THE PLANNING ACT 2008

THE INFRASTRUCTURE PLANNING (EXAMINATION PROCEDURE) RULES 2010

Morecambe Offshore Wind Farm: Generation Assets

Appendix H to Natural England's Deadline 3 submission.

Natural England's comments on Examining Authority's Written Questions (ExQ1) [PD-011]

For:

The construction and operation of the Morecambe Generation Offshore Wind Farm located approximately 30 km off the Northwest English Coast in the Irish Sea.

Planning Inspectorate Reference EN010121

22 January 2025

Table 1. Natural England's comments on the Examining Authority's written questions

Ref.	Question to:	Question	Natural England Response
Cross-Topic and General			
1GEN1	All Parties	**National Planning Policy Framework** A replacement National Planning Policy Framework was published on 12 December 2024. All parties are invited to make any comments they wish as to how any changes within this document affect the consideration of the Proposed Development.	Natural England is aware of changes to this policy, and we can confirm that our advice remains aligned with it.
Environmental Statement (General)			
1GEN20	NE	**European Protected Species Licensing** The Applicant's response to Actions from PM and ISH1 [REP1-086] paragraph 24 notes that the regulations surrounding EPS licensing are due to be updated at the end of 2024. Can NE advise on the scope of these changes and highlight potential matters that could have implications for the consenting process.	Marine EPS licenses are determined by the MMO. As such, NE advises that this question should be directed toward the MMO.
Need and Assessment			
1GEN21	All parties	**Application of s104 of the PA2008** In paragraph 171 of the revised Planning, Development Consent and Need Statement [REP1-010] the Applicant states "NPS EN-5 sets out Policies concerning electricity transmission distribution systems. It is, therefore, not relevant to the Project". However, NPS EN-5 is referenced in both ES Chapters 15 (paragraph 15.20, [REP1-034]) and 19 (paragraph 19.28, [REP1-040]). a) Having regard to the	a) NE's view is that this is relevant to the project. b) Please refer to Annex 1 of Natural England's Relevant Representation [RR-061]

		elements of offshore wind infrastructure identified within paragraph 2.8.4 of NPS EN-3, all parties are invited to give their views as to whether, for the purposes of sections 104(2)(a) or 104(3) of the PA2008, NPS EN-5 should be considered as 'relevant national policy' or whether it should be considered to be an 'other matter' for the purposes of section 104(2)(d) of the PA2008. b) Should any party hold the view that it should be regarded for the purposes of sections 104(2)(a) or 104(3) of the PA2008, they are asked to explain why they hold that view and identify any matters that should be particularly taken into account, providing references as necessary.	
1GEN22	NE	**Compliance with NPS EN-3** a) Could NE please reconcile its request in Annex 1 to its RR/ WR [RR-061] for a "condition preventing the offshore works associated with the generation asset commencing until the necessary grid connection consents had been obtained was included within the generation DCO/dML" with paragraph 2.8.338 of EN-3 which indicates that "some proposals for transmission could be consented separately to those for wind farm (array) application"? b) Could NE also respond to the proposition that one interpretation of paragraph 2.8.338 of EN-3 is that there is no policy requirement for one to be contingent upon the other.	a) NE's request is reflective of the fact that whilst EN-3 does allow for the separate consenting of array and transmission assets, it also requires that projects "ensure they provide sufficient information on the indirect, secondary and cumulative effects". Until the consenting process for the transmission assets has been completed and the envelope of that project confirmed, it would not be possible for the examining authority to be certain that these effects have been fully taken into account. b) As per the answer above, there is no explicit policy requirement on the face of EN-3 para 2.2.338, but the requirement to provide sufficient information on the indirect, secondary and cumulative effects means that this is necessary for a full assessment of the effects of the entire project as a whole across the separate consents.

Marine Geology, Oceanography and Physical Processes			
1BEM13	The Applicant NE	**Operation and maintenance impact 6: cable and WTG/ OSP maintenance activities** ES Chapter 7, paragraph 7.339 [REP2-008] indicates that receptors have been assessed as of high value but low sensitivity to cable maintenance activities, and paragraph 7.342 assesses the significance of the effect as negligible adverse. Given the potential presence of Sea pen, is this assessment of low sensitivity valid and consequently is there potential for the significance of effects from cable maintenance activities to have been underestimated, especially in light of comments in ES Chapter 9, paragraph 9.166 [REP2-012] that identify sea pen as “highly sensitive to removal and/or penetration of the substratum”? The Applicant may wish to combine its response with its response to ExQ1BEM21Error! Reference source not found.	Natural England will consider the Applicants response to this Examiners Question regarding the interpretation of this assessment and will respond if required at a later deadline
Marine Mammals			
1BEM38	NE	**Risk of Permanent Threshold Shift (PTS)** In its joint RR and written representation (WR) [RR-061] NE indicates (Ref D36) that it does not agree that PTS should be screened out of the cumulative effects assessment (CEA) on the basis that mitigation has not been secured on other projects. How does NE reconcile this with its statement in NE Refs P6 and D1 that from January 2025 there will be an expectation of best endeavours to deliver noise reductions, and that "we expect that the majority of piling from 2025 onwards will not be able to go ahead without noise abatement in place".	Natural England draws the ExAs attention to the publication of DEFRA’s new measures to curb underwater noise and accelerate renewable energy (21 January 2025), alongside this a Marine Noise Policy paper and UXO guidance were also published. This is likely to have implications for all offshore windfarms going through examination. Therefore, once we have considered the documents in full, we will provide updated nature conservation advice, where appropriate, for this Application, at the next appropriate deadline. Furthermore, several of the projects considered within the CEA are still in examination and mitigation for

