



THE PLANNING ACT 2008

THE INFRASTRUCTURE PLANNING (EXAMINATION PROCEDURE) RULES
2010

Morgan and Morecambe Offshore Wind Farm: Transmission Assets

**Appendix H5 to Natural England's Deadline 5 Submission
Natural England's comments on Onshore and Intertidal Ornithology**

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

Appendix H5 – Natural England’s comments on Onshore and Intertidal Ornithology

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

- [REP4-120] S_D4_17_MMTA_Onshore Terrestrial Waterbird Note_F01;
- [REP4-121] S_D4_18 Passage Period at Landfall Technical Note_F01;
- [REP4-059] J6_MMTA_Outline Ecological Management Plan_F03_F04; and
- [AS-081] Outline Landfall Construction Method Statement.

1. Major/Complex comments

1.1 Summary

Natural England has previously provided detailed comments relating to the Applicant’s onshore and intertidal ornithology assessments in our Relevant Representations [RR-1601]. Since then, Natural England has provided advice through DAS and during Examination [AS-078]. Significant progress has been made, however some issues still remain outstanding. Nevertheless we are confident that the outstanding issues around the proposed management at Fairhaven saltmarsh, and the measures proposed to address the loss of/disturbance to Functionally Linked Land (FLL) used by SPA/Ramsar site waterbirds affected by the onshore cable route, are resolvable. We have provided further comments on our outstanding concerns within this advice letter.

Natural England advise that the Applicant updates relevant documents e.g. ES chapter and ISAA at Deadline 6 to fully reflect our advice, as provided in our Relevant Representations and subsequent advice notes.

1.2 Passage SPA/Ramsar site waterbirds at Landfall

Assessment of Mitigation Measures

Natural England welcome the efforts made by the Applicant to reduce impacts to Ribble & Alt Estuary SPA features at landfall, including the over-wintering seasonal restriction and provision of further detail relating to outstanding issues in the Outline Ecological Management Plan (OEMP) [REP4-059] and additional technical notes at Deadline 4. The Applicant has considered some of our advice to further reduce the impacts at the source. This is captured in the updated OEMP [REP4-059] i.e. screening of the temporary compound, further detail on the use of ECoWs/wardens, exclusion zones of 25m either side of cable pull in works and additional detail provided in [REP4-121]. We have provided further advice in Table 1 below.

Natural England welcomes the submission of [REP4-121] which helps quantify in detail the risk posed by the landfall works to the energetic budgets of birds on passage and the potential of Fairhaven saltmarsh to address those risks. We are satisfied that the potential impacts to ringed plover, dunlin and non-foraging sanderling are reduced to acceptable levels as these features are predominantly loafing/roosting at landfall. These behaviours seem to occur when

the birds roosting at Fairhaven saltmarsh are displaced, therefore with measures to reduce the disturbance on Fairhaven it is likely that fewer birds would be displaced to the landfall and as such would be spared these impacts. This highlights the requirement for a detailed, well-managed and monitored site at Fairhaven.

Our outstanding concerns relate to sanderling using the landfall area to forage. Although [REP2-045] provides further detail on the energetics associated with foraging, we require further information to fully quantify the level of risk. We have discussed the outstanding information requirements with the Applicant and, pending their updates at Deadline 5, we believe this issue is resolvable.

We have welcomed the Applicant's efforts to further consider the mitigation hierarchy to address the outstanding issues regarding passage SPA/Ramsar site waterbirds, including proposals to further reduce impacts to passage features in April and October respectively. Following engagement through DAS with the Applicant, we have advised that an additional restriction to avoid high tide working in April and October should not be progressed as a commitment in the final draft DCO. Although this measure, would provide some additional reduction in disturbance to passage birds at high tide, the Applicant has confirmed that implementing this restriction would either increase the intensity of works at low tide or the overall duration of works would be increased.

We highlight that low and mid-tide works are potentially the most significant tidal periods to be disrupted, as these pose a greater risk to the energy budgets through disruption of feeding and therefore energy intake. In [REP4-121] the Applicant highlights that landfall is not regularly used as a high tide roost by passage features, and it is more likely that birds are displaced from Fairhaven saltmarsh to the landfall area and cite this as a potential reason for high numbers of sanderling at high tide. Therefore, when considering the data and evidence collected, we advise that on this occasion the commitment to a high water restriction would be misplaced as the risk to passage birds at low water would be increased.

