirmed that the Offshore Construction method statement (CMS) is secured within the deemed marine licenses of the draft DCO (AS-003) (condition 20(1)(d) in each deemed marine licence) and that NE will be consulted on the development of the CMS. Therefore, given this is outside of a designated site, we confirm this issue has been resolved.</p>	The Applicant notes Natural England's written submission and welcomes that this matter is now 'Green' in the Risk And Issues Log (REP2-033).
REP2-033.65	<p>D22 Natural England advises that all embedded mitigation measures proposed should be agreed prior to consent and secured in the DCO/dML.</p> <p>Update at Deadline 2 No change</p>	The Applicant reiterates that, as outlined in the Mitigation and monitoring schedule (REP2-015), mitigation measures proposed are secured in the DCO/dML. Development and agreement of mitigation measures within the Offshore CMS is secured within the DCO dMLs (REP2-011), Schedules 3 and 4, Part 2, condition 20(1)(d).

MORGAN OFFSHORE WIND PROJECT: GENERATION ASSETS

Reference	Written Submission at DL2	Applicant's response
REP2-033.66	<p>D23</p> <p>Natural England would welcome and encourage the Applicant to consider future monitoring of benthic and physical processes to be included as a commitment to review whether priority habitats/species and morphological features such as sandbanks has recovered from construction activities and these are secured in an In Principle Monitoring Plan. We note that geophysical surveys may be required as a condition of the marine licence. We therefore advise that the surveys should have adequate scope to include long term impact monitoring, with a particular focus on sandwave recovery.</p> <p>Update at Deadline 2 No change</p>	<p>The Applicant has provided further information regarding monitoring and seabed recovery in the Applicant's Response to Written Representations (REP2-005, REP1-054.17) and the updated In-Principle Monitoring Plan (REP2-013) submitted at Deadline 2.</p>
REP2-033.67	<p>D24</p> <p>Regardless of legislation or being outside of designated sites, the Applicant should aim to remove infrastructure at the time of decommissioning to avoid irreversible (permanent) habitat loss, thus returning the seabed habitat to its pre-developed baseline status as required by OSPAR. Natural England advises that the Applicant considers using scour and cable protection which is more readily removable at the time of decommissioning. We would welcome and encourage this to be secured as a commitment. Ideally this would also be included in an Outline Decommissioning Plan submitted to support the consenting phase.</p> <p>Update at Deadline 2 We note that the Applicant will produce a draft decommissioning programme prior to construction. However, our comments around using removable scour and cable protection, and securing this as a</p>	<p>In development of the draft decommissioning programme prior to construction the Applicant will consider the use of scour and cable protection which is more readily removable. The specific type of scour protection required will be site specific and details of the design and construction will be outlined within the Offshore CMS developed in consultation with the MMO. This will include an assessment of the magnitude of scour in comparison to the volumes of scour protection at the locations where it is proposed. This is secured within the DCO dMLs (REP2-011) under Schedules 3 and 4, Part 2, condition 20(1)(d)(ii).</p> <p>It is noted that the MMO is in agreement with the Applicant's approach in that the decommissioning programme is updated during the Morgan Generation Assets lifespan to take account of changing good practice and new technologies and that the scope of the decommissioning works is determined by the relevant legislation and guidance at the time of decommissioning. This is outlined in the MMO Deadline 2 Submission (REP2-029, RR-020.39).</p> <p>As outlined in section 3.11 of Volume 1, Chapter 3: Project description (APP-010), no offshore decommissioning works will take place until a written decommissioning programme has been approved by the Secretary of State for the Department for Energy Security and Net Zero, a draft of which will be submitted prior to the construction of the Morgan Generation Assets, Therefore, the Applicant considers that an Outline Decommissioning programme is not necessary as part of the consenting phase.</p>

