



THE PLANNING ACT 2008

THE INFRASTRUCTURE PLANNING (EXAMINATION PROCEDURE) RULES
2010

Morgan and Morecambe Offshore Wind Farm: Transmission Assets

**Appendix L5 - Natural England's comments on Examining Authority's Written
Questions (ExQ2) [PD-011]**

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

22 September 2025

6. Ecology, biodiversity and nature conservation			
		Question	NE response
6.1 Ecology and nature conservation			
Q2:6.1.1	The applicants (a), Natural England (NE) (b)	<p>Fairhaven Saltmarsh</p> <p>At deadline 4 (D4) a clarification note on the current position with NE (regarding Adverse Effect on Integrity) and the Fairhaven Saltmarsh mitigation area [REP4-109] has been submitted. Paragraph 2.3.1.1 states that “(...) the reliance on the Fairhaven saltmarsh as part of the mitigation package is also substantially reduced” and “Natural England stated at D3 [Q6.1.2, in REP3-095] that if disturbance effects at the landfall during the passage season can be reduced to acceptable levels through mitigation, the measures at Fairhaven saltmarsh could be considered as an enhancement measure” Fairhaven Saltmarsh is still clearly marked a permanent mitigation area in the outline ecological management plan [REP4-059].</p> <p>a) Can you clearly state what is the status and purpose of Fairhaven Saltmarsh area and update all relevant documents if it is no longer needed as a permanent mitigation area.</p> <p>b) Noting updated NE’s Risk and Issues Log [REP4-139] point NE19, can you clearly state if you consider that Fairhaven Saltmarsh is still required as a mitigation area to satisfy habitats regulations assessment requirements? Is this position likely going to change by the end of this examination?</p>	<p>(b) Given the Applicant’s welcome commitment to avoid the sensitive winter period, and additional mitigation measures to reduce the impacts of the development during the passage periods, our position regarding adverse effects on the Ribble & Alt Estuaries SPA/Ramsar site has continued to evolve. Whilst we maintain our position that without the above mitigation the Fairhaven Saltmarsh scheme would have constituted compensation rather than mitigation under the Habitats Regulations, a more nuanced approach is now warranted in the light of the mitigation measures proposed.</p> <p>Our current position is that we hope to be able to rule out adverse effects on the SPA/Ramsar site on passage features in due course, subject to clarification on a small number of outstanding issues (Please also see our joint statement, point 5 in our cover letter on this matter). Should this be the case, we will nevertheless continue to advise that the Applicant progresses with the Fairhaven Saltmarsh scheme, as an alleviation measure in order to reduce the residual impacts on the Ribble and Alt Estuary SPA/Ramsar site. The scheme also has the potential to deliver wider resilience and even enhancement to other SPA/Ramsar site features. This was discussed in a meeting with the Applicant on 16 September 2025 and the full rationale for our position is included in our advice in Appendix H5. We are aiming to confirm our position at Deadline 6.</p>

Q2:6.1.2	NE	<p>Habitat management strategy</p> <p>Please comment on the proposed Strategy for Wildlife Hazard Management Plan [REP2-047] and the outline Wildlife Hazard Management Plan [REP3-065] that is now an appendix to the outline Ecological Management Plan [REP4-059]. Please advise if there are any apparent conflicts between those and the overall mitigation strategy the applicants are proposing for habitat management.</p>	<p>The outline Wildlife Hazard Management Plan [REP3-065] provides detail on the location of mitigation areas for bird features in relation to reducing the potential interaction with Blackpool Airport and Warton Aerodrome. Natural England has provided advice on the OEMP [REP4-059] and has been communicating through DAS and Examination with the Applicant to ensure, from an ecological perspective, that the mitigation areas are suitable to deliver the measures. Natural England's advice on the mitigation areas is included in Appendix H5 and previously [AS-078].</p> <p>Based on the information included in [REP3-065] and [REP4-059], we do not anticipate any conflicts from an ecological perspective relating to Natural England's remit. We of course defer to BAE and Blackpool Airport for comment on other aspects of the plan.</p>
Q2:6.1.3	Fylde Borough Council (FBC) and any other interested parties (lps) (a), NE (b)	<p>Sand lizards outline Sand Lizard Mitigation Plan [REP4-117] has been submitted as D4.</p> <p>a) Can you comment on the appropriateness of the plan.</p> <p>b) Please comment on the proposal and EPS licencing strategy outlined.</p>	<p>Natural England advises that from the details provided within the Sand Lizard Mitigation Plan (REP4-117) that a Sand Lizard Mitigation European Protected Species Licence maybe required to carry out the activities detailed within the plan. For further advice please see Appendix G5.2 to our Deadline 5 submissions</p> <p>Natural England also notes that the Applicant intends to submit a draft EPS Licence at Deadline 5. Natural England will provide further advise once we have reviewed any further submissions.</p>
Q2:6.1.4	The applicants, NE	<p>Natural England's Risk and Issues Log [REP4-139] In relation to onshore ecology and nature conservation provide an update on points where no apparent progress has been made. PADSS – NE14, NE16, NE17 and Onshore Ecology RI_G3, RI_G4, RI_G5, RI_G6, RI_G7, RI_G8, RI_G9, RI_G10, RI_G11, RI_G12, RI_G13, RI_G17-22,</p>	<p>Natural England requires further information on the Direct Pipe Trenchless Technique (NE14) in order to fully understand the potential impacts, it is unclear if this will be resolved during Examination. Please see Appendix B5, G5.1-3, to our Deadline 5 submissions.</p>

