

Morecambe Offshore Windfarm: Generation Assets Examination Documents

Volume 9

Additional information to support assessment of Red-throated Diver feature at Liverpool Bay SPA

Document Reference: 9.47

Rev 01



Document History

Doc No	MOR001-FLO-CON-ENV-TEC-0023	Rev	01
Alt Doc No	PC1165-RHD-EX-XX-RP-Z-0014		
Document Status	Approved for Use	Doc Date	18 February 2025
PINS Doc Ref	9.47	APFP Ref	n/a

Rev	Date	Doc Status	Originator	Reviewer	Approver	Modifications
01	18 February 2025	Approved for Use	Royal HaskoningDHV	Morecambe Offshore Windfarm Ltd	Morecambe Offshore Windfarm Ltd	n/a

Contents

1	Introduction	7
2	Background and current position.....	7
3	Information to support the Applicant's position in respect of RTD at Liverpool Bay SPA.....	8
4	Note on effects on common scoter.....	12
5	Conclusion	12
6	References.....	13
Appendix 1: The Crown Estate Letter from the Secretary of State on Plan Level HRA		14

Glossary of Acronyms

AEoI	Adverse Effect on Integrity
ExQ1	Examining Authority's First Questions
HRA	Habitats Regulations Assessment
NE	Natural England
NRW	Natural Resources Wales
RIAA	Report to Inform Appropriate Assessment
RTD	Red-Throated Diver
SoS	Secretary of State
SPA	Special Protection Area
TCE	The Crown Estate

Glossary of Unit Terms

km	kilometre
----	-----------



The future of renewable energy

A leading developer in Offshore Wind Projects

1 Introduction

1. This document presents an update to the assessment of effects on the red-throated diver (RTD) feature at Liverpool Bay Special Protection Area (SPA), as presented in the Report to Inform Appropriate Assessment (RIAA) (REP1-012) and Offshore Ornithology Technical Note 3 (Red-Throated Diver at Liverpool Bay SPA Update Assessment) ('the RTD technical note') (REP1-082). These documents have been submitted on behalf of the Applicant (Morecambe Offshore Wind Limited) as part of the assessment of the Morecambe Offshore Windfarm Generation Assets (the Project) on ornithological receptors.

2 Background and current position

2. It is the Applicant's position that there would be no 'adverse effect on integrity' (AEol) in respect of the RTD feature of Liverpool Bay SPA, whether considered alone, or in-combination with other plans or projects. The background and reasons for this, including supporting information, are set out in the RIAA (REP1-012) and the RTD technical note (REP1-082), and are not repeated here. However, central to this position is that the Applicant considers that evidence demonstrates that there are few (if any) RTD within the area of Liverpool Bay SPA potentially impacted by the Project, and that accordingly no effect on this species would occur.
3. It is Natural England (NE)'s position that AEol cannot be ruled out, principally due the risk of effects on the 'distribution' conservation objective for RTD. NE's position on this matter is set out in its Relevant Representations (RR-061) and subsequent submissions into the Examination, including REP2-037. It is noted that in its response to the Examining Authority's Questions (ExQ1) submitted at Deadline 3 (REP3-092), NE states that it also considers that the Project could also affect the 'supporting habitat' conservation objective for the SPA. While the Applicant agrees that if it was accepted that there was an effect on RTD (which the Applicant considers is not the case), it would be the distribution conservation objective that would be relevant. The Applicant does not agree that the supporting habitat conservation objective would be affected; given the distance of the Project from the original SPA boundary (i.e. c. 6.5km) there is no mechanism by which habitats within this area could be significantly impacted by the Project. In other words, no changes to features important to the RTD, such as benthic sediments, water quality or prey abundance and distribution would be predicted. This is evidenced in the following ES chapters:
 - Chapter 8 Marine Sediment and Water Quality (REP2-010): Operational Impact 2: Deterioration in water quality due to resuspension of sediment bound contamination (Negligible adverse)

- Chapter 9 Benthic Ecology (REP3-014): Operational Impact 1: Change in habitat type due to presence of OWF subsurface infrastructure (Minor adverse)
 - Chapter 9 Benthic Ecology (REP3-014): Operational Impact 5: Temporary physical disturbance of seabed during operational and maintenance activities (Minor adverse)
 - Chapter 10 Fish and Shellfish Ecology (REP3-016): Operational Impact 1: Permanent habitat loss (minor adverse)
 - Chapter 10 Fish and Shellfish Ecology (REP3-016): Operational Impact 2: Temporary habitat loss and disturbance and increased SSCs (Negligible adverse to minor adverse)
4. The sole effect would occur due to the presence of wind turbines and the effect on the behaviour of RTDs. However, the Applicant does not consider that this would affect the overall position of NE or the Applicant.
5. The following section presents the further information which the Applicant considers supports its position that there would be no AEoI for the RTD feature of Liverpool Bay SPA. As set out above, this information should be read in conjunction with previous submissions on this matter presented in the RIAA (REP1-012) and the RTD technical note (REP1-082).

