



THE PLANNING ACT 2008

THE INFRASTRUCTURE PLANNING (EXAMINATION PROCEDURE) RULES
2010

MORECAMBE GENERATION OFFSHORE WIND FARM

Appendix B10 to Natural England's Deadline 5 Submission

Natural England's comments on Offshore Ornithology at Deadline 5

For:

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

Planning Inspectorate Reference EN010121

13 March 2025

Morecambe Generation Offshore Ornithology Comments Deadline

1. Major/Complex comments

In formulating these comments, the following documents have been considered:

- [REP3-010] 4.9.1 Report to Inform Appropriate Assessment Rev 03 (Volume 4)
- [REP4-054] 9.47 Additional Information to Support Assessment of Red-Throated Diver Feature at Liverpool Bay SPA - Revision 01 (Volume 9)

1.1. Summary

The Applicant has updated the Report to Inform Appropriate Assessment to incorporate information from the technical notes submitted at Deadline 1, which Natural England has already provided detailed comments on, as well as an additional technical note regarding red-throated diver (RTD) as a feature of Liverpool Bay SPA.

The RTD technical note the Applicant has submitted sets out an updated argument to support their position that Adverse Effect on Integrity (AEOI) can be ruled out for Liverpool Bay SPA. The updated argument is based upon the fact that the area of impact, where the 10km buffer of the Project overlaps with the original SPA boundary, was originally included in the SPA due to the densities of common scoter found there, rather than RTD. While this is accurate, ultimately the entire area of the 'original' SPA was designated for the protection of both features. We consider that the area in question is likely to represent suitable habitat for RTD on the basis of the water depth there and evidence of its use. Although the area may be less important for RTD relative to other parts of the SPA, we consider that it nonetheless represents important protected habitat for RTD in a national context.

In acknowledgement of the Applicant's case, we have reflected on our position, and can now advise that AEOI can be ruled out for the impact of the Project alone. However, due to the existing high pressure on RTD within the site from other projects, we are unable to rule out AEOI due to in-combination impacts.

We reiterate that where there is potential for adverse effects, there is a requirement to consider avoidance and/or mitigation of the impact as far as is feasible. We consider that it is possible that this issue could be resolved through an alternative turbine arrangement that reduces the extent of overlap between the 10km buffer around the Project and the 'original' SPA. In order to assess whether AEOI could be ruled out, we would require the Applicant to submit a proposed alternative boundary or boundaries for the array, in which the turbines are as far removed from the (pre-2017) SPA boundary as is feasible, along with an assessment of the area of the SPA where the overlap would persist. If no increase in buffer distance is possible without rendering the Project unviable, we consider that the Applicant's proposed compensatory measures, subject to further development and refinement, could provide sufficient offsetting of the impacts.

We also maintain our position that AEOI cannot be ruled out for the lesser black-backed gull (LBBG) features of Morecambe Bay and Duddon Estuary SPA and Ribble and Alt Estuary SPA, due to in-combination collision impacts. We are confident that the derogations case that the Applicant has progressed, with support from Natural England, is capable of delivering compensation for the Project's impacts on LBBG.

2.2 Detailed comments - Tabular

Table 2: Natural England's Advice On: Offshore Ornithology

Document reviewed: [REP3-010] 4.9.1 Report to Inform Appropriate Assessment Rev 03 (Volume 4)			
NE Ref	Section	Key Concern and/or Update	Natural England's Advice to Resolve Issue
1	481-489	The Applicant has incorporated information from the technical note submitted at Deadline 1 regarding red-throated diver impacts at Liverpool Bay SPA [REP1-082] into the RIAA, along with information submitted at Deadline 4 in documents 9.46 and 9.47.	<p>Natural England's detailed comments on documents 9.46 and 9.47 are in the next section of this table. See also Appendix B6 to Natural England's Deadline 2 submission for detailed comments regarding the red-throated diver technical note submitted by the Applicant at Deadline 1.</p> <p>It is worth highlighting that the coarseness of digital aerial survey methods means that they are not particularly effective at establishing densities of sparsely distributed species and caution must be used when interpreting the results as demonstrating the absence of a particular species from an area. Abundance and density estimates are extrapolated from transect samples covering a fraction of the total survey area, which leads to a higher degree of uncertainty for sparsely populated species. While it is true that evidence suggests the area affected by the project supports lower densities of divers than some other parts of the SPA, it is nonetheless potentially suitable habitat for them and every effort should be made to maintain the availability of this habitat and minimise constraints on the distribution of RTD within the site.</p>