MORGAN OFFSHORE WIND PROJECT: GENERATION ASSETS

Reference	Written Submission at DL2	Applicant's response
	<p>commitment remain. We also advise that an Outline Decommissioning Plan is provided as part of the consenting phase</p>	
<p>REP2-033.68</p>	<p>D25/D26</p> <p>Natural England are in broad agreement that the relevant sites have been screened in and an appropriate HRA methodology has been used to assess the project in relation to physical processes. However, the HRA should reflect the final CEA and in-combination assessments.</p> <p>Update at Deadline 2</p> <p>We draw the Examiners attention to the response to Relevant Representations document (PD1-017, comment refs: RR-026.D.7, RR-026.D.22 and RR-026.D.27). The Applicant confirmed they have considered the projects that NE flagged in our Relevant Representations and excluded them due to the CEA study area. We note the response and advise that no further engagement is required on this matter and therefore our comments have been resolved. However, we continue to advise that the CEA, in-combination assessments and HRA across the Irish Sea Round 4 projects are considered holistically.</p>	<p>The Applicant notes Natural England's written submission and welcomes that this matter is now 'Green' in the Risk And Issues Log (REP2-033).</p>
<p>REP2-033.69</p>	<p>D26</p> <p>Natural England are in broad agreement that the relevant sites have been screened in and an appropriate MCZ Assessment methodology has been used to assess the project in relation to physical processes. However, this assessment should align with the CEA and in-combination assessment.</p> <p>Update at Deadline 2</p> <p>We draw the Examiners attention to the response to Relevant Representations document (PD1-017, comment refs: RR-026.D.7, RR-026.D.22 and RR-026.D.27). The Applicant confirmed they have</p>	<p>The Applicant notes Natural England's written submission and welcomes that this matter is now 'Green' in the Risk And Issues Log (REP2-033).</p>

MORGAN OFFSHORE WIND PROJECT: GENERATION ASSETS

Reference	Written Submission at DL2	Applicant's response
	<p>considered the projects that NE flagged in our Relevant Representations and excluded them due to the CEA study area. We note the response and advise that no further engagement is required on this matter and therefore our comments have been resolved. However, we continue to advise that the CEA, in-combination assessments and HRA across the Irish Sea Round 4 projects are considered holistically.</p>	
<p>REP2-033.70</p>	<p>Appendix E - Fish and Shellfish Ecology E1 & E3</p> <p>Natural England do not agree with the use of the Outline Marine Mammal Mitigation Protocol (OMMMP) methods of soft starts and ramp ups as a means of mitigation for fish species. We do not include these measures as appropriate mitigation for impacts to fish species.</p> <p>Update at Deadline 2</p> <p>NE acknowledges that the Final MMMP will be developed in consultation with relevant stakeholders, including NE. However, we advise that Schedule of Mitigation and related documents should be updated during the consenting phase.</p>	<p>The Applicant addressed this concern in a meeting with Natural England, the MMO, and Cefas on 24/10/2024 in relation to underwater sound impacts. Natural England and the MMO agreed that the MMMP will be finalised post-consent following further discussion and consultation with relevant stakeholders, including Natural England.</p> <p>The Applicant is preparing a Commitments Register in line with the Planning Inspectorate's latest advice note. This will be adapted from the Mitigation and monitoring schedule (REP2-015), and will be submitted at Deadline 4.</p> <p>The Commitments Register will clarify that these measures are for injury effects only, will not be effective for all fish species and that these mitigation measures are not required to conclude no significant effects on fish and shellfish species for injury effects.</p>
<p>REP2-033.71</p>	<p>Appendix F - Benthic Ecology F1</p> <p>Not all worse case scenarios for benthic ecology are agreed. Applicant to provide the necessary updated project parameters, evidence and assessment in updated Application documents.</p> <p>Update at Deadline 2</p> <p>In the response to Relevant Representations document (PD1-017, comment ref: RR-026.D.9), the Applicant confirmed further reduction of interconnector cable sandwave clearance width from 104m to 80m. We note this update has been reflected through the total disposal captured within updates to Schedules 3 and 4,</p>	<p>The Applicant acknowledges the response from Natural England and confirms that the project parameter refinement which has been undertaken is a reduction from the MDS applied in the assessment presented within Volume 2, Chapter 2: Benthic subtidal ecology (APP-020). Furthermore, the reduction in sandwave clearance does not alter the outcome of the assessment with a negligible impact being concluded.</p> <p>The Morgan Generation Assets EIA process employed an MDS approach, also known as the 'Rochdale Envelope' approach (Volume 1, Chapter 5: Environmental impact assessment methodology (APP-012)), consistent with the Planning Inspectorate's Advice Note Nine: Rochdale Envelope (2018). The assessment was therefore conducted on the basis of a realistic 'worst case' scenario (i.e. the maximum project design parameters). Throughout the course of the Examination, and post consent, the project will be refined within the project design envelope as the detailed design is progressed. The Environmental Statement relates to the MDS defined from the project design envelope and therefore remains valid and would not be redrafted to reflect refinements</p>

