

Submission ID: 37047

The following document constitutes Natural England's response to Examiners Questions at Deadline 3.



THE PLANNING ACT 2008

THE INFRASTRUCTURE PLANNING (EXAMINATION PROCEDURE) RULES

2010

Morgan and Morecambe Offshore Wind Farm: Transmission Assets

**Natural England's comments on Examining Authority's Written Questions (ExQ1) [PD-008]**

For:

The construction and operation of the Morgan and Morecambe Transmission Assets located approximately 0 - 37 km from the Northwest English Coast in the Irish Sea.

Planning Inspectorate Reference EN020028

07 July 2025

Ref	Question to:	Question:	Natural England Response:
<b>1. Cross-Topic and General</b>			
Q1.1.12	Any local authority, Natural England and the Environment Agency	<p>Outline Code of Construction Practice</p> <p>The applicants Outline Code of Construction Practice (oCoCP) [APP-193] presents the framework and outline of measures to manage the environmental impacts during the construction phase of the proposed development. The detailed oCoCP will be supported via a series of management plans (listed in Table 1.1. of the oCoCP), outline versions of which have also been provided with the application. It is therefore an important document for the construction process.</p> <p>Please confirm whether you are satisfied that the oCoCP is sufficiently robust, precise and enforceable to provide effective management and mitigation of potential environmental impacts during the construction phases.</p>	<p>Natural England notes the oCoCP [APP-193] includes measures to manage the environmental impacts during the construction phase. The oCoCP includes the same commitments and mitigation which we have provided comments on throughout our Relevant Reps across the relevant topic areas. Therefore, our comments on specific environmental mitigation and commitments are equally applicable to any of the same information within the oCoCP document. We advise that any updates the Applicant makes to the commitments and environmental mitigation through the Examination period should also be reflected and updated in the oCoCP.</p> <p>We note that an outline plan during consent, the final plan as named on the DCO/dML will be agreed and signed off by the relevant regulator in consultation with the relevant SNCB, once the final to be built design is known and prior to construction.</p>
<b>2. The draft Development Consent Order (dDCO)</b>			
<b>2.1 Articles</b>			
Q2.3.3	FBC, SRBC, PCC, LCC, Blackpool Borough Council, Natural England,	Remaining issues relating to the requirements will be considered at a subsequent issue specific hearing on	Natural England notes the Applicant has provided an updated dDCO at Deadlines 1 and 2. Where we consider updates to the dDCO have resolved our concerns, we have reflected this within the DCO/dML tab in our R&I log

	Historic England, Environment Agency and any interested party	the dDCO and further written questions if required. In order to provide for the efficient use of hearing time, the local authorities and any other relevant party are requested to consider the drafting of the draft requirements in Schedule 2 (A and B) and provide details of any disagreed matters, along with alternative drafting where applicable and any suggested additional requirements. Where applicable this may be done within the Statement of Common Ground between the applicants and the relevant interested party.	(Appendix K3). We can confirm a broad agreement on the following points: RI_A1, RI_A2, RI_A3 and RI_A9.  Please note that there are some comments where our Relevant Representations position remains unchanged despite the Applicant's response in [PDA-015] and updated versions of the dDCO.  However, we now consider the principal issues in relation to the DCO and dMLs have been resolved. We have reflected these updates in our Principal Areas of Disagreement Summary Statement (PADSS) submitted at Deadline 3 in the 'PADSS' tab of our R&I log (points: NE1, NE2).
<b>2.5 Schedules 14, 15, 16 and 17 – Marine Licences</b>			
Q2.5.1	The applicants, Marine Management Organisation (MMO) and Natural England (NE)	The ExA acknowledges the submissions from the MMO, NE and other parties on the dDCO Marine Licences and the latest representations and responses made at D2. Noting that engagement on these matters is continuing between the parties, the ExA requests that the parties provide updates on their respective positions on the draft Marine Licences at D3, focusing on the remaining of areas of disagreement. The ExA will subsequently consider which matters require examination during an issue specific hearing on the draft development consent order in week commencing 28 July 2025.	Our answer to Q2.3.3 is also applicable here.
<b>6. Ecology, biodiversity and nature conservation (on-shore)</b>			

Q6.1.1	Natural England (NE)	<p>Survey effort and mitigation</p> <p>Comment on whether remaining concerns exist regarding:</p> <p>a) the quality of terrestrial ecological surveys in general undertaken by the applicants for the whole of the landward part of the proposed development?</p> <p>b) the conclusions the applicants have come to for the terrestrial ecological assessments for the whole of the landward part of the proposed development.</p> <p>c) the extent to which the appropriate guidelines and methodologies have been followed by the applicants when undertaking relevant terrestrial surveys for the whole of the landward part of the proposed development.</p> <p>d) the quality and likely effectiveness of the mitigation the applicants are proposing for potential impacts on terrestrial ecology for the whole of the landward part of the proposed development.</p>	<p>Natural England provided detailed comments on terrestrial ecological surveys within our Relevant Representations [RR-1601] and specific comments are included in Onshore and Intertidal Ornithology (Tab H) and Onshore Ecology and Nature Conservation (Tab G) of our Risk and Issues Log (Appendix K3). Updates on specific comments at Deadline 3 are also included. In summary:</p> <p>Part (a): Whilst Natural England is satisfied with some of the ecological surveys undertaken for the landward part of the proposed development, gaps remain within the ecological surveys undertaken by the Applicant. Where survey effort is lacking, we have raised the issue in our Relevant Representations [RR-1601] and R&amp;I Log Deadline 3. These include:</p> <ul style="list-style-type: none"> <li>• Uncertainty around changes to the water table and effects of dewatering on the sand dune features of Lytham St Annes SSSI and sand dune habitat (S41 priority habitat under the NERC Act 2006) at St. Annes Old Links Golf Course (BHS) and Lytham Foreshore Dunes and Saltmarsh BHS (NE13, RI_G1).</li> <li>• Lack of sand dune habitat survey effort to assess for any potential changes in habitat/ species composition associated with impacts, especially at St. Annes Old Links Golf Course BHS (NE15, RI_G2).</li> <li>• The lack of Agricultural Land Classification (ALC) survey and soil survey effort across the full Study Area (NE16, RI_G6).</li> <li>• Lack of information to rule out impacts for wintering, passage and terrestrial features of</li> </ul>
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			<p>Ribble and Alt Estuaries SPA/Ramsar (NE20, RI_H3, RI_H6).</p> <p>Part (b): Natural England does not agree with some of the conclusions for terrestrial ecological assessments. Where this is the case, we have raised the issue in RR-1601 and R&amp;I Log Deadline 3 (Appendix K3). These include:</p> <ul style="list-style-type: none"> <li>• Inadequate assessment of the impacts on terrestrial waterbird features of the Ribble and Alt Estuary SPA and Ramsar site due to the conclusions being based on inappropriate modelled information on likely habitat availability across the SPA (RI_H6).</li> <li>• The assertion that the percentage of Ribble &amp; Alt Estuaries SPA qualifying features is not significant in regard to the temporary loss of supporting habitat and/or resource availability (RI_H33).</li> <li>• The conclusion of no adverse impacts for temporary loss of supporting habitats and/or resource availability for the qualifying species of Ribble &amp; Alt Estuaries SPA that utilise terrestrial habitats (RI_H34, RI_H37 and RI_H45).</li> </ul> <p>We note that for Onshore and Intertidal Ornithology the Applicant submitted additional information as requested at Deadline 2. Our R&amp;I Log at Deadline 3 provides updates on some of these matters.</p>
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			<p>Following on from Part (a) – until further evidence is presented it is unlikely that we will be able to advise on the appropriateness of the Applicant’s conclusions.</p> <p>Part (c): Natural England advises that whilst we are satisfied that some appropriate guidelines and methodologies have been followed by the Applicant, for some specific impacts and receptors survey effort is lacking and there is insufficient information to fully understand the potential impacts the development may have. Please see points above for parts (a) and (b) and [RR-1601].</p> <p>Part (d): We advise that further information is still required to be confident of the effectiveness of the mitigation, as commented on in [RR-1601]. These issues are in progress for Onshore and Intertidal Ornithology and updates are included in tab H of the R&amp;I Log Deadline 3. These include:</p> <ul style="list-style-type: none"> <li>• Adverse effects on the Ribble and Alt Estuary SPA and Ramsar passage features and terrestrial features (NE20, RI_H4).</li> <li>• The suitability of mitigation areas: Fairhaven Saltmarsh, Lytham Mosses and area near Newton-with-Scales (NE18, NE20, RI_H51)</li> <li>• The overall level of detail provided within the mitigation area summaries for intertidal mitigation and terrestrial mitigation (RI_H3, RI_H7).</li> </ul> <p>In addition, Natural England advises where further ecological surveys or assessment is required, there is uncertainty around the effectiveness of any mitigation which may subsequently be required for impacts where</p>
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			detail is lacking. Any mitigation required should be informed by the best and most available evidence and a robust assessment.
Q6.1.2	NE (a), The applicants (b-c)	<p>Ribble and Alt Estuary Special Protection Area (SPA) and Ramsar site</p> <p>Fairhaven Saltmarsh is identified in the Outline Ecological Management Plan [REP2-019] as a permanent mitigation area. NE stated that the proposed roosting refuge would constitute compensatory measures under the Habitats Regulations, not mitigation as stated by the applicants [RR-1601] ref.H5. Accordingly, a far more detailed submission regarding the installation and management of the compensatory measures is needed, and a compensation schedule in the draft development consent order (DCO) added.</p> <p>a) Explain why Fairhaven Saltmarsh could constitute compensatory measures under the Habitats Regulations?</p> <p>b) Explain why you consider Fairhaven Saltmarsh as a mitigation area and not a compensatory measure?</p> <p>c) Provide an update on negotiations regarding this issue.</p>	<p>a) Under the mitigation hierarchy, mitigation can be defined as measures which are put in place to prevent or minimise negative impacts and effects from occurring in the first place or ‘at source’. By way of example, please see the Chartered Institute of Ecologists and Environmental Managers Ecological Impact Assessment guidance (<a href="#">EclA-Guidelines-v1.3-Sept-2024.pdf</a>).</p> <p>The creation of a safe high-tide roost at Fairhaven Saltmarsh would not prevent or reduce the impacts of the proposed development on those SPA/Ramsar site waterbirds – the effects of disturbance and displacement would continue to be felt by the waterbirds at that location.</p> <p>Instead, the proposal would ‘offset’ the energetic consequences of the development on SPA/Ramsar birds by increased energetic savings for waterbirds at another location and during another part of the tidal cycle. This safe roosting habitat may well benefit some individuals affected by the cable installation works, as well as other birds forming part of the overall SPA/Ramsar site population.</p> <p>In our view, given this is essentially an offsetting rather than an impact reducing measure, the Fairhaven Saltmarsh proposal should be considered as a compensatory measure rather than mitigation. This well-established interpretation is informed by Habitats Directive case law on the subject, which has previously</p>



