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JNCC Reference: OIA-10611
PINS Reference: EN010121
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By email: MorecambeOffshoreWindProject@planninginspectorate.gov.uk

To whom it may concern,

Morecambe Offshore Windfarm Generation Assets – EN010121 – Marine Mammal response to the Examining Authority’s written questions and requests for information (ExQ1)

Thank you for consulting JNCC on the Morecambe Offshore Windfarm Generation Assets.

The advice contained within this minute is provided by JNCC as part of our statutory advisory role to the UK Government and devolved administrations on issues relating to nature conservation in UK offshore waters (beyond the territorial limit).

Examiners Question 1HRA1: Habitats Regulations Assessment

“As the JNCC do not delegate authorisation to NE for sites in Wales, Scotland and Northern Ireland. JNCC are requested to provide comments on the Applicant’s HRA [REP1-012] in respect of the UK National Site Network sites for which it is the statutory advisor.”

1 Marine mammal comments on the Report to Inform Appropriate Assessment (RIAA)

In line with JNCCs offshore remit, we defer to Natural Resources Wales Advisory (NRW (A)) regarding potential impacts to Special Areas of Conservation (SACs) designated for bottlenose dolphins and seals as these are all located within territorial waters. Our review has focussed on the North Anglesey Marine SAC designated for harbour porpoise, as this is the closest to the proposed development. This site is situated 49km from the proposed development and is located in Welsh territorial and offshore waters.

1.1 Report to inform appropriate assessment

The applicant has concluded no likely significant effect on the North Anglesey Marine SAC for all impact pathways considered. Given the distance between the proposed project and the SAC, we do not anticipate an adverse effect on the integrity of this site from the proposed development; however, we have concerns regarding the information presented to support some of the conclusions as well as the mitigation provided.

1.1.1 Injury from piling

We have concerns that the draft marine mammal mitigation plan (dMMMP) would not sufficiently reduce the risk of injury from piling noise. Further consideration of the dMMMP is provided below.

1.1.2 Disturbance due to piling from the project alone

We agree predicted areas within which disturbance could occur do not overlap with the designated site; however, insufficient information is provided to explain how some of the conclusions around population level effects have been reached.

The RIAA indicates substantial numbers of animals could be disturbed (5.5% of the Celtic and Irish sea management unit) during piling of mono-piles but the interim Population Consequences of Disturbance (iPCoD) modelling concluded no significant impact to the population. The purpose of this RIAA is to support the regulator's appropriate assessment. Simply referring to sections of the Environment Statement (ES) without some form of explanation is not sufficient. We advise that further information is required to support population-level conclusions for disturbance, including caveats and limitations when interpreting data.

1.1.3 In-combination assessment for piling

We note the in-combination assessment for disturbance with other plans and projects has only presented the outputs of iPCoD modelling. As stated above, we advise that further information should be provided in the RIAA to explain how the conclusions presented were reached. This is particularly pertinent for this assessment as any uncertainty will be compounded by the number of projects being assessed.

1.1.4 In-combination assessment for non-piling construction activities

We note inconsistencies in the information presented in this assessment. For example, Paragraph 3433 states 5.7% of the management unit population will be disturbed by non-piling noise, however, the table which summarises this assessment (Table 9.15) states 0.2%. This needs clarifying.

1.1.5 In-combination assessment of industries and activities

Table 9.16 predicted 4.19% of the population will be disturbed by other industries e.g. aggregates, seismic, and UXO clearance. The table also provides an overall conclusion that

<1% of the management unit will be disturbed. However, no explanation is provided to support the conclusion in this table. This needs to be provided.

1.1.6 Summary conclusions of the in-combination assessment

We note Paragraph 3474 refers to modelling undertaken for the southern North Sea (Booth *et al.*, 2017) in support of conclusions in this document. We highlight that the southern North Sea has a long history of anthropogenic activities at a scale greater than has occurred within the Irish Sea. Subsequently, reference to this source of information should be treated with caution as direct comparisons between the two regions of sea cannot be assumed.