MORGAN OFFSHORE WIND PROJECT: GENERATION ASSETS

Reference	Written Submission at DL2	Applicant's response
	<p>Condition 2(g) of the Draft DCO at Deadline 1. NE welcomes this update but advises this should also be captured and updated in the ES named plan or technical document and carried through into any assessment. Therefore our concerns have not been resolved at Deadline 2.</p>	<p>which are within the envelope. Further refinement will be outlined in the Offshore CMS secured within the DCO dMLs (REP2-011), Schedules 3 and 4, Part 2, item 20(1)(d).</p>
<p>REP2-033.72</p>	<p>F2 Natural England advises that full consideration of the likely nature, extent, duration, and significance of impacts upon SPA and SAC supporting habitats is required to inform a robust assessment of the likely impacts upon designated ornithological and marine mammal features.</p> <p>Update at Deadline 2 No change</p>	<p>The Applicant notes that there is no change to Natural England's position at this deadline. The Applicant believes that the response provided (PD1-017, RR-026.F.2) is sufficient to resolve this point, and to alleviate Natural England's concerns. The Applicant is therefore engaging with Natural England to clarify if there are any matters outstanding, and what further information can be provided to resolve them (if required).</p>
<p>REP2-033.73</p>	<p>F3 Natural England advises that all embedded mitigation measures proposed are secured in the DCO/dML. In addition to the mitigation proposed by the Applicant, we advise that further mitigation in considered by the Applicant.</p> <p>Update at Deadline 2 No change</p>	<p>The Applicant provided a response to Natural England on the point relating to securing all embedded mitigation measures in the DCO/dML at the Procedural Deadline (PD1-017, RR-026.F.3). Furthermore, the Applicant's response to comment F16 (REP2-033.83) below now confirms that the Applicant will commit to considering the potential for the use of cable and scour protection which is of such a nature that it may be more readily removable at decommissioning. The Applicant is therefore engaging with Natural England to clarify if there are any matters outstanding, and what further information can be provided to resolve them (if required).</p>
<p>REP2-033.74</p>	<p>F4 Natural England would welcome and encourage the Applicant to consider future monitoring of benthic and physical processes to be included as a commitment to review whether priority habitats/species and morphological features such as sandbanks has recovered from construction activities and these are secured in an In Principle Monitoring Plan.</p> <p>We therefore advise that the surveys should have adequate scope to include long term impact monitoring,</p>	<p>The Applicant considers that it has outlined its position on monitoring (which includes a focus on sandwave recovery) in its response to Natural England on this point at the Procedural Deadline (PD1-017, RR-026.F.4) and the updated In-Principle Monitoring Plan (REP2-013) submitted at Deadline 2.</p>

MORGAN OFFSHORE WIND PROJECT: GENERATION ASSETS

Reference	Written Submission at DL2	Applicant's response
	<p>with a particular focus on sandwave recovery.</p> <p>Update at Deadline 2 No change</p>	
<p>REP2-033.75</p>	<p>F5 Further detail is required in the project description to inform the Maximum Design Scenario (MDS) and Environmental Impact Assessment (EIA).</p> <p>Update at Deadline 2 We note that any changes to the MDS parameters for sandwave clearance should be reflected in an updated version of the ES. Therefore, our position remains unchanged.</p>	<p>Please see the Applicant's response to REP2-033.71.</p>
<p>REP2-033.76</p>	<p>F6 Natural England queries if the width MDS parameters are realistic for sandwave clearance?</p> <p>Natural England advises that further evidence is required to support the realistic MDS parameters as set out in the DCO/dML.</p> <p>Update at Deadline 2 We note that any changes to the MDS parameters for sandwave clearance should be reflected in an updated version of the ES. Therefore, our position remains unchanged.</p>	<p>Please see the Applicant's response in REP2-033.71.</p>
<p>REP2-033.77</p>	<p>F7 Further detail on the cable crossing design parameters and impacts assessment are required. These should be in with Natural England's Best Practice Guidance Phase III. Once this is provided we believe that this matter can be readily resolved.</p>	<p>The Applicant considers that they have provided a full response to Natural England on this point at the Procedural Deadline (PD1-017, RR-26.F.7). To provide further clarity the Applicant has addressed each of the points under the Natural England's Best Practice Guidance Phase III in turn below:</p> <ul style="list-style-type: none"> • Method(s) to be used: methods to be used are outlined in sections 3.5.9 and 3.5.10 of Volume 1, Chapter 3: Project description (APP-010) • Specific locations (informed by acoustic data): as outlined in the Applicant's response at the Procedural Deadline (PD1-017, RR-026.F.7) the location of these crossings, if any are required,