		<p>ruled that measures provided for in a project which are aimed at compensating for the negative effects of the project cannot be taken into account in its appropriate assessment, albeit these relate to permanent habitat loss rather than construction phase impacts. In particular we highlight the Grace &amp; Sweetman ruling (<a href="#">EUR-Lex - 62017CJ0164 - EN - EUR-Lex</a>).</p> <p>This is reflected in the Habitats Regulations 2017 which, at regulation 68, states that only where a plan or project is agreed to in accordance with regulation 64, despite a negative appropriate assessment of its implications for a European site, should the appropriate authority secure any necessary compensatory measures are taken to ensure that the overall coherence of the National [European] Site Network is protected.</p> <p>Since receiving our Relevant Representations, the Applicant has made a welcome commitment to avoiding works between 1 November and 31 March inclusive, a mitigation measure that will mean that impacts during the sensitive winter period will be avoided. Our outstanding concerns relate to disturbance of SPA/Ramsar site waterbirds during the passage period; nevertheless, we consider that the distinction made between mitigation and off-setting remains valid.</p> <p>Were the Applicant able to reduce disturbance effects at the landfall during the passage season to acceptable levels through mitigation, it would offer in our view sufficient certainty to rule out adverse effects. Were this to be the case, the Fairhaven Saltmarsh proposal could be seen as either addressing the residual, non-AEoI</p>
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			effects of the development, or alternatively as an enhancement measure.
Q6.1.3	NE	<p><b>Ribble and Alt Estuary SPA and Ramsar site</b>  After commitment (CoT)129 [REP2-011] has been updated to strengthen the working restrictions within the intertidal area to a full restriction between Nov – Mar, can you confirm whether you agree with the applicants' conclusions of no adverse effects on integrity and whether an in-principle derogations case for the Ribble and Alt Estuaries SPA/Ramsar site is no longer required.</p>	<p>Natural England agrees with the Applicant's conclusion of no AEoI specifically for over wintering features of the Ribble and Alt Estuaries SPA/Ramsar site from the cable landfall works in the intertidal zone following CoT129. It is worth noting though that we retain our concerns regarding SPA over wintering features as a result of impacts to Functionally Linked Land (FLL) from the onshore cable route.</p> <p>Further, Natural England does not agree with the Applicant's conclusion of no AEoI for the passage features of Ribble and Alt Estuaries SPA/Ramsar site from the cable landfall works in the intertidal zone.</p> <p>Natural England has been working with the Applicant through our Discretionary Advice Service (DAS) to resolve these issues and we have provided comments on some of the material submitted by the Applicant at D2 [REP2-044] in our Risk and Issues Log submitted at D3 (Appendix K).</p> <p>Unfortunately, as set out in our Deadline 3 cover letter, due to unforeseen circumstances, our review of REP2-045 is ongoing. We will provide our advice as soon as possible.</p>
Q6.1.4	NE	<p><b>Technical notes</b>  At deadline 2 the applicants have submitted "Technical note on the energetics of the birds at landfall and the adequacy of the Fairhaven Saltmarsh" [REP2-045] and "Technical note on</p>	<p>REP2-044 provides sufficient information to resolve our comments relating to Newton Marsh SSSI and the River Ribble crossing. These updates are reflected in tab H of the Risk and Issues Log submitted at D3 (Appendix K).</p>

		Newton Marsh SSSI and River Ribble Crossing” [REP2-044]. Can you confirm if the information in those notes resolves outstanding relevant issues in the Risk and Issues Log [REP2-063].	As noted above, our review of REP2-045 is ongoing.
Q6.1.5	NE, Lancashire County Council (LCC), Fylde Borough Council (FBC) and any other IP	<p><b>Protected species - sand dunes habitat surveys</b></p> <p>In chapter 3 of the Environmental Statement: Onshore ecology and nature conservation [APP-075], it is stated that further surveys are not considered necessary for the transmission assets due to existing survey information available being sufficient to assess the potential impacts to the species.</p> <p>Why is existing available survey information (Fylde Sand Dune Project Steering Group) not considered enough to establish a baseline?</p>	<p>Natural England is unable to advise further on the sufficiency/robustness of the evidence until further Metadata is provided to inform the impacts of development on the Species</p> <p>This is because the data used to interpret sand lizard distribution is reliant on a heat map compiled by data collected from focal observations by Fylde Sand Dune Project Steering Group, though the raw data has not been included within Annex 3.8: Great crested newt and reptile survey technical report [APP-082].</p> <p>Additional information should include timings and experience/knowledge of those conducting the surveys and collecting data.</p> <p>Reptile data from refugia would not be accepted as a reliable method of collecting data on sand lizard presence/distribution/population size.</p> <p>Natural England also notes that the sand dunes at Lytham are accreting (see <i>Skelcher 2024 “A review of ecological change in relation to management interventions undertaken on the Fylde Sand Dunes Project, Lancashire final report”</i>) which shows in Maps 2 &amp; 3 increases in frontal dunes achieved through accretion management. The report also contains images of the frontal dunes which are Marram and Lyme Grass dominated with a good proportion of bare sand which is</p>

			<p>good sand lizard habitat. The same dune accretion can also be seen and measured by looking at recent aerial images. Therefore, although the exit pits are positioned 100m from the SSSI seaward boundary the frontal dunes are at least 40m further seaward. This needs confirming on the ground. This point is also captured in the R&amp;I Log – RI_G21.</p>
Q6.1.6	<p>The applicants (a-c), NE, LCC, FBC, Environment Agency (EA) and any other interested party (d)</p>	<p><b>Sand dunes (Lytham St. Anne’s SSSI, Local Nature Reserve, Biological Heritage Site, Geological Heritage Site)</b></p> <p>“The applicants reiterate that there would be no direct impacts to the sand dune habitats or sand lizard population at Lytham St Anne’s SSSI, LNR, BHS and GHS as a result of the construction of the project, because the dunes will be crossed using trenchless technology. The entry and exit pits associated with the trenchless crossing will be of a sufficient distance away from Lytham St Anne’s SSSI to ensure there are no direct impacts. The depth of the trenchless crossing of the dunes will be confirmed at the detailed design stage following ground investigation works, but it should be noted that this is a standard construction approach that is adopted to avoid impacts on sensitive habitat features. The applicants note that several stakeholders have raised concerns about potential indirect effects to the dune habitats as a result of the trenchless crossing, and therefore are preparing further information to be submitted at D3” [REP2-036 reference REP1-210 210.11].</p>	<p>With regards to impacts to sand dune habitats, we maintain that we are unable to rule out impacts to sand dune SSSI features as previously raised in our relevant reps [RR-1601] and reiterate our points; RI_G1, RI_G2, RI_G3, RI_G4, RI_G5, RI_G9, RI_G10, RI_G21, RI_G24, RI_G24, RI_G25 and RI_G40 in the Risk and Issues Log (Appendix K3) and our response in Appendix G3 at Deadline 3, which relate to this matter.</p> <p>Whilst sand lizards aren’t a notified feature of Lytham St. Anne’s SSSI, we highlight that the dunes are a supporting habitat for sand lizards and reiterate the importance of maintaining suitable habitats for EPS. Therefore Natural England does not agree that there are no direct impacts to the sand lizard population and/or their habitat as there is insufficient robust survey data to quantify this. In the absence of further data it would be prudent to assume presence across the impacted area. Sand lizards are mobile and are not confined to human delineated non- physical boundaries (such as designated site boundaries etc).</p> <p>Natural England still has concerns over potential unforeseen circumstances which could cause direct impacts on sand lizard populations, e.g.</p>