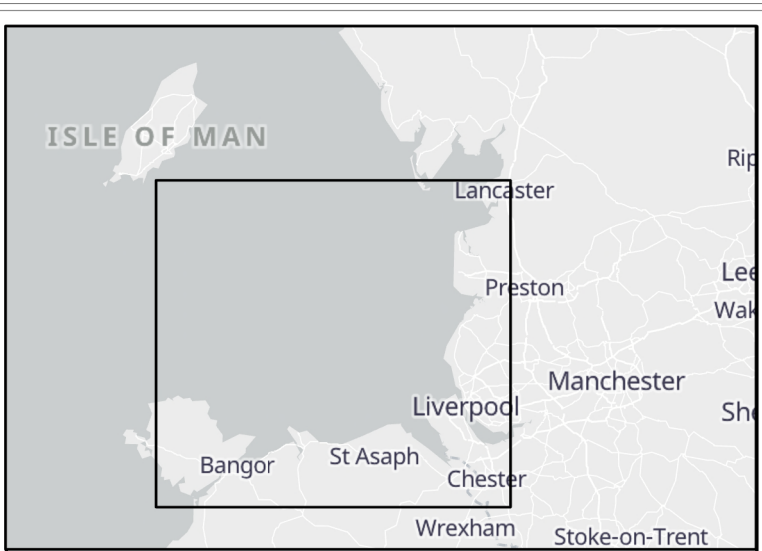
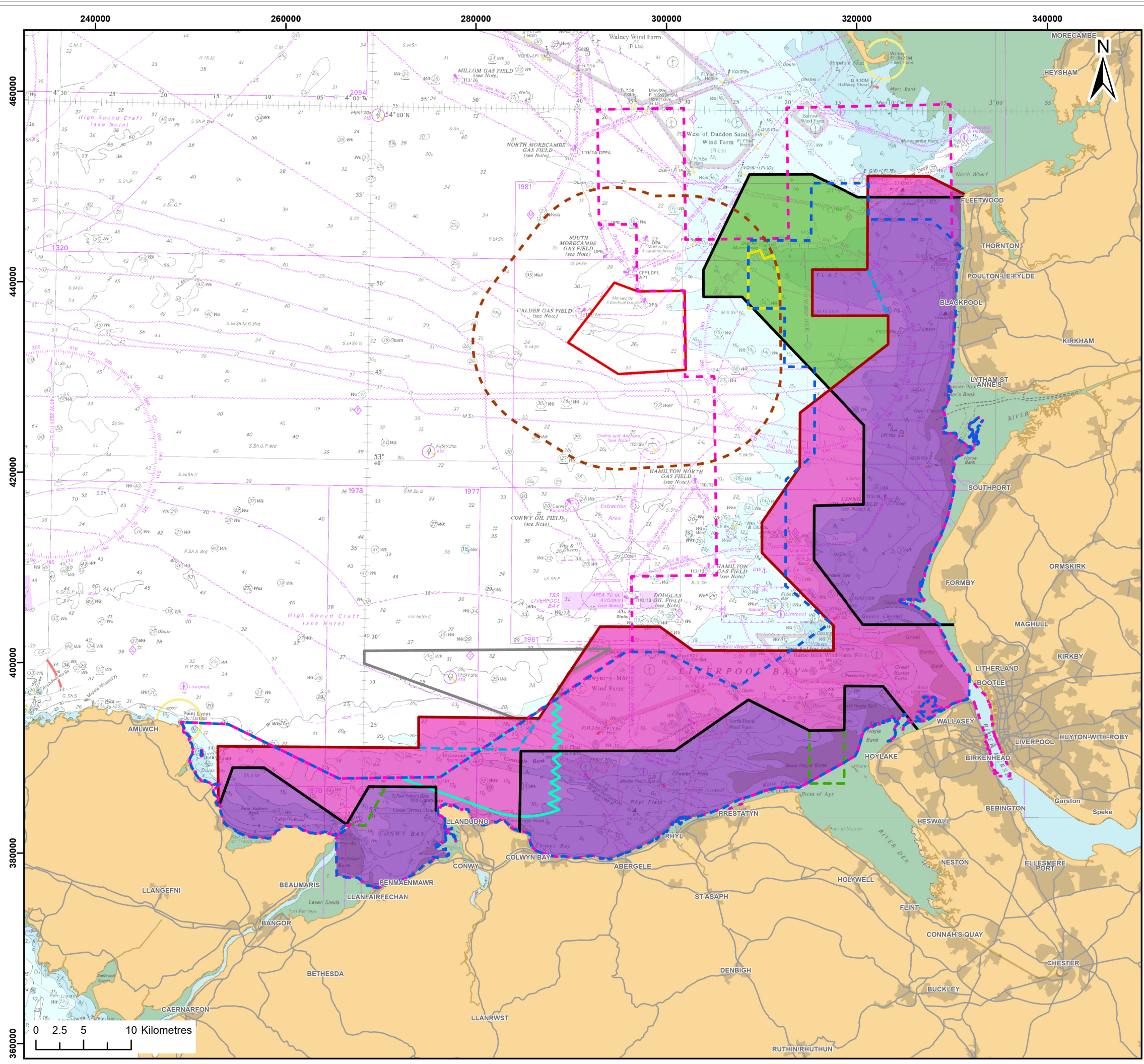
3 Information to support the Applicant's position in respect of RTD at Liverpool Bay SPA