			projects that are still in examination cannot be considered as being secured.
1BEM39	The Applicant, NE	**PTS and Temporary Threshold Shift (TTS) risk from operational turbines** ES Chapter 11, paragraph 11.583 and 11.584 [REP1-030] indicate that PTS and TTS could occur for marine mammals within <100m of WTGs. Is it correct to say that each turbine would therefore create a 200m diameter exclusion zone for marine mammals and if so: a) to what extent would this be true for other species? b) what is the cumulative area of such exclusion zones with other projects?	The referenced analysis presented by the Applicant indicates that if marine mammals remain within 100m of a WTG for 24h, then there would be a risk of PTS or TTS. The question of whether this level of noise would be sufficient to create an immediate strong fleeing response in these animals to the extent that an exclusion zone is created around each turbine is not answered in this analysis. Therefore, Natural England advises that the Applicant provide the ExA with any evidence they have produced in relation to this question.
1BEM41	The Applicant, NE	**Marine Mammal Data Gaps** Appendix 11.5, Table 2.1 [APP-069] makes reference to additional datasets from Hilbre Island Observatory and the Offshore Energy SEA. The Applicant was unable to access either data set. a) Can the Applicant explain whether it has been able to obtain this information subsequently? b) Can NE and the Applicant comment on whether the absence of this information is material to the assessment of effects?	b) Natural England advises that the Applicant is already using the appropriate NW MU for this assessment, but these extra datasets are unlikely to improve the assessment.
Offshore Ornithology			
1BEM44	The Applicant JNCC NE NRW DAERA	**Northern Ireland windfarms – screening and CEA** To the Applicant a) Could the Applicant explain why it has been able to consider Sceirde, Codling, Dublin Array and North Irish Sea windfarms	e) Natural England advises that consideration of the listed projects and SPAs would allow the SoS to perform a comprehensive appropriate assessment. Natural England advised at relevant reps [RR_061] that a critical appraisal of the likelihood of colonies

		in its CEA for marine mammals (ES Appendix 11.4, Table 4.1 [REP1-048]) based on overlapping construction activities but has ruled out an assessment for these sites in relation to birds in ES Chapter 12, Table 12.54 [REP1-032] due to lack of data and does not reference Sceirde in its list of sites for the Ornithological Assessment? Oriel and Arklow windfarms, which are listed in ES Table 12.54 are not referenced in Table 4.1 of the HRA Screening Report [APP-034] or in the RIAA [REP1-012] and appear to have been ruled out of further assessment based on the Applicant's Appendix 6.1 CEA longlist [APP-061]. b) Could the Applicant please provide more detailed HRA screening information for Sceirde, Northern Irish Sea Array (NISA), Arklow and Oriel offshore windfarms? It is noted that applications have been lodged for NISA, Arklow and Oriel windfarms, meaning that detailed information is now available for assessment. c) In addition, the Applicant should update the HRA screening report with information relating to Rockabill Special Protection Area (SPA) and the North-west Irish Sea (NWIS) SPA. d) In relation to all the above points, the Applicant's HRA screening and RIAA should be updated where relevant, to inform the SoS's Appropriate Assessment. <u>To NE, NRW, DAERA and JNCC</u> e) NE, NRW, DAERA and JNCC are invited to comment on the points above.	contributing to the population observed within the project study area should be carried out and that colonies considered unlikely to display connectivity, despite technically being within potential foraging range, should be disregarded during apportioning. The purpose of this advice was to ensure that impacts to closer SPAs were not being underestimated by apportioning observed birds to more distant colonies with which connectivity is less likely. If the listed SPAs were screened out on this basis, the Applicant should indicate this as requested at c). Correspondingly, the Applicant may wish to consider whether birds apportioned to SPAs in England from Sceirde, Codling, Dublin Array and North Irish Sea windfarms are realistically connected with such SPAs and provide information whether these should be screened in for in-combination as requested at b). The CEA considers impacts relative to the appropriate Biologically Defined Minimum Population Scale (BDMPS) populations for each species as defined in Furness (2015). The BDMPS regions extend to the edge of the UK EEZ only and not into the territorial waters of the Republic of Ireland. For EIA, we therefore consider it reasonable only to include UK wind farms in the assessment. For HRA, the advised method for apportioning non-breeding season impacts to UK SPAs requires the use of estimated numbers of birds from each relevant colony that are present within the BDMPS region in a given season. To attribute impacts