		<p>CoT102 [REP2-011] makes references to “unforeseen circumstances” (“Where closures are required for longer periods due to unforeseen circumstances encountered during construction”).</p> <ul style="list-style-type: none"> <li>a) Could those “unforeseen circumstances” cause direct impacts to the sand dune habitats or sand lizard population as a result of installation of the offshore export cables?</li> <li>b) Explain and provide a full list of potential consequences that could be connected to the unforeseen circumstances.</li> <li>c) As the possibility of “unforeseen circumstances” that could lead to prolonged closures of sections of public rights of way is acknowledged in the commitments register, why has an outline contingency plan (with an assessment of worst case scenario) not been submitted?</li> <li>d) Explain if you agree with the applicants’ conclusions regarding no direct impacts to the sand dune habitats or sand lizard population as a result of the installation of the offshore export cables.</li> </ul>	<ul style="list-style-type: none"> <li>1. Damage and/ or disturbance to habitat from noise and vibration from construction.</li> <li>2. Damage and disturbance from increased footfall from construction workers and vehicles.</li> <li>3. Pollution from noise, airborne dust impacting vegetation used for foraging of invertebrate prey.</li> <li>4. See response to Q6.1.5 – the sand dunes are accreting in this area, whereby the SSSI boundary no longer aligns with the frontal dunes where sand lizards could be at the time of construction. There is therefore uncertainty regarding the scale of impacts to sand lizards.</li> </ul> <p>As such NE does not agree that there is no direct risk to sand lizards or their habitat.</p>
Q6.1.7	NE (a-c), The applicants (b-c)	<p><b>European protected species (EPS) onshore</b> The applicants state [PDA-022 1601.G.51-56] that additional surveys will be undertaken closer to the time of construction to ascertain if licences are required. They state that this is</p>	<p>Natural England raise the following points:</p> <ul style="list-style-type: none"> <li>a) More information is required on sand lizard distribution, the status of a noctule roost and otter resting places in order to fully ascertain the</li> </ul>

		<p>secured by Requirement 13 within Schedules 2A &amp; 2B of the dDCO. Any EPS licenses will be agreed with NE as the relevant Statutory Nature Conservation Body.</p> <ul style="list-style-type: none"> <li>a) Are you satisfied with this approach?</li> <li>b) What would happen if any of the required EPS licences are not secured.</li> <li>c) Is likely that a Letter of No Impediment will be issued before the close of this Examination?</li> </ul> <p>The Examining Authority (ExA) requests that the applicants provide an update on this issue at each deadline.</p>	<p>impacts on European Protected species, as outline in our Written Representations. Until such information is provided Natural England is unable to provide more detailed advice on whether licences will be required for these species. is required, unless presence is assumed across the impacted area and works are mitigated for accordingly.</p> <ul style="list-style-type: none"> <li>b) It is down to the Applicant's named ecologist to decide if works are likely to negatively impact EPS in the short, medium and long-term and if this should be covered under licence.</li> <li>c) At this moment in time, it is unlikely that a Letter of No Impediment would be provided by NE licensing to inform the examination. The detail required for a licence assessment has not been provided. Advice provided in our Relevant Representations is still applicable (G54). <u>We encourage the Applicant to contact our Licencing team regarding submitting a draft licence/relevant level of information and obtaining a LONI.</u></li> </ul>
Q6.1.10	<p>The applicants (a), NE, EA, NE, FBC, SRBC, Preston City Council (PCC), LCC, Blackpool Borough Council (BBC) (b)</p>	<p><b>Commitments</b></p> <p>CoT16 [REP2-010] states "All vegetation requiring removal will be undertaken outside of the bird breeding season. If this is not reasonably practicable, the vegetation requiring removal will be subject to a nesting bird check by a suitably qualified ecological clerk of works. If nesting birds are present, the vegetation will not be removed until the young have fledged or the nest failed."</p>	<p>We consider the current wording regarding vegetation removal is not sufficiently robust, specifically the inclusion of 'reasonably practicable'. The Applicant should in the first instance define their work programme in a way that ensures vegetation removal does occur outside the breeding bird season.</p> <p>The rest of the commitment is adequate; however, the Applicant could consider amending the wording to refer to 'nesting vegetation' as well as include wording to</p>

		<p>a) Define under what circumstances it wouldn't be "reasonably practicable"?</p> <p>b) Do you consider the proposed wording to be adequate?</p>	<p>leave adjacent areas undisturbed to prevent disturbance and in turn abandonment of a nest.</p> <p>We note that some areas where vegetation removal will occur, for example the Export Cable Corridor, may support other protected species. Specifically, we wish to highlight the large population of sand lizards in this area and that any vegetation removal may remove habitat essential to their life cycle and/or result in the injury/killing of lizard populations. We therefore advise that the impacts on other protected species are considered in the scheduling and design of vegetation removal, and that where possible alternatives to vegetation removal, such as timings of works, are considered in order to best maintain all populations of all protected species/ birds.</p>
Q6.1.13	The applicants (a-b), NE, EA, FBC, SRBC, PCC, LCC, BBC (c)	<p><b>Commitments</b></p> <p>CoT101 [REP2-010] states "Where high concentrations of peat are identified these, will be avoided where practicably possible for the placement of the plant and infrastructure to avoid the possibility of ground gas build up. Where this is not possible, further investigation and appropriate monitoring will be identified undertaken, if necessary".</p> <p>a) Explain how you will determine if it's "practicably possible" to avoid high concentrations of peat that are identified.</p> <p>b) Explain the decision-making process in relation to determining if further investigation and appropriate monitoring is necessary.</p>	<p>Natural England advises that until further evidence/information is submitted into examination we are unable to advice on the scale and significance of the potential impacts.</p> <p>As set out in our previous comments [RR-1601] and in our R&amp;I Log (RI_G7) there is insufficient information in regarding to the presence of restorable deep peat. To determine the presence of restorable deep peat, further peat surveys need to be undertaken.</p> <p>Once the peat surveys are undertaken, and if it is determined that restorable deep peat is present, we advise that an assessment should be undertaken to consider the impacts from the project, and any mitigation measures (following the mitigation hierarchy), including potential changes to the design of the scheme to avoid impacts on any restorable deep peat which may be</p>

		c) Do you consider the proposed wording to be adequate?	required. Further information is provided in RI_G7 of our R&I Log at Deadline 3.
Q6.1.14	The applicants (a-b), NE, EA, FBC, SRBC, PCC, LCC, BBC (c)	<p><b>Commitments</b></p> <p>CoT126 [REP2-010] “To mitigate for potential temporary habitat loss associated with Mill Brook Valley Biological Heritage Site, temporary construction compounds will be micro-sited to avoid the site wherever reasonably practicable.”</p> <p>a) Define “wherever reasonably practicable”.</p> <p>b) Explain how you will mitigate for potential temporary habitat loss if it’s not deemed “reasonably practicable”.</p> <p>c) Do you consider the proposed wording to be adequate?</p>	BHS are not within Natural England’s remit; we defer to the relevant Local Planning Authority to provide a response to this question.
Q6.1.15	NE, EA and any other interested party	<p><b>Mitigation</b></p> <p>Paragraph 1.2.1.8 of ‘Site Selection of the Environmental Mitigation and Biodiversity Benefit Areas’ [REP2-046] states “In accordance, with CAP 772 guidance (Civil Aviation Authority (CAA), 2017) the wildlife hazard management zones around Blackpool Airport and BAE Warton Aerodrome extend to 13 km” and paragraph 1.2.1.9 states “Given the extent of the wildlife hazard management zones in relation to the Transmission Order Limits, the applicants could not locate environmental mitigation and benefit areas outside of the wildlife hazard zones whilst also meeting their site selection guiding principles (as set out in</p>	<p>As a general rule, mitigation should be applied as close as possible to the point of impact. We highlight that the fundamental purpose of the mitigation is to address the impacts, which should result in no overall net change in risk within the airport area of concern. The Airport’s area of concern is extensive and already overlaps significant areas of Ribble and Alt Estuaries SPA Functionally Linked Land (FLL) and the SPA/Ramsar site itself. Therefore, we advise there is more emphasis on maintaining the natural state of the remaining unimpacted areas within the SPA and FLL through avoidance and where that is not possible, making every effort to reduce/minimise impacts.</p> <p>Having to relocate mitigation beyond the Airport’s area of concern would likely impose a significant energetic</p>



