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Our ref: 489713 & 489711  
Your ref: EN010121



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**VIA WEBSITE ONLY**

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Dear Robert Jackson

**Application by Morecambe Offshore Windfarm Ltd for an Order Granting Development Consent for the Morecambe Generation Offshore Wind Farm**

**Natural England Responses to Rule 6 Letter and Rule 9 Letter – Matter for Natural England**

Thank you for your consultations dated 23 September 2024 and 4 September 2024, respectively. The following constitutes Natural England's formal statutory response to the Rule 6 and Rule 9 Letters. Natural England is an Interested Party (IP) within the examination of the Morecambe Offshore Wind Farm Project.

**Response to Rule 6 letter**

Please accept this letter as Natural England's comments in relation to the contents of the Rule 6 letter and an overview of how Natural England proposes to provide our statutory advice to the Examining Authority (ExA) during the examination phase of the project.

Due to the amount of Offshore Wind Farm NSIPs due to go through the examination process in 2024, Natural England will be focussing our engagement where it is most beneficial in helping to resolve environmental risks and issues during the consenting phase, whilst continuing to meet our statutory obligations.

**1. Attendance of the Preliminary Meeting**

Thank you for your invitation to the Preliminary Meeting on the 23<sup>rd</sup> October 2024. Natural England can confirm we will not be attending, we hope this letter will suffice in providing our input into this meeting.

**2. Accompanied Site Inspections (ASI)**

Natural England does not plan to attend any site inspections, as we are not permitted to provide advice during these visits.

**3. Compulsory Acquisition Hearings (CAH)**

Natural England does not plan to attend any Compulsory Acquisition Hearings, as these fall outside of our remit.

**4. Open Floor Hearings (OFH) and Issue Specific Hearings (ISH)**

To date we are not aware of any significant progression of key issues since the submission of our combined Relevant Representations and Written Representations, and we are not aware of any new information from the Applicant that is proposed to be discussed in the initial hearings. Therefore, in line with our engagement across other NSIPs, we will not be attending OFH 1 or ISH 1. Natural England will only attend future hearings if a significant likelihood of resolving significant environmental issues is identified, and in such instances our attendance will be virtual. We highlight that where Natural England does not attend hearings, this should not be construed as a lack of concern on outstanding issues.

We understand that the ExA intend on issuing written questions deemed necessary arising from OFH1, ISH1 and/or CAH1 after they have taken place, with responses expected at Deadline 3. Natural England would be pleased to respond to any questions arising from these hearings or relating to our representations at this stage.

## **5. Engagement with the Applicant**

During the Examination Natural England will, where possible, engage with the Applicant to ensure issues are progressed. Due to the resource implications of multiple OWF examinations, Natural England will focus our engagement on key issues where new or updated assessments present an opportunity for issue resolution.

## **6. Statement of Common Ground (SoCG), Statement of Commonality of Statements of Common Ground (Statement of Commonality of SoCGs) and Principal Areas of Disagreement Statements (PADS)**

Natural England will submit our own Risk and Issues log to sit beside the Applicants SoCG and Statement of Commonality of SoCGs. The updated Risk and Issues log will be provided at all Deadlines (1-7). This will include any relevant points regarding ongoing engagement with the Applicant. We hope this will be of assistance to the ExA in understanding Natural England's current outstanding issues and on demonstrating progress on issue resolution. We also hope that this will assist the Applicant in updating their Statement of Commonality of SoCGs at the relevant stages identified as well as the final SoCG.

Natural England observe that the ExA does not intend to request any draft SoCGs either before or during the Examination, with only a final SoCG required to be submitted at Deadline 6. Natural England support the approach of not requesting an updated SoCG at each deadline, as this will allow us to focus our resource on the most pertinent technical aspects.

Natural England provided PADSS as part of our Relevant/Written Representations. We welcome the opportunity to submit an updated final PADSS at Deadline 7.

## **7. National Policy Statements (NPS) and Levelling Up and Section 245 (Protected Landscapes) of the Regeneration Act 2023**

Natural England welcome the invitation for interested parties to provide a written statement on the implications the 2023 NPS may have for the Proposed Development at Deadline 1. Natural England wish to draw the ExA's attention to [Section 245 \(Protected Landscapes\) of the Levelling Up and Regeneration Act 2023](#) , regarding which we will provide further advice at Deadline 1.

## **8. Examination Progress Tracker and Updated Documents**

We note that the ExA have requested an Examination Progress Tracker from the Applicant to prevent the continued submission of draft documents and updates throughout the Examination.

Whilst we support the ExA's desire to streamline the Examination process, for issue resolution to be effective 'on the ground', Natural England advises that it will still be necessary for the Applicant to reflect any additional commitments in updated Named Plans, Technical Notes, DCO/dML conditions etc., and where appropriate Environmental Statement (ES) chapters. These documents will be the focus of our

review and written submissions at each Deadline, and they provide a clear audit trail of commitments through the Examination that is readily available in the post consent phase. Should these documents not be updated, Natural England has concerns that any responses and commitments made by the Applicant are unlikely to be translated effectively into the post consent phases.