			occurring at Irish wind farms to UK SPAs would require an equivalent estimate of numbers of UK breeding birds that enter Irish waters; we are not aware of the existence of such an estimate. It is acknowledged that this is a limitation of the BDMPS method and the UK SNCBs are looking to address it in an update to the BDMPS report. However, this will not be available in time for a consenting decision on this project to be made. As breeding season impacts are generally apportioned based on distance from the relevant colony to the project where the impact occurs, it is possible to apportion these impacts to UK colonies. However, we consider that it is unlikely that significant breeding season connectivity exists between the English SPAs under consideration in the current assessment and the Irish wind farm projects listed, and impacts are therefore considered negligible. Additionally, we have not had the opportunity to review the Irish wind farm ornithological assessments and are therefore unclear on whether the methodology used would be compatible with that advised for UK assessments.
1BEM46	The Applicant JNCC NE NRW NatureScot DAERA RSPB	**Assessments** In paragraph 62 of the Offshore Ornithology Technical Note 1 (EIA) [REP1-080] it is noted that the NE advice in relation to the CEA was not to include historic projects with limited (or no) overlap with the construction and operational timeframe of the Proposed Development.	Natural England notes that the background mortality rates used for assessment are taken from Horswill and Robinson (2015), a review paper which was based on a range of data sources. Many of these sources pre-date the construction of most or all offshore wind farms. For example, adult survival rates for black-legged kittiwake are based on studies published in 2002, 2004 and 2010

	North West Wildlife Trusts	a) However, would the existing background mortality rates include those associated with these windfarms? If so, does there need to be an associated assessment from the removal of their effects as they are decommissioned? It is appreciated that the assessment is precautionary, but without removing any such effects, is there a risk that the assessment becomes over-precautionary, leading to mitigation that is not required? It is also appreciated that there is a separate discussion in relation to when the Barrow windfarm is to be decommissioned (see ExQ1GEN10) which may also need to be considered. This argument, taken to its logical conclusion, should also factor in any effects associated with the decommissioning of other windfarms (see Table 5.1 of Applicant's response to Actions from PM and ISH1 [REP1-085]) for longer-term effects). b) Could the Applicant, JNCC, NE, NRW, NatureScot, DAERA, the RSPB and the North West Wildlife Trusts please give their views as to how the effects of the decommissioning of existing windfarms should be considered to avoid over-precautionary mitigation/ compensation.	(see Table 18 in Horswill & Robinson, 2015) and therefore baseline mortality calculations will not take into account the impact from the majority of UK offshore wind projects. Similarly, while some colony populations have been monitored reasonably regularly, the BDMPS population data (Furness 2015) used to apportion impacts to colonies are also based on data sources from the 1990s to 2015. The UK SNCBs are progressing an update of demographic rates, but it should still be noted that it will be difficult to tease out the contribution that offshore wind projects make to this baseline. Therefore, while recognising the potential to over-estimate impacts, it will likely be necessary to continue to base assessments on the total baseline mortality due to the uncertainty of how to account for any contribution of offshore wind projects. In principle, we agree that removing the impact of offshore wind projects from the assessments as they are decommissioned would give more accurate cumulative and in-combination assessments. However, there is not currently an agreed method for taking into account the decommissioning of existing wind farms, beyond screening out their impacts if there is no overlap. The Population Viability Analysis (PVA) tool, for example, which is used to assess impacts over the lifetime of a project in assessments, does not currently have the capacity to "switch off" certain project impacts at a certain point in the run. This is acknowledged to be a limitation of the assessment methodology, which we

			are hoping can be addressed in the future. We also note the lack of clarity over the end of life of early projects and consider that if a decommissioning date is not legally secured, then the appropriately precautionary approach is to assume it will continue to be operational and have an impact, though the impacts of early wind farms are generally relatively small. However, we highlight that continuation of energy production, repowering or repurposing will be subject to a further statutory consultation where the licence has an expiry date or similar provision. This would need to be supported by cumulative and in-combination assessments where needed. However, we understand that some licences for an OWF in the Irish Sea does not have such a stipulation, thereby complicating the picture. As Natural England is not responsible for the licences in question, we are not able to clarify the matter further for the ExA, nor advise on the implications for the current cumulative/in-combination assessments on a project-by-project basis.
1BEM47	The Applicant JNCC NE NRW NatureScot DAERA RSPB	**Base cases** The ExA understands that, following NE advice, consented turbine parameters have been used as opposed to as built parameters on the basis that it is, theoretically, possible that the remainder of the consented scheme could be built out. a) However, either where a scheme is coming to end of its life (see Table 5.1 of Applicant's response to Actions from PM and ISH1 [REP1-085]) or where the scheme as built would prevent additional	Natural England advises that it is generally the case that cumulative assessments are carried out using impact estimates taken from the Environmental Statements of previous projects, which are based on a worst-case scenario. In the gap-filled cumulative assessment for ornithological impacts, the Applicant has presented figures for both consented and as-built parameters where available, although we note that for several older