		<p>paragraphs 1.2.1.2 and 1.2.1.3) and ultimately delivering effective mitigation.”</p> <p>Paragraph 1.5.1.3 states “The search area also considered areas in proximity to designated habitats or priority habitats, with the objective of improving habitats that are functionally linked to designated sites and improving connectivity between habitats.”</p> <p>a) Do you agree that effective mitigation could not be achieved outside wildlife hazard management zones in relation to the Transmission Order Limits?</p> <p>b) Do you agree that biodiversity benefit area objectives would not be met if it was located outside of the wildlife hazard zones?</p>	<p>impact on species impacted in the FLL area. Plus, we advise that there is a higher likelihood of the new mitigation area not providing the required ecological functionality of that lost, so would risk not being ecologically appropriate.</p>
<b>6.2 Biodiversity Net Gain (BNG)</b>			
Q6.2.1	<p>The applicants (a-c), NE, FBC, SRBC, PCC, LCC, BBC and any other interested party (d)</p>	<p><b>Biodiversity calculations:</b></p> <p>a) Provide reasoning for the proposed percentage (%) in the biodiversity benefit strategy - 59.62% increase for the habitat, 20% for watercourse, 41.37% for hedgerow.</p> <p>b) Explain in detail the methodology used and why the scheme won't fully comply with future biodiversity net gain requirements i.e why the whole length of the corridor has not been assessed?</p> <p>c) The ExA requests the BNG metric spreadsheet used for the calculations is submitted into the examination.</p> <p>d) Confirm whether clarity exists on how the calculations have been done and is</p>	<p>As noted in G46 [RR-1601], Natural England has no further comments to make on BNG, the development is not subject to a mandatory net gain requirement, therefore unless there are changes in the design parameters we have no further comments.</p>

		there agreement on the methodology and the spatial areas for which the calculations have been presented?	
Q6.2.2	NE, FBC, SRBC, PCC, LCC, BBC	<p><b>Mitigation Hierarchy</b> Confirm that the applicants have adequately followed the mitigation hierarchy in respect to no biodiversity net loss and biodiversity net gain.</p>	<p>Based on the information submitted within the Onshore Biodiversity Benefit Statement [REP2-021], Natural England is satisfied that the Applicant has adequately followed the mitigation hierarchy in respect of no biodiversity net loss.</p> <p>The Applicant aimed to retain and reduce impacts on habitat where possible and will provide an increase of habitat units where habitat will be permanently lost as a result of the project through habitat creation and enhancement works. However, we wish to highlight that some impact pathways still require additional information and assessments to be provided, as outlined in our Relevant Representations and in our Risk and Issues log, and that until such information is provided, we are unable to advise on whether the proposed mitigation is sufficient for these impacts.</p> <p>We have not engaged with the Applicant on Biodiversity Net Gain, so are unable to provide detailed comments on this aspect.</p>
Q6.2.3	The applicants (a-b), NE, EA, FBC, SRBC, PCC, LCC, BBC (c)	<p><b>Site selection</b> Selection guiding principles are set out in paragraphs 1.2.1.2 and 1.2.1.3 of Site Selection of the Environmental Mitigation and Biodiversity Benefit Areas [REP2-046] submitted at D2.</p> <p>a) Explain why the selection guiding principles set out do not include specific safety considerations and policy</p>	<p>Natural England advises that (a) &amp; (b) are not our remit.</p> <p>c) Natural England understand that the baseline area will likely be refined over time and subsequent iterations of the metric calculations required.</p> <p>Natural England encourages the Applicant to continue to maximise their potential biodiversity outcomes throughout the detailed design process. If land identified for BNG within the redline boundary subsequently cannot</p>

		<p>requirements including potential for increased risk to defence activities?</p> <p>b) Explain if any alternatives for BNG strategy have been considered, including off-site delivery.</p> <p>c) If BNG requirements and the avoidance and/or mitigation of defence aviation risks cannot be met, please explain how excluding BNG areas from the order limits might affect your comments on the application.</p>	<p>be used for BNG, the Applicant will need to re-run the metric and secure the minimum 10% required to secure BNG by other means.</p>
<p><b>7. Environmental Matters (off-shore)</b></p> <p><b>7.1 Benthic ecology</b></p>			
Q7.1.4	NE	<p><b>Assessments</b></p> <p>In their D2 submission [REP2-034] the applicants are still maintaining their position that contrary to your stated position in [RR-1601], [REP1-092] and [REP1-093] a robust and accurate assessment of all potential impacts on benthic ecology has been carried out. What additional assessment/ information do you require to reach an agreement on this issue?</p>	<p>We refer back to our advice in [RR-1601]</p> <p>Natural England advises that clarity is provided within the Application documents on the likely impacts from using Direct Pipe cable installation techniques. We advise that the following is provided and updated within the Application documents:</p> <ul style="list-style-type: none"> <li>• Scour protection requirements at the direct pipe exit and/or entry locations;</li> <li>• Cable/scour protection requirements in the intertidal and subsequent mitigation; and</li> <li>• MDS for the sum of both projects for 'maximum cofferdam area dimensions' to be included in Tables 3.6 and 3.13.</li> </ul> <p>We also advise that an Outline landfall management plan should be provided at the time of consent. All landfall impacts, including subtidal impacts, should be</p>

			<p>considered collectively to determine management/mitigation measures to ensure that significant impacts (both direct and indirect) are avoided to designated site features.</p> <p>Natural England advises that a further assessment of the feasibility of the cable installation tools in shallow waters is required to support the worst-case scenario assessment.</p> <p>Natural England notes that the MDS for Pre-Lay Grapnel Run (PLGR), Unexploded Ordnance (UXO) clearance and boulder clearance have not been fully assessed within the ES Chapters. There is no certainty that these activities will be undertaken at the same time or within the same footprint as the other site preparation activities especially in relation to boulder relocation. We advise that the MDS for PLGR, UXO clearance and boulder clearance are presented within the Project Description and all other relevant chapters in line with Natural England's Best Practice Guidance Phase III.</p> <p>We note the updated MDS parameters for sandwave clearance in Table 1.1 [REP1-064] which lists the errata for sandwave clearance in [APP-045]. Once the changes are made to the applicable application documents and submitted into Examination this matter will be resolved.</p> <p>Any potential gap between cable installation should also be presented in relation to WCS as well as further refinement of WCS for cable protection</p>
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			<p>For progression towards resolution on the above please see Appendix K our R&amp;I log points: RI_B1, B13, B2, B3, B5, B10, B9+B11, B12, B16, B20, B32+B34.</p> <p>RI_C2, C5, C6, C7, C8, C11+C20, C13+C19, C14+15, C16, C18, C21 and C22.</p>
Q7.1.5	NE	<p><b>Cables and scour protection</b>  Are you content that your request in [REP1-093] for a commitment, secured in the draft Development Consent Order (dDCO) to remove the cables and scour protection from the seabed during the decommissioning phase of the project has now been adequately addressed by the applicants in their response provided in [PDA-014], [REP2-022] and [REP2-034]?</p>	<p>Natural England notes the Applicant has removed the option of 'rock dump' from the list of cable protection types to be used within Fylde MCZ in their updated Outline CSIP [REP2-023]. We welcome this update and agree with the Applicant that rock dump is the least recoverable type of protection. However, we highlight to the ExA that the commitments; CoT108 and CoT109 still state that any external cable protection will be <i>designed</i> to be removeable, the commitments do not include the <i>action</i> to remove cable/scour protection.</p> <p>Therefore, Natural England consider this issue to be progressed, but not resolved. In order to fully resolve our concerns, we continue to advise that the Applicant includes a commitment with the action to remove all on and above seabed infrastructure (including cable/scour protection with the exception of cable crossings) within benthic designated sites and that this is secured in the DCO. As a minimum, we would expect to see a commitment to not use 'rock dump' within Fylde MCZ to reflect updates the Applicant has made to the Outline CSIP.</p>
Q7.1.6	NE	<p><b>Assessments</b>  In their D2 submission [REP2-034] the applicants are still maintaining their position that contrary to your stated position in [RR-</p>	<p>We highlight to the ExA our original comments we provided in our Relevant Reps [RR-1601] which relate to this question; B2, B3, B11, B17, B18, B19, B20, B21 and B23 which detail the key additional assessments and</p>