As set out in [REP4-121], birds at low tide are actively feeding in the works area. It is likely that operations at low and mid tide will disrupt foraging to some extent, though it should be recognised that it is unlikely that the birds will be wholly prevented from feeding (and from taking on energy) by the construction at landfall. Nevertheless, it is important that birds roosting at Fairhaven are able to minimise energy loss, in order to manage any disruption to energy accumulation on the low and mid tide foraging areas at Landfall.

Furthermore, [REP4-121] shows that sanderling and ringed plover spend a significant amount of time engaged in maintenance behaviours in the landfall area. Capacity to undertake these behaviours is likely to be reduced in and around the working corridor. The provision of management at Fairhaven Saltmarsh which provides the birds with an alternative area nearby to the landfall to carry out these maintenance behaviours would be energetically neutral. It is likely that the birds will simply carry out these activities at a different time to account for changes in patterns when considering flights to and from the roost area.

Implications for Natural England's Integrity Judgement

We advise that our concerns around adverse effects on integrity (AEol) to the passage features of the SPA/Ramsar site are mostly alleviated, subject to Deadline 5 submissions

regarding impacts on foraging sanderling. We consider the risk of AEol to be low, but not negligible, and highlight that even if AEol can be excluded in due course, there is clearly some potential for residual impacts in this case given the extent and duration of the works. We therefore advise that the measures proposed at Fairhaven have the potential to address these residual impacts and to provide additional enhancement to the area, and as such should be seen as a necessary alleviation measure.

1.3 Management at Fairhaven Saltmarsh

As set out above, Natural England advise that Fairhaven is a necessary alleviation measure to reduce the residual impacts on the Ribble and Alt Estuary SPA. The measures to reduce impacts at landfall greatly reduce, but do not eliminate, the risk to energy intake through disruption of foraging and pose a risk of increased energy loss thorough disruption of maintenance behaviours (preening, resting etc). Consequently, we advise that the measures proposed at Fairhaven should be implemented to achieve an overall neutral or net positive energetic balance by minimising energy loss at other points in the species of concern's daily cycle. Furthermore, if these species are unable to loaf or rest at landfall or at Fairhaven then the impacts could be significant, as there appear to be limited alternative opportunities in the area for these activities. Natural England also note that management of the roost site at Fairhaven could also deliver energetic benefit for other species, which will be of net benefit for these SPA features.

An effective plan for implementing, delivering and monitoring the effectiveness of Fairhaven remains an important element to consider. Table 1 includes our detailed advice on the management measures included in [REP4-059] and [REP4-120].

1.4 Management measures for loss of Functionally Linked Land (FLL)

We highlight that the Applicant has included some of the additional detail we have previously requested in the OEMP [REP4-059] and the Onshore Terrestrial Waterbird note [REP4-120]. This information does progress our concerns as to whether the sites will effectively support the FLL for displaced and disturbed species at an appropriate scale; however we do advise that further detail is still required in some places, i.e. how these mitigation areas will effectively be delivered and monitored.

Broadly, we note that the detail outlining the mitigation areas is now included across two separate documents, with more detail in places provided in [REP4-120] when compared to the OEMP. We consider it would be beneficial to retain all information in one document or include other pertinent detail as an Annex to the OEMP. We advise this to avoid the potential for important details relating to the implementation, delivery and monitoring of the mitigation areas subsequently being 'missed' post-consent.

Additionally, there has been limited consideration of the extent to which the areas will deliver for the birds that are currently already using these mitigation areas, in addition to the birds potentially displaced and/or disturbed. Further detail is therefore required to show how the

birds impacted by the development will be supported in addition to birds already using the areas.

Natural England do recognise the potential of the mitigation areas to deliver an appropriate level of impact mitigation in the FLL areas for all affected species; however effective delivery is dependent on optimal management of the mitigation sites.

Lytham Moss

The additional detail included in the OEMP [REP4-059] and the Terrestrial waterbird note [REP4-120] do progress our concerns as to the deliverability of the area as temporary mitigation. However, we still advise that further detail is required to give the requisite confidence that the area will deliver for the suite of species that is listed in the OEMP.

We welcome the additional information on the supplementary feeding area which includes detail on the amount of grain required per day to feed the pink-footed geese and whooper swan during the core winter period. We are satisfied with the requirement for recalculation should bird count data and disturbance during winter indicate the amount of supplementary feeding needs amending during the construction period. We advise that this information should be included in a Supplementary Feeding Strategy as an annex to the OEMP (Also advised at Deadline 3 [AS-078]).

