

The Planning Inspectorate
Temple Quay House
2 The Square
Bristol
BS1 6PN

By email: morganoffshorewindproject@planninginspectorate.gov.uk

Date: 16/01/2025

For the attention of: Susan Hunt

Dear Susan,

PROPOSED MORGAN OFFSHORE WINDFARM

PLANNING INSPECTORATE REFERENCE: EN010136

OUR REFERENCE: 20049491

**RE: NATURAL RESOURCES WALES' RESPONSE TO THE EXAMINING AUTHORITY'S
SECOND ROUND OF WRITTEN QUESTIONS**

Thank you for your Rule 8 letter, dated 12 September 2024, requesting Cyfoeth Naturiol Cymru / Natural Resources Wales' (NRW) comments regarding the above.

Please find below NRW's Response to the Examining Authority's second set of written questions (ExAQ2), published on 19 December 2024.

These comments/question responses should be read in conjunction with advice previously provided into the examination.

The comments provided in this submission comprise NRW's response as a Statutory Party under the Planning Act 2008 and Infrastructure Planning (Interested Parties) Regulations 2015 and as an 'interested party' under s102(1) of the Planning Act 2008.

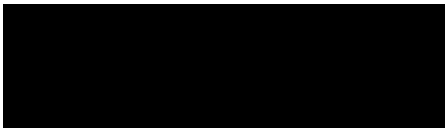
Our comments are made without prejudice to any further comments or advice we may wish to make in relation to this application and examination whether in relation to the Environmental Statement (ES) and associated documents, provisions of the draft Development Consent Order ('DCO') and its Requirements, or other evidence and

documents provided by RWE ('the Applicant'), the Examining Body or other interested parties.

Should further clarity be required, we will be pleased to answer these further through the Examining Authority questions and / or a Rule 17 request(s).

Please do not hesitate to contact Paige Minahan or Adam Cooper at marine.advice@cyfoethnaturiolcymru.gov.uk should you require further advice or information regarding these representations.

Yn gywir / Yours sincerely,



Andrea Winterton
Marine Services Manager
Natural Resources Wales

[CONTINUED]

ExQ2	Question to:	Question:	NRW Response
CE Cumulative Effects			
CE 2.2	Natural England Natural Resources Wales Meath County Council	<p>Cumulative and In-Combination Assessments review documents</p> <p>A number of CEA/In-combination assessment review documents have been submitted by the Applicant to include updated information relating to other projects in and around the Irish Sea and additional information relating to ornithology [REP2-023, REP3-018, REP3-019, REP4-024, REP4-029].</p> <p>Natural England, NRW and Meath County Council are asked to confirm if they have any comments on the relevant review documents.</p>	Please see section 1.1 of our deadline 5 consultation response.
CE 2.3	Applicant Natural England Natural Resources Wales	<p>Lifetimes of Existing Offshore Wind Farms</p> <p>The Applicant's response to ExQ CE 1.2 [REP3-006] includes a list of offshore wind farms (OWF) nearing the end of their life, according to the expiry date of their relevant licences.</p>	NRW welcomes the Applicant's list and timeline of offshore windfarm projects due to be decommissioned before Morgan Generation Assets Project is operational and agree with the approach taken by the Applicant. In regard to their in-combination and cumulative effects

ExQ2	Question to:	Question:	NRW Response
		<p>i) Natural England and NRW are asked to review the Applicant's answer and provide any additional comments they wish to make regarding the projects nearing the end of their life, and implications for the CEA and in-combination assessment.</p> <p>The Applicant is asked to:</p> <p>ii) Provide any relevant corrections further to Ørsted IPs [REP4-048] comments on Barrow and Burbo Bank OWFs.</p> <p>iii) Clarify if they are aware if any of the listed OWFs are expected to continue beyond the expiry date of their relevant licences, and whether any consents would be required for such extension of lifetime.</p>	<p>assessments whilst noting that some projects still have missing data for the in-combination assessment and those projects with no consent, end date/lifespan they should be included within the cumulative/in-combination assessments.</p>
HRA Habitats Regulations Assessment			