	North West Wildlife Trusts	development, should not 'as built' data be utilised? Would this alter any of the effects assessed? b) Could the Applicant, JNCC, NE, NRW, NatureScot, DAERA, the RSPB and the North West Wildlife Trusts please give their views on this proposition.	projects, only as-built parameters were available. While we consider it acceptable for the Applicant to present both, it is generally considered appropriate to base the assessment on the consented parameters as these represent the worst-case scenario and are legally secured within the DCO (although we note in the updated CEA that collision impacts attributed to Burbo Bank OWF are higher under the as-built scenario due to the turbines having a smaller air gap than in the consented scenario). Based on comparison of the cumulative and as-built impact estimates presented in the Mona Offshore Wind Project Offshore Ornithology Cumulative Effects Assessment and In-combination Gap-filling Historical Projects Results report, in this case, we do not consider that basing the assessment on the as-built parameters would change our conclusions. This is a nationally recognised issue and collaborative industry-led work in which NE has been involved is ongoing to address it. However, due to the legal complexities of the situation, there is not an agreed way forward and this issue will not be resolved within the timelines of the current consenting round.
1BEM48	The Applicant NE NRW RSPB North West	**Assessments** The Offshore Ornithology Technical Note 3 (Red-Throated Diver at Liverpool Bay SPA Update Assessment) [REP1-082] notes the effects of existing disturbance by helicopters and seacraft. It is stated that, apart from ferries, a significant proportion is associated with the	Natural England has advised that there will be an AEOI on the Liverpool Bay SPA from the project alone, therefore the reduction of disturbance from other sources would not change this outcome. Furthermore, whilst decommissioning or repurposing of offshore oil and gas infrastructure may be under consideration,

	Wildlife Trusts	oil and gas industry. As it well known, the decarbonisation agenda will mean that these operations will be phased out over time (re-purposing for Carbon Capture Assessment would need a revised assessment as it is not currently consented). Should, therefore, the effects of the removal of this traffic form part of the overall assessment? Could the Applicant, NE, NRW, the RSPB and the North West Wildlife Trusts please give their views on this proposition.	there is significant uncertainty around these projects: Many are yet to secure the relevant permissions/consents and it is not clear how much of a reduction (if any) in disturbance this will lead to. Therefore, there is no meaningful way to represent this in the assessment. Unconsented activities normally should not be considered as part of an HRA in-combination assessment.
1BEM49	NE	**Liverpool Bay SPA extension** Could NE please briefly set out the rationale for the extension of the Liverpool Bay SPA in 2017, and in particular set out any changes to the features leading to the designation, especially where those features could be affected by the Proposed Development?	Natural England advises that the Liverpool Bay / Bae Lerpwl Special Protection Area (SPA) was originally classified in 2010 for common scoter (*Melanitta nigra*), red-throated diver (*Gavia stellata*) and waterbird assemblage. In 2017, the SPA was reclassified by the UK and Welsh Assembly Governments. At this time, three more bird features were added. These are non-breeding little gull (*Hydrocoloeus minutus*), breeding little tern *(Sternula albifrons*) and breeding common tern (*Sterna hirundo*). As part of the reclassification in 2017, the boundary of the SPA was extended to the north and west to support the addition of little gull. The addition of little gull and extension of the site was made due to improved evidence indicating the importance of the site for non-breeding little gull, rather than any changes to the abundance or distribution of little gull. Similarly, the tern species were added in order to protect their foraging ranges when at breeding colonies in coastal SPAs which do not provide this protection, rather than any changes to the abundance or distribution of these species. See departmental brief on LBSPA extension

			for further info (https://assets.publishing.service.gov.uk/media/5a756006e5274a4358bd0021/liverpool-bay-bae-lerpwl-spa-departmental-brief.pdf). Natural England confirms that no impacts on the tern features of the SPA due to the Project are predicted. Please see Appendix B8 for our assessment of little gull impacts.
1BEM51	The Applicant NE MMO	**Use of alternative ways of working and technology to reduce effects** Paragraph 2.8.214 of NPS EN-3 encourages alternative ways of working and use of technology to be employed to avoid environmental impacts. For example, construction vessels may be rerouted to avoid disturbing seabirds. Paragraph 37 of the outline Vessel Traffic Management Plan (oVTMP) [REP2-022] references minimising impacts on seabirds once ports are known but provides limited information in section 7 regarding how routes to the site would be determined to minimise seabird disturbance. a) Could the Applicant please explain how seabird disturbance would be considered within the route selection process, amending any documents as necessary to ensure it would be secured. b) Can NE and MMO comment on any necessary measures that should be secured relating to vessel movements to ensure that impacts are minimised.	Please see Appendix D1 and Appendix B8 for our view on the Vessel Traffic Management plan submitted by the Applicant at Deadline 2. Natural England recommends that when selecting construction/operational ports, consideration must be given to the availability of routes to the array which avoid denser aggregations of birds within SPAs where such sites cannot be avoided completely
Schedule 6 – Deemed Marine Licence			
1DCO7	NE The Applicant	**Pre-construction plans and documentation** (Schedule 6, Part 2, condition 9(1)(c))	The Applicant has provided NE with anticipated timescales for review of pre-construction documentation, with both 4 month and 6 month review