		<p>RI_G24-26, RI_G28, RI_G30-32 and Appendix G1 Additional comments.</p> <p>a) Are those issues being discussed and progressed, is it likely that they are going to be resolved by the end of this examination</p> <p>b) If no progress is made by the end of examination, suggest if/ how those issues could be dealt with post consent.</p>	<p>We have provided our advice on ALC survey effort (NE16) and developing on areas of restorable peat (NE17) in Appendix G5.1 to our Deadline 5 submissions. Without additional survey effort our comments remain unchanged for ALC matters. Our original comments at Relevant Representations [RR-1601] are still applicable for peat.</p> <p>Our position may change depending on what updated information is submitted at Deadline 5. For example, the Applicant has indicated that the NVC survey results will be submitted at D5, which will potentially progress multiple issues.</p> <p>For issues where we have requested survey effort pre-consent, we will continue to advise the surveys are necessary and should be completed. For issues where we are still awaiting information on impacts, we are currently unable to advise on how these issues can be resolved other than as set out in our RR/RW [RR – 1601].</p>
Q2:6.1.7	NE, FBC, Lancashire County Council (LCC) and any other Ips	<p>Peat</p> <p>CoT101 states that 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. And the results will be used to inform detailed design of the permanent infrastructure as appropriate Is this commitment adequate to ensure appropriate management and mitigation? If, not, can you propose alternative wording/ mechanism?</p>	<p>Natural England draws your attention to our response and Q2:6.1.8 and our Appendix G5.1 to our Deadline 5 submissions.</p> <p>Whilst we hope that soil related R&Is could be resolved during examination, we advise on a without prejudice basis that in the absence of detailed peat surveys, there will be a requirement to provide a peat compensation strategy and construction technique which assumes a worst-case scenario (WCS). Please see response to Q2:6.1.8 below.</p>

Q2:6.1.8	The applicants (a), NE, FBC, LCC and any other Ips (b)	<p>Peat NE state “We note the surveys undertaken in the outline Interim Trial Trenching Report [REP3-017]. This report identified that peat was present within the trial pits. In light of the confirmed peat occurrences, a detailed peat survey should be carried out to establish peat depth, condition, and extent within the onshore order limits, ensuring that appropriate management and mitigation measures can be developed. These surveys are necessary to understand if any of the peat is restorable and to inform a Peat Management Plan (which we previously advised in our Relevant Representations, RR-1601).”</p> <p>a) Please comment on the above statement and provide an update. b) If resolution can’t be reached before the end of the examination what mechanism would be appropriate to ensure no peat disturbance and appropriate management, and mitigation is ensured post consent.</p>	<p>Natural England’s advice provided at REP3-017 and in Appendix G5.1 submitted at Deadline 5 remains unchanged. However, we note part (b) to the question requesting further advice on how this issue could be resolved if the necessary surveys are not forthcoming and a WCS is assumed.</p> <p>Natural England has utilised the England Peat Status Greenhouse Gas and Carbon Storage open data source, and based on the draft order limits we advise the onshore cable route cannot avoid impacting deep peaty soils.</p> <p>We do not support the extraction or development of deep restorable peat. At this stage, it is unclear whether the cable route will pass through areas of deep restorable peat due to further survey effort being required. This is established by understanding the depth, condition and extent. Page 5 of TIN037 Guidance has a definition of peat which would meet the criteria for restoration. Where peat is at the surface, even if enriched, with no significant man-made ground or contamination, this has the potential to be feasibly restored.</p> <p>Any locations of the development which contains significantly contaminated peat or peat that cannot feasibly be restored such as peat buried under significant made ground <i>may</i> be an exception and in this situation, we recommend peat is left in-situ and sensitive construction techniques are applied to maximise this.</p> <p>Where loss or degradation is unavoidable, a suitable peat compensation strategy must be delivered and designed in support of the peat present. In this specific scenario, Natural England is aware that the layout may not be able to avoid impacts to deep restorable peat (reference to the</p>
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			<p>open data source) and there remains uncertainty regarding the presence of restorable peat in the absence of survey data. As such, a compensation strategy must be provided which assumes a worst-case scenario to address the uncertainties in the peat evidence. Natural England does not support habitat creation which may cause detriment to the peat mass. Natural England reiterates that compensation should consider deep peat and include provisions for wetland habitats such as bog and fen restoration. Natural England strongly recommends that any restoration design is tailored and site specific.</p> <p>In addition, we would strongly encourage the Applicant to provide details on any sensitive construction methods that will be provided to minimise peat impacts during construction. Natural England would expect a methodology on the construction technique proposed and how this will minimise impacts, including measures to address wider peat degradation such as bunding design and method to be considered as part of the consenting process. Natural England strongly recommends a peat handling plan is produced. This should detail optimum conditions for movement, monitoring protocols, and details on contractors required, storage and re-use. We do not support off-site use of peat extracted.</p>
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7 Environmental matters offshore			
7.1 Physical Processes			
Q2:7.1.1	The applicants (a-c), Fylde Borough Council (FBC), Natural England (NE) (b-c)	<p>Additional information and assessment</p> <p>In [REP4-134] FBC quote Section 5.6.10 of NPS EN-1 that sets out a clear requirement for applicants to undertake coastal geomorphological and sediment</p>	(b) We highlight to the ExA Natural England's original comment in our Relevant Reps [RR-1601] ref: B13 and R&I comment RI_B20. With regards to resolution, it is our view that the onus is with the Applicant to either undertake project-specific numerical modelling or provide further

