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

Hornbeam House
Crewe Business
Park Electra Way
Crewe
Cheshire
CW1 6GJ

T 0300 060 3900

BY EMAIL ONLY

Dear [REDACTED]

Morecambe Offshore Windfarm Generation Assets

The following constitutes Natural England's formal statutory response for Examination Deadline 6.

1. Natural England's Deadline 6 Submissions

Natural England has reviewed the documents submitted by the Applicant at Deadlines 5 and 5a. We are submitting the following detailed responses:

- Appendix B13 Natural England's comments on offshore ornithology at Deadline 6
- Appendix I4 Natural England's response to the ExAs request for information at Deadline 6
- Appendix K Natural England's Principal Areas of Disagreement Summary Statement at Deadline 6
- Appendix L Natural England's response to the RIES at Deadline 6

Closing statements for topics with unresolved issues are included in this letter.

2. Closing position: Offshore ornithology

EIA

Natural England advises that there will be no significant EIA level impacts for all offshore ornithology receptors, except for great black-backed gull, for which significant cumulative impacts cannot be ruled out. This cumulative impact will continue to be an issue for this species as more offshore wind farms come into operation.

HRA

Natural England advises that adverse effect on integrity cannot be ruled out for the following features and sites:

- Red-throated diver at Liverpool Bay SPA in-combination: Natural England advises that AEOI cannot be ruled out due to displacement impacts from wind turbine generators (WTG).
- Lesser black-backed gull at Morecambe Bay and Duddon Estuary SPA in-combination: Natural England advises that AEOI cannot be ruled out due to collision impacts.
- Lesser black-backed gull at Ribble and Alt Estuaries SPA in-combination: Natural England advises that AEOI cannot be ruled out due to collision impacts.

Natural England's outstanding concern regarding the red-throated diver feature of Liverpool Bay SPA is the mitigation of impacts. Until the Applicant's submission of its response to ExQ 3GEN2 and 3GEN3 at Deadline 5a [REP5a-057] there had been no submission into Examination of assessments of displacement impacts to red-throated diver under different mitigation scenarios i.e., implementing various buffer distances between the turbine array and the SPA. Of the scenarios presented, the most conservative in terms of reductions to the Project site under which AEOI in-combination could be ruled out is the 10km Shell Flat buffer scenario. This buffer would reduce disturbance to what is likely to be the key area of habitat for RTD within this part of the SPA, given the shallower water depths there. The SPA 8km buffer would cover the whole area included in the Shell Flat 10km buffer, with the additional benefit of reducing disturbance to a larger proportion of the original SPA boundary.

AEOI could also be ruled out under the 7.5km SPA buffer scenario, which includes the majority of the Shell Flat 10km buffer. Under the notional turbine layout scenarios presented by the Applicant, this would result in the removal of the same WTG locations from the envelope, and thus the same reduction in disturbance for the Shell Flat area as the 10km Shell Flat scenario. However, we do note that other turbine layouts could still place a WTG inside the Shell Flat 10km buffer under this scenario and therefore result in some level of displacement within the Shell Flat area, and were the consent to be based on this scenario it would be appropriate to have a commitment to avoiding this. As with the 8km SPA buffer, the 7.5km SPA buffer would also provide the added benefit of reducing potential displacement effects to a larger proportion of the original SPA boundary.

The Applicant has submitted a without prejudice derogation case with compensation measures for red-throated diver [REP5a-047, REP5a-049], should it not be possible to mitigate the impacts as discussed above. Natural England agrees that these are appropriate measures and at a suitable scale, but advises that the Compensation Implementation and Monitoring Plan (CIMP) [REP5a-049] is not yet complete and requires further work from the Applicant as regards specific locations and interventions to ensure that the measures can be secured.

Natural England agrees with the Applicant that for lesser black-backed gull, no further mitigation is possible and that given our view that AEOI cannot be ruled out, compensation is therefore necessary. The measures that the Applicant has proposed to increase productivity at the colony on Steep Holm island are suitable to compensate for the impact and the proposed scale and extent of the measures are appropriate to the level of impact expected.