		Could the Applicant and NE provide an update on any progress made regarding the timescales included in the dML conditions for approval of pre-construction documentation and agreement of documents, where 4 months can remain and those where 6 months can be accepted.	periods proposed. For clarity purposes, Natural England recommends that the Applicant submits a timetable into examination. We advise that consideration is given to moving toward a 6 month timescale for as many of these as possible. If, post consent, the Applicant seeks further advice on outstanding concerns from NE through our discretionary advice service prior to discharge submission to the MMO, then we believe that the timescales are likely to be achievable. Conversely, we highlight that based on post consent experiences, submission of documents which still require significant work/agreement is likely to involve multiple rounds of consultation, and revisions are necessitated, reducing the likelihood of agreement within the intended timescale.
8. Habitats Regulations Assessment (HRA)			
1HRA2	The Crown Estate The Applicant NE NRW	**Habitats Regulations Assessment from Round 4 Leasing** <u>To The Crown Estate</u> a) Could The Crown Estate please provide a copy of The Crown Estate Round 4 plan-level HRA. <u>To the Applicant</u> b) With reference to paragraph 2.8.71 of NPS EN-3, could the Applicant set out the relevant mitigation measures identified in the Round 4 plan-level HRA and signpost to where these have been addressed in the Applicant's submission. c) Does the Applicant consider that any representations are seeking to revisit matters dealt with in the Round 4 HRA where a conclusion has been reached without further evidence to indicate that the earlier	Natural England's advice in relation to Morecambe Generation is project specific i.e., based on the merits of the application as submitted. Because the plan level HRA, is by necessity more generalised due to the available evidence at the time of undertaking, it was agreed with the Crown Estate when it was written, that project specific HRAs need not fully align with the Plan Level HRA. But projects must still adhere the requirements of their seabed lease.

		conclusion was incorrect or that matters have subsequently changed? To NE and NRW d) Should either NE or NRW consider they are seeking to revisit matters, could NE and NRW please set out why they hold that any conclusion in the HRA for the Round 4 Irish Sea Projects is incorrect or matters have subsequently changed? If this is the case, could NE and NRW please explain their reasoning	
1HRA3	NE	**HRA Screening: Bats** Can NE confirm if it is content with the Applicant's approach to screening out terrestrial ecology including bats from the HRA on the basis described in [APP-028]. If not, please outline any concerns and give reasons.	The Applicant has stated that they do not believe there is an impact pathway due to the lack of protected sites in the UK for migratory bat species and the assumed sedentary nature of UK species. However, Natural England advises that there is a potential impact pathway, with some bat species, in particular noctule and Leislers being known to move between Ireland and England/Wales. It is therefore not possible to screen out impacts to bats altogether as the extent of these movements is not well understood. The Applicant should review the available evidence on bat species where crossing of the Irish Sea is known to have occurred and present findings as to the expected magnitude of effect from this pathway. Evidence sources that could inform this work include: The Bat Conservation Trust (https://www.bats.org.uk/about-bats/threats-to-bats/wind-farms-and-wind-turbines) Natural England's favourable conservation status statements for the relevant species (search on https://publications.naturalengland.org.uk/category/5415044475256832)

			The Handbook of the mammals of Europe, bat chapters (https://www.springer.com/series/15198) Offshore Energy SEA 4: Appendix 1 Environmental Baseline Bats chapter (https://assets.publishing.service.gov.uk/media/62308e42d3bf7f5a8a6955b8/Appendix_1a.7_-_Bats.pdf)
1HRA5	NE	**HRA Screening and RIAA** NE is requested to confirm its advice regarding the Applicant's screening assessment [APP-028] and RIAA [REP1-012] conclusions. To date, NE have not provided full commentary on their agreement or disagreement in relation to all sites and features screened into the assessment and therefore conclusions on LSE and the conclusions on Adverse Effect on Integrity.	Natural England will not be providing a full account of agreement and disagreement to each conclusion in the HRA screening and RIAA. Instead we have focussed on assessments where we believe there are issues with the conclusions drawn and/or there is a meaningful risk to a National Site. Please refer to Table 2 below for a summary of NE's views on HRA conclusions where we have identified issues and their current status. For avoidance of doubt and for audit trail purposes, for assessments where NE has not commented, it should be assumed that we have no significant nature conservation concerns with the conclusions.
1HRA12	NE	**Effects on Red Throated Diver, Liverpool Bay SPA** In paragraph 3 of the updated assessment for Red Throated Diver [REP1-082] it is noted that the Applicant states that the lack of reference of disagreement by NE to other conservation objectives such as population for the Liverpool Bay SPA has led to the view that NE is content with the conclusions in relation to these. Can NE confirm this position by commenting on each of the objectives set out in Table 1.2 of the document.	We confirm that we consider there will be AEOI for the following objectives: *Non-breeding population: distribution*. The project will impact the distribution of RTD in the site *Supporting habitat: extent, distribution and quality of supporting habitat for the non-breeding season*. The