ExQ2	Question to:	Question:	NRW Response
HRA 2.1	Applicant Natural England Natural Resource s Wales	<p>Summary of Data</p> <p>The Applicant's numerous responses to Natural England and NRW [REP4-007, REP4-009, REP4-012] refer to recent discussions (13 November and 28 November 2024) and indicate that it is working to provide a summary of data and a solution to resolve all outstanding methodological issues associated with the assessments presented in Volume 2 Chapter 5 Offshore Ornithology [APP-023] and the HRA Stage 2 Information to Support Appropriate Assessment part 3 [APP-098]. The Applicant expects this to provide Natural England with the information necessary to close out many of the outstanding methodological issues without the need for updated assessment document and to reduce the volume of documents submitted into the Examination, with an aim to allow the conclusion of no adverse effect on integrity</p>	Please see section 1.4 of our deadline 5 consultation response.

ExQ2	Question to:	Question:	NRW Response
		<p>(AEoI) either alone or in-combination.</p> <p>However Natural England and NRW continue to put to the ExA that the clarification notes essentially serve as additional stress-testing of the Applicant's conclusions against their advice, in isolation from each other.</p> <ul style="list-style-type: none"> i) The Applicant is asked to share the summary with the statutory nature conservation bodies (SNCB) at the earliest opportunity, and submit a copy at D5, so that complete responses can be submitted by all parties at D5 in order to inform the ExA's Report on the Implications for European Sites (RIES), to be published on 6 February 2025. ii) Natural England and NRW are asked to comment on the summarised data at D5. 	

ExQ2	Question to:	Question:	NRW Response
HRA 2.2	Applicant Natural England Natural Resources Wales	<p>Habitats Regulations Assessment derogation case - ornithology</p> <p>The Applicant's position is that compensation will not be required as there is no AEoI from the Proposed Development either alone or in-combination, and it highlights that the SNCBs consider the risk of AEoI is low.</p> <p>Natural England and NRW's submissions states that they cannot definitively rule out AEoI until the Applicant has addressed the issues raised in their representations and that they have had the opportunity to review information submitted at D4 (and the summary data as referred to above in HRA 2.1).</p> <p>The parties indicate that the remaining issues are capable of being resolved prior to the close of the Examination, and as such a derogation case and compensation may not be required.</p>	<p>With regards to impacts on site integrity for in-combination impacts to Welsh SPAs and features, please see section 1.4 of our deadline 5 consultation response. In summary, NRW cannot definitively rule out AEoSI for in-combination impacts to Welsh SPAs until we have been able to review the revised summary data spreadsheet for in-combination impacts.</p>

ExQ2	Question to:	Question:	NRW Response
		<p>Natural England, NRW and the Applicant are urged to submit information and comments in as much detail as possible to the Examination by D5 to inform the ExA's RIES, with final confirmation that AEol can be ruled out and that a derogation case is not required at D6.</p>	
HRA 2.3	Applicant Natural England Natural Resources Wales	<p>Liverpool Bay Special Protection Area</p> <p>The Outline Offshore EMP [REP4-018] at 5.6 Annex E and the Commitments Register (Co65) [REP4-025] include reference to measures to minimise disturbance to rafting birds from transiting vessels to be attached to the final Offshore EMP, secured within Condition 20(e) of the DMLs.</p> <p>i) Natural England and NRW are asked to confirm whether provision of the documents would allow them to agree that an AEol of the qualifying features of the Liverpool</p>	<p>NRW notes in the Outline Offshore Environmental Management Plan (EMP) [REP4-018] makes reference to measures to minimise disturbance to rafting birds from transiting vessels [APP-070] and an outline vessel traffic management plan [REP2-017]. We note that APP-070 only mentions vessels sticking to 'indicative vessel transit corridors' and established shipping routes. The commitments register [REP4-025] states that the Applicant intends on following the WISE Code of Conduct to minimise disturbance to marine life and that "key measures from</p>

ExQ2	Question to:	Question:	NRW Response
		<p>Bay Special Protection Area (SPA) can be excluded, alone and in combination.</p> <p><i>ii)</i> The Applicant is asked to update the Stage 2 SPA Report [APP-098] to record consideration of the Liverpool Bay SPA.</p>	<p>the scheme will reduce the disturbance of vessel transit on marine mammals and rafting birds visible at the water surface, or as otherwise agreed with the Statutory Nature Conservation Bodies (SNCBs)". NRW also recommends that the Applicant includes within APP-070 the additional measures to minimise disturbance to red-throated diver within the Liverpool Bay SPA:</p> <ul style="list-style-type: none"> • Selecting routes that avoid known aggregations of birds; • Maintaining direct transit routes (to minimise transit distances through areas used by divers); • Avoidance of over-revving of engines (to minimise noise disturbance).
HRA 2.4	Natural England	Kittiwake Apportioning	Please see section 1.4 of our deadline 5 consultation