		<p>transfer modelling to predict and understand impacts and help identify relevant mitigating or compensatory measures. Concerns are raised that this requirement has not been met and that “if sediment transport systems are interrupted this could impact accretion rates and the effectiveness of the management techniques leading to weakening of the dune system for coastal defence. Major disruption would result in sediment gain being reversed and coastal erosion occurring and accelerating”.</p> <p>a) Please comment in full on the concerns that are being highlighted.</p> <p>b) Is it likely that a resolution will be found during this examination?</p> <p>c) If no progress is made by the end of examination, suggest if/ how those issues could be dealt with post consent.</p>	<p>justification for the suitability of the conceptual based modelling from Mona OWF Project. The latter needs to be supported with additional information on the similarity of MDS project design parameters and environmental conditions (e.g. sediment type and availability, water depth, wave and tidal regimes). We further advise that if the Applicant undertakes pre and post construction monitoring of intertidal morphology (as with our comments in R&I log RI_B17 and Appendix B5), this could go some way to alleviate our concerns.</p> <p>(c) The outcome is dependent on what further information the Applicant intends on submitting into Examination and if the Applicant includes commitments to undertake pre and post construction monitoring of intertidal morphology.</p>
7.2 Benthic Ecology			
Q2:7.2.1	NE	<p>Assessment of all potential impacts</p> <p>At issue specific hearing 2 (ISH2) the Examining Authority (ExA) raised the following issues previously highlighted by NE with the applicants:</p> <ul style="list-style-type: none"> • Clarity on the likely impact of the direct pipe technique; • The provision of an outline Landfall Management Plan; • Assessment of the feasibility of cable installation tools in shallow waters; • Assessment of the maximum design scenario for the pre-lay grapnel run and unexploded ordnance and boulder clearance • An update of maximum design scenario parameters for sand wave clearance; 	<p>(a) Natural England has provided updates on each of these matters in Appendix B5 and our R&I Log at Deadline 5 (RI_C7, RI_C10, RI_C11, RI_C13, RI_C14). As a general comment, we note the Applicant intends on updating the relevant Chapter of the ES at Deadline 5, therefore we will provide further comment after having sight of the updated documents.</p> <p>(b) Natural England have provided comments on the Applicant’s latest commitments register in Appendix B5 as part of our Deadline 5 submissions.</p> <p>(c) We welcome the Applicant’s submission of an Outline Landfall Construction Method Statement into Examination. Natural England has provided comments on this document in Appendix G5.3 and Appendix B5 as part of our Deadline</p>

		<ul style="list-style-type: none"> • Consideration of the worst construction scenario – a gap between cable installations including implications for scour protection <p>A summary of the discussion is contained in [REP4-104] at 5(a)(i). NE's comments are requested on:</p> <p>a) The applicants' response to each of these issues highlighting where there is still disagreement.</p> <p>b) Commitment CoT 134 of the latest commitments register [REP4-018] – “No cable/scour protection shall be permanently deployed in the intertidal area between Mean Low Water Springs (MLWS) and Mean High Water Springs (MHWS)”.</p> <p>c) The Outline Landfall Construction Method Statement [AS-081].</p>	5 submissions. Where relevant, updates have been reflected in our R&I Log at Deadline 5.
Q2:7.2.2	NE	<p>Removal of infrastructure at decommissioning At ISH2 the ExA raised the issue of the applicants committing to remove all infrastructure associated with the proposed development at the decommissioning stage. A summary of the discussion is contained in [REP4-104] at 5(a)(ii). Comment on the applicants' response on this issue highlighting where there is still disagreement.</p>	<p>We note the Applicant's position with regards to removal of all infrastructure at decommissioning as set out in [REP4-104], 5(a)(ii). The Applicant has secured a commitment in relation to prohibiting the use of rock dump in Fylde MCZ. Whilst this is welcomed and demonstrates adoption of the mitigation hierarchy in minimising impacts; Natural England advises it does not secure the action of removing cable protection. It is Natural England's view that if cable protection is left <i>in situ</i> it will result in lasting habitat change/loss within the site and hinder the Conservation Objectives for the site which state that '<i>the protected habitats are maintained in favourable condition if they are already in favourable condition</i>'.</p> <p>Therefore we maintain our original position [RR-1601], [REP2-062], [REP3-092] which is that all on and above seabed infrastructure (including cable/scour protection) should be removed from benthic designated sites at the time of decommissioning and secured in the DCO. We highlight that there is also a requirement under OSPAR to</p>

