



THE PLANNING ACT 2008

THE INFRASTRUCTURE PLANNING (EXAMINATION PROCEDURE) RULES
2010

Morecambe Offshore Wind Farm: Generation Assets

Appendix I to Natural England's Deadline 4 submission.

**Natural England's comments on Rule 17 letter to Natural England and Marine
Management Organisation [PD-013]**

For:

The construction and operation of the Morecambe Generation Offshore Wind Farm located
approximately 30 km off the Northwest English Coast in the Irish Sea.

Planning Inspectorate Reference EN010121

18 February 2025

Table 1. Natural England's comments on the Examining Authority's written questions

Ref.	Question to:	Question	Natural England Response
R17.1.1.	Natural England (NE) Marine Management Organisation (MMO)	<p>Written Ministerial Statement of 29 January 2025 and associated guidance documents</p> <p>NE and the MMO are invited to make comments on the following:</p> <ul style="list-style-type: none"> • the Written Ministerial Statement number UIN HCWS394 • the DESNZ guidance on 'Strategic compensation measures for offshore wind activities: Marine Recovery Fund interim guidance' • the Defra Policy Paper 'Reducing Marine Noise' • the JNCC 'Guidelines for minimising the risk of injury to marine mammals from unexploded ordnance (UXO) clearance in the marine environment'. insofar as they may affect the consideration of the Proposed Development. Could NE and MMO respond both generally and with particular reference to: • Unexploded Ordnance • Permanent Threshold Shift • Offshore wind piling noise limit. 	<p>The Written Ministerial Statement principally relates to benthic compensation measures, and so is not relevant to the Morecambe Generation project. However, the DESNZ interim guidance also provides advice to developers who are developing their own avian compensation packages on how to ensure that their consent documents include the option to switch to sourcing their avian compensation through the Marine Recovery Fund (MRF) when it is in place. Applicants wishing to use predator reduction (which includes exclusion fencing) as a compensation measure ahead of the MRF being operational will need to deliver the measure themselves, as the Applicant is proposing. Nevertheless, the Applicant may also wish to include a provision allowing for a contribution to be made into the MRF in substitution for delivering the predator control compensation measure themselves, should the MRF have relevant measures available at that time. At this time, no measures for red-throated diver compensation form part of the library, although a provision for an MRF contribution for this species would also be prudent, alongside the project-specific measures proposed.</p> <p>Defra have recently published their Marine Noise package, which provides a suite of new and updated policy and guidance relating to the reduction and</p>

			<p>mitigation of underwater sound. This package includes the following documents:</p> <ul style="list-style-type: none"> • Marine Noise Policy paper, which can be found here - Reducing marine noise - GOV.UK. • An updated Unexploded Ordnance (UXO) Joint Position Statement, which can be found here - Marine environment: unexploded ordnance clearance Joint Position Statement - GOV.UK • UXO clearance supporting guidance providing more detail for Supporting minimising environmental impacts from unexploded ordnance clearance - GOV.UK <p>Alongside these documents, JNCC have also published new mitigation guidelines for UXO clearance, which can be found here - JNCC guidelines for minimising the risk of injury to marine mammals from unexploded ordnance (UXO) clearance in the marine environment JNCC Resource Hub, and a joint statement from science and nature conservation advisors (Cefas, JNCC and NE) on the use of noise reduction methods when piling, which can be found here - JNCC, Natural England and Cefas position on the use of quieter piling methods and noise abatement systems when installing offshore wind turbine foundations JNCC Resource Hub. The statement is supported by a Cefas evidence review of noise reduction methods, which can be viewed here</p>
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			<p>- Evidence on the efficacy of underwater noise abatement.</p> <p>Together, these documents set out the expectation that from January 2025., <i>‘all offshore wind pile driving activity across all 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 reduction methods in the first instance’</i> and that low-order UXO clearance should now be the default clearance method, with high-order detonations restricted to extraordinary circumstances. They also provide updated advice regarding mitigation of UXO clearance activities. Natural England advises that the Applicant should review the content of these documents and ensure their assessment and mitigation measures are aligned. Natural England will provide further, more detailed advice in due course as required.</p> <p>• <i>Offshore wind piling noise limit.</i></p> <p>As part of the work Defra is undertaking with regard to reducing underwater noise, a 12-month study into the feasibility and achievability of implementing a decibel limit for offshore piling has been undertaken. The final part of this work designed a pilot programme to test the proposed decibel limit in real world conditions as part of commercial projects and</p>
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			<p>two OWF projects in the southern North Sea will be taking part in the pilot programme in 2025. The pilot programme will run until 2028 and Defra are in talks with other projects to take part beyond 2025. Alongside the pilot programme, Defra will be undertaking a public consultation on the proposed limits, which Natural England understand Defra plan to conduct in Autumn 2025.</p>
R17.1.6.	NE	<p>Unexploded Ordnance Assessment</p> <p>In NE's Risk and Issues log [REP3-093] at reference RE_E11 the UXO assessment remains outstanding. The Applicant indicates that the UXO clearance will be dealt with outside the DCO process. Consequently, NE is requested to give its position as to whether at this stage sufficient information has been provided in light of the recent Guidance (see R17.1.1).</p>	<p>Natural England's point at E11 is in relation to benthic and marine process impacts from the detonation of UXO, rather than underwater noise impacts for which the new guidance relates. Therefore, our advice within our Risks and Issues log at Deadline 3 remains unchanged.</p>
R17.1.7.	NE and MMO	<p>Thresholds for the onset of behavioural responses</p> <p>NE's Risk and Issues log [REP3-093] in D40 notes that the dose-response curve approach has not been used to determine the number of common dolphin impacted at White Cross. This is contrary to what is stated in Paragraph 11.760. The approach used (TTS) is not sufficiently precautionary for a disturbance impact and is not consistent with how the other projects in the area have been assessed. NE and the MMO are</p>	<p>Natural England is satisfied with the Applicant's view that the assessment is sufficiently precautionary and considers it appropriate that the Applicant can only use the information publicly available for other plans and projects when undertaking their in-combination assessment.</p>

