



THE PLANNING ACT 2008

THE INFRASTRUCTURE PLANNING (EXAMINATION PROCEDURE) RULES  
2010

Morgan and Morecambe Offshore Wind Farm: Transmission Assets

**Appendix J4 to Natural England's Deadline 4 Submission**  
**Natural England's comments on the Applicant's Without Prejudice Benthic**  
**Compensation DCO Schedule**

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

08 August 2025

## **1. Major/Complex comments**

In formulating this advice, the following documents have been considered:

- [REP3-066] Without prejudice benthic compensation DCO schedule

### **1.1. Summary**

The Applicant submitted an MCZ Stage 2 Assessment including an In-Principle MEEB Plan At Deadline 1 [REP1-059]. Natural England subsequently provided comments on the In-Principal MEEB proposal at Deadline 2 [REP2-062]. We note that the Applicant has submitted Schedule of Changes to the Draft Development Consent Order including Draft Deemed Marine Licences document at Deadline 3 [REP3-071]. Therefore our comments in Table 1 below relate to the wording the Applicant has provided in the Schedule of Changes to the Draft Development Consent Order including Draft Deemed Marine Licences document. We highlight to the ExA that Natural England have previously provided the Applicant with Natural England's Suggested Benthic Compensation Wording Provided to Regulators over email on 10 February 2025, however we have referred to it in this advice letter and included it in ANNEX 1 for reference.

## 1.2. Detailed comments - Comments on the Applicant's Without Prejudice Benthic Compensation DCO Schedule

Table 1: Natural England's advice on [REP3-066] Without prejudice benthic compensation DCO schedule.

NE Ref	Section	Key Concern and/or Update	Natural England's Advice to Resolve Issue
1	General point	Natural England notes that these provisions are similar to those used by other projects for compensation. However, to avoid confusion we would recommend removing all reference to compensation and replacing it with reference to Measures of Equivalent Environmental Benefit (MEEB). We have provided our draft suggested Benthic compensation schedule in ANNEX 1 below for reference.	Consider replacing references to compensation.
2	Part 1 and Part 2 Provision 3	Natural England notes the wording here which allows for use of strategic compensation provisions. We recommend this be expanded as per provision 4 in ANNEX 1. This is to provide more clarity and certainty on what is being provided.	Consider amendments as per provision 4 in ANNEX 1 below.
3	Part 1 and Part 2 Provision 4 (1)	As noted above, the provisions are similar to those used in compensation provisions elsewhere. We note that often these provisions include requirements for establishing the Benthic Compensation Steering Group (BCSG). Such as agreeing terms of reference and outlined dispute resolution procedures. We would recommend these be included unless otherwise advised by DEFRA due to the preference for strategic compensation. Please see the preferred wording from our draft benthic compensation provisions in ANNEX 1 below, provision 3.	Consider in consultation with DEFRA the need for a BCSG and where required changes to the provision to make the role of the BCSG clear and to provide for dispute resolution.

4	General	Natural England notes that no provisions deal with the end of life or end of works for the MEEB provisions and would recommend wording from our draft benthic compensation provisions in ANNEX 1 below, provision 14.	Consider inclusion of provisions to deal with the end of life of the project/MEEB requirements.
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## **ANNEX 1 - Suggested Benthic Compensation Wording Provided to Regulators**

### **Schedule XX**

#### **[Site Name] Special Area of Conservation or Marine Conservation Zone: Delivery of measures to compensate for [impacts]**

1. In this Schedule—

“BIMP” means the Benthic Implementation and Monitoring Plan for the delivery of measures to compensate for offshore windfarm construction and/or operation within the [Site Name] SAC/MCZ as a result of the authorised development;

“BSG” means the benthic steering group who will shape and inform the scope and delivery of the BIMP;

“[Site ref] SAC” means the [Site name] Special Area of Conservation;

“[Site ref] MCZ” means the [Site name] Marine Conservation Zone;

“[Site ref] SAC/MCZ compensation plan” means the document certified as [In Principle Compensation Plan Document Ref] by the Secretary of State for the purposes of this Order under article XX (Certification of plans etc); and

“Strategic Compensation Fund” means the [name of strategic fund] fund established by Defra [or another Government body] for the purpose of implementing strategic compensation measures.

“Strategic Compensation Owner” means the government body which established the Strategic Compensation Fund with the responsibility to manage contributions to the fund and/or delivery of the strategic compensation measure.

2. No later than 2 years from the date of this order the Undertaker must advise the Secretary of State of the intention to provide compensation either;

(a) Through a monetary contribution to the Strategic Compensation Fund; or

(b) Through a project/developer led compensation scheme for the undertaker to provide compensation as outlined in the [site ref] SAC/MCZ Compensation Plan.

Paragraphs 7-15 of this Schedule shall not apply to the extent that a contribution to the Strategic Compensation Fund has been elected in Paragraph 2 of this Schedule and paragraphs 4, 5 and 6 of this schedule shall not apply to the extent that a project/developer led compensation plan has been elected in paragraph 2 of this Schedule.