6. **Figure 1** presents information to assist understanding of how the original (pre-2017) Liverpool SPA boundary was designated, and the relative importance of areas within the SPA for the qualifying species at that time (RTD and common scoter). The original SPA boundary was set out in May 2010 within a Departmental Brief produced by NE and the Countryside Council for Wales (now Natural Resources Wales (NRW)). This document confirms that the primary data source from which the boundary was derived (and subsequently designated) was a paper published by Webb *et al.* (2006).
7. **Figure 1** shows the boundaries that were proposed within the Webb *et al.* (2006) document for common scoter (shown in green), RTD (shown in pink) and for both species (shown in purple). This demonstrates clearly that the area potentially impacted by the Project (outlined yellow) was designated for common scoter, not RTD. In other words, had the SPA been designated solely for RTD, the potentially impacted area would not have been within the SPA.

8. The closest part of the area identified for RTD by Webb *et al.* (2006) is approximately 13.5km from the Project boundary (assuming the proposed 'extensive' boundary) or 19km from the 'conservative' boundary. In both cases, therefore, the Project is located well beyond the distance (10km, as agreed between NE and the Applicant during the evidence plan process and as specified in NE's relevant representations (RR-061)) where an effect would be likely to occur.
9. It is noted that the final (pre-2017) designated SPA boundary differs slightly from the combined Webb *et al.* (2006) boundary for common scoter and RTD. This is because the final boundary was refined by NE and NRW using a statistical method ('maximum curvature'), so the final boundary has been adjusted from the original Webb *et al.* (2006) data. An explanation from this is set out in the 2010 Departmental Brief, but this refinement would not affect the overall conclusion above, i.e. that the potentially impacted area is outside of an area designated for RTD.
10. Available data prior to and since the designation of the site (2001-2020) continues to demonstrate that the potentially impacted area has sporadic presence and consistently low densities of RTDs, as shown on Figures 2.2 to 2.11 of the RTD Technical Note (REP1-082), and the Project Digital Aerial Surveys, as set out in the RIAA (REP1-012) and ES Chapter 12 Offshore Ornithology (REP1-032).
11. The Applicant's position on this matter aligns with the Secretary of State (SoS)'s conclusions to the Crown Estates (TCE) Round 4 Habitats Regulations Assessment (HRA; 2022), which stated:

"When applying a 10 km buffer around the Preferred Projects, as advised by Natural England.... The densities of red-throated diver in the area of overlap (both the original and updated SPA boundaries) are below the threshold used to identify the SPA boundary based on diver density alone (Webb et al., 2006). This indicates that the area of overlap (both the original and updated SPA boundaries) is also not important for red-throated diver in the context of the SPA designation."
12. The SoS, in their letter to TCE, confirmed that they agreed with the conclusions of the Round 4 HRA; this letter is provided in **Appendix 1: The Crown Estate Letter from the Secretary of State on Plan Level HRA**. It is the Applicant's view that the evidence presented above and in **Figure 1** demonstrates beyond all reasonable scientific doubt that there could be no risk of an adverse effect on the 'distribution' (or 'supporting habitat') conservation objective for RTD at Liverpool Bay SPA. This is because it cannot be the case that there would be any effect on the RTD when it has been consistently shown that the impacted area is not of importance (in the context of the SPA) to this species. Furthermore, the same conclusion was

reached by SoS for the Round 4 HRA, and there is no new or different information available since that decision that would enable a different conclusion to be reached. This is because the boundary of the windfarm relative to the SPA is unchanged, and as it is only this parameter that is relevant to the displacement effect, there can be no difference between the situation when the Round 4 HRA was approved by SoS, and the current position as provided in information presented by the Project.