Monitoring

With regards to monitoring, whilst we welcome that monitoring proposals have been included for supplementary feeding, we advise the following detail should be provided in relation to wider monitoring of the Lytham Moss mitigation area:

- We note that in the Terrestrial waterbird note [REP4-120] section 4.1.2.8 includes some detail on pre-construction surveys and monthly monitoring during the winter months, however this detail should also be included in the OEMP.
- It is currently unclear if regular monitoring will consider all the features listed in Table 19 of the Terrestrial waterbird note [REP4-120] or if it relates only to supplementary feeding. This should be clarified in the document.
- Indication of how the scrape and short vegetation will be monitored and maintained throughout the winter months and when/how, prior to the core winter months, the area will be prepared e.g. mowing of grass.

Species specific requirements

We have previously advised that SPA/Ramsar site species have specific requirements, and it cannot be assumed that measures will address impacts on these species. Table 19 [REP4-120] provides a clear indication of what species will be supported by the mitigation area, however the OEMP [REP4-059] lists other species that will also benefit e.g. redshank, ruff, and wigeon in the B2.5.1 Objectives section, and oystercatcher and redshank under the short vegetation heading. We acknowledge that this is to indicate the suitability of the area to a range of species that could be supported, but to avoid confusion the species that are being targeted for benefit should be included in Table 19 and clearly listed in the OEMP.

Finally, there is a lack of consistency between [REP4-059] which states the scrape should be designed to be a maximum of 50cm and [REP4-120] which states 45cm as the maximum depth.

These points have been discussed with the Applicant in a meeting, and pending some minor updates in the OEMP [REP4-059] and the onshore terrestrial waterbird note [REP4-120], Natural England are likely to be satisfied with the detail provided for Lytham Moss at this stage of the development.

Newton-with-Scales

The additional detail included in the OEMP [REP4-059] and the Terrestrial waterbird note [REP4-120] do progress our concerns as to the deliverability of the area as permanent mitigation. The measures and indicative locations of the mitigation measures are potentially appropriate for the birds likely to require alternative habitat; however we again advise that further detail is still required. Specifically, information is needed on how the site will be delivered and monitored and how the desired habitats will be achieved at an appropriate scale. Both these aspects of the mitigation area were discussed on the site visit on 28th April 2025 and reflected in our advice at Deadline 3 [AS-078].

Monitoring

The area is required to mitigate the habitat lost from the construction of the onshore substation and forms part of the environmental mitigation secured in the draft DCO. There is no information on a strategy for ensuring the site is appropriately monitored, managed and maintained within the OEMP for the duration of the project. There is only a short paragraph in section 4.2.2.9 [REP4-120] which briefly outlines that a baseline will be collected prior to construction and regular monitoring will occur after habitat creation and enhancement. This is a permanent mitigation area for non-breeding waders including golden plover, and as such a robust, long-term strategy is needed to be confident that this area will deliver for the duration of the project e.g. budget for continued annual maintenance and in principle information regarding the organisation/group who will carry out the management and monitoring of implemented measures.

A similarly detailed, accompanying or integrated strategy should also be produced to effectively manage and deliver mitigation for the temporary impacts for the larger suite of species predicted to be impacted by the construction phase of the development. The detail should include for example detail on the installation and management of sluices, creation and maintenance of optimal scrape depth and detailed grassland management information, as previously advised at Deadline 3 [AS-078].

Species specific requirements

We have previously advised that SPA/Ramsar site species have specific requirements, and it cannot be assumed that measures will address impacts on these species. In response, Table 20 in the Terrestrial waterbird note [REP4-120] provides a clear indication of what species will be supported by the mitigation area, however the OEMP [REP4-059] lists other species that will also benefit for e.g. redshank, ruff, and widgeon in B2.2.1. We acknowledge that this is to indicate the suitability of the area to a range of species that could be supported but to avoid

confusion the species that are being targeted for benefits should be included in Table 20 and clearly listed in the OEMP.

REP4-120 states that survey data previously collected indicates the area is already used by a range of waterbirds including wigeon, teal, shoveler, curlew, lapwing and black-tailed godwit, and that it was selected because it is already used by non-breeding waterbirds. As mentioned there has been no consideration of how the site will deliver for the birds already using the area combined with the birds that will be displaced from the habitat that is permanently lost. The Applicants consider that improvement to the habitats and habitat creation in the area will allow for more utilisation of the site. We advise that the monitoring plan should factor in the birds already using the area prior to it being enhanced for the mitigation site to ensure that the measures aren't going to impede on the birds already using the site. This has not been mentioned and should be factored into a monitoring plan for the area to be confident of this.