3. Closing position: Benthic and physical processes impacts

Decommissioning

Natural England's remaining concerns for impacts to benthic habitats and physical

processes arise from the lack of an outline decommissioning plan from the Applicant. Natural England recognises that it is not currently a legislative requirement to provide an outline decommissioning plan until pre-construction under S105 of the Electricity Act. However, we reiterate an outline decommissioning plan would be the foundation for such a document and would confirm commitments to aid in returning the seabed to its pre impacted state.

Amendments to OSPAR requirements (follow up to ExQ3 BEM5)

OSPAR decision 98/3¹, confirms preference is for decommissioning of all surface infrastructure. However, Paragraph 3 allows for those structures set in Annex 1 namely steel footings and concrete anchors/bases to be left wholly/partially in situ, and (c) *'...any other disused offshore installation to be dumped or left wholly or partly in place, when exceptional and unforeseen circumstances resulting from structural damage or deterioration, or from some other cause presenting equivalent difficulties, can be demonstrated...'*

Natural England is therefore of the view that as with all other offshore windfarms, Paragraph 3 could be satisfied to leave monopile foundations in situ. However, we do not believe that this is the case for cable/scour protection because it is not a category listed under Annex I, the removal is foreseen, and the criteria in Annex 2 assessment, particularly in regard to alternatives are unlikely to be met.

Therefore, Natural England advice remains that all cable protection/scour prevention should be removed at the time of decommissioning and secured as part of a named plan and/or on the face of the DCO/dML at the consenting phase.

Monitoring

Natural England advises that the benthic monitoring proposed is now fit for purpose and that no other benthic monitoring is required.

4. Closing position: Marine mammals

Natural England welcomes the inclusion of a condition in the dDCO [REP5a-003] that requires the use of noise reduction and/or abatement for driven and part-driven piles. This commitment is the most significant step that the Applicant has taken toward reducing impacts to marine mammals and will be effective in reducing the effect of several issues in addition to significantly reducing the risk of direct injury from noise.

Natural England's outstanding concerns for this topic are that:

- The monitoring of marine mammal responses to noisy activities is not adequate. Our concerns regarding this issue were clarified in our response to ExQ 3BEM2 [REP5a-071] and we expect that the Applicant will be able to submit updates to the MMMP and IPMP at Deadline 6 in response to this which are sufficient to address them.
- Measures to avoid disturbance to marine mammals from vessels are included but construction and operation ports have not been confirmed so some uncertainty remains as to the effectiveness of the proposals in practice.
- Temporal measures to avoid concurrent piling and/or UXO clearance with other projects have not been committed to.

Natural England advises that whilst a resolution to these issues should be sought prior to construction, they need no longer be considered material considerations for the outcome of this Examination.

5. Closing position: Bats in the Offshore Environment

Natural England is satisfied that impacts to English designated sites with bat features can be ruled out. Natural England remains concerned that the cumulative impact of offshore wind farms on bats transiting the Irish Sea is very poorly understood.

¹ OSPAR Decision 98/3 as amended by OSPAR Decision 2024/01, consolidated text

For any queries relating to the content of this letter please contact me using the details provided below.

Yours sincerely,

████████████████████

Marine Senior Officer, Cumbria Team

E-mail: ████████████████████@naturalengland.org.uk

Telephone: ████████████████████

Annex 1: Natural England's Response to the Applicant's Documents Submitted at Deadline 6 Relevant to our Remit