			return the seabed to its pre impacted state. Therefore, the Applicant and Natural England continue to not agree on this matter.
Q2:7.2.3	NE	<p>Design detail At ISH2 the ExA raised the following issues previously highlighted by NE with the applicants:</p> <ul style="list-style-type: none"> • Cable protection in the nearshore • Location and protection of cables and the use of numerical modelling • Minimising/ mitigating the impact of cable protection on nearshore sediment transport • Including the monitoring of sand wave recovery and dune/ intertidal/ beach morphology in the Offshore In-Principle Monitoring Plan <p>A summary of the discussion is contained in [REP4-104] at 5(a)(iii). Comment on the applicants' response to each of these issues highlighting where there is still disagreement.</p>	<p>We have reviewed the Applicant's response in [REP4-104], 5(a)(iii) and provide the following comments:</p> <ul style="list-style-type: none"> • Cable protection in the nearshore – we acknowledge and welcome that the intention is for the Applicant to bury the cables. However, we maintain our position that a commitment should be made to avoid or minimise cable protection between MLWS and the <u>Depth of Closure</u>. If such a commitment can't be made, further detail on; location, volume, height, orientation and type of cable protection between MLWS and the Depth of Closure should be provided to fully inform the assessment on sediment transport processes. This is included in our RRs [RR-1601], comment ref: B18 and R&I log re: RI_B3. • Location and protection of cables and the use of numerical modelling – comment B13 in our RR's [RR-1601] and RI_B20 in our R&I log is still relevant here. • Monitoring – Natural England continues to advise the Applicant to undertake monitoring of sandwave recovery (particularly within Fylde MCZ) and intertidal morphology. We have provided further comments on this matter in Appendix B5.
Q2:7.2.4	NE	Natural Environment and Rural Communities (NERC) Act 2006 priority habitats	A meeting was held between Natural England and the Applicant on 22 July 2025 where mitigation for NERC priority habitats was discussed. As with our comments in [RR-1601] refs: B4, B15, C4, C31, C32 and our R&I log,

		At ISH2 the ExA raised the issue of the applicants committing to avoid the most sensitive and/or Priority NERC habitats. A summary of the discussion is contained in [REP4-104] at 5(a)(iv). Comment on the applicants' response on this issue highlighting where there is still disagreement.	our position is that the Applicant needs to demonstrate how the proposal has avoided/minimised impacts to NERC priority habitats. We advised the Applicant to set this out clearly in their Application documents which they are updating at Deadline 5. We will advise further once we have reviewed any additional submissions.
Q2:7.2.5	NE	<p>Stage 2 Marine Conservation Zone (MCZ) Assessment</p> <p>Given the discussions at ISH2 and your recent meetings, has NE's position regarding the need for the Stage 2 MCZ assessment and Measures of Equivalent Environmental Benefit (MEEB) changed? If there has been no change, provide the rationale for maintaining that position.</p>	<p>Natural England's position regarding the need for a Stage 2 MCZ Assessment and Measures of Equivalent Environmental Benefit (MEEB) remains unchanged. Natural England's view is that the nature, scale and duration of impacts from lasting habitat change/loss from the placement of cable protection is likely to hinder the 'maintain' habitat feature Conservation Objectives of the Fylde MCZ, therefore MEEB is required. This is outlined in our previous advice [RR-1601], [REP2-062].</p> <p>Although our positions are not aligned on the conclusions regarding the Likely Significant Risk (LSR) of hindering the Conservation Objectives of Fylde MCZ, it should be noted that the Applicant has submitted a Stage 2 MCZ Assessment and Without Prejudice MEEB Plan into Examination at Deadline 1 [REP1-059]. Therefore, we consider our PADSS ref NE22 resolved as it only relates to the submission of a Stage 2 MCZ Assessment and Without Prejudice MEEB and does not capture positions on the need for MEEB and Marine Recovery Fund (MRF)/project-led proposals. Our comments on the Applicant's Without Prejudice MEEB proposals are captured in Tab J of our R&I log and we submitted detailed advice into Examination on the Applicant's Stage 2 MCZ Assessment and Without Prejudice MEEB Plan into Examination at Deadline 2 [REP2-062].</p> <p>Whilst we welcome the Applicant's efforts to reduce and mitigate impacts from the placement of cable protection</p>