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	Natural Resources Wales	<p>Natural England's Risk and Issues Log [REP4-043] states that it has advised the Applicant on the required updated assessments and will provide further comments in response to any additional material at D5. NRW continues to consider that the correct approach has still not been applied [REP4-044].</p> <p>The Applicant has submitted responses to D3 submissions from Natural England and NRW [REP4-007 and REP4-009] and an additional clarification note 'Differences between Morgan and Mona in abundance estimates used in the CEA' [REP4-031].</p> <p>The ExA expects further comments from the SNCBs to the additional material at D5 to inform the final SoCG with NRW and Principal Areas of Disagreement Summary Statement (PADSS) from Natural England.</p>	<p>response. NRW can confirm that the Applicant has updated their assessments accordingly following the SNCB advised approaches for kittiwake apportioning by assuming all birds are adult age class. However, some errors remain in the Applicant's assessment of the Great Orme's Head SSSI whereby they have not provided PVA modelled outputs for the worst-case scenario using the 70% displacement and 10% mortality rates as advised by SNCBs for guillemot and razorbill (expanded in section 1.1 of our deadline 5 consultation response).</p>
MM Marine Mammals			

ExQ2	Question to:	Question:	NRW Response
MM 2.7	Marine Management Organisation Natural England Natural Resources Wales	<p>Outline Marine Mammal Mitigation Protocol (MMMP) – draft DML</p> <p>Can the MMO, NE and NRW confirm whether they are content with the Applicant's response to ExQ1 MM 1.3 [REP3-006] – specifically, that it is not necessary for geophysical activities to be referenced in the draft DML Conditions [REP4-013].</p>	Considering this question is pertaining to the remit of the deemed marine licence, we have no comment and defer to the MMO.
MM 2.9	Natural Resources Wales	<p>Injury and Disturbance to Marine Mammals from Vessels – Wylfa Newydd Approach</p> <p>Can NRW confirm whether it is content with the Applicant's response to ExQ1 MM 1.17 [REP3-006] – specifically that the Applicant has used the most appropriate accepted threshold suited to the impact of vessel disturbance, which is more precautionary than the approach used in the Wylfa Newydd study. In addition, can NRW confirm if the Applicant's response to them at Deadline 4 [REP4-009, Ref. REP3-050.39] on the same</p>	NRW can confirm that the behavioural threshold applied is suitable but highlight the difference between a precautionary threshold vs a precaution assessment approach. NRW do not consider the overall static approach taken to be more precautionary than an approach which accounts for vessel movement. Please refer to section 2.1 of our deadline 5 consultation response and NRW's prior submissions for additional details.

ExQ2	Question to:	Question:	NRW Response
		<p>matter alleviates NRW's concerns? If NRW is not content with the Applicant's response, explain why not and what are the implications for the Applicant taking the approach that they have.</p>	<p>NRW acknowledge the applicants response at Deadline 4 [REP4-009, Ref. REP3-050.39], but maintain our previously stated position that presenting numbers of animals disturbed based on a static radius to be a significant underestimate compared to a methodology that in some way captures the movement of vessels. Therefore, NRW maintains the previously stated position and do not consider our methodological concerns resolved by [REP4-009, Ref. REP3-050.39].</p> <p>NRW recommend either, (1) calculating numbers using a method similar to those advised in previous responses (an elongated buffer) or (2) clarifying that the numbers of animals disturbed calculated using a static radius are for a single point in time only, and that option (2) may be the more</p>

ExQ2	Question to:	Question:	NRW Response
			<p>proportionate approach at this stage.</p> <p><i>As noted in [REP3-050]; “NRW can confirm that we still agree on an overall conclusion of “low magnitude”. We also note that this methodological discussion does not materially impact our agreement with the overall conclusions that there will be no significant effect / adverse effect on marine mammal populations due to the mitigation methods that will be employed” and that “NRW notes the commitment of the Applicant to the development of, and adherence to, an Offshore Environmental Management Plan (EMP) which includes measures to minimise disturbance to marine mammals (and rafting birds) from transiting vessels. We welcome this commitment, which we consider could mitigate most of the impacts, making the</i></p>

