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To:
The Applicant,
Natural England, and
Spirit Energy

Your Ref:

Our Ref: EN010121

Date: 4 September 2024

Dear Sir/ Madam

**Planning Act 2008 (as amended) Section 89
The Infrastructure Planning (Examination Procedure) Rules 2010 (as amended) – Rule 9**

**Application by Morecambe Offshore Windfarm Limited for an Order granting
Development Consent for the proposed Morecambe Offshore Windfarm Generation
Assets**

Procedural Decision made under Section 89(3)

Request for further information and written comments

As set out in the Rule 4 letter [\[PD-004\]](#) published on 23 July 2024 and the Amendment to the Appointment of the Examining Authority Rule 4 letter [\[PD-005\]](#) published on 27 August 2024, I have been appointed by officials on behalf of the Secretary of State (SoS) for Housing, Communities and Local Government to be the lead member of the Examining Authority (ExA) that will examine and make a recommendation to the SoS for Energy Security and Net Zero on the Morecambe Offshore Windfarm Generation Assets application.

Please note that references in square brackets relate to the Examination Library (EL), which can be accessed using the following link: [Examination Library Link](#)

Following the decision of the SoS to accept the application for Examination on 27 June 2024 [\[PD-002\]](#) we, as the ExA, have decided to make a number of Procedural Decisions requesting further information in addition to some clarifications and corrections on the submitted documents. The aim is to enable us to better utilise the Pre-examination stage of this process to allow the Examination to conclude within the statutory period of six months.

Matters for the Applicant

Ecological impact assessments including Marine Mammals and Offshore Ornithology

Natural England's (NE) combined Relevant Representation (RR) and Written Representation (WR) [\[RR-061\]](#) highlights a number of assessment areas that it considers are not sufficiently robust. It suggests that this limits confidence in the conclusions of the assessment.

We have considered the representation and agree that the following should be provided or robust information be submitted in its place to satisfy the concerns and to inform our consideration of effects relating to both the environmental impact assessment (EIA) and the habitats regulations assessment (HRA).

Specifically, we require:

- a full quantitative assessment of cumulative effects for ornithology following the method previously supplied by NE to the Applicant, i.e. where no quantitative data were available, using nearby windfarms with published estimates of mortality as proxies, scaled according to windfarm size and turbine specifications. We consider that this information is necessary to inform the consideration of the worst case scenario for ornithology.

The Applicant should ensure co-ordination with other Irish Sea Offshore Windfarm projects regarding the datasets. Should datasets from other projects have been derived through a different method, then these differences should be highlighted and considered (NE ref B1, B14, B16, B18-21, B24);

- updated assessment for lesser black backed gull at Morecambe Bay and Duddon Estuary Special Protection Area (SPA) and Ribble and Alt Estuary SPA that considers current population trajectories, noting updated figures being available for 2023 and refined apportioning of impacts (NE ref B3, B26, B27, B29);
- updated assessment using average mortality rates recommended in the NE and Natural Resources Wales (NRW) interim advice note and as set out in Annex A of Annex B1 (NE ref B9);
- review and update of the months assigned to each season for gannet where necessary, noting the inconsistencies identified by NE (NE ref B10);
- check and confirmation of the total annual lower and upper confidence interval values in the Collision Risk Modelling (CRM) results table (NE ref B10);
- provision of log files for the little gull stochastic CRM run including full inputs and outputs and details of any methodological updates (NE ref B11);
- check and confirm the non-breeding collisions for great black-backed gull along with confirmation as to whether this changes any conclusions made (NE ref B12);
- updated presentation of the Interim Population Consequences of Disturbance Model (iPCoD) modelling results and present impact significance for all approaches used to assess disturbance impacts (NE Ref D4);
- confirmation of the maximum piling duration based on a lower strike rate in the underwater noise assessment and an updated underwater noise taking account any change in the findings of significance (NE Ref D11);