			<p>throughout Examination, the proposal still indicates a lasting habitat change/loss of 30,400m² within the MCZ. Our advice on the significance of the impact is consistent across all offshore windfarm examinations and marine sectors where there are impacts to benthic MPAs and aligns with recent Offshore Wind Farm NSIP decisions.</p> <p>Please also see our advice set out in [REP2-062] and updated R&I Log at Deadline 5.</p>
Q2:7.2.6	NE	<p>Compensation Regarding the without prejudice Stage 2 MCZ assessment and MEEB [REP1-059] is it NE's position that strategic compensation with a payment to a Marine Recovery Fund (MRF) rather than project-based compensation should be progressed if the Secretary of State decides the Stage 2 assessment and MEEB are required? Are you content with new commitment CoT 136 in the latest version of the commitments register [REP4-018] – "Should benthic compensation be required, the MRF will be the preferred and prioritised option, and the project-led options would only be considered where the MRF option is not made available to the Applicants"?</p>	<p>Natural England's position is that strategic compensation with a payment into the Marine Recovery Fund (MRF) should be the preferred and prioritised option for this project. This was also outlined in our Relevant Reps [RR-1601], [REP2-062] and R&I Log. We can confirm that we are content with the Applicant's new commitment CoT 136, this has been reflected in Tab J of the updated version of our R&I Log at Deadline 5.</p>
Q2:7.2.7	The applicants (a & b) and NE (b)	<p>Benthic Compensation Development Consent Order (DCO) Schedule</p> <p>a) Provide comments on NE's response to the applicants' without prejudice Benthic Compensation DCO Schedule [REP3-066] contained in [REP4-141].</p> <p>b) What progress is being made in discussions with NE to reach agreement on the drafting of this schedule?</p>	<p>b) We have had no further discussions with the Applicant since the provision of our advice in [REP4-141]. 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. We also provided this in ANNEX 1 of [REP4-141] and have no further comments to make at this time. We will comment if the Applicant provides any further updates on the document.</p>
7.3 Fish and Shellfish Ecology			
Q2:7.3.1	NE	Electro-Magnetic Fields (EMF)	<p>Natural England continues to maintain that a great deal of uncertainty remains with regard to electromagnetic fields</p>

		<p>At ISH2 the ExA raised the issue of the potential barrier effects of EMF from the cable under the Ribble Estuary on smelt and NE's suggestion that monitoring of EMF levels should be conducted to provide direct evidence of effects on fish? A summary of the discussion is contained in [REP4-104] at 5(b)(i). Comment on the applicants' response on this issue highlighting where there is still disagreement</p>	<p>(EMF) and smelt behavioural interactions. While Natural England acknowledges and welcomes both deep cable burial below the Ribble Estuary and the Applicant's involvement in wider industry studies relating to EMF, the primary concern arises from differences between EMF in the marine environment and EMF in an estuarine/ river environment.</p> <p>In the marine environment, smelt have significantly more depth within the water column to swim over the seabed and avoid interactions with EMF. Conversely in estuaries/ rivers, the water depth is significantly shallower, sometimes only a few metres deep, and any increased EMF has the potential to create a barrier to smelt upstream migration.</p> <p>Therefore, Natural England maintains its position and advise that site specific monitoring be conducted where the cable is laid under the Ribble Estuary to provide evidence that EMF levels are not elevated above natural background levels as stated by the Applicant. Monitoring would need to take place both during minimal estuary depth and while turbines are generating energy to obtain an accurate and ecologically relevant reading.</p>
7.4 Marine mammals			
Q2:7.4.1	NE	<p>Clearance of Unexploded Ordnance (UXO)</p> <p>The ExA notes that the applicants have removed high order UXO clearance from the deemed marine licences (DML), but NE's position has been that all UXO clearance including low order should be</p>	<p>Natural England's position has not changed. We continue to advise that a separate marine licence should be sought for any UXO clearance due to the lack of information available regarding at this stage regarding the size, type, location of UXOs that will require clearance, the timing of clearance activities and the over precaution that must be</p>

		removed. Following recent meetings with the applicants and the discussion on this issue at ISH2 summarised in [REP4-104] at 5(c)(i) has NE's position on this issue changed? If there has been no change, provide the rationale for maintaining that position.	incorporated into the impact assessment at this stage because of this.
Q2:7.4.3	NE, MMO	<p>Deemed Marine Licences</p> <p>Without prejudice to your position on the inclusion of UXO clearance in DMLs comment on the maximum number of low order UXO clearances proposed by the applicants in the latest version of the draft deemed marine licences (22 for Morgan and 3 for Morecombe), paragraph 20(7) of Schedules 14 and 15, [REP4-007].</p>	Although it is helpful to have an indication of the maximum number of low order UXO clearances proposed, it is unclear how this number was derived. It is our understanding that no further UXO surveys have been undertaken by the Applicant. Therefore our view is that there is a lack of survey evidence to inform the maximum number of low order UXO clearances proposed by the Applicant and Natural England are unable to comment further.