Legend:

- Morecambe Offshore Windfarm Site
- Morecambe Offshore Windfarm Site 10km buffer
- Awel y Môr Offshore Windfarm Site
- Liverpool Bay Special Protection Area (SPA) boundary at original designation
- Liverpool Bay Special Protection Area (SPA)
- Area within original Special Protection Area (SPA) boundary potentially impacted by Morecambe Project only
- Area within original Special Protection Area (SPA) boundary potentially impacted by Awel y Môr Project only
- Area identified for common scoter only
- Area identified for red-throated diver only
- Area identified for common scoter and red-throated diver

Potential SPA boundaries proposed by Webb *et al.* (2006)

- Proposed red-throated diver SPA boundary 1 (extensive)
- Proposed red-throated diver SPA boundary 2 (conservative)
- Proposed common scoter SPA boundary 1 (extensive)
- Proposed common scoter SPA boundary 2 (conservative)

© Haskoning DHV UK Ltd, 2025; © Natural England, 2022; © TCE, 2024; © EEA, 2011; Contains OS data © Crown copyright and database right, 2024; © British Crown and OceanWise, 2024. All rights reserved. License No. EMS-EK001-FN800-004780. Not to be used for Navigation; © OpenStreetMap contributors, Microsoft, Esri Community Maps contributors, Map layer by Esri

Report:

Morecambe Offshore Windfarm: Generation Assets

Title:

Original proposed SPA boundaries for red-throated diver and common scoter taken from Webb *et al.* (2006)

Figure: 1 **Drawing No:** PC1165-RHD-EX-OF-DG-Z-0161

Revision:	Date:	Drawn:	Checked:	Size:	Scale:
P02	31/01/2025	SM	RB	A3	1:400,000
P03	07/02/2025	SM	RB	A3	1:400,000

Co-ordinate system: WGS 1984 UTM Zone 30N

4 Note on effects on common scoter

13. It is noted above that the area of potential effect from the Project was identified by Webb *et al.* (2006) as being of importance for common scoter, in the context of the SPA. Effects on common scoter at Liverpool Bay SPA were considered in detail within the RIAA (REP1-012) Section 8.4.2.2. The potential distance of effect for common scoter is 4km (UK SNCBs 2017 and 2022) (as opposed to 10km for RTD), and the original (pre-2017) boundary of the SPA is approximately 6.5km from the Project site. However, the assessment adopted a precautionary approach that considered any common scoter present within 4km, i.e. within the SPA extension area, and also included all common scoters within 4km of the Project site, whether or not these occurred within the SPA boundary. The assessment concluded a very low predicted mortality for the Project alone (equivalent to a maximum 0.01% increase in background mortality), and accordingly no risk of AEoI for the Project alone or in combination.
14. NE has raised no concerns regarding operation and maintenance phase displacement effects on this species as a result of the Project array, and confirmed in its responses to the Examining Authority Questions at Deadline 3 (REP3-092) that *'For avoidance of doubt and for audit trail purposes, for assessments where NE has not commented, it should be assumed that we have no significant nature conservation concerns with the conclusions'*. It is therefore considered by the Applicant that there would be no risk of AEoI for this species, and that this conclusion is agreed with NE. NE's Deadline 3 submissions (REP3-090, REP3-092 and REP3-093) also confirm that NE considers there would be no AEoI for the species for which the 2017 SPA extension was designated (little gull, common tern and little tern).

5 Conclusion

15. The information presented in this note, together with existing submissions documented in the RIAA (REP1-012) and RTD Technical Note (REP1-082) confirms that there would be no risk to the 'distribution' or 'supporting habitat' conservation objectives for RTD at Liverpool Bay SPA. This conclusion is consistent with the SoS decision for the Round 4 HRA, and as there is no new or different information available since that decision, it is the Applicant's view that the SoS should reach the same conclusion for the Project.

6 References

The Crown Estate (2022). Offshore Wind Leasing Round 4 Plan - Record of the Habitats Regulations Assessment.