		<p>1601] and [REP1-092] and [REP1-093] that sufficient design details have been provided on the location and design of the cables and associated protection and impacts for sediment transport pathways have been identified as being of negligible to minor significance which is not significant in EIA terms. What additional assessment/ information do you require to reach an agreement on this issue?</p>	<p>information Natural England requires for a route to resolution. We have set out the key additional assessment/information we require below for clarity:</p> <ul style="list-style-type: none"> <li>• <b>Cable protection parameters in the nearshore:</b> The Applicant should provide a definition of the Depth of Closure. Details of the location, volumes, orientation and type of cable protection between Lowest Astronomical Tide (LAT) and the Depth of Closure. Without this detailed information, we are unable to fully understand the impact on nearshore sediment transport processes. This was raised in our RR comments; B3, B17, B18 and is consolidated in point RI_B3 of our R&amp;I Log. If the Applicant provided this information and updated in the relevant documents, it could contribute to resolving these issues.</li> <li>• <b>Modelling:</b> If the Applicant is unable to provide further information at this stage on the detail around location and design of cable protection, we advise that numerical modelling, rather than conceptual modelling is undertaken to inform this detail. We highlight our original comment in our Relevant Repts (ref: B13). Due to limited evidence to support the Applicant 's assessment this issue has now been updated to an Amber risk and included within our R&amp;I log at Deadline 3 and upgraded the comment to Amber.</li> <li>• <b>Mitigation:</b> We continue to advise that commitments are made and secured in the</li> </ul>
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			<p>DCO/dMLs to minimise/mitigate impacts of cable protection on nearshore sediment transport processes. This was raised in our RR comments; B3, B17, B18, B20 and is included in points RI_B3 and RI_B14 of our R&amp;I Log. We also note the Applicant's response in ([PDA-016], 1601.B.18) and highlight that this response misquotes one of the Applicant's commitments: <i>"CoT47 states that no foreign material will be placed on the bed's surface in the inter-tidal region and low profile/tapered armouring would be employed in shallow water should this be required."</i> This differs to the wording provided for CoT47 in the Applicant's Commitment Register [REP2-011] which relates to cable protection and sandwave clearance within Fylde MCZ.</p> <ul style="list-style-type: none"> <li>• <b>Monitoring:</b> We continue to advise the Applicant to include a commitment to carry out monitoring of; sandwave recovery (particularly within Fylde MCZ) and dune/beach/intertidal morphology. These should be included for consideration in the Offshore In-Principal Monitoring Plan (OIPMP). Please also see point RI_B17 of our R&amp;I Log.</li> </ul>
Q7.1.7	NE	<p><b>NERC priority habitats</b> In their D2 submission [REP2-034] the applicants are still maintaining their position that contrary to your stated position in [RR-1601] and [REP1-092 and REP1-093] impacts on benthic receptors have been mitigated and NERC habitats considered. What additional</p>	<p>Natural England advises to reach resolution on this matter, we continue to advise that the Applicant includes commitments to avoid the most sensitive and/or Priority habitats designated under Section 41 of the NERC Act 2006.</p> <p>We highlight to the ExA that the Applicant has not provided any further proposals to include this mitigation in the DCO/dML in their rebuttal documents [PDA-014],</p>

		assessment/ information do you require to reach an agreement on this issue?	<p>[PDA-017] and [REP2-034], therefore our original comments are still relevant.</p> <p>Once the Applicant has secured commitments to avoid Priority habitats under Section 41 of the NERC Act where possible. And if not possible clearly demonstrated how impacts will be minimised, this issue can be readily resolved.</p>
Q7.1.8	NE	<p><b>MCZ assessment</b></p> <p>While still maintaining that Measures of Equivalent Environmental Benefit (MEEB) are not required, the applicants have submitted a Stage 2 MCZ assessment and a “without prejudice” MEEB case for the Fylde MCZ [REP1-059]. Please provide your comments and indicate whether you are satisfied with the assessment and case.</p>	<p>Natural England has provided detailed comments on the Applicant’s Stage 2 MCZ assessment and without prejudice MEEB case for Fylde MCZ at Deadline 2 as outlined in our Appendix J2 [REP2-063].</p> <p>We highlight that Natural England still does not agree with the Applicant’s position which states that the conservation objectives of Fylde MCZ will not be hindered. However, if the SoS determines that MEEB is required Natural England and the Applicant agree on progressing with the strategic compensation approach for this project.</p>
<b>7.2 Fish and shellfish ecology</b>			
Q7.2.2	NE	<p><b>Assessments</b></p> <p>In their D2 submission [REP2-034] the applicants are still maintaining their position that contrary to your stated position in [RR-1601] and [REP1-092 and REP1-093] the potential loss of prey species has been adequately addressed. What additional assessment/ information do you require to reach an agreement on this issue?</p>	<p>Natural England agrees with the Applicant’s conclusions and reasoning stated in PDA-014, RR-1601, 1601.46 and does not require any further assessment/ information regarding this issue.</p>



Q7.2.3	NE	<p><b>Electro-magnetic fields</b></p> <p>The Examining Authority raised the issue of the potential for electro-magnetic fields to cause barrier effects that hinder smelt movements in and out of the Ribble Estuary with the applicants during issue specific hearing 1. The applicants maintained that the evidence provided to date is sufficient to screen out this concern paragraph 49 of [REP1-035]. The minimum depth of cable below the estuary would be 6 metres and electro-magnetic field effects are generally localised within 1 to 2 metres of the cable. The applicants also referenced their response to the Environment Agency's [RR-677] [PDA-010] in this regard.</p> <p>a) Based on this response are you content that this issue has now been addressed?</p> <p>If not what further assessment/ information do you require to reach a conclusion?</p>	<p>A great deal of uncertainty remains with regard to electro-magnetic fields (EMF) and smelt behaviour. The evidence and proposed guidelines provided by the Applicant relating to potential EMF impacts, namely International Commission on Non-Ionising Radiation Protection (ICNIRP) and Government voluntary Code of Practice on EMF public exposure, relates to human health and public exposure to EMF, not impacts on smelt behaviour. The Applicant also states in section 3.11.7.14 of Volume 2, Chapter 3: Fish and shellfish ecology (APP-048) that the effects of EMFs surrounding undersea cables on European smelt are poorly researched, with recommendations made to investigate potential impacts in future. Natural England agrees with this point.</p> <p>Natural England equally welcome the Applicant's approach to increase cable depth as mitigation, but the lack of direct evidence relating to potential EMF impacts on smelt remains a concern. Natural England advises monitoring of EMF levels be conducted where cables are laid under the Ribble estuary to provide direct evidence.</p>
<b>7.3 Marine mammals</b>			
Q7.3.1	NE	<p><b>UXO clearance</b></p> <p>The applicants have amended the dDCO [REP2-004] to include only for the removal of low order UXO clearance in the DMLs. The removal of high order UXO would be the subject of a standalone licence. Do the amendments to the DMLs address your concerns regarding UXO clearance?</p>	<p>Natural England welcomes the removal of high order UXO detonations from the DCO and the outline MMMP submitted at D2 [REP2-027]. However Natural England maintains its position that UXO detonation should be subject to a separate marine licence post consent, regardless of whether the removal is low or high order.</p>
<b>7.4 Offshore ornithology</b>			

Q7.4.3	NE	<p><b>Seasonal restrictions</b></p> <p>Are you satisfied that the applicants' D2 response [REP2-034] has adequately addressed your concerns on the potential adverse effect of the proposed development on site integrity for the red-throated diver and common scoter features of the Liverpool SPA and your request for a full restriction on construction activities from November to March [REP1-093]? If not what further assessment/information do you require to reach a conclusion on the issue?</p>	<p>The Applicant has now committed to a restriction on all construction activity and UXO clearance from November to March (inclusive) within the original Liverpool Bay SPA boundary plus a 2km buffer [REP2-025]. Therefore, we can confirm this adequately addresses Natural England's concerns and request for a full restriction on construction. AEoI can now be ruled out for the red-throated diver and common scoter features of Liverpool Bay SPA.</p>
<p><b>8. Geology, hydrogeology and ground conditions</b></p>			
Q8.1.1	<p>The applicants (a-d), NE, Environment Agency (EA), Lancashire County Council (LCC), MMO (e)</p>	<p><b>Commitments</b></p> <p>CoT119 [REP2-010] states: "Subject to landowner approval, at detailed design stage, hydrogeological risk assessment(s) will be undertaken at St Annes Old Links Golf Club (abstraction borehole ref: GWA_01), if necessary. The hydrogeological risk assessment(s) would be informed by ground investigation information, where relevant and practicable. If undertaken, the risk assessment(s) will inform a detailed site-specific crossing design for the installation of the offshore export cables beneath Lytham St Annes SSSI and the St Annes Old Links Golf Course."</p> <p>a) Provide an update in relation to gaining landowner approval.</p>	<p>Further information to provide context to the ExA question please see Appendix G3 at Deadline 3</p> <p>We reiterate that best endeavours should be made to provide this data to inform the examination/determination period for this project.</p> <p>This point is also captured in the R&amp;I Log – RI_G1 response at Deadline 3 (Appendix K3).</p> <p>(d) The current wording regarding the use of ground investigation information is considered to be inadequate specifically around the inclusion of "where necessary and practical" which leads to ambiguity of whether suitable data will be collected and used to inform the Hydrological Risk Assessment.</p>