MORGAN OFFSHORE WIND PROJECT: GENERATION ASSETS

Reference	Written Submission at DL2	Applicant's response
	<p>Update at Deadline 2 No change</p>	<p>is not currently known but will be specified in the cable specification and installation plan in adherence to the Applicant's commitments secured under Schedules 3 and 4, Condition 20(1)(d) of the dMLs within the draft DCO (REP2-011)</p> <ul style="list-style-type: none"> • Total area of impact: the total area impacted by long term habitat loss associated with cable crossings is quantified as 38,800 m² in Table 2.16 of Volume 2, Chapter 2: Benthic subtidal ecology (APP-020) • Overlap with MPA(s): the Applicant can confirm there is no overlap between the Morgan Generation Assets and any Marine Protected Area • Habitats impacted: the benthic subtidal important ecological features (IEFs) with the potential to be impacted by long term habitat loss associated with cable protection is outlined in paragraph 2.9.5.4 of Volume 2, Chapter 2: Benthic subtidal ecology (APP-020) • Presence of sensitive species and habitats: the benthic subtidal IEFs with the potential to be impacted by long term habitat loss associated with cable protection is outlined in paragraph 2.9.5.4 of Volume 2, Chapter 2: Benthic subtidal ecology (APP-020) • Where applicable total volume of external cable protection: volumes of material for cable crossings are outlined in sections 3.5.9 and 3.5.10 of Volume 1, Chapter 3: Project description (APP-010) • Method(s) (as it generally requires external cable protection the points above also apply): methods to be used are outlined in sections 3.5.9 and 3.5.10 of Volume 1, Chapter 3: Project description (APP-010) • Impacts from sediment plumes: with respect to impacts from sediment plumes during installation of cable protection, the resulting increase in SSCs would be minimal. The Applicant is, therefore, confident that the impacts from sediment plumes during installation of cable protection is covered by the MDS and assessment for increased SSC and associated deposition in Volume 2, Chapter 2: Benthic subtidal ecology (APP-020). <p>The Applicant is therefore engaging with Natural England to clarify if there are any matters outstanding, and what further information can be provided to resolve them (if required).</p>
<p>REP2-033.78</p>	<p>F9 Natural England notes that there are site specific surveys referenced throughout the chapter which have not been provided with the ES reports. We advise that these should be provided to ensure there are no issues with the EIA as presented.</p> <p>Update at Deadline 2</p>	<p>Please see the Applicant's response in REP2-033.56.</p>

MORGAN OFFSHORE WIND PROJECT: GENERATION ASSETS

Reference	Written Submission at DL2	Applicant's response
REP2-033.79	<p>These documents should be officially submitted with the ES.</p> <p>F10 We advise that impacts should be minimised as much as possible, with consideration being given to the deposition locations in similar habitat type and avoiding sensitive habitats such as Habitats of Principal Importance listed under Section 41 of the Natural Environment and Rural Communities (NERC) Act 2006.</p> <p>Natural England advise that this is considered further by the Applicant and updated in the ES accordingly. And any mitigation measures to minimise the impacts secured within the DCO/dML or within a named plan.</p> <p>Update at Deadline 2 No change</p>	<p>The Applicant notes that there is no change to Natural England's position at this deadline. The Applicant believes that the response provided (PD1-017, RR-026.F.10) is sufficient to resolve this point, and to alleviate Natural England's concerns.</p> <p>The Applicant can further confirm that they will endeavour to minimise the extent of boulder clearance that will be undertaken.</p> <p>The Applicant is therefore engaging with Natural England to clarify if there are any matters outstanding, and what further information can be provided to resolve them (if required).</p>
REP2-033.80	<p>F13 Natural England advises that pre construction geotechnical data should be used to inform the Cable Burial Risk Assessment (CBRA). We also advise that Natural England should be consulted on the suitability of the Offshore Construction Method Statement (CMS) ahead of commencement activities. This should be secured in the DCO/dML.</p> <p>Update at Deadline 2 The Applicant has confirmed that the Offshore Construction method statement (CMS) is secured within the deemed marine licenses of the draft DCO (AS-003) (condition 20(1)(d) in each deemed marine licence) and that NE will be consulted on the development of the CMS. Therefore, given this is outside of a designated site, we confirm this issue has been resolved.</p>	<p>The Applicant notes Natural England's written submission and welcomes that this matter is now 'Green' in the Risk And Issues Log (REP2-033).</p>