Natural England and Countryside Council for Wales (2010). Departmental Brief: Liverpool Bay / Bae Lerpwl Special Protection Area.

UK SNCBs (2017 and update 2022). Joint SNCB Interim Displacement Advice Note: Advice on how to present assessment information on the extent and potential consequences of seabird displacement from Offshore Wind Farm (OWF) developments.

Webb A., McSorley C.A., Dean B.J. & Reid J.B. (2006). Recommendations for the selection of, and boundary options for, an SPA in Liverpool Bay. JNCC Report No. 388, JNCC, Peterborough.

Appendix 1: The Crown Estate Letter from the Secretary of State on Plan Level HRA



Department for
Business, Energy
& Industrial Strategy

Dan Labbad
Chief Executive
The Crown Estate
1 St James's Market,
London
SW1Y 4AH

Rt Hon Kwasi Kwarteng MP
Secretary of State
Department for Business,
Energy & Industrial Strategy
1 Victoria Street
London
SW1H 0ET

T +44 (0) 20 7215 5000
E enquiries@beis.gov.uk
W www.gov.uk

15 July 2022

Dear Dan,

The Crown Estate's Fourth Seabed Leasing Round: Habitats Regulation Assessment

I refer to The Crown Estate's letter of 20 April 2022 on the Plan Level Habitats Regulations Assessment for the Fourth Seabed Leasing Round. I am content that The Crown Estate has fulfilled its obligations under regulation 64 of the Habitats Regulations 2017, and regulations 29 and 30 of the Conservation of Offshore Marine Habitats and Species Regulations 2017. I am content that The Crown Estate has appropriately assessed the impacts of the plan on the protected sites within the National Site Network that may be affected and am content for the plan to proceed subject to the condition set out in this letter.

I am satisfied that an appropriate evaluation of alternative solutions has been carried out and we accept that there are no alternative solutions to the preferred options that would have a lesser effect on the integrity of the sites in our National Site Network, whilst meeting our decarbonisation and renewables ambitions under the British Energy Security Strategy (BESS).

There is also a strong case to justify the anticipated damage to sites within the National Site Network on grounds of imperative reasons of overriding public interest, based on the importance of dealing with climate change and meeting our decarbonisation and renewables ambitions, and more recently the need for energy security.

I note that it has been difficult to provide the level of detail necessary to identify all potential impacts and that where this is the case, further assessment has been deferred to the project level HRAs, where further assessment, and consultation will take place with Government, Statutory Nature Conservation Bodies (SNCBs) and environmental NGOs.

I understand that impacts on the Dogger Bank SAC and Flamborough and Filey Coast SPA will be compensated through developing compensation plans for each of the affected sites. However, I note that a lack of certainty on the efficacy and longevity of certain measures was raised by some respondents to The Crown Estate's consultation. I am encouraged that you will be exploring a suite of potential compensation measures to ensure there is the flexibility needed to develop effective compensation. I am also supportive of the steering groups being set up for each

compensation plan, with a condition added to developer's Agreement for Lease (AfL) that agreement of the compensation plan within each steering group is required before submission of DCO applications. I note that both BEIS and Defra will be invited to participate on the steering group for each compensation plan. This is essential so Government understands future compensation needs, potential opportunities and allow us to ensure that the compensation packages can learn from ongoing research programmes such as OWEC (Offshore Wind Evidence and Change Programme) and align with the new policies and arrangements being developed under the British Energy Security Strategy, such as the Offshore Wind Environmental Improvement Programme.

Given the uncertainty in the efficacy and longevity of certain compensation measures, monitoring will be essential to ensure the measures are working, and adaptive monitoring will be required if the initial measures do not work as planned. A condition of my approval is:

- The Terms of Reference for each steering group require the steering group to monitor each measure and the compensation plan as a whole, at intervals that experts within the steering group consider appropriate,
- Require the steering group to put in place adaptive management if necessary,
- Require the steering group to take into account any recommendations from the advisory group, and
- Require the steering group to take into account wider Government policies (such as requirements within the BESS) when monitoring and adapting.

My Department is happy to work with The Crown Estate on the practicalities of undertaking this monitoring review as part of our membership on each steering group.

On the basis of the condition proposed above, I am content that appropriate steps have been taken to ensure that compensatory measures will be in place to offset predicted losses to the Dogger Bank SAC and the Flamborough and Filey Coast SPA. Consequently, I can confirm that BEIS has no objections to The Crown Estate's approval of the Strategy.

Yours sincerely,



RT HON KWASI KWARTENG MP

Secretary of State for Business, Energy & Industrial Strategy