		<ul style="list-style-type: none"> <li>b) As the condition states "if necessary" under what circumstances would the hydrogeological risk assessment not be considered necessary?</li> <li>c) In an event of not obtaining the landowners approval how will the hydrogeological risk assessment be informed?</li> <li>d) What does "where relevant and practical" mean in the context of assessing risks to Lytham St Annes Dunes SSSI?</li> <li>e) Do you have any comments if hydrological risk assessment can't be conducted at St Annes Old Links Golf Club. How could that impact production of a detailed site-specific crossing design for the installation of the offshore export cables beneath Lytham St Annes SSSI and the St Annes Old Links Golf Course?</li> </ul>	<p>Ground investigations to determine the position of the water table and to record potential fluctuations that may occur as a result of the project are considered necessary to provide sufficient information to determine impacts and to identify appropriate mitigation measures.</p> <p>We have previously also suggested to the Applicant the use of dipwells with dataloggers be installed before construction (which could inform the Hydrological Risk Assessment) and left in-situ during the cable installation. These dataloggers would record potential changes over a longer time period and inform mitigation.</p> <p>Please refer to R1_G1 (R&amp;I Log, Appendix K3).</p>
Q8.1.2	The applicants (a-d), NE, EA (d)	<p><b>Commitments</b></p> <p>CoT128 [REP2-010] states: "A Preliminary Hydrogeological Risk Assessment will be prepared in relation to the crossing of Lytham St Annes SSSI to mitigate potential impacts to the hydrologically dependant surface water features of the sand dune system. This will form part of the Outline Code of Construction Practice. At detailed design stage, Hydrogeological Risk Assessment will be developed in accordance with the Preliminary Hydrogeological Risk Assessment. The hydrogeological risk assessment(s) will be</p>	

		<p>informed by ground investigation information, where necessary and practicable. These assessment(s) will be used to inform the detailed site-specific crossing design for the installation of the offshore export cables beneath Lytham St Annes SSSI.”</p> <ul style="list-style-type: none"> <li>a) Explain “where necessary and practicable “in the context of ground investigation required to inform hydrological risk assessment.</li> <li>b) What if the ground investigation is not “practicable” to conduct.</li> <li>c) Under what circumstances would the ground investigation not be considered necessary and how would the hydrogeological risk assessment be informed?</li> <li>d) Do you consider the proposed wording to be adequate?</li> </ul>	
Q8.1.3	The applicants (a-b), NE, EA, LCC, MMO (c)	<p><b>Commitments</b></p> <p>CoT118 [REP2-010] states: “Where areas of potentially significant contamination (e.g. landfills) cannot be avoided within the Transmission Assets Order Limits, ground investigation or other appropriate measures (e.g. use Personal Protective Equipment and/or hazard signage) will be implemented to mitigate potential impacts to, or effects on sensitive receptors. Where ground investigation identifies potential risks to sensitive receptors from contamination, a remediation strategy would be prepared in consultation with the Environment Agency.”</p>	Natural England defer to the Environment Agency on matters relating to ground contamination.

		<p>a) Explain what process will be followed when deciding if ground investigation is required or if other appropriate measures are sufficient?</p> <p>b) What specific ground investigation measures is the applicant committing to in areas of potentially significant contamination?</p> <p>c) Is this commitment sufficient to ensure contaminated land risks are adequately managed?</p>	
<b>9. Habitats Regulations Assessment</b>			
<b>9.1 General</b>			
Q9.1.1	<p>Joint Nature Conservation Committee, Natural England (NE), Natural Resources Wales (NRW), NatureScot, Northern Ireland Environment Agency</p>	<p><b>Conclusions</b> Do you agree with the applicants' Habitats Regulations Assessment (HRA) conclusions with respect to likely significant effects (LSE) [APP-018] and adverse effects on site integrity [APP-016 and APP-017]? Please specify the relevant sites, pathways and qualifying features in your response.</p>	<p>Natural England has provided comments on the Applicant's HRA throughout our Relevant Reps [RR-1601]. Below we set out the following key issues from our PADSS in relation to the Applicant's HRA, along with an update on progression at Deadline 3. Several of these points have now been resolved since our initial comments, therefore we have included a status update at the end of each point in bold:</p> <ul style="list-style-type: none"> <li>• NE11: No assessment of long-term loss of habitat supporting prey species for the offshore ornithological features of Liverpool Bay Special Protection Area (SPA). <b>Progressed but not resolved</b>, NE is satisfied that the Applicant's explanation provided in [PDA-014] is sufficient to rule out an AEoI. Once the information is included in updated application documents this issue will be resolved.</li> </ul>

			<ul style="list-style-type: none"> <li>• NE12: Assessment and conclusion of no adverse effect on site integrity for the red-throated diver and common scoter features of Liverpool Bay SPA . <b>Resolved at Deadline 3</b> due to inclusion on seasonal restriction.</li> <li>• NE18: Impacts to Ribble and Alt Estuaries SPA/Ramsar site intertidal waterbirds due to the landfall works. <b>Resolved at Deadline 3</b> for non-breeding waterbirds due to inclusion of seasonal restriction; <b>progressed but not resolved</b> for passage waterbirds.</li> <li>• NE19: Lack of an in-principle derogations case for impacts to intertidal SPA/Ramsar site waterbirds. <b>Resolved at Deadline 3</b> for non-breeding waterbirds, <b>not resolved for passage waterbirds.</b></li> <li>• NE20: Impacts to Ribble and Alt Estuaries SPA/Ramsar terrestrial waterbirds. <b>Progressed but not resolved.</b></li> </ul> <p>Please see Appendix K3 R&amp;I Log, PADSS tab for further detailed comments.</p>
Q9.1.2	NE	<p><b>Construction scenarios</b></p> <p>The applicants, in response [AS-070] to the Rule 9 letter [PD-005], and at deadline 1 [REP1-060] have provided a requested summary of the multiple construction scenarios, including the potential for a gap of up to 4 years between construction phases, resulting in a total construction phase of up to 11 years. The Examining Authority (ExA) notes a number of entries in your relevant representation [RR-</p>	<p>Whilst Natural England maintains it's position as raised in RI_B5 and RI_C7, (Appendix K3 – Risk and Issues Log) we have not previously raised this issue of having implications for the HRA.</p>

		1601] relating to construction scenarios. Can you confirm if you consider whether there are any implications for the conclusions of the HRA from the applicants' approach of allowing multiple construction scenarios?	
<b>9.2 Screening</b>			
Q9.2.1	The applicants and NE	<p><b>Fish and Shellfish</b> Table 1.1 of the HRA Screening [APP-018] details the consultation undertaken with NE and notes that NE requested that sites with shad as an Annex II qualifying feature should be screened in for further assessment. However, the HRA screening and subsequent ISAA part 2 [APP-016] do not appear to screen this species into the assessment of Adverse Effect on Integrity.</p> <p>a) (Applicants) Provide further information as to why an assessment of shad is not required in the ISAA part 2 [APP-016].</p> <p>b) (NE) Provide your current position on the applicants' conclusion of no Likely Significant Effect to shad.</p>	Shad are highly mobile migratory fish species, known to be regionally present and likely to move through the Zone of Influence (ZOI) on a seasonal basis. Given the highly mobile nature of shad, Natural England do not agree with the conclusion of no LSE to shad based on distance from a protected site and potential impacts to shad should be assessed in line with other Annex II diadromous fish species.
Q9.2.3	NE	<p><b>Offshore Ornithology</b> Do you agree with the applicant's screening conclusions pertaining to offshore ornithology, alone and in-combination (presented at section 1.5.5 of [APP-018])?</p>	As noted in Natural England's Relevant Representations [RR-1601], in section 1.5.5 of [APP-018] the Applicant did not consider potential long-term loss of habitat supporting prey species (due to scour/cable protection) as an impact pathway for likely significant effect (LSE) on the offshore ornithological features of Liverpool Bay SPA. Natural England advised that this impact pathway should be considered for screening. In the Applicant's response to NE's Relevant Representations [PDA-014], they explained that the total area of potential habitat loss is considered small enough to rule out this impact pathway.