3. The authorised development may not be commenced until a plan for the work of the BSG has been submitted to and approved by the Secretary of State. Such plan must include:

(a) terms of reference of the BSG;

(b) the membership of the BSG;

(c) details of the schedule of meetings, timetable for preparation of the BIMP and reporting and review periods, or details of the schedule of meetings to agree contribution to the Strategic Compensation Fund; and

(d) the dispute resolution mechanism.

4. The undertaker must agree a ratio/value of contribution with the strategic compensation owner, in consultation with the Statutory Nature Conservation Body [and the BSG]. Unless agree otherwise with the Strategic compensation Owner the ratio/value must include consideration of the provision of;
  - (a) The required contribution to compensate for the worst-case scenario of impact on the [site ref] SAC/MCZ;
  - (b) The required contribution to monitoring of the compensation undertaken under the Strategic Compensation Fund;
  - (c) The required contribution to provide for any adaptive management measures for the compensation undertaken under the Strategic Compensation Fund;
  - (d) The timing of any required contribution to ensure compensation is either provided ahead of construction or to a sufficiently high ratio to allow for construction prior to implementation of the compensation;
  - (e) The required contribution to monitoring of the compensation undertaken under the Strategic Compensation Fund;
  - (f) The required contribution for any decommissioning of the compensation undertaken under the Strategic Compensation Fund.
5. Prior to the commencement of any works the undertaker must provide details on the contribution to the Strategic Compensation Fund agreed under paragraph 4 to the Secretary of State for approval.
6. The undertaker must provide the contribution to the Strategic Compensation Fund as per the agreement approved by the Secretary of State under paragraph 5.
7. The BSG must be consulted on the proposed BIMP prior to the submission to the Secretary of State and must be consulted further as required during the approval process.
8. The undertaker will meet with and report to the BSG at least annually throughout the establishment and implementation phases of the BIMP and document the conclusions of the meetings.
9. The BIMP must be submitted to and approved by the Secretary of State, in consultation with the MMO and the relevant statutory nature conservation bodies.
10. The BIMP must accord with the relevant principles contained in the [site ref] SAC/MCZ compensation plan and must include in particular provide:
  - (a) details of any further survey work required to inform the compensation requirements as per the requirements of the secretary of state agreed through consultation with the BSG;
  - (b) details of the location, nature and works to be undertaken to compensate for the predicted effects of the project;

- (c) a method statement for the compensatory works, to include the vessel type, tools used and mitigation for how impacts on the [site ref] SAC and any other relevant habitats or features;
  - (d) a programme of works for the compensatory works;
  - (e) proposals for monitoring in accordance with the principles set out in the [site ref] SAC compensation plan as well as proposals for reporting of monitoring; and
  - (f) success criteria, adaptive management measures, and details of how all impacts to protected habitats and features within designated sites will be avoided.
11. The BIMP must be carried out as approved, unless otherwise agreed in writing by the Secretary of State in consultation with the MMO and the relevant statutory nature conservation body. In particular, no installation works in the [site ref] SAC/MCZ may be commenced until the Secretary of State has confirmed that compensation requirements have been discharged, excluding monitoring and/or adaptive management measures.
12. Unless otherwise agreed in writing with the Secretary of State, prior to the commencement of any cable installation works in the [site ref] SAC/MCZ, the undertaker must—
- (a) provide a reasonable estimate of the cost of delivery of the compensation measures; and
  - (b) put in place either—
    - (i) a guarantee in respect of the reasonable estimate of costs associated with the delivery of the compensation measures; or
    - (ii) an alternative form of security for that purpose, that has been approved by the Secretary of State.
13. Results from the monitoring scheme must be submitted at least annually to the Secretary of State, the MMO and the relevant statutory nature conservation body. This must include details of any finding that the measures have been ineffective in securing an improvement in the condition of the [site ref] SAC and, in such case, proposals to address this. Any proposals to address effectiveness must thereafter be implemented by the undertaker as approved in writing by the Secretary of State in consultation with the MMO and the relevant statutory nature conservation body.
14. A report which demonstrates completion of the activities required by the BIMP must be submitted to the Secretary of State within 12 months of completion of such activities and following approval of the report by the Secretary of State, in consultation with the MMO and the statutory nature conservation body, the undertaker will be discharged from any further obligations under this Part.
15. The approved BIMP includes any amendments that may subsequently be agreed in writing by the Secretary of State, in consultation with the MMO and the relevant statutory nature conservation body. Any amendments to or variations of the BIMP

must be in accordance with the principles set out in the [site ref] SAC compensation plan and may only be approved where it has been demonstrated to the satisfaction of the Secretary of State that it is unlikely to give rise to any new or materially different environmental effects from those considered in the [site ref] SAC compensation plan.