8 Geology, hydrogeology and ground conditions			
Q2:8.1.1	The applicants (a-c), Natural England (NE) (b-c)	<p>Outline Hydrogeological Risk Assessment</p> <p>In relation to outstanding issues and actions highlighted in Appendix G4 of NE's comments on the Outline Hydrogeological Risk Assessment of Lytham St Annes Dunes SSSI [REP4-140]: a) Please comment on the points raised by the NE and provide a realistic timeline for producing the additional data and information that is being asked for. b) Is it likely that a resolution will be found during the examination? c) Noting point 6 in Table 1: "Natural England advises that the Applicant should ensure the cable burial depth is sufficient to be located in the low permeability glacial clays. This should be secured in the project commitment log. "If other gaps in data/information and issues raised remain as outstanding by the end of this examination, please</p>	<p>b) Natural England is awaiting the submission of the NVC survey report, which we understand that the Applicant will be submitting at Deadline 5. The results of this will likely underpin any subsequent advice, especially as at Deadline 4 we advised an updated hydrogeological risk assessment should incorporate the data from the NVC survey results [REP4-140]. Much of our advice related to ensuring commitments were included which would alleviate some concerns e.g. a commitment to ensure the cable burial depth is sufficient to be located in the low permeability glacial clays.</p> <p>c) We have acknowledged that certain details will not be available until the detailed design stage e.g. final TJB design and cable burial design. Whilst, this is unfortunate, we have suggested where appropriate and/or possible to</p>

		suggest a mechanism/wording that will ensure appropriate actions can be taken post consent.	<p>do so, commitments to increase our confidence in the outline measures proposed.</p> <p>Even with the adoption of further commitments, the information remains unclear about the depth of the groundwater table and how this will be impacted. Hence, our suggestion for the Applicant to undertake monitoring. Our detailed advice on this issue is included in Appendix G4 [REP4-140], point 3 and updates are reflected in tab G of the R&I Log at Deadline 5.</p>
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9. Habitat Regulations Assessment (HRA)

9.1 General

Q2:9.1.2	Natural England (NE)	<p>Fairhaven Saltmarsh Noting that a high tide restriction on construction activities is being discussed, are the measures proposed at deadline 4 to mitigate effects on passage features (set out in paragraphs 1.6.3.15 and 1.6.3.16 of [REP4-058] sufficient to rule out no Adverse Effect on Integrity (AEol) to the Ribble and Alt Estuary Special Protection Area (SPA) and Ramsar (passage features)? If not, what further measures could be implemented to reduce the disturbance at landfall? If so, are the measures proposed at Fairhaven Saltmarsh necessary to conclude no AEol to the Ribble and Alt Estuary SPA and Ramsar sites?</p>	<p>The Applicant's Deadline 4 submissions have gone some way to alleviate our concerns around AEol to the Ribble and Alt Estuary SPA/Ramsar. Between Deadline 4 and 5 we corresponded with the Applicant over email and attended a meeting on 16 September 2025 to discuss outstanding onshore ornithology matters. Our advice regarding measures to be implemented to reduce disturbance at the landfall were provided to the Applicant over email and discussed during the meeting. A summary of this advice is provided in Appendix H5 of our Deadline 5 submissions. Please also see our response to Q2:6.1.1 above.</p> <p>Natural England anticipates that a conclusion of no AEol on passage features at landfall can be reached, providing the Applicant include additional detail on impacts to foraging sanderling at the landfall. However, whilst an AEol may be able to be excluded, in our view there will still be residual impacts on the SPA/Ramsar site – given the extent and duration of the works, the effects of the scheme will not simply be negligible. As such, we</p>
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			welcome the Applicant's ongoing commitment to delivering Fairhaven saltmarsh as an alleviation measure to reduce residual impacts on the Ribble and Alt Estuary SPA/Ramsar site. This advice is reflected in our Risk & Issues Log and Appendix H5.
Q2:9.1.3	The applicants (a), NE	<p>Fairhaven Saltmarsh</p> <p>Is there the potential for an indirect likely significant effect to the Ribble and Alt Estuaries sites to arise from the proposed construction works at the landfall area displacing recreational users from the beach to other areas of importance to SPA and Ramsar features (eg Fairhaven Saltmarsh)? a) If so, provide an assessment of this impact pathway.</p>	<p>Our understanding is that recreational users will still be able to access the beach around the landfall works. This does not mean there is no potential for displacement of visitors to alternative locations, though it would be very difficult to carry out a meaningful assessment of the significance of this. Further, Natural England have previously raised concerns regarding Fairhaven saltmarsh as suitable mitigation, as this area is already heavily disturbed by recreational users (RR-1601, AS-078). In that context, it is perhaps unlikely that 'visitor displacement' will result in a step-change of usage at Fairhaven.</p> <p>Nevertheless, this uncertainty relating to the current disturbance at Fairhaven and the associated potential for mitigating impacts underpins Natural England's comments relating to the delivery of Fairhaven. In our Relevant Representations [RR-1601] and during Examination [AS-081] we advised the need for having as detailed a plan as possible on the approach to implementation, delivery and monitoring to ensure confidence in the effectiveness of Fairhaven.</p> <p>Whilst undoubtably a site with challenges, we do consider that a well-designed and implemented scheme at Fairhaven does have the potential to address residual impacts on the SPA/Ramsar site and provide some resilience to the site more generally. As such, we continue to recommend its inclusion. Our advice relating</p>