			<p>Natural England are satisfied that the additional information on the predicted habitat loss in PDA-014 would allow adverse effects on the Liverpool Bay SPA to be ruled out. To fully resolve the issue, we recommend that this information is used to update the relevant parts of the application, in particular the Information to Support an Appropriate Assessment (ISAA).</p> <p>Natural England agrees with the Applicant's conclusions regarding the other LSE pathways considered.</p>
Q9.2.9	The applicants, NE	<p><b>Onshore ecology</b>  Environmental Statement (ES) Chapter 3: Onshore ecology and nature conservation [APP-075] states that the Sefton Coast Special Area of Conservation (SAC) is 8.63km from the order limits. However, the site is not included in the HRA Screening Report. Given the proximity, can the applicants confirm why they have not included an assessment of LSE to Sefton Coast SAC. Can NE confirm if it considers there is the potential for LSE to this site?</p>	<p>Natural England confirms that based on the information provided by the Applicant, there are no impact pathways that would result in a Likely Significant Effect (LSE) to features of Sefton Coast SAC and that this can be screened out from further assessment. In terms of coastal habitats (saltmarsh and sand dunes) listed on the SAC citation, there are no impact pathways from the proposed development that may result in direct/ indirect harm on these features due to the distance from the development and the use of trenchless techniques at landfall. We note that great crested newts (<i>Triturus cristatus</i>) are a notified feature of the SAC. We would not consider any great crested newt found at Lytham St Annes to be part of the SAC population due to the distance of the development from the site, and therefore any impacts on great crested newts as a result of the project do not need to be considered with regards to the SAC population or within the HRA.</p>
Q9.2.10	The applicants, NE	<p><b>Onshore ecology</b>  ES Chapter 3 [REP2-008] notes that Morecambe Bay SAC is within 15.48km. Can the applicants confirm whether there are any</p>	<p>Natural England confirms that based on the information provided by the Applicant, there are no impact pathways that would result in a Likely Significant Effect (LSE) to features of Morecambe Bay SAC. We are not concerned</p>



		<p>pathways of effect to Morecambe Bay SAC. Can NE confirm if it considers there is the potential for LSE to this site?</p>	<p>about impacts on physical processes or benthic ecology on Morecambe Bay SAC due to sediment movement primarily occurring to the South. In terms of coastal habitats (saltmarsh and sand dunes) listed on the SAC, there are no impact pathways due to the distance from the development and the use of trenchless techniques at landfall.</p>
Q9.2.11	The applicants, NE	<p><b>Onshore ecology</b>  ES Chapter 3: Onshore Ecology and nature conservation [APP-075] (Table 3.7) states that the Ribble and Alt Estuary Ramsar site is designated for Criteria 2: ‘this site supports up to 40% of the Great Britain population of natterjack toads <i>Bufo calamita</i>’. However, impacts to this feature have not been assessed in the HRA Screening Report. Confirm whether there is the potential for LSE? In addition, what is the potential for LSE on the habitat features of the Ramsar site?</p>	<p>Natural England has not previously commented on the impacts from the project on Natterjack Toads for this project, based on the baseline ecological data provided in support of the application. The Applicant has undertaken a desk study using records from Lancashire Environmental Records Network (LERN), which did not return any records of Natterjack Toads within the vicinity of the project.</p> <p>On the basis of the ecological baseline data presented, as natterjack toads are not present within the area, Natural England advise there is no potential for LSE on natterjack toads.</p> <p><i>In Skelcher 2024 A review of ecological change in relation to management interventions undertaken on the Fylde Sand Dunes Project, Lancashire final report for Lancashire Wildlife Trust &amp; Our Future Coast - it notes: ‘Slacks at the Local Nature Reserve have successfully provided habitat for spawning frogs and common toads while frogs have also produced spawn in Fairhaven slacks. These populations have been monitored over the last five years by the Sand Dunes Ranger and data on the presence or absence of spawn is sent to PondNet and will also be added to the ARC database when time</i></p>

			<p><i>allows</i>'. It is Natural England's understanding that if natterjack toads were present at the site then they would have been recorded during these surveys.</p> <p>Natural England advises the potential for LSE on the habitat features of the Ramsar site is the same as the potential for LSE on Ribble &amp; Alt Estuaries Special Protection Area (SPA) habitat features; it relates to the habitat features that support the qualifying bird species. Any impacts on the supporting habitat of the qualifying bird species may hinder the Conservation Objectives of the SPA and Ramsar site, which is to maintain and restore 'the structure and function of the habitats of the qualifying features rely'.</p>
<b>9.3 ISAA</b>			
Q9.3.1	The applicants, NE	<p><b>Onshore ecology</b></p> <p>At relevant representation [RR-1601], entry G16, NE refer to the Ribble and Alt Estuaries in its concerns relating to "the worst-case scenario i.e. cable installation failure when using the Direct Pipe Trenchless Technique whereby the Applicant needs to use an alternative technique has not been assessed" The ExA notes the applicants' response [PDA-021] which states that "The Applicants will continue discussions with Natural England in relation to the assessment of alternative trenchless techniques". Can the applicants confirm how the potential for alternative techniques at this location (with reference to the Ribble and Alt Estuaries SPA / Ramsar site) has been considered within the HRA ISAA [APP-017]?</p>	<p>Natural England's comments relating to the assessment of the WCS are still applicable. Comment G16 is in relation specifically to Lytham St Annes Dunes SSSI.</p> <p>Natural England cannot comment on the implications for conclusions of HRA screening as no alternative installation methodologies have been included in the application. Therefore, rather than an updated assessment we advise that the use of trenchless activities only is secured in the DCO/dML and should this fail then any other method would be subject to a separate marine licence/planning permission.</p>

		Can NE confirm whether there are any implications for the conclusions of the HRA screening [APP-018] or ISAA [APP-017] as a result of the absence of assessment of alternative trenchless techniques).	
<b>9.4 ISAA Part 2</b>			
Q9.4.1	NE	<b>Benthic Special Areas of Conservation</b> The ExA notes that NE has detailed a number of concerns over the applicants' assessment on the Fylde Marine Conservation Zone (MCZ) [RR-1601]. Noting that this site is directly adjacent to the Shell Flats and Lune Deep SAC, for the avoidance of doubt can you confirm whether you consider there are any concerns relating to this site (or any others) in relation to the conclusion of the HRA screening and ISAA as a result of your concerns over the assessment of effects on the Fylde MCZ.	Natural England does not have any concerns regarding the conclusion of the HRA screening, this is due to the nature of the features present and the proximity of the SAC from the red line boundaries, and therefore the likely insignificance of secondary pathways of effect in ecological terms.
Q9.4.2	NE	<b>Marine Mammal SACs</b> In NE's relevant representation [RR-1601] NE raises (E1 and E17) matters relating to the inclusion of Unexploded Ordnance (UXO) clearance within the Deemed Marine Licence in the draft Development Consent Order (dDCO). Whilst it is noted that the applicants have removed high order UXO clearance from the draft DMLs (dDML), can NE confirm whether there are any implications for the conclusions of the HRA assessments from UXO being included in the dDML?	Natural England notes there are no English SACs designated for marine mammals within the Irish Sea. Natural England defer to NRW for any sites designated for marine mammals within their jurisdiction.  Natural England's position on UXO clearance is outlined in [RR-1601 comment E1/E17], we strongly advise that a separate marine licence is sought due to the lack of information available regarding the size, type and number of UXO that will require clearance and the over precaution that must be incorporated into the impact assessment at this stage.  Natural England welcomes the removal of high order UXO detonations from the DCO and the outline MMMP submitted at D2 [REP2-027]. However Natural England

			maintains its position that UXO detonation should be subject to a separate marine licence post consent, regardless of whether the removal is low or high order.
Q9.4.3	NE, NRW	<p><b>Marine Mammal SACs</b></p> <p>The ExA notes that the assessment of impacts to marine mammal features has been undertaken in a ‘two tier’ approach (outlined in paragraphs 1.8.1.2 to 1.8.2.4 of ISAA Part 2 [APP-016]). Some sites are assessed ‘in full’, against the conservation objectives, and for the remaining sites an iterative approach was taken. This applied the conclusion from the site closest to the Offshore Order Limits to assess the remaining sites located at a greater distance from the Offshore Order Limits. Whilst conclusions are provided for these sites, the relevant conservation objectives are not provided or assessed against. Can you confirm if you have any concerns with the applicants’ methodology for the HRA assessment of marine mammals?</p>	<p>Natural England notes there are no English SACs designated for marine mammals within the Irish Sea. Natural England defer to NRW for any sites designated for marine mammals within their jurisdiction which may be affected by the proposed development.</p>
<b>9.5 ISAA Part 3</b>			
Q9.5.1	NE	<p><b>Offshore Ornithology</b></p> <p>The applicants state in [PDA-020] (response to NE Issue F1 [RR-1601]) that you have agreed to the approach to the cumulative assessment through the Evidence Plan process and maintains that the assessment is robust. If your view has changed since the Evidence Plan, explain why this is the case and provide reasons why a quantified cumulative assessment of displacement and disturbance</p>	<p>We understand this issue relates to the potential impacts on red-throated diver and common scoter as these species are particularly sensitive to displacement and disturbance.</p> <p>The Applicant has now committed to a full restriction on construction activities within the sensitive winter period for these species of 1<sup>st</sup> November to 31<sup>st</sup> March (inclusive) within the area of Liverpool Bay SPA where densities of these species warranted the original</p>