## **9. Response to Deadlines**

Throughout the examination it is anticipated that many documents will be submitted and published on the PINS website. Natural England will screen all documents; however, we will only conduct detailed review and provide feedback on documents deemed relevant to our statutory function and the issues we have raised. We will advise the ExA in writing at each Deadline of which documents we have reviewed. If there is a document Natural England has not reviewed that the ExA wishes to have our advice on, then please inform us as soon as possible and we will endeavour to review ahead of the next Deadline or advise which Deadline comments can be expected. Any documents not listed within our Deadline responses should be assumed to have not undergone detailed review by Natural England.

## **10. Draft Examination Timetable**

Natural England note that the publication of written questions (ExQ1) has been scheduled for the 18<sup>th</sup> December 2024 with responses to be submitted by Deadline 3 on the 15<sup>th</sup> January 2025. This spans the Christmas period, during which Natural England offices will be closed from the 25<sup>th</sup> December 2024 to the 1<sup>st</sup> January 2025, effectively reducing this consultation period by a week. This also falls within school holidays, meaning there will be reduced staff availability across all organisations likely to be consulted. We advise that this is likely to present a resourcing challenge for those consulted to provide responses to these questions. We note that there is a five week interval between Deadline 5 and Deadline 6 and therefore advise that consideration is given to reducing this to four weeks and moving the programme such that the extra week is added before Deadline 3. This should provide consulted parties sufficient time to respond to ExQ1 before Deadline 3.

## **11. Introduction of New Deadlines**

Natural England will not provide response to documents allowed to be submitted into Examination between Deadlines. Should there be documents submitted between Deadlines, we suggest these are issued at the next appropriate Deadline, and we will respond at the following Deadline, or if time does not allow the subsequent Deadline.

## **12. Submissions of other parties**

We highlight that Natural England does not intend to comment on any direct responses by the Applicant or other IPs on our representations, unless new technical information is included.

More generally, Natural England will not respond on the submissions of other parties unless we become aware of a fundamental point of clarity which is required. Our focus will be on providing advice under our remit on nature conservation concerns, rather than advising on the merits of the submissions of others.

## **13. Report on the Implications for European Sites (RIES)**

As previously advised to PINS and BEIS, Natural England does not consider consultation on the RIES adequately discharges the statutory requirement to consult Natural England on Appropriate Assessments.

## **Response to Rule 9 Letter: Matter for Natural England**

The ExA has made the following request to NE:

*“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?"*

Natural England consider that when carrying out breeding season apportioning, the mean maximum foraging range plus one standard deviation (mean max +1SD) should be used to screen for colonies with potential connectivity to the project, but it is important that any additional evidence available, along with expert judgement, is used to consider which colonies are realistically likely to have connectivity and which could be excluded. The Applicant has done this to some extent by presenting an apportioning calculation which excludes the Bowland Fells SPA lesser black-backed gull (LBBG) colony and other inland colonies on the basis of tracking data that show that inland birds rarely forage at sea. However, partly based on the relatively short foraging distances of tracked LBBG from coastal sites in northwest England, we consider that it is also unlikely that LBBG from colonies on or just off the island of Ireland are crossing most of the Irish Sea to forage at the Project site during the breeding season, and that all Irish and Northern Irish colonies can therefore be discounted. We consider it also to be unlikely in this case that LBBG colonies beyond the mean max foraging range for this species of 127km would have connectivity to the project, roughly being those colonies beyond the Solway Firth to the north or the Llŷn peninsula to the south.

The list of LBBG colonies we therefore consider should be excluded from the apportioning, based on the distances from the Project listed by the Applicant, is as follows:

<b>Colony</b>	<b>Distance from Project (km)</b>
Wigtown Bay Merse and Baldoon	131.89
Mochrum Loch	136.61
Gun's Island -Northern Island	141.76
Aberdaron Coast not in SPA	151.48
Aberdaron Coast and Bardsey Island SPA	155.34
Maggy's Leap to Newcastle	156.91
Portpatrick	157.01
Lambay Island SPA	165.17
Llyn Peninsula	166.29
Skerries Islands SPA	166.66
Carlingford Lough SPA	166.73
Ireland's Eye SPA	170.32
Outer Ards SPA	175.9
Loughshinny to Killiney (Dalkey Islands SPA)	176.12
Starling Knowe to Downan Point	184.91
Dublin City Centre, Skerries and Balbriggan	185.42
Loch Ryan	189.89
Muck Island	193.47
Belfast	198.66
Friog	199.66
Barmouth and Fairbourne	199.81
The Maidens	201.86
Larne Lough SPA	202.68
Ailsa Craig SPA	203.9
Aberdyfi	208.26
Penllyn to Gogarth (River Dovey mouth)	208.4
Aberystwyth -Borth	213.13
Sanda Islands -Kintyre	214.15
Llanrhylud -Llansanffraed	217.71

New Quay to Lochtyn	220.84
Mull of Kintyre	221.2
North Mull of Kintyre	221.26
Arran	223.47
Cardigan Island and Mwnt to Carreg Lydan	224.38
Llangrannog to Penpeles (includes Tresaith SSSI and Aberporth)	225.71
Newport to Poppit	229.6
East Antrim Coast	232.79
Holy Island	235.38

We hope these comments assist the ExA at the Preliminary Hearing and have clarified our position regarding LBBG colony connectivity. For any queries relating to the content of this letter please contact me using the details provided below.

Yours sincerely,

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