			to Fairhaven saltmarsh and mitigation can be found in Appendix H5, submitted at Deadline 5.
Q2:9.1.5	NE	<p>Assessments</p> <p>The applicants have assessed the effects of temporary habitat loss and construction phase visual and noise disturbance as separate pathways. You raised concerns about this approach in H31 [RR-1601]. Does this issue still stand, if so, what can the applicants do to resolve this matter?</p>	<p>We maintain our position in comment H31 that visual and noise disturbance have not been considered as part of the temporary habitat loss MDS. The updates to be made at Deadline 5 by the Applicant will potentially alleviate our concerns around significance of impacts at the landfall, therefore we await sight of updated documents.</p>
Q2:9.1.6	NE	<p>The Onshore Terrestrial Waterbird Note</p> <p>Following submission of the Onshore Terrestrial Waterbird Note [REP4-120],</p> <p>a) Are you content that the full suite of species and or SPA/ Ramsar features that might be affected by loss of functionally linked land have been identified (RI_H6)?</p> <p>affected by loss of functionally linked land have been identified (RI_H6)?</p> <p>b) Are you content based on the additional information provided that there will be no LSE to the 25 assemblage species not assessed in the ISAA (brent goose, Canada goose, barnacle goose, greylag goose, mute swan, shoveler, gadwall, mallard, goosander, water rail, moorhen, coot, avocet, woodcock, jack snipe, green sandpiper, black-headed gull, common gull, great black-backed gull, herring gull, lesser black-backed gull, cattle egret, grey heron, great white egret and little egret) (RI_H46). Ic)</p> <p>Are you content that the applicant has provided sufficient information about the Lytham Moss and Newton-with-Scales mitigation areas (RI_H7)? If not, what further information is required? If so, do you</p>	<p>Our detailed advice is included in Appendix H5 on these matters. In summary:</p> <p>a) The information provided in [REP-120] satisfies our concerns relating to SPA/Ramsar species for which Functionally Linked Land (FLL) exists, and the percentage threshold used for assessing FLL. This is reflected in updates for various points in the R&I Log (RI_H9 and RI_H29, Appendix K5);</p> <p>b) We maintain our position that the assemblage should have been assessed as a feature, however the information included in [REP4-120] provides clarification and outlines the detail presented in the ES for species where a negligible impact was concluded and the species that were not assessed in the ISAA. Based on the information we do not believe there would be a material difference in the conclusions of the ISAA had these species been considered. We look forward to reviewing the updated ISAA, which we anticipate will resolve these issues fully.; and</p> <p>c) The updates made to [REP4-059] and [REP4-120] further progress our concerns relating to the detail</p>

		agree with the applicants' conclusions of no AEOL to the following terrestrial waterbird features: pink-footed goose, whooper swan, teal, lapwing, golden plover, curlew, black-tailed godwit?	required to be confident that the mitigation areas will deliver for the displaced species. In principle, we anticipate being able to agree that the mitigation areas are suitable and there being no AEOL, pending some minor updates to the OEMP to provide further detail regarding the habitat management proposed. This was discussed with the Applicant in a meeting on 16 September 2025. Our advice is included in Appendix H5.
Q2:9.1.9	NE	<p>Mitigation vs compensation</p> <p>In your relevant representation (NE19, H5 [RR-1601]) and in response to ExQ.6.1.2 [REP3-095] you made the case for Fairhaven Saltmarsh mitigation area to be considered as a compensation site. A similar argument has not been made for the Lytham Moss and Newton-with-Scales mitigation areas. Please explain why this is the case and the difference in your rationale.</p>	<p>Natural England considers that under the Habitats Regulations mitigation measures can in some instances address negative impacts on Functionally Linked Land (FLL) i.e. land that has some value for SPA/Ramsar site birds but is outside the site boundary as classified/designated. Lytham Moss and Newton-with-Scales were proposed by the Applicant to avoid or reduce impacts to FLL impacted by the temporary activities along the terrestrial cable route, they were not proposed to compensate for unavoidable residual impacts within the SPA. Therefore, our view is that it is acceptable to consider Lytham Moss and Newton-with-Scales as mitigation rather than compensation areas.</p> <p>By contrast, Fairhaven Saltmarsh was proposed to offset adverse impacts arising <u>within</u> the Ribble and Alt Estuary SPA/Ramsar site. As set out in our response ExA Q1:6.1.2 [REP3-095], in such instances we would consider this as compensatory activity. Compensatory measures not being available until the mitigation hierarchy has been exhausted, we advised the Applicant to avoid the most sensitive periods with a seasonal restriction in the first instance, with a subsequent emphasis on including further mitigation at the landfall site to reduce the potential for adverse effects and therefore the requirement for a compensation proposal.</p>