MORGAN OFFSHORE WIND PROJECT: GENERATION ASSETS

Reference	Written Submission at DL2	Applicant's response
REP2-033.81	<p>F14</p> <p>Natural England would welcome and encourage the Applicant to consider future monitoring of benthic and physical processes to be included as a commitment to review whether priority habitats/species and the seabed morphological features such as sandbanks has recovered from construction activities, and these are secured in an In Principle Monitoring Plan.</p> <p>Update at Deadline 2</p> <p>No change</p>	<p>The Applicant has provided further information regarding monitoring and seabed recovery in the Applicant's Response to Written Representations (REP2-005, REP1-054.17) and the updated In Principle Monitoring Plan (REP2-013) submitted at Deadline 2.</p>
REP2-033.82	<p>F15</p> <p>Natural England advises that the Applicant needs to consider the potential impacts from UXO detonation on benthic habitats and/or mitigation measures for making the UXO safe without impacting on benthic habitats.</p> <p>Further detail is required on the potential impacts of UXO detonation on benthic habitats and/or mitigation measures to prevent impacts to benthic habitats.</p> <p>Update at Deadline 2</p> <p>It is acknowledged that temporary habitat loss, in relation to UXO clearance, is briefly covered in the Benthic subtidal ecology chapter (APP-020), paragraph 2.9.2.9. However, this paragraph does not summarise the potential total impact of temporary habitat loss as a result of UXO clearance. This should be updated and reflected in the ES.</p>	<p>As outlined in paragraph 2.9.2.9 of Volume 2, Chapter 2: Benthic subtidal ecology (APP-020), UXO clearance will most likely be within the 20 m width of disturbance assumed for cable burial (including boulder clearance) and also the 80 m width of disturbance assumed for sandwave clearance for inter-array and interconnector cables. It also outlines that crater sizes of diameters of up to 12.61 m may be generated on the basis of studies undertaken for the Norfolk Vanguard offshore wind farm (Ordtek, 2018). Therefore this potential impact has not been separately quantified but is included within the maximum design scenario of a total footprint of up to 21,384,000 m² of temporary habitat loss/disturbance during the construction phase that may result from cable installation, including seabed preparation (see Table 2.16 of Volume 2, Chapter 2: Benthic subtidal ecology (APP-020)). The Applicant therefore considers that the impact of UXO clearance has been fully assessed within the ES.</p>
REP2-033.83	<p>F16</p> <p>Regardless of legislation or being outside of designated sites, the Applicant should aim to remove infrastructure at the time of decommissioning to avoid irreversible (permanent) habitat loss, thus returning the seabed habitat to its pre-developed baseline status as required by OSPAR.</p>	<p>In development of the draft decommissioning programme prior to construction, the Applicant will consider the use of scour and cable protection which is more readily removable. The specific type of scour protection required will be site specific and details of the design and construction will be outlined within the Offshore CMS developed in consultation with the MMO. This will include an assessment of the magnitude of scour in comparison to the volumes of scour protection at the locations where it is proposed. This is secured within the DCO dMLs (REP2-011) under Schedules 3 and 4, Part 2, condition 20(1)(d)(ii).</p>

MORGAN OFFSHORE WIND PROJECT: GENERATION ASSETS

Reference	Written Submission at DL2	Applicant's response
	<p>Natural England advises that the Applicant considers using scour and cable protection which is more readily removable at the time of decommissioning. We would welcome and encourage this to be secured as a commitment.</p> <p>Ideally this would also be included in an Outline Decommissioning Plan submitted to support the consenting phase.</p> <p>Update at Deadline 2</p> <p>We note that the Applicant will produce a draft decommissioning programme prior to construction. However, our comments around using removable scour and cable protection, and securing this as a commitment remain. And advise that this is secured in an outline decommissioning plan at the time of consent</p>	<p>It is noted that the MMO is in agreement with the Applicant's approach in that the decommissioning programme is updated during the Morgan Generation Assets lifespan to take account of changing good practice and new technologies and that the scope of the decommissioning works are determined by the relevant legislation and guidance at the time of decommissioning. This is outlined in the MMO Deadline 2 Submission (REP2-029, RR-020.39).</p>
<p>REP2-033.84</p>	<p>F20</p> <p>The following plans are mitigation measures, these should be considered at the time of consent:</p> <ul style="list-style-type: none"> - Biosecurity Risk Assessment - Outline EMP - Marine Pollution Control Plan (MPCP) <p>To inform consenting, these plans should be provided as part of the application and submitted into Examination.</p> <p>Update at Deadline 2</p> <p>Natural England notes that the Applicant intends to produce a Marine Pollution Contingency Plan and Outline EMP post consent. However, we maintain that these documents should be submitted into examination to inform consenting.</p>	<p>The Applicant confirmed in the response to Natural England's relevant representation (see Applicant's Response to Relevant Representations [PD1-017]) that an Offshore Environmental Management Plan (EMP), including a Marine Pollution Contingency Plan, will be produced, as secured in Condition 20(1)(e)(i), Part 2, Schedule 3 and Part 2, Schedule 4 of the draft DCO (REP2-011). The Offshore EMP will include measures to minimise the potential spread of invasive non-native species. These plans will be produced post-consent, and prior to construction, following refined project design.</p> <p>The Applicant can confirm that, as requested by Natural England, they will commit to producing an Outline Offshore Environmental Management Plan (EMP), which will include an Outline marine pollution contingency plan (MPCP) and outline measures to minimise the potential spread of invasive non-native species, which it intends to submit at Deadline 4.</p>
<p>REP2-033.85</p>	<p>Appendix G - Other Plans</p> <p>G2</p>	<p>The Applicant responded to Natural England's detailed comments on the outline IPMP (REP2-005) and submitted an updated In-Principle Monitoring Plan (REP2-013) at Deadline 2. The final monitoring plan developed post-consent will set out the hypotheses/questions that monitoring shall</p>