			<p>In acknowledgement of the case put forward by the Applicant, we have revised our position and consider that AEOL can be ruled out for the Project alone. However, Liverpool Bay SPA is a highly impacted site, with several OWFs in and around the site exerting constant pressure on its sensitive protected features. We therefore are unable to rule out AEOL due to in-combination impacts.</p> <p>We consider that it is possible that this issue could be resolved through an alternative turbine arrangement that minimises the overlap between the 10km buffer around the Project and the 'original' SPA. In order to assess whether AEOL could be ruled out, we would require the Applicant to submit a proposed alternative boundary for the array, in which the turbines are as far removed from the (pre-2017) SPA boundary as is feasible, along with an assessment of the area of the SPA where the overlap would persist and consideration of RTD densities within that area.</p>
2	8.4.2.3	The Applicant has incorporated an updated in-combination assessment of collision impacts on the little gull feature of Liverpool Bay SPA into the RIAA. As per our comments on the technical note 2 submitted at Deadline 1, Natural England are satisfied that this has addressed our concerns regarding this feature and we are in agreement with the Applicant that AEOL can be ruled out.	No further action needed
3	8.5.2.2	The Applicant has incorporated an updated in-combination assessment of collision impacts on the lesser black-backed gull feature of Morecambe Bay and Duddon Estuary SPA. The assessment presented in the updated RIAA is sufficient to allow Natural England to reach a conclusion regarding the potential impacts on this species.	<p>Natural England advises that AEOL cannot be ruled out for the lesser black-backed gull feature of Morecambe Bay and Duddon Estuary SPA due to in-combination collision impacts.</p> <p>As set out in Appendix B8 to Natural England's Deadline 3 Submission, while we acknowledge that</p>

		We note that in order to apportion impacts from other projects to the SPA, the Applicant has used weighted average annual apportioning values. We do not consider this to be best practice as it risks underestimating the impact values apportioned to the site, however, in this case amending this would not affect our assessment conclusions and we do not require an updated assessment.	the Project's assessed contribution to the in-combination impact figures is minor, there is reason to predict that the numbers of lesser black-backed gulls using the Project area is likely to have increased and to continue to increase from when the baseline surveys were carried out, due to the increased size and productivity of the South Walney colony, and that therefore the number of birds at risk of collision may increase.
4	8.6.3.2	<p>The Applicant has incorporated an updated in-combination assessment of collision impacts on the lesser black-backed gull feature of Ribble and Alt Estuaries SPA. The assessment presented in the updated RIAA is sufficient to allow Natural England to reach a conclusion regarding the potential impacts on this species.</p> <p>We note that in order to apportion impacts from other projects to the SPA, the Applicant has used weighted average annual apportioning values. We do not consider this to be best practice as it risks underestimating the impact values apportioned to the site, however, in this case amending this would not affect our assessment conclusions and we do not require an updated assessment.</p>	<p>Natural England advises that AEOI cannot be ruled out for the lesser black-backed gull feature of Ribble and Alt Estuaries SPA due to in-combination collision impacts. See Appendix B8 to Natural England's Deadline 3 submission for further detail regarding this assessment.</p> <p>We have supported the Applicant in the development of a derogations case, which is well progressed and is more than capable of delivering compensation for the Project's impacts on both Morecambe Bay and Duddon Estuary and Ribble and Alt Estuaries SPAs.</p>

Document reviewed: [REP4-054] 9.47 Additional Information to Support Assessment of Red-Throated Diver Feature at Liverpool Bay SPA - Revision 01 (Volume 9)			
NE Ref	Section	Key Concern and/or Update	Natural England's Advice to Resolve Issue
5	2	<p>The Applicant states that <i>"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."</i></p> <p>Natural England notes the Applicant's own baseline surveys show that there were multiple divers recorded within the area on more than one occasion</p>	For information only.