1.1.7 Decommissioning

We appreciate the limited information available to developers at this stage of the project, however, we are disappointed by the level of assessment undertaken by the Applicant regarding the impacts of decommissioning. The RIAA states it is not possible to provide details of methods that could be used at the time for decommissioning, but we question why an assessment cannot be undertaken assuming current decommissioning methods would be used? We highlight the OEUK '[Designing for Decommissioning of Offshore Wind](#)' guidelines, which discusses assessing decommissioning based on available technologies now and not in the future.

1.2 Draft Marine Mammal Mitigation Plan (dMMMP)

We have reviewed this document as it underpins conclusions within the RIAA for marine mammals.

1.2.1 Piling

JNCC advise the outline MMMP is not sufficient to support conclusions made in the RIAA for injury to piling.

JNCC do not agree with the approach to only use instantaneous Permanent Threshold Shift (PTS) (i.e. sound pressure level, SPL) to determine mitigation requirements to reduce the risk of auditory injury to negligible levels. The use of cumulative (SEL_{cum}) sound exposure levels in addition to the SPL is currently best practice and insufficient justification has been provided to deviate from this approach. The predicted injury ranges using this metric are 8.1km for mono-piles, which cannot be mitigated using the methods currently described in the dMMMP. The injury range for pin piles is 5.1km; while this could be mitigated using an acoustic deterrent, the duration of deterrent deployment needs careful consideration as this will introduce more noise into the marine environment and cause additional disturbance.

We also note the commitment to consider the use of noise abatement systems (NAS) in the final MMMP (Paragraph 146). Given the predicted injury ranges using the SEL_{cum} metric, we advise NAS should be a consideration at this Development Consent Order (DCO) stage. This would reduce the range within which injury could occur and reduce the duration acoustic deterrents need to be used for.

We highlight a [position statement](#) published by JNCC, Natural England, and Cefas (21 January 2025) outlining our stance on the use of noise abatement during piling. In this we advise that quieter installation methods and/or NAS should always be considered as primary

and/or secondary mitigation measures when planning to undertake impact piling in the marine environment. We also recommend that quieter installation methods and/or NAS are considered early in the project design process to reduce the risk of delay to licence applications, mitigation plans, and site integrity plans that may be required and provide sufficient time to procure required equipment.

The Department for Environment, Food & Rural Affairs (Defra) have also published a [Marine Noise Policy](#) (21 January 2025). This includes expectations that from January 2025 onwards, it is expected that all offshore wind pile driving activity in English waters will be required to demonstrate they have utilised best endeavours to deliver noise reductions through the use of primary and/or secondary noise mitigation methods in the first instance. Primary methods aim to reduce noise emissions at the source through modifications of the piling process (for example, alternative hammer types, alternative foundation types). Secondary methods aim to reduce the noise propagated through the water column during pile driving by employing systems such as casings, resonators, and bubble curtains.

There are also inconsistencies regarding what the mitigation zone will be for visual surveys, i.e. it has been reduced from 700m to 500m in Paragraph 97 but Plate 3.1 and Paragraph 102 refer to a 700m zone. This needs clarifying. We highlight that the [SNCB mitigation guidelines](#) for piling should be considered a minimum requirement, and the size of mitigation zone adjusted to reflect, as best as possible, the predicted injury ranges. We also highlight that an update to these guidelines is planned for 2025.

1.2.2 UXO clearance

We appreciate that potential methods have been included for clearance of UXOs even though the applicant has committed to applying for a separate marine licence for this activity should it be required. JNCC agree with both these approaches as they provide a holistic consideration of potential risks associated with the construction of this development, while recognising the lack of information on clearance requirements available at this stage.

We highlight that an update to the [Governments UXO position](#) statement has been published (21 January 2025). We highlight the new statement requires low noise methods of clearance to be the default method, and that high order clearance should only be used in extreme circumstances. We also highlight that guidance to support licence applications has been published along with the new statement, and that JNCC have published new [marine mammal mitigation](#) guidelines specifically for UXO clearance. These should be considered when developing subsequent mitigation plans to accompany marine licence applications.

1.3 References

Booth, C.G., Harwood, J., Plunkett, R., Mendes, S., and Walker, R. (2017); Using the Interim PCoD framework to assess the potential impacts of offshore wind developments in Eastern English Waters on harbour porpoises in the North Sea. *Natural England Joint Report*, Number 024 York.

Please contact me with any questions regarding the above comments.

Yours sincerely,

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