MORGAN OFFSHORE WIND PROJECT: GENERATION ASSETS

Reference	Written Submission at DL2	Applicant's response
	<p>We strongly advise that rather than focusing on the exact details of the surveys, and as highlighted by the Applicant, the IPMP should set out the fundamental hypotheses/questions that will be tested by the monitoring based on the outcomes of the HRA, EIA and address issues of uncertainty and/or residual impacts. while there is agreement that IPMPs are finalised post consent based on project design and timescales; this should not limit updating and agreeing the IPMP prior to consent.</p> <p>Update at Deadline 2 Natural England provided detailed comments on the outline IPMP at deadline 1. We will continue to engage with this if any updates are provided throughout examination.</p>	<p>address, noting that monitoring will be influenced by the final design of the Morgan Generation Assets.</p>
<p>REP2-033.86</p>	<p>G3</p> <p>We advise that the DCO/dML conditions should ensure that the monitoring is relevant to the issues raised, and that adaptive management is secured should post-construction monitoring identify impacts that are significantly outside of those predicted in the Application.</p> <p>Update at Deadline 2 Natural England has updated the RAG staus to align with DCO/dML point, but there remains no resolution on this point</p>	<p>The nature of monitoring and need for any adaptation will be set out in the monitoring plan which is a condition of the dMLs within the draft DCO (REP2-011) (Schedules 3 and 4, Part 2), as follows:</p> <p><i>20(1) The licensed activities or any phase of those activities must not commence until the following (insofar as relevant to that activity or phase of activity) have been submitted to and approved in writing by the MMO, in consultation with Trinity House, the MCA and UKHO as appropriate:</i></p> <p>...</p> <p><i>(c) A monitoring plan (which accords with the offshore in principle monitoring plan) to include details of proposed pre-construction surveys, baseline report format and content, construction monitoring, post-construction monitoring and related reporting in accordance with conditions 27, 28 and 29 to be submitted to the MMO in accordance with the following:</i></p> <p><i>(i) at least four months prior to the first survey, detail of the pre-construction surveys and an outline of all proposed monitoring</i></p> <p><i>(ii) at least four months prior to commencement of construction, detail on construction monitoring</i></p> <p><i>(iii) at least four months prior to completion of construction, details of operational monitoring, if required</i></p> <p>...</p> <p><i>unless otherwise agreed in writing with the MMO.</i></p>