		requested to provide further information in light of the Applicant's view that the assessment is sufficiently precautionary.	
R17.1.9.	NE	<p>Effects on Red Throated Diver</p> <p>Please set out an explanation for the 10km buffer from the edge of the original Liverpool Bay SPA boundary for the effects on Red Throated Diver, and explain why any lesser distanced buffer would not be acceptable given that Red Throated Divers have been noted within 10km of existing windfarms.</p>	<p>Our position on red-throated diver disturbance impacts is set out in full in the Joint SNCB Interim Advice on the Treatment of Displacement for Red-Throated Diver, available here: Joint SNCB Interim Advice On The Treatment Of Displacement For Red-Throated Diver (2022)</p> <p>To summarise, there is evidence for red-throated divers avoiding a large area around existing offshore wind farms, with effects out to 20km from arrays reported. While the proportion of divers displaced within the OWF array itself may be close to 100%, the displacement rate is not 100% throughout the distance over which the effect occurs. Instead there is considered to be a gradation whereby the strength of the displacement effect gradually reduces with increased distance from the wind farm array.</p> <p>The distance over which a displacement effect has been detected varies within the scientific literature and the drivers for this variation are currently unclear. A buffer of 10km has been agreed by the SNCBs as a pragmatic distance to consider when OWFs are within or in close proximity to SPAs with red-throated diver as a designated feature.</p> <p>It is not expected that all red-throated divers will be displaced within 10km of an OWF but we consider that</p>

			<p>this is a distance over which it is likely that a significant displacement impact could occur. As such, areas within 10km of the Morecambe array are predicted to experience a deterioration of conditions for red-throated diver within the SPA. reducing the availability of supporting habitat within the site.</p> <p>This will contravene the high-level conservation objective to maintain or restore the distribution of qualifying features within the site, and the SPA's conservation advice attribute targets for 'Non-breeding population: distribution' (<i>'Restore the distribution of the feature; preventing further deterioration, and where possible, reduce any existing anthropogenic influences impacting feature distribution'</i>) and 'Supporting habitat: extent, distribution and quality of supporting habitat for the non-breeding season' (<i>'Restore the extent, distribution and availability of suitable habitat which supports the feature; preventing further deterioration, and where possible, reduce any existing anthropogenic influences impacting the extent and quality (including water quality)'</i>).</p>
R17.1.10.	NE	<p>Without Prejudice Red Throated Diver Compensation</p> <p>Please can both NE give its views on the efficacy of the proposed Without Prejudice Red Throated Diver Compensation proposals [REP3-065], and in particular whether they would provide sufficient</p>	<p>See Natural England's Deadline 4 comments on the Applicant's submission for our advice on the proposals. However, we wish to emphasise that the initial steps of mitigation hierarchy should be applied in advance of compensation being sought, and thus far we do not consider the Applicant has exhausted the potential to avoid or reduce impacts to the Liverpool Bay SPA, and</p>

		<p>compensation for the asserted effects on this species. The Examining Authority understands that NE has been provided with an unredacted version of this document by the Applicant. However, should it require a copy, please contact the Case Team who will provide a copy.</p>	<p>feel that there are potential less damaging alternatives that warrant further exploration.</p>
R17.1.16.	MMO NE	<p>Deemed Marine Licence</p> <p>In condition 9(1)(c) there is a reference to a four month prior approval period. The MMO and NE are asked to justify why they each need a six month period. This needs to be fully justified, setting out the MMOs and NE's internal procedures involved.</p>	<p>Based on recent experiences of pre-construction DCO/dML condition discharge, Natural England is advising all OWF NSIPs currently in examination with '4 months prior to construction' included within DCO/dMLs for condition discharge, that this timeframe is no longer sufficient. The necessity for the increased consultation time to 6 months is to avoid delays to the start of construction and is mainly due to; a) the quantity of pre-construction condition discharge consultations we are now receiving per project (compared with OWF NSIPs consented 10 years ago), and b) the potential requirement for multiple consultations in relation to each marine licence condition. It is Natural England's view that the additional rounds of consultations have become common place due to the complexity of the issues included within the licence discharge process and in many cases the necessity to address unresolved issues from consent, before the discharge of the condition can progress.</p>