Again, there is a lack of consistency between [REP4-059] which states the scrape should be designed to be a maximum of 45cm and [REP4-120] which states 50cm as the maximum depth.

These points have been discussed with the Applicant in a meeting and pending updates in the OEMP [REP4-059] and the onshore terrestrial waterbird note [REP4-120], Natural England are likely to be satisfied with the detail provided for Newton-with-Scales at this stage of the development.

1.5 Summary of comments on Onshore Terrestrial Waterbird Note [REP4-120]

We welcome the inclusion of this document and the additional detail around species for which FLL exists and the non-breeding waterbird assemblage in [REP4-120]. We accept the explanation on the use of 1% of the SPA population as the threshold for indicating likely significant effects (LSE). We agree with the conclusion of no significant impact on the functioning of FLL for wigeon and redshank. The detail provided relating to teal and black-tailed godwit largely alleviate our concerns over suitable measures to mitigate for impacts to these species. We do not agree with the conclusion for shelduck and recommend including some specific details in the OEMP to illustrate that the mitigation areas will have areas of short sward and muddy wetness with invertebrates; this will provide more confidence that shelduck will be supported by the mitigation areas. We look forward to reviewing the updated OEMP, which we anticipate will resolve these issues fully.

We advise that the information provided on the non-breeding waterbird assemblage does provide clarification on our concerns. We maintain that the assemblage should have been assessed as a feature in the ISAA but the detail provided in Section 3.1.4 outlining the ES conclusions for non-named waterbird assemblage species and the factors considered to conclude a negligible impact address our concerns on this matter. Based on the information presented in Table 17 we do not consider 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.

Our comments on the mitigation areas are captured in section 1.4. An overarching comment relates to the inconsistency of detail on the mitigation areas when comparing the OEMP

[REP4-059] and [REP4-120]. REP4-120 is referenced in the OEMP, however we advise that pertinent information should be included in the OEMP or attached as an annex to ensure easy access to all relevant information for the stages following Examination.

1.6 Comments on Outline Landfall Construction Method Statement [AS-081]

This document provides useful information on the surveys, set up and construction process at landfall. As this is an outline plan, the detail included at this stage is considered satisfactory. We have some minor points to raise which are listed below, however we acknowledge this plan will be further refined post-consent and look forward to engaging with the Applicant further:

- The OEMP [REP4-059] section 1.6.3.15 includes details on 25m exclusion zones either side of the cable pull in. [AS-081] section 1.13.4.1 states a defined working area extending 25m either side for cable preparation and installation activities. We advise it should be clarified whether this refers to the same 25m exclusion zone or not;
- Clarification that only one cable pull in will be undertaken at any one time. The document includes detail on only one project undertaking work at any one time (section 1.11, 1.13.2, 1.13.3) but that is not quite the same as one cable pull in; and
- We advise that CoT129 (Table 1) should include reference to ‘foraging and roosting’ birds.

1.7 In-combination with East Irish Sea Transmission Assets

Natural England notes that the most recent update to information on cumulative and in-combination effects were submitted at Deadline 1 [REP1-021] and Deadline 2 [REP2-043] respectively. The East Irish Sea Transmission Assets Scoping report was submitted to PINS on 14 August 2025, which provides more information on the project. In REP2-043 it includes a note that *‘The East Irish Sea Transmission Project is included in the CEA Screening list as the Section 35 direction for the project is in the public domain, however there is insufficient information available to consider the project within the CEA’*. As the scoping report is now available, we advise that further consideration of this project in-combination is required, and updates made to which offshore and onshore receptors should be screened in.

There is likely to be a temporal overlap with this project, and there is potential for in-combination effects as one of their landfall locations is within the Ribble & Alt Estuary SPA. As such, at this stage of the East Irish Sea Transmission (EIST) project there is a risk of an in-combination AEoI with the Morgan and Morecambe Transmission Assets, albeit there is not sufficient detail available for the EIST scheme at present to meaningfully advise on the potential for significant in-combination impacts. However, we consider that the risk of an in-combination AEoI in the future could be mitigated for if the Fairhaven scheme was retained and implemented, as it has the potential to fully address the impacts of the Morgan and Morecambe Transmission Assets proposal. We also advise the Applicant to consider how the Fairhaven scheme could be delivered in a strategic setting, i.e. inclusion of contributions from other parties with responsibilities to the SPA/Ramsar site e.g. public bodies, other developers.