		(see the Applicant's baseline survey report, document reference [REP4-054]). Further, several SPA-wide surveys, including those that informed the classification and extension of the SPA, have detected RTD in the area in question. Whilst we recognise that the area does not support as high densities as other parts of the original SPA, there is evidence to indicate it is used by RTD.	
6	3	The conservation advice for the red-throated diver feature of Liverpool Bay SPA states that the target for supporting habitat is to: " <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> " If divers are displaced from areas of potential supporting habitat, then we consider this to effectively reduce the availability of the habitat. The potential impacts of the Project therefore represent a potential adverse effect on the "Supporting habitat" attribute.	For information only
7	6-9	<p>The Applicant's statement that the paper published by Webb et al (2006) was the primary data source for the original designation of Liverpool Bay SPA is not wholly accurate. That paper presents and analyses data from two winters: 2001/02 and 2002/03. However, the departmental brief states that the designation was based on data collected during five winters from 2001/02 to 2006/07 and analysed by the JNCC Seabirds and Cetaceans team (Liverpool Bay/Bae Lerpwl SPA - UK9020294A). The full dataset and analysis on which the original boundary of the site was based is presented in an unpublished paper to the Marine Protected Areas Policy Group by the JNCC Marine SPA Team (2008). Natural England has obtained a copy of this paper from JNCC and confirms that, whilst the species-specific extents derived from Maximum Curvature Analysis for both species extend further offshore than shown by Webb et al (2006), the potentially affected area of the SPA was indeed included within the boundary due to the densities of common scoter present.</p> <p>We disagree, however, with the Applicant's statement that "<i>the potentially impacted area is outside of an area designated for RTD</i>". The entire SPA was originally designated with both red-throated diver and common scoter as protected features. Both may be found throughout the original SPA and</p>	For information only

		protection for both extends across the site; there were no species-specific boundaries included in the designation.	
8	10	<p>The Applicant states that <i>“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”</i>. Natural England would highlight that within an SPA designated in part for high densities of RTD, areas with relatively lower densities of RTD may still have relatively high densities when considered on a national level.</p> <p>While the data may suggest that the presence of RTD in the area is sporadic, as noted above it does indicate that RTD have continued to use the area on an ongoing basis. Furthermore, it should be noted that digital aerial survey methods have limitations when detecting sparsely populated species. As the technique relies on extrapolating densities from sample transects which cover a fraction of the entire study area, it is possible for sparsely populated species to go relatively undetected in these surveys, leading to uncertainty in the abundance and density estimates calculated. Caution must therefore be used when concluding that the area under consideration is not important for RTD.</p>	For information only
9	11	<p>The Applicant argues that an AEOI can be excluded on the basis of TCE’s Round 4 plan-level assessment. We highlight that Natural England provided the following advice to The Crown Estate (TCE) as part of the Round 4 HRA (excerpts from letter dated 25th February 2022):</p> <p><i>“Natural England’s advice remains that an AEOI on Liverpool Bay SPA cannot currently be ruled out as a result of Preferred Project 5, due to the potential to reduce the availability of supporting habitat that would otherwise be used by red-throated diver within the site... Given the site abuts the SPA, it seems highly probable that a 10 km buffer around Preferred Project 5 will interact with areas used by red-throated diver. Without a detailed analysis of the implications of displacement for the availability of red-throated diver supporting habitat with the SPA, we consider a conclusion of no AEOI to be unjustified.</i></p> <p><i>We highlight that as currently drafted the HRA does not identify any potential need for any mitigation relating to ‘operational displacement’ from</i></p>	For information only

		<p><i>Preferred Project 5. Natural England considers this approach unsatisfactory, given the potential to design the array in ways that could avoid or reduce the impacts on SPA red-throated diver through reductions in the developable area, should impact assessments reveal that to be an appropriate approach to take. Further, no requirements relating to 'operational displacement' from Preferred Project 5 are proposed for the relevant Agreement for Lease... Natural England questions the robustness of the HRA's conclusion in the absence of any such controls."</i></p>	
10	12	<p>Natural England notes the following passage from the SoS's letter to TCE (15 July 2022) regarding the Round 4 HRA: <i>"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></p> <p>https://www.datocms-assets.com/136653/1720790413-tce-r4-letter-from-secretary-of-state-on-plan-level-hra.pdf</p> <p>We consider that this indicates that the SoS's approval of the plan does not necessarily imply agreement with every case where the Round 4 HRA concluded no AEOL and that SNCB advice should still be taken into account for project-level assessments. More generally, it is far from unusual for a plan-level assessment to rule out AEOL only for the project-level assessment to be unable to rule out AEOL. For example, The Crown Estate's Round 3 plan-level assessment ruled out AEOL on all SPAs and SACs. Following that plan-level assessment concluding no adverse effects, SoSs have been unable to rule out adverse effects on integrity from the following Round 3 windfarms: Hornsea Three, Norfolk Vanguard, Norfolk Boreas, East Anglia One North, East Anglia Two and Hornsea Four. The inability to conclude no adverse effects related to three Special Protection Areas, including an SPA classified for RTD, and three Special Areas of Conservation.</p>	For information only