MORGAN OFFSHORE WIND PROJECT: GENERATION ASSETS

Reference	Written Submission at DL2	Applicant's response
REP2-033.87	<p>G4</p> <p>Natural England advises that a key consideration is that the type of scour protection used will be removable upon decommissioning. Options that involve introducing plastic to the marine environment have the potential to degrade during the lifetime of the project and raise concerns with regards to marine pollution. The Applicant should seek to identify the most sustainable and removable form of scour protection.</p> <p>Update at Deadline 2 No change</p>	<p>Specific requirements in relation to pre-construction, construction and post-construction monitoring, are specified within conditions 27-29 of the dMLs of the draft DCO (REP2-011) (Schedules 3 and 4, Part 2).</p> <p>The Applicant provided a full response to this comment when it was raised as part of Natural England's relevant representation (see Applicant's Response to Relevant Representations [PD1-017]). The Applicant considers that its response addresses Natural England's comments. The Applicant will commit to considering the most sustainable and removable form of scour protection.</p>
REP2-033.88	<p>G6</p> <p>We advise the Applicant considers lessons learnt from other wind farm projects in relation to potential scour and cable exposure, particularly around Wind Turbine Generations (WTGs), and that this is evidenced within the plan.</p> <p>Update at Deadline 2 No change</p>	<p>The Applicant provided a full response to this comment when it was raised as part of Natural England's relevant representation (see Applicant's Response to Relevant Representations [PD1-017]). The project design envelope for operations and maintenance activities has been informed by industry experience of the Applicant on other offshore wind assets, and will also inform the final Offshore Construction Method Statement (CMS).</p>
REP2-033.89	<p>G7</p> <p>The Applicant should produce an Outline Decommissioning Plan that outlines all decommissioning options (maintain, full removal and partial removal) during the consenting phase. These options can be assessed and refined closer to the time of decommissioning itself in consultation with Natural England.</p> <p>Update at Deadline 2 No change</p>	<p>The Applicant provided a full response to this comment when it was raised as part of Natural England's relevant representation (see Applicant's Response to Relevant Representations [PD1-017]).</p> <p>It is noted that the MMO is in agreement with the Applicant's approach in that the decommissioning programme is updated during the Morgan Generation Assets lifespan to take account of changing good practice and new technologies and that the scope of the decommissioning works is determined by the relevant legislation and guidance at the time of decommissioning. This is outlined in the MMO Deadline 2 Submission (REP2-029, RR-020.39). The Applicant is therefore not proposing to produce an outline decommissioning plan.</p>

MORGAN OFFSHORE WIND PROJECT: GENERATION ASSETS

Reference	Written Submission at DL2	Applicant's response
REP2-033.90	<p>G8</p> <p>Further detail on cable protection, scour protection and cable burial which would ideally be included in the final version of the Cable Burial Risk Assessment (CBRA) should be considered further. We advise that the CBRA should be informed by geotechnical data to further understand the scour and cable protection requirements to ensure that a realistic worst-case scenario is presented.</p> <p>Update at Deadline 2 No change</p>	<p>The Applicant provided a full response to this comment when it was raised as part of Natural England's relevant representation (see Applicant's Response to Relevant Representations [PD1-017]). The Applicant considers that its response addresses Natural England's comments.</p>
REP2-033.91	<p>G9</p> <p>We advise that it is critical that engineering decisions include a hierarchy of the different cable protection methodologies and their relative environmental impacts, and that these work areas are progressed in tandem. We advise that the options for scour prevention and cable protection should be limited to those which sufficiently meet both engineering and ecological requirements and this is agreed as part of the consenting phase. Natural England advise that post-installation/decommissioning recovery will need to be demonstrated by monitoring, particularly for methods where full recovery has not been achieved previously in similar sedimentary conditions.</p> <p>Update at Deadline 2 No change</p>	<p>The Applicant provided a full response to this comment when it was raised as part of Natural England's relevant representation (see Applicant's Response to Relevant Representations [PD1-017]). The Applicant provided an updated In Principle Monitoring Plan (REP2-013) at Deadline 2, with further detail on commitments for monitoring post-installation recovery. Any monitoring required during the decommissioning phase will be set out in the decommissioning programme required under Requirement 5 of the draft DCO (REP2-011), in line with the prevailing guidance at the time.</p>
REP2-033.92	<p>G10</p> <p>Natural England understand that the Offshore Environmental Management Plan (OEMP) will be produced prior to construction and will be developed following the detailed design process. We advise that until these details are fully understood Natural England cannot provide final comment on the suitability of the</p>	<p>See response to REP2-033.84.</p>