PINS Document Reference	Document Name	Natural England's Response/Position Summary
General		
REP5a-003	3.1.1 Draft Development Consent Order (Tracked) - Revision 06 (Volume 3)	Natural England's response to this document is in its Risk and Issues Log, marine mammals closing position statement and PADDs at Appendix K of this submission
REP5a-010	4.9.1 Report to Inform Appropriate Assessment (Tracked) - Revision 05 (Volume 4)	Natural England's response to this document is in its Risk and Issues Log, marine mammals and offshore ornithology closing position statements, PADDs at Appendix K and responses to RIESQs at Appendix L of this submission
REP5a-022	5.5.1 Schedule of Mitigation (Tracked) - Revision 06 (Volume 5)	Reviewed in preparation of updates to Risk and Issues Log
REP5a-024	6.2.1 Outline Project Environmental Management Plan (Tracked) - Revision 05 (Volume 4)	Reviewed in preparation of updates to Risk and Issues Log
REP5a-028	6.4.1 In Principle Monitoring Plan (Tracked) - Revision 05 (Volume 6)	Reviewed in preparation of updates to Risk and Issues Log
REP5a-032	6.9.1 Outline Vessel Traffic Management Plan (Tracked) - Revision 05 (Volume 6)	Natural England's response to this document is in its Risk and Issues Log and responses to RIESQs at Appendix L of this submission
REP5a-060	9.64 The Applicant's Comments on Natural England's Risk and Actions Log at Deadline 5 - Revision 01 (Volume 9)	Reviewed to inform responses to other submissions
Offshore ornithology		
REP5a-012	4.11.1 Habitats Regulations Assessment Without Prejudice Derogation Case (Tracked) - Revision 04 (Volume 4)	Natural England's response to this document is in its Risk and Issues Log, offshore ornithology advice at Appendix B13, PADSS at Appendix K, responses to

		RIESQs at Appendix L and in the offshore ornithology closing statement
REP5a-014	4.11.1.1 Outline Compensation Implementation and Monitoring Plan (Tracked) - Revision 02 (Volume 4)	Natural England's response to this document is in its Risk and Issues Log, offshore ornithology advice at Appendix B13, PADSS at Appendix K, responses to RIESQs at Appendix L and in the offshore ornithology closing statement
REP5a-047	9.37.1 Habitats Regulations Assessment Without Prejudice Derogation Case – Red-throated Diver at Liverpool Bay / Bar Lerpwl SPA (Tracked) - Revision 3 (Volume 9)	Natural England's response to this document is in its Risk and Issues Log, offshore ornithology advice at Appendix B13, PADSS at Appendix K, responses to RIESQs at Appendix L and in the offshore ornithology closing statement
REP5a-049	9.38.1 Outline Compensation Implementation and Monitoring Plan – Red-throated diver (Tracked) - Revision 02 (Volume 9)	Natural England's response to this document is in its Risk and Issues Log, offshore ornithology advice at Appendix B13, PADSS at Appendix K, responses to RIESQs at Appendix L and in the offshore ornithology closing statement
REP5a-057	9.61.1 The Applicant's Response to ExA's Written Questions 3GEN2 and 3GEN3 - Revision 01 (Volume 9)	Natural England's response to this document is in its Risk and Issues Log, offshore ornithology advice at Appendix B13, PADSS at Appendix K, responses to RIESQs at Appendix L and in the offshore ornithology closing statement
Marine mammals		
REP5a-020	5.1.11.1 Environmental Statement Chapter 11 Marine Mammals (Tracked) - Revision 05 (Volume 5)	Natural England's response to this document is in its Risk and Issues Log, marine mammals closing position statement and PADDs at Appendix K of this submission
REP5a-030	6.5.1 Draft Marine Mammal Mitigation Protocol (Tracked) - Revision 05 (Volume 6)	Natural England's response to this document is in its Risk and Issues Log,

		marine mammals closing position statement and PADDs at Appendix K of this submission
REP5a-042	9.32 Outline Underwater Sound Management Strategy (Clean) - Revision 04 (Volume 9)	Natural England's response to this document is in its Risk and Issues Log, marine mammals closing position statement and PADDs at Appendix K of this submission
Marine Geology, Oceanography and Physical Processes and Marine Sediment and Water Quality		
REP5a-016	5.1.7.1 Environmental Statement Chapter 7 Marine Geology, Oceanography and Physical Processes (Tracked) - Revision 05 (Volume 5)	Natural England's response to this document is in its Risk and Issues Log and closing position statement on benthic and physical processes impacts
Benthic Ecology		
REP5a-018	5.1.9.1 Environmental Statement Chapter 9 Benthic Ecology (Tracked) - Revision 04 (Volume 5)	Natural England's response to this document is in its Risk and Issues Log and closing position statement on benthic and physical processes impacts
Bats		
REP5a-051	9.48.1 Technical Note on the Assessment of Offshore Impacts on Bats over the Irish Sea (Tracked) - Revision 02 (Volume 9)	Natural England's response to this document is in its Risk and Issues Log and closing position statement on bats in the offshore environment