			project is likely to reduce the availability of supporting habitat to red-throated diver. In terms of the other objectives: *Non-breeding population: abundance*. Mortality due to displacement impacts is not currently a primary concern for this feature, as surveys have suggested that with current levels of in-combination impacts, the overall abundance of the feature has not declined. Mortality levels are therefore unlikely to be at the upper end of the range considered. However, it is possible that this will change if the distribution of the feature and the availability of supporting habitat continues to be reduced by displacement and disturbance impacts. *Disturbance caused by human activity*. There are already significant levels of disturbance due to vessel movements within Liverpool Bay SPA. We believe that adequate mitigation can be secured for this attribute. *Supporting habitat: food availability and quality of prey*. We do not consider that the Project will have an impact on this attribute, as we expect the Project's impacts on prey species to be minimal.
1HRA13	NE	**Effect on little gull** In the Applicant's Comments on Written Representations Appendix A: Applicant's Comments on Natural England Risk and Issue Log [REP2-028] under reference WR-097-038 it is stated that on 28 November 2024 NE confirmed that it was now satisfied with the little gull Collision Risk Modelling. Could NE please confirm whether this is the case, and if not, explain what it considers to be not agreed.	Natural England has confirmed the results of the CRM for little gull and noted this issue as resolved in our Deadline 2 Risk and Issues log. Our advice on the overall impact to little gull is submitted in Appendix B8.

1HRA17	NE	**HRA without prejudice derogation case** Could NE explain why the Ribble and Alt Estuaries supplementary advice on conservation objectives applies a more stringent 'maintain' objective of 8,097 breeding pairs of Lesser Black Backed Gulls, compared with the citation figure of 4,100 breeding pairs.	It is considered that this higher abundance is not a short-term fluctuation, but a long-term change which better reflects favourable condition. The revised baseline is based on an average (mean) of the median of the 2016 counts, the 2015 and 2014 counts. This is therefore a more accurate account of the sites ability to support this species.
1HRA22	The Applicant NE	**Compensation measures: Vegetation survey at Steep Holm Island** The Applicant's 'Update on Without Prejudice Compensatory Measures' [REP1-093] indicates that vegetation surveys would be carried out during January to March. Can the Applicant confirm, and NE comment on, whether this period would be optimal for such surveys and whether additional surveys would need to be carried out later in the year to characterise the existing vegetation?	Natural England notes that the proposed survey is an effort to map the current location and extent of the scrub cover prior to the compensation measure (scrub clearance), rather than a detailed botanical survey. It is necessary in order to quantify the efficacy of the measure, i.e. has the area cleared of scrub now started being used as gull nesting habitat? We are satisfied that all the plant species present in the areas of scrub to be cleared (bramble, privet, elder, alexanders) will be identifiable to species through a combination of drone surveys and ground-truthing at the proposed time and therefore vegetation mapping surveys January to March would be acceptable. That said, the vegetation survey could be undertaken at any time prior to scrub clearance works commencing. If there is the potential for drone surveys to be undertaken without a ground-truthing component we suggest that the Applicant confirms with the potential contractor that they will still be able to differentiate areas of scrub from clear areas and areas of Alexanders.
1HRA23	NE	**Compensation measures: Habitat management**	Natural England advises that the lesser black-backed gull breeding season is typically considered to be April

		Annex 2B, section 5 of 4.11 'Habitats Regulations Assessment Without Prejudice Derogation Case' [REP1-014] states that habitat management would be undertaken outside the breeding season to avoid disturbance to the Lesser Black-Backed Gull compensation colony and of other designated features if present. In contrast Annex 2B, section 7 states that "Where possible the compensation measure will be implemented outside of the lesser black-backed gull breeding season (September to February) to minimise disturbance to breeding birds, although potentially some vegetation management (depending on the type of vegetation to be controlled) may need to be conducted early or late in the breeding season." Could NE confirm whether the Applicant should fully avoid the breeding season or whether some management early or late in the breeding season might be acceptable.	to July. However, because the compensation measure involves clearance of scrub such as bramble, privet and elder, in which other species of bird may be nesting (e.g. blackbird, dunnock etc.), it would be best to additionally avoid March and August, encompassing the typical breeding season range of small birds, noting that all wild birds are protected under the W&C Act 1981 (as amended) against killing, injuring or taking, and their nests, eggs and dependent young are protected against taking, damage and destruction (subject to some exemptions to permit legal activities). Some clearance work could however be carried out from August to March in areas dominated by the umbellifer Alexanders, which does not provide nesting opportunities for small birds and therefore where the risk of nest destruction is negligible.
1HRA28	NE MMO	**Cumulative effects relating to Invasive Non-Native Species (INNS)** The Applicant's assessment for INNS cumulatively with the M&MTA project focuses on the impact of vessels (such as ballast water) but does not consider the potential stepping stone effect of introduced hard standing from the M&MTA project. This could enable propagation of species from the shore to the site. Can NE and the MMO provide commentary on the risk of such propagation, the likelihood of a significant effect relating to INNS and any measures required to avoid or minimise such effects.	Natural England advises that this is a credible propagation pathway and the addition of any hard infrastructure to a sediment dominated system such as the Irish sea increases the risk of INNS spreading to protected sites where they may have an impact. This risk should be mitigated through the adoption of an appropriate management plan. Natural England notes that the Applicant has provided this in section 6.2.1 of the Outline Project Environmental Management Plan [REP1_054] and are satisfied that no further action at this time is required.