1.8 Construction Phase Timetabling

We continue to advise that to better understand the potential scale of disturbance and displacement at any one time during construction, further information on the phasing of works is necessary. We reiterate our Relevant Representations comments on this matter. Without an indicative work schedule, Natural England has to assume the Worst-Case Scenario which is that all the works could be carried out simultaneously and therefore the risk of impacts to SPA/Ramsar features is greater. We therefore urge the Applicant to further consider phasing of works. If the Applicant included a phasing plan, this would likely reduce the need for the mitigation areas to have to deliver for all displaced birds and would therefore reduce the risk. The detail provided regarding construction works at landfall in [AS-081] does largely alleviate our concerns for this portion of works, however our concerns remain for other areas of the cable corridor.

Natural England notes the Applicants response to Q1.1.3 of the 'Applicants' Response to Examining Authority's Written Questions (ExQ1)' [REP3-056] and acknowledge that construction periods are likely to be isolated and not continuous. However, the level of detail included on indicative timings of certain operations e.g. open cut trenching is not included in the Application documents. It would therefore be useful for the Applicant to consider the phasing/staging of works in the context of reducing the potential for impacts on bird features. The response to Q1.1.3 does provide some clarity but only in relation to certain types of work and not in relation to how much of the Onshore Order Limits will be worked on at any one time, which remains an issue in relation to construction works. We recognise the Applicant's position that they are unable to provide further detail at this point; however we maintain our advice on this matter.

1. Detailed comments

Table 1: Natural England's Advice On: Onshore and Intertidal Ornithology – Outline Ecological Management Plan [REP4-059]

Document reviewed: [REP4-059] J6 MMTA Outline Ecological Management Plan F03 F04 Tracked.			
NE Ref	Section	Key Concern and/or Update	Natural England's Advice to Resolve Issue
1	B.2.1.2 – Fairhaven Saltmarsh	<p><u>Local Education</u></p> <p>Part of proposed mitigation measures include Local Education activities to be organised by Local Groups and potential visits to school.</p> <p>Concerns over lack of detail to demonstrate mitigation will be effective.</p>	<p>NE advise that further detail should be provided to ensure the mitigation of Local Education will be effective and avoid any ambiguity regarding what is proposed, including:</p> <ul style="list-style-type: none"> • Details of which Local Groups the applicant will work with, and <i>how</i>. We advise clarification should be provided if any other partnership working will be undertaken, and on how the applicant will engage with these partners; • Further evidence to demonstrate Local Groups are committed to working with the Applicants to raise awareness of disturbance; and • Further information of what education material will be used, and what activities will be arranged. This should also include detail of what measures will be put in place to ensure any educational material is correct and kept up to date.
		<p><u>Wardening</u></p> <p>Part of mitigation includes wardens being employed on site to further advise and educate the public.</p> <p>Concerns over lack of detail to demonstrate mitigation will be effective.</p>	<p>NE advise that further detail should be provided to ensure the mitigation/stakeholder engagement will be effective and avoid any uncertainty including:</p> <ul style="list-style-type: none"> • Who will the wardens be employed by and how will their employment be secured in the long term - will this be the Applicant or a third party?;

			<ul style="list-style-type: none"> • How many wardens will be employed, and evidence to demonstrate the level of site presence will be sufficient to effectively intervene to avoid disturbance to roosting birds; • How the critical months for the waders will be decided. Natural England would expect these decisions to be based on the bird survey evidence and include the timing that the roosting birds are using the area; and • What lead-in times will be used to establish a site presence and begin dialogue with regular users in advance of the critical months.
		<p><u>Monitoring</u></p> <p>The updated OEMP at Deadline 4 now includes a paragraph on monitoring. We welcome the inclusion of monitoring and use of adaptive management approach.</p> <p>Concerns over the lack of detail outlining the monitoring.</p>	<p>NE advises that further detail should be provided in the OEMP on the potential monitoring strategy. Details such as frequency of monitoring, who will undertake the monitoring, and the process if results prove the measures are not effective. It is unclear whether the monitoring will include any assessment of the level of recreational disturbance at Fairhaven to better inform placement of signs, placement of wardens and detail of local education.</p>