ExQ2	Question to:	Question:	NRW Response
			<p><i>overall conclusion acceptable.”</i></p> <p>Please refer to sections 2.1 and 2.2 of our deadline 5 consultation response and NRW’s prior submissions [RR-027, REP1-056 and REP3-050] for additional detail on our reasoning and the implications of using the current static approach.</p>
MO Marine Ornithology			
MO 2.1	Applicant Natural England Natural Resources Wales	<p>Summary of Data</p> <p>The Applicant’s numerous responses to NE and NRW [REP4-007, REP4-009, REP4-012] refer to discussions (13 November and 28 November 2024) and indicates that it is working to provide a summary of data and a solution to resolve all outstanding methodological issues associated with the assessments presented in Volume 2 Chapter 5 Offshore Ornithology [APP-023]. The Applicant expects this to provide Natural England with</p>	Please see section 1.4 of our deadline 5 consultation response.

ExQ2	Question to:	Question:	NRW Response
		<p>the information necessary to close out many of the outstanding methodological issues without the need for updated assessment document and to reduce the volume of documents submitted into the Examination.</p> <p>However Natural England and NRW continue to put to the ExA that the clarification notes essentially serve as additional stress-testing of the Applicant's conclusions against their advice, in isolation from each other.</p> <p>The Applicant is asked to share the summary with the SNCBs at the earliest opportunity and submit a copy at D5.</p> <p>Natural England and NRW are asked to comment on the summarised data at D5.</p> <p>The parties can combine their response with HRA 2.1.</p>	
MO 2.3	Natural England	Methodology for Ornithological Assessments	The Applicant's updated project alone assessment methodologies provided in

ExQ2	Question to:	Question:	NRW Response
	<p>Natural Resources Wales Joint Nature Conservation Committee Royal Society for the Protection of Birds</p>	<p>The SNCBs and RSPB are asked to confirm at D5 a list of the agreed and not agreed methodological issues, with reference to the summary data as referred to above and the range of clarification notes/errata submitted up to and including D4.</p>	<p>their summary spreadsheets address the methodological concerns previously raised by NRW. However, NRW have been unable to review the in-combination assessment provided by the Applicant on 12/01/2025 due to time constraints. The Applicant has completed these assessments using the full range of SNCB advised displacement and mortality rates. Please see more detailed comments in section 1.4 of our deadline 5 consultation response.</p> <p>It should also be noted that the Applicant still has not presented predicted impacts for the full range of advised % displacement and % mortality rates (i.e. up to 70% displacement and 10% mortality) for the project alone and cumulatively for the guillemot and razorbill features of the Great Orme's Head SSSI. Where predicted impacts exceed 1% of baseline mortality (including up to the worse-case</p>

ExQ2	Question to:	Question:	NRW Response
			<p>scenario of 70% displacement and 10% mortality), then PVAs should be run. This information should be provided by the Applicant for this site so that NRW can determine whether impacts to the colonies here will continue to grow and the worse-case impact scenarios.</p>
MO 2.7	<p>Natural England Natural Resources Wales Joint Nature Conservation Committee</p>	<p>SSSI and CEA clarification notes NE, NRW and JNCC are asked to review the following additional ornithological clarification notes provided at D4 and provide comment at D5:</p> <ul style="list-style-type: none"> i) Project alone and cumulative assessment for the Great Orme Head SSSI [REP4-029]. ii) Differences between the Morgan Generation Assets and the Mona Offshore Wind Project in abundance estimates used in the CEA [REP4-031]. 	<p>Please see section 1.1 of our deadline 5 consultation response. NRW recognises that differences in kittiwake apportioning methods are contributing to differences in predicted impacts between the Mona and Morgan Generation Projects [REP4-031], however for Morgan the Applicant has followed SNCB advice and has assumed all breeding birds are adults where site-specific age-class information is not available and apportioned these figures correctly when carrying through to their assessments. NRW welcome that the two Projects have</p>

ExQ2	Question to:	Question:	NRW Response
			collaborated to ensure there are no major discrepancies between their totals taken through to assessment for other species.