1HRA29	Mona Offshore Wind Ltd Morgan Offshore Wind Limited The Applicant NE MMO	**Co-ordination/communication between projects during construction to minimise effects** The Applicant's 'Report on Interrelationships with Other Infrastructure Projects - Revision 01 (Volume 9)' [REP1-078] explains why the Applicant considers that a legal obligation to co-ordinate with other developments in the Irish Sea could impede delivery of the Morecambe OWF. Paragraph 86 of the report concludes that opportunities for coordination would be explored where relevant and in respect of project timescales as these develop further. In the absence of a legal obligation, explain what formal mechanisms exist to ensure that there would be meaningful engagement around coordination and that it would happen in a timely fashion. The ExA is particularly concerned about mechanisms to minimise the impact of noise on marine receptors at a cross project level. <u>To Mona Offshore Wind Ltd and Morgan Offshore Wind Limited</u> a) These IPs are invited to make comments in relation to the above and to point to any provisions set out within their respective applications which would provide such co-ordination. To the Applicant, Mona Offshore Wind Ltd and Morgan Offshore Wind Limited b) While noting the issues identified in paragraph 43, should one (or more) of the other projects not proceed, could this be resolved by ensuring that any secured co-ordination was only relevant for those projects under implementation? To NE and MMO c) Would a mechanism to ensure co-ordination of OWF construction activities assist in reducing the cumulative effect of the Proposed Development with other projects and, if yes, do NE and MMO have examples of how such a mechanism would function and be secured?	c) Natural England would encourage the respective Applicants to investigate the potential for co-ordination of construction activities to reduce cumulative effects. Where this is possible, it should be implemented. We note that where co-ordination is possible and can demonstrably reduce cumulative effects, it cannot be considered as mitigation unless secured through conditions and included in a named plan. For example, Natural England notes that a 'Coordination Forum' has been set up and is facilitated by the MMO for projects in the North Sea to coordinate their underwater noise generating activities. The role of the forum is to ensure the noise management thresholds for the SNS SAC are not exceeded and to date this has been achieved. Commitments to the Coordination Forum have been secured through the inclusion of 'Coordination conditions' on the relevant projects' marine licences. Natural England consider a similar approach could also be adopted for the Irish Sea projects.
1HRA32	The Applicant	**Overarching avoidance rate assumption – Morecambe Bay and Duddon Estuary SPA and Ramsar sites**	Natural England advises that calculating appropriate, evidence-based species-specific avoidance rates

	NE	The RIAA [REP1-012] paragraph 532 assumes a 0.980 collision risk avoidance rate to all species. Could the Applicant confirm whether this was agreed with NE and why it is appropriate to assume one figure rather than applying species specific avoidance rates.	requires a large amount of high-quality species-specific observational data. Migratory collision risk modelling considers a wide range of species. But it must be recognised that there is limited collision data, (if any), for the majority of these species. Therefore, it is not feasible to provide species-specific rates. The generally accepted approach to dealing with this is to present a range of possible scenarios. This is sometimes done by presenting a range of impact values calculated using different avoidance rates, generally from 95% to 99.5%. Instead, the Applicant has presented a single avoidance rate of 98% for non-seabird species (alongside a no-avoidance scenario) and considered three different scenarios for the proportion of birds flying at collision risk height. This is another highly uncertain, evidence-poor parameter which significantly affects the number of collisions predicted. Given that 98% is already a more precautionary avoidance rate figure than those advised for any of the species group-specific seabird rates, we consider the Applicant's approach to be a suitably precautionary alternative method for representing the uncertainty in the assessment.
1HRA33	The Applicant NE	**Abundance of harbour porpoise within the site** The RIAA [REP1-012] paragraph 3356 states that “The two-year monthly aerial surveys reported an increased number of harbour porpoise at the site. However, it is important to note that these animals exhibit a broad range of prey preferences and extensive foraging ranges. Consequently, the higher observed numbers at the Project site should not be interpreted as inferring an exclusive or restrictive feeding ground, as harbour porpoise have been known to	Natural England advises that there is currently insufficient evidence to establish the cause of the observed higher numbers of harbour porpoise observed in the site.

		maintain flexibility in utilizing various foraging areas beyond the Project site." If there is not an exclusive or restrictive feeding ground, could the Applicant and NE explain why harbour porpoise are so abundant within the site boundary and can the Applicant explain whether there is a specific reason why harbour porpoise may be favouring this area (for example, prey abundance, lower vessel movements) and whether this has any implications for the assigned magnitude of impacts or sensitivity of receptors? For example, the ExA notes that changes in distribution of harbour porpoise may be linked to sandeel abundance (ES Chapter 11, paragraph 11.170).	
1HRA37	The Applicant NE	**Birds of Conservation Concern – Breeding Seabirds** On 2 September 2024 the latest status assessment of breeding seabird species in the UK was published. This addendum completes the 2021 Birds of Conservation Concern 5 review and updates the second International Union for Conservation of Nature Red List review of extinction risk for breeding seabird species in Great Britain. Confirm whether this assessment has any implications for the conclusions of the HRA/ ornithological assessments.	The update to BoCC5 does not alter Natural England's assessment conclusions. The only significant change in the update is the movement of great black-backed gull from the Amber to the Red list for GB, due to the severe impacts of Highly Pathogenic Avian Influenza on the UK population, and under the GB IUCN2a species assessment, great-black backed gull is now Critically Endangered (Stanbury and others, 2024). The Applicant has already concluded that there is a moderate adverse effect on this species due to cumulative collision impacts, which is significant at EIA scale. We are in agreement with this conclusion, as set out in Appendix B8.
Landscape Effects			
1SLV8	Affected Local Authorities NE	**SLVIA Methodology** In section 4.1 of Appendix 18.1 to ES Chapter 18 [APP-083], the Applicant has explained why it has not followed GLVIA3 methodologies in all respects. Do any IPs have any views as to the	As noted in our relevant representation, Natural England will not be making any further technical comment on SLVIA