MORGAN OFFSHORE WIND PROJECT: GENERATION ASSETS

Reference	Written Submission at DL2	Applicant's response
	<p>management measures proposed. Therefore, we advise that more detail is provided within an outline OEMP and that Natural England are consulted on the final plan prior to construction. We advise a holistic approach to the final plan to bring together all agreed measures across the ES.</p> <p>Update at Deadline 2 No change</p>	
REP2-033.93	<p>G13</p> <p>Natural England understands that this is an outline plan, which will be developed post consent. We advise that clarity should be provided regarding how the potential impacts of the finalised plan will be checked against the assessments made in the ES, MCZ Assessment, HRA etc. Sufficient information should be provided at the pre-consent stage to allow operations and maintenance (O&M) activities to be fully assessed.</p> <p>Update at Deadline 2 No change</p>	<p>The Applicant provided a full response to this comment when it was raised as part of Natural England's relevant representation (see Applicant's Response to Relevant Representations [PD1-017]). The Applicant confirms that all reasonably foreseeable operations and maintenance activities have been included within Volume 1, Chapter 3: Project description (APP-010) to allow these activities to be fully assessed within the Morgan Generation Assets application. The final operations and maintenance plan will reflect the final design of the Morgan Generation Assets and therefore the activities set out within the final plan will fall within the project design envelope assessed within the application.</p>
REP2-033.94	<p>G14</p> <p>All reasonably predictable activities should be assessed within the ES at the pre-consent stage, and sufficient data should be gathered to avoid the need for further licences unless something unpredictable occurs. In relation to unpredictable works, we advise that the Applicant seeks to understand what may have been required on other offshore wind projects to date to inform their predictions at the pre-consent stage. We also advise including a definition of what constitutes emergency work.</p> <p>Update at Deadline 2 Natural England notes that the Applicant will include the MMO's definition of emergency in the final Offshore Operations and Maintenance Plan. The Applicant also</p>	<p>The Applicant confirms that all reasonably foreseeable operations and maintenance activities have been included within Volume 1, Chapter 3: Project description (APP-010) and the Outline offshore operations and maintenance plan (APP-079) which is secured under Schedules 3 and 4, Condition 13(3) of the dMLs within the draft DCO (REP2-011). The project design envelope for operations and maintenance activities has been informed by industry experience of the Applicant on other offshore wind assets.</p>

MORGAN OFFSHORE WIND PROJECT: GENERATION ASSETS

Reference	Written Submission at DL2	Applicant's response
	<p>outlined that their screening exercise for the OOMP identified 'typical' operations and maintenance activities. However, our comment referred to understanding non-typical/ unpredictable activities that have occurred at other wind farms. This R&I remains unresolved and advise it is an issue for pre-consent.</p>	
<p>REP2-033.95</p>	<p>G16 We advise that deployment of scour/cable protection under the DCO should be no later than 10 years post construction. Permission for any further cable protection works after that time should be sought through a new Marine Licence.</p> <p>Update at Deadline 2 No change</p>	<p>The Applicant provided a full response to this comment when it was raised as part of Natural England's relevant representation (see Applicant's Response to Relevant Representations [PD1-017]). The Applicant does not consider there to be any reasonable basis on which to impose a time-limit on the activities authorised by the deemed marine licences in the manner suggested by Natural England.</p>
<p>REP2-033.96</p>	<p>G17 Where seabed disturbance is necessary and use of equipment such as jack-up vessels are required, the Applicant should provide details showing how they will ensure the avoidance of sensitive features such as Habitats of Principal Importance listed under Section 41 of the Natural Environment and Rural Communities (NERC) Act and Annex I features. Consideration needs to be given to ongoing data collection required to inform micro-siting of activities during the lifetime of the project, and further details provided during the consenting phase.</p> <p>Update at Deadline 2 No change</p>	<p>The Applicant provided a full response to this comment when it was raised as part of Natural England's relevant representation (see Applicant's Response to Relevant Representations [PD1-017]). The Applicant considers that its response addresses Natural England's comments.</p>
<p>REP2-033.97</p>	<p>G19 We note that there is currently no information on how the impacts of O&M works will be monitored. We advise</p>	<p>The Applicant provided a full response to this comment when it was raised as part of Natural England's relevant representation (see Applicant's Response to Relevant Representations [PD1-017]). The Applicant considers that its response addresses Natural England's comments.</p>

MORGAN OFFSHORE WIND PROJECT: GENERATION ASSETS

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	<p>that the Applicant considers this further in an updated plan.</p> <p>Update at Deadline 2 No change</p>	
REP2-033.98	<p>Appendix G - Other Plans (SLVIA) N/A</p> <p>As advised at the PEIR stage, Natural England request that single frame images with a Horizontal Frame of View (HFoV) of 39.6° are included within the SLVIA for all viewpoints. Natural England also note that a couple of the images within the SLVIA documents still have issues with sun glare obscuring the Wind Turbine Generator (WTG) representations (e.g. images for viewpoint 14 in document APP-039). Updated material should be submitted into the Examination in due course.</p> <p>Update at Deadline 2 Natural England notes that document titled 'Annex 3.7 to the Applicant's Response to Relevant Representations from Natural England: RR-026.A.21' was submitted at the pre-examination procedural deadline. Having reviewed this document, we have no further comments.</p>	<p>The Applicant notes Natural England's written submission and welcomes that this matter is now 'Green' in the Risk And Issues Log (REP2-033).</p>