		impacts is required. Which receptors are you primarily concerned about?	classification of the site, plus a 2km buffer to account for evidence indicating that disturbance/displacement can affect these species out to this distance. As a result, we consider that the issue is now resolved because the potential for disturbance/displacement effects from the cable installation has been effectively removed.
Q9.5.2	NE	<b>Offshore Ornithology</b> In response to NE Issue F9 [RR-1601], the applicants provide justification for including the populations from Irish SPAs in a bespoke regional population [PDA-020]. Considering the applicants' response, why does NE consider Furness is more appropriate?	It is true that there are limitations to Furness (2015), and a project is currently ongoing which aims to address these, updating the Biologically Defined Minimum Population Sizes (BDMPS) populations with more recent data and taking into account more realistic biological assumptions. Currently, however, Furness (2015) is the standard reference advised for use across all UK offshore wind farms and there are advantages to taking a consistent approach. All offshore ornithological impact assessments carry inherent uncertainty, but the use of standard reference data allows clearer consideration of the relative significance of predicted impacts. Moreover, where there is uncertainty around the most appropriate reference population to use, the precautionary approach is to use a lower value, as higher reference population values risk the under-estimation of potential impacts.
Q9.5.3	NE	<b>Offshore Ornithology</b> Are you satisfied with the applicants' response regarding the exclusion of West of Duddon Sands Offshore Windfarm from the in-combination assessment for either common scoter or red-throated diver (see response to F17 in [PDA-020])?	In the Applicant's response to RR-1601F.17 the Applicant has clarified that West of Duddon Sands (WoDS) was included in one table listing projects for the in-combination assessment and omitted from two others – this appears to be an oversight. WoDS should be included in the red-throated diver (RTD) in-combination assessment as a matter of best practice. However, in this case, as the Applicant has committed to a full restriction on construction activities within the sensitive winter

			<p>period for RTD of November to March (inclusive) within the area of the original Liverpool Bay boundary and a 2km buffer, an adverse effect on site integrity in-combination can be ruled out regardless of whether or not WoDS is included.</p> <p>Natural England advises that it is not necessary to include WoDS for the common scoter in-combination assessment, as WoDS is more than 4km from the SPA boundary.</p>
Q9.5.7	NE	<p><b>Onshore and intertidal ornithology</b> In light of the applicants' clarification regarding impacts to common tern from the Preston Dock colony (see [PDA-023]), does this resolve NE's concerns in H43 of [RR-1601]? If not, why not?</p>	<p>Natural England advises that REP2-044 provides sufficient information to resolve our comments relating to the River Ribble crossing. As the Applicant has provided further information, Natural England is satisfied that the risk to the SPA common terns at Preston Dock is resolved.</p>
Q9.5.9	NE	<p><b>Onshore and intertidal ornithology</b> The applicant states that herring gull, Arctic tern and great black-backed gull are not listed as assemblage features of the Ribble and Alt Estuaries SPA (see applicant's response to NE's relevant representation [PDA-023]). Can you confirm? Does this alter NE's concerns expressed in H54 and H55 of [RR-1601]?</p>	<p>Natural England advises that all breeding 'seabirds' contribute to the breeding seabird assemblage, whether named 'key components' or not. In the light of PDA-023, NE considers the risk to the SPA seabird assemblage interest feature to be minimal as a consequence of this development. Nevertheless, the Applicant should be aware that it is more than the named 'key components' that should have been given consideration.</p> <p>In other words, we do not agree with the Applicant's assessment methodology, but for this specific project we consider the conclusion of no AEoI to be correct for the seabird assemblage feature.</p>

Q9.5.10	NE	<p><b>Onshore and intertidal ornithology</b></p> <p>In H53 [RR-1601] you disagree with the applicants' assessment at paragraph 1.6.3.136 of the ISAA Part 3, which states that as all features of the non-breeding waterbird assemblage have been assessed independently there is not predicted to be any additional impact upon the assemblage. Explain why NE disagrees with the applicant and what additional information is required.</p>	<p>Natural England disagreed with the conclusion of no AEol, for the individual features that form 'key components' of the waterbird assemblage (RR-1601 comment H52). As the waterbird assemblage feature includes all the individual species, we therefore do not agree with the conclusion of no AEol for the non-breeding assemblage feature as a whole (RR-1601 comment H53).</p> <p>We have been working with the Applicant to discuss the impacts on non-breeding assemblage features and have undertaken a high-level review of [REP2-044], [REP2-045] and [REP2-018]. Whilst we welcome the additional material provided by the Applicant, our view is that to be confident in the conclusions we need more detail on the proposed mitigation/compensation for the intertidal works and the proposed mitigation for the onshore cable impacts, in order to ascertain that the loss of FLL for the duration of the work programme will not be significant for those key component species. Unfortunately, as set out in our Deadline 3 cover letter, our detailed review of [REP2-044], [REP2-045] and [REP2-018] has been delayed by unforeseen circumstances, but we will be responding specifying the additional details required for the onshore mitigation as soon as possible.</p> <p>Additionally, we highlight that the waterbird assemblage is more than just the product of its 'key components', it is derived from all 'waterbirds' with a need for the assemblage to protect the number; diversity and quality of species contributing to the assemblage. Therefore we require further evidence to show that the needs of the non-named assemblage species are accommodated in</p>
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			<p>the measures being provided as mitigation (RR-1601 comments H7, H22 and H61).</p> <p>We again highlight our concerns regarding the lack of scheduling of the onshore cable works. Submission of a phasing plan or similar mechanism would both clarify the impacts on FLL and also allow a clearer sense of the effectiveness of the mitigation requirements both temporally and spatially.</p>
<b>12. Land use and recreation</b>			
Q12.1.2	Natural England (NE)	<p><b>Agricultural land</b></p> <p>NE raised concerns about the agricultural land classification [RR-1601] and the applicants have responded to this in the response to action point 45 [REP1-043]. The applicants confirm that the results of their initial surveys conclude that the potential impact of the loss of agricultural land including best and most versatile land during construction is a major adverse effect and further surveys were unlikely to alter this conclusion. However, this is justified on the basis of the temporary period of construction. In their recent deadline 2 (D2) response, NE confirm that it is reviewing the position and will provide their comments by deadline 3. The Examining Authority (ExA) looks forward to receiving these comments and would be grateful if NE could also comment on the comparisons made at paragraph 1.4 of the applicants' response [REP1-043] with other offshore wind farm Development Consent Orders?</p>	<p>Natural England acknowledges the comparisons between developments made by the Applicant in REP1-043. Each development is different and therefore advice can vary depending on the location and land type which is potentially impacted. Natural England's advice provided specifically for this project remains unchanged [REP-1601]. There are other projects where similar advice has been given e.g. Outer Dowsing is not referenced in REP1-043 but includes consistent advice relating to survey effort in line with the advice provided for this development. Further information relating to our comments on ALC are included in Annex G3.</p> <p>In reference to offshore wind farm developments in Welsh waters, Natural England's approach differs from that of Welsh Government. This is summarised in Natural England's Position Statement: Use of ALC Data in Land Use Planning .</p> <p>Natural England supports the sustainable use and long-term protection of Best and Most Versatile (BMV)</p>



			<p>agricultural land, in line with paragraph 5.11.34 of the Overarching National Policy Statement for Energy (EN-1), which emphasises that poorer quality land should be used in preference to higher quality land where significant development is proposed.</p> <p>Unlike the Welsh Government, which has published a national-scale predictive ALC dataset capable of distinguishing between ALC Subgrades 3a and 3b, Natural England currently relies on provisional ALC mapping that does not differentiate within Grade 3 land. As a result, in England, the formal identification of BMV land (Grades 1, 2, and 3a) must be determined through detailed site-specific ALC field surveys, typically undertaken as part of the development planning process.</p> <p>This approach reflects the limitations of existing data coverage and ensures that decisions regarding land take are made on a robust and case-by-case basis. While predictive tools are under consideration, Natural England maintains that field-verified data remains the most accurate and defensible basis for assessing agricultural land quality and informing the development of Soil Management Plans and mitigation strategies.</p> <p>Natural England welcomes continued collaboration with developers and planning authorities to ensure that soil resources are safeguarded, and that land quality is appropriately considered in line with national policy objectives.</p>
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