- modelling of a nominal 750kg Unexploded Ordnance (UXO) charge weight for the assessment of underwater UXO noise impacts, unless clear evidence is available to demonstrate that a lesser charge weight represents the actual worst case (NE Ref D12);
- commentary on whether harbour seal populations are present at the Isle of Man (NE ref D2, D13);
- provision of an assessment for grey seal against the North West Marine Unit (NW MU) grey seal population alone as a reference population (NE ref D2, D15);
- a review and update of collision risk rate calculations where relevant (NE Ref D26);
- presentation of impact significance for each approach used to determine the marine mammal disturbance range, using the combination of sensitivity and magnitude (percentage of reference population within the disturbance range) and present the cumulative impact significance for cetaceans using the worst-case numbers disturbed i.e. not only the iPCoD modelling results (NE Ref D28);
- clarification of the values in the median impacted as percentage of unimpacted column in Table 11.39. These do not currently correspond to the difference between the un-impacted population mean and the impacted population mean. The difference between the two means in each table that presents iPCoD modelling results, including in the cumulative effects assessment should be presented or the difference between these figures explained. Information should be provided to support the value considered to be most appropriate (NE Ref D32); and
- confirmation of the worst case assessment for benthic ecology, physical processes, marine sediment and water quality impacts due to UXO (NE Ref E11, F9).

Where the updated results identify the need for additional mitigation or compensation, the Applicant should provide updated information in this respect.

The ExA notes that there are a number of additional recommendations that are addressed in the NE combined RR/ WR that are not referenced in this letter. The list of matters highlighted in this letter should not be construed as indicating that the ExA considers that the additional NE recommendations are not important or relevant.

Clarifications and errata

A number of clarifications and potential errata have been identified. Please see table below in Annex A to this letter.

Matter for Natural England

In Appendix B of its RR [\[RR-061\]](#), B3, NE indicates that in apportioning impacts on lesser black-backed gull the Applicant has included “colonies with no realistic connectivity to the project area”. Could NE please identify which colonies it considers these to be?

Matter for Spirit Energy

Spirit Energy [\[RR-077\]](#) has utilised a significant number of abbreviations and acronyms. To aid the overall understanding of this document, could we please be provided with a complete list of these abbreviations and acronyms, in alphabetical order, along with their 'translations'.

Date for Submission

We require the information requested to be supplied prior to the **15 October 2024**. Should the Applicant consider that it would take longer to provide this information than this date, we would be grateful for an earlier indication (**by 17 September 2024**) as to when it could be provided, so as to allow us to consider when it will be possible to complete the Examination within the statutory six month period.

Should you have any queries regarding the content of the letter, please contact the case team using the details at the top of this letter.

Yours faithfully

Robert Jackson

Lead Member of the Examining Authority

Annex A

Exam Library Reference	Document	Comments
[APP-042] and [APP-044]	ES Chapter 5, para 5.94 and ES Chapter 7, Table 7.1	ES para 5.94 refers to 10% sand wave clearance but Chapter 7, Table 7.1 confirms that there are no sand waves within the site. Clarify whether the term sand wave clearance is used in the generic sense of clearance of seabed sand features.
[APP-044] [APP-045] and [APP-046]	ES Chapter 7 Table 7.2, ES Chapter 8, Table 8.2 ES and Chapter 9, Table 9.2, p29	Table 9.2 references a 25m wide cable installation corridor. Other chapters, for example ES Chapter 5 (para 5.148), ES Chapter 7 (Table 7.2, p43) and ES Chapter 8 (Table 8.2), refer to 10m wide clearance widths. It is unclear whether installation corridor and clearance widths are intended to be synonymous but if so, clarify which width is correct and ensure that any dependent assessments are updated where relevant.
[APP-047]	ES Chapter 10, Table 10.8	Errata in Table 10.8 low criteria, confirm whether text should read temporary* 'change'.
[APP-047]	ES Chapter 10, para 10.73	Para 10.73 states 'for fish and shellfish' but Table 10.13 only shows spawning/ nursery ground information for fish. Is this correct?
[APP-066]	Appendix 11.2 Figures 6.1/ 6.2	Figures have a grey line that relates to certain population extents but the relevant population is not explained in the key.