9.2 Screening			
Q2:9.2.1	NE	<p>Shad species Based on the information provided in the HRA screening, the Examining Authority (ExA) previously sought NE's position on the screening of impacts to Shad species as qualifying features (ExQ1 Q9.2.1) [PD-008]. Can NE confirm: a) Whether you consider that the HRA screening should be updated to include an assessment of potential likely significant effects (LSE) to shad species as a qualifying feature? b) Why you consider there is the potential for LSE, given the applicants' assessment presented to date and additional responses [REP3-056 and REP4-100] and the distance of the proposed development from special areas of conservation (SACs) designated for shad?</p>	<p>After further consideration, Natural England agrees with the Applicant's justification for screening out shad at HRA stage 1 for no likely significant effects (no LSE). While shad are highly mobile species and regionally present, they are unlikely to be present in large enough numbers for the transmission assets cabling to have any meaningful impact on the SAC population.</p>
9.3 ISAA			
Q2:9.3.1	NE	<p>Winter Vessel Movements and Offshore Ornithology The applicants have added a new commitment CoT135 to the latest commitments register [REP4-018] - "The Applicants will not plan routine O&M activities in the original Liverpool Bay special protection area (SPA) (as designated in 2010), including a 2 km buffer between November and March (inclusive) unless in urgent circumstances". a) Are your concerns about adverse effects in the operation and maintenance phase resolved? If not, why not? b) Are you now in agreement that there will be no adverse effect on the integrity of Liverpool Bay SPA arising from impacts to offshore ornithology features? If not, what concerns remain and how can the applicants address them?</p>	<p>We welcome the Applicant's inclusion of the commitment (CoT135) to not planning routine O&M activities in the original Liverpool Bay SPA +2km buffer from November to March (inclusive). This commitment reduces the impacts on red-throated diver and common scoter. This addresses Natural England's concerns and AEoI on Liverpool Bay SPA can now be ruled out. This is reflected in the Risk & Issues Log (Appendix K5) comments RI_F4 and RI_F7. In addition to this commitment, we continue to advise that Natural England's Best Practice Protocol for vessels in Red-Throated Diver SPA's is followed and referred to within the Outline Vessel Traffic Management Plan (VTMP).</p>
Q2:9.3.2	NE	<p>Marine Mammals Adverse Effects on Integrity (AEoI) conclusions</p>	<p>The original assessment completed by the Applicant considered high order UXO clearance as the Worst-Case Scenario and also considered low-order clearance methods [APP-050] Section 4.11.2. Without prejudice to</p>

		<p>Within your relevant representation [RR-1601], you raised the matter of the inclusion of high and low order unexploded ordnance (UXO) clearance (entries NE10, E1, E17, A6 and A11). Noting the applicants' submissions since the relevant representation where they confirm that high order clearance has been removed from the dDCO and DMLs: a) Do you consider that the inclusion of low order UXO clearance has the potential to result in AEol to any marine mammals qualifying features of the SACs assessed within the HRA ISAA? b) If so, (i) outline the relevant sites and qualifying features. (ii) confirm why you consider that the applicants' assessment does not provide the evidence to rule out AEol (given the applicants position that low order UXO clearance is assessed and mitigated for) and what further evidence you consider is required?</p>	<p>our position on low order clearance being included in the DCO, based on the information presented in the assessment we do not consider that low order methods have the potential to result in AEol alone or in combination on any SAC's designated for marine mammals within English waters. We defer to Natural Resources Wales for impacts to SAC's designated for marine mammals in Welsh waters.</p> <p>We highlight to the ExA that the East Irish Sea Transmission Project scoping report has now been submitted. Further consideration of this project in combination may be necessary as there could now be spatial and temporal overlap.</p>
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16 Transportation and traffic			
Q2:16.1.2	The applicants, Lancashire County Council (LCC), BBC, Natural England (NE)	dDCO, Requirement 10 Highway accesses Should the Highway Access Management Plan (HAMP) be approved directly by the relevant highway authority in the same way as the Construction Traffic Management Plan (CTMP) (Requirement 9) rather than by "the relevant planning authority in consultation with the relevant highway authority" as stated in the latest version of the dDCO [REP4-007]?	Natural England advises that this is not within our remit. We defer to the relevant Local Planning Authority to provide a response to this question.