		appropriateness or otherwise of this approach? If so, please explain why the parties hold this view, and any implications that may arise.	
1SLV9	The Applicant NE Local Authorities	**S245 Levelling Up and Regeneration Act 2023** Table 18.4 of ES Chapter 18 [APP-055] refers to s245 of the LURA in respect of the revised duties on National Landscapes (Areas of Outstanding Natural Beauty). However, there is no reference to this legislation in respect of National Parks. Could the Applicant, and other IPs as they consider appropriate, comment on any implications of s245 of the LURA in relation to the effects on National Parks. Could IPs set out any implications for the consideration of the Application in light of the coming into force of section 245 of the LURA?	As noted in our relevant representation, Natural England will not be making any further technical comment on SLVIA
1SLV10	All Parties	**Guidance on LURA Protected Landscapes duty** On 16 December 2024 Defra published 'Guidance for relevant authorities on seeking to further the purposes of Protected Landscapes'. All parties are asked to consider this guidance and how it may affect the consideration of the Proposed Development providing comments as appropriate.	As noted in our relevant representation, Natural England will not be making any further technical comment on SLVIA

Table 2. Summary of Natural England's HRA issues

Feature	Site	Issue	Deadline 3 status
Red-throated diver	Liverpool Bay / Bae Lerpwl SPA	Natural England **disagrees** with the Applicants conclusion of no Adverse Effect On Integrity (AEOI).	**Disagreement** with conclusion
Lesser black-backed gull	Morecambe Bay and Duddon Estuary SPA	Natural England **disagrees** with the Applicants conclusion of no AEOI in-combination.	**Disagreement** with conclusion
Lesser black-backed gull	Ribble and Alt Estuaries SPA	Natural England **disagrees** with the Applicants conclusion of no AEOI in-combination.	**Disagreement** with conclusion

Little gull	Liverpool Bay / Bae Lerpwl SPA	NE unable to confirm the conclusion of the assessment due to discrepancies in the collision risk modelling and due to methodological issues with the cumulative effects assessment.	In progress. This has been addressed in technical notes and NE is now able to agree with the conclusion presented. This is resolvable once the updates are reflected in the ES chapter and relevant assessment reports.
Guillemot	Various	NE unable to confirm the conclusion of the assessment due methodological issues with the cumulative effects assessment.	In progress. This has been addressed in technical notes and NE is now able to agree with the conclusion presented. This is resolvable once the updates are reflected in the ES chapter and relevant assessment reports.
Herring gull	Morecambe Bay and Duddon Estuary SPA, Ribble and Alt Estuaries SPA	NE unable to confirm the conclusion of the assessment due methodological issues with the cumulative effects assessment.	In progress. This has been addressed in technical notes and NE is now able to agree with the conclusion presented. This is resolvable once the updates are reflected in the ES chapter and relevant assessment reports.
Great black-backed gull	Various	NE unable to confirm the conclusion of the assessment due methodological issues with the cumulative effects assessment.	In progress. This has been addressed in technical notes and NE is now able to agree with the conclusion presented. This is resolvable once the updates are reflected in the ES chapter and relevant assessment reports.
Harbour porpoise	Various	NE unable to confirm the conclusion of the assessment due methodological issues with the cumulative effects assessment.	In progress. This has been addressed in technical notes and NE is now able to agree with the conclusion presented. This is resolvable once the updates are reflected in the ES chapter and relevant assessment reports.

Bottlenose dolphin	Various	NE unable to confirm the conclusion of the assessment due methodological issues with the cumulative effects assessment.	In progress. This has been addressed in technical notes and NE is now able to agree with the conclusion presented. This is resolvable once the updates are reflected in the ES chapter and relevant assessment reports.
Grey seal	Various	NE unable to confirm the conclusion of the assessment due methodological issues with the cumulative effects assessment.	In progress. This has been addressed in technical notes and NE is now able to agree with the conclusion presented. This is resolvable once the updates are reflected in the ES chapter and relevant assessment reports.
Bat species	Various	The Applicant has not provided sufficient justification for ruling out impacts to bats and thus screening them out from the HRA (see answer to ExQ 1HRA3 above).	**Disagreement** with conclusion.

References

FURNESS, R.W. 2015. Non-breeding season populations of seabirds in UK waters: Population sizes for Biologically Defined Minimum Population Scales (BDMPS). Natural England Commissioned Report Number 164.

HORSWILL, C. and ROBINSON, R.A., 2015. Review of Seabird Demographic Rates and Density Dependence. JNCC Report no. 552.

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