MORGAN AND MORECAMBE OFFSHORE WIND FARMS: TRANSMISSION ASSETS

Scoping Opinion

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SCOPING OPINION:

Proposed Morgan and Morecambe Offshore Windfarms Transmission Assets

Case Reference: EN020028

Adopted by the Planning Inspectorate (on behalf of the Secretary of State) pursuant to Regulation 10 of The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017

08 December 2022

TABLE OF CONTENTS

1. INTRODUCTION 1

2. OVERARCHING COMMENTS 3

2.1 Description of the Proposed Development 3
2.2 EIA Methodology and Scope of Assessment 5

3. ENVIRONMENTAL ASPECT COMMENTS 8

3.1 Offshore: Physical Processes 8
3.2 Offshore: Underwater noise 10
3.3 Offshore: Benthic, subtidal and intertidal ecology 12
3.4 Offshore: Fish and shellfish ecology 14
3.5 Offshore: Marine mammals 18
3.6 Offshore: Ornithology 21
3.7 Offshore: Commercial fisheries 23
3.8 Offshore: Shipping and navigation 25
3.9 Offshore: Marine archaeology 26
3.10 Offshore: Other sea users 29
3.11 Onshore: Geology, hydrogeology and ground conditions 31
3.12 Onshore: Hydrology and flood risk 34
3.13 Onshore: Terrestrial ecology and ornithology (intertidal and onshore) 37
3.14 Onshore: Historic environment 39
3.15 Onshore: Land use and recreation 42
3.16 Onshore: Traffic and transport 44
3.17 Onshore: Noise and vibration 46
3.18 Onshore: Air quality 48
3.19 Onshore: Seascape, landscape and visual resources 50
3.20 Onshore: Aviation and radar 51
3.21 Onshore: Climate change 53
3.22 Onshore: Socio-economics and community 54
3.23 Aspects proposed to be covered as a technical appendix 56
3.24 Aspects covered elsewhere in the ES 60
3.25 Aspects proposed to be scoped out of the ES 62

APPENDIX 1: CONSULTATION BODIES FORMALLY CONSULTED

APPENDIX 2: RESPONDENTS TO CONSULTATION AND COPIES OF REPLIES

1. INTRODUCTION

1.0.1 On 28 October 2022, the Planning Inspectorate (the Inspectorate) received an application for a Scoping Opinion from Morgan Offshore Wind Limited (Morgan OWL) and Morecambe Offshore Windfarm Limited (Morecambe OWL) (the Applicants) under Regulation 10 of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (the EIA Regulations) for the proposed Morgan and Morecambe Offshore Windfarms Transmission Assets (the Proposed Development). The Applicants notified the Secretary of State (SoS) under Regulation 8(1)(b) of those regulations that they propose to provide an Environmental Statement (ES) in respect of the Proposed Development and by virtue of Regulation 6(2)(a), the Proposed Development is 'EIA development'.

1.0.2 The Applicants provided the necessary information to inform a request under EIA Regulation 10(3) in the form of a Scoping Report, available from:

http://infrastructure.planninginspectorate.gov.uk/document/EN020032-000032

1.0.3 This document is the Scoping Opinion (the Opinion) adopted by the Inspectorate on behalf of the SoS. This Opinion is made on the basis of the information provided in the Scoping Report, reflecting the Proposed Development as currently described by the Applicants. This Opinion should be read in conjunction with the Applicants' Scoping Report.

1.0.4 The Inspectorate has set out in the following sections of this Opinion where it has / has not agreed to scope out certain aspects / matters on the basis of the information provided as part of the Scoping Report. The Inspectorate is content that the receipt of this Scoping Opinion should not prevent the Applicants from subsequently agreeing with the relevant consultation bodies to scope such aspects / matters out of the ES, where further evidence has been provided to justify this approach. However, in order to demonstrate that the aspects / matters have been appropriately addressed, the ES should explain the reasoning for scoping them out and justify the approach taken.

1.0.5 Before adopting this Opinion, the Inspectorate has consulted the 'consultation bodies' listed in Appendix 1 in accordance with EIA Regulation 10(6). A list of those consultation bodies who replied within the statutory timeframe (along with copies of their comments) is provided in Appendix 2. These comments have been taken into account in the preparation of this Opinion.

1.0.6 The Inspectorate has published a series of advice notes on the National Infrastructure Planning website, including Advice Note 7: *Environmental Impact Assessment: Preliminary Environmental Information, Screening and Scoping* (AN7). AN7 and its annexes provide guidance on EIA processes during the pre-application stages and advice to support applicants in the preparation of their ES.

1.0.7 Applicants should have particular regard to the standing advice in AN7, alongside other advice notes on the Planning Act 2008 (PA2008) process, available from:

https://infrastructure.planninginspectorate.gov.uk/legislation-and-advice/advice-notes/

1.0.8 This Opinion should not be construed as implying that the Inspectorate agrees with the information or comments provided by the Applicants in their request for an opinion from the Inspectorate. In particular, comments from the Inspectorate in this Opinion are without prejudice to any later decisions taken (e.g. on formal submission of the application) that any development identified by the Applicants is necessarily to be treated as part of a Nationally Significant Infrastructure Project (NSIP) or Associated Development or development that does not require development consent.

2. OVERARCHING COMMENTS

2.1 Description of the Proposed Development

(Scoping Report Section 4)

ID	Ref	Description	Inspectorate's comments
2.1.1	4.4.1.4	Project Design Envelope (PDE) approach and flexibility	The Scoping Report refers here to 'realistic worst case' scenarios and parameters. It is not clear if these equate to the Maximum Design Scenario (MDS) for any given parameter. It is understood from the Scoping Report that the worst-case assessment will identify the MDS for any given parameter depending on the environmental matter being considered. It is understood that the PDE will capture all MDS options. The Inspectorate advises that flexibility in design should only be sought where absolutely necessary, in the interests of a proportionate ES based on the most realistic and refined PDE possible. The ES should assess the worst case that could potentially be built out in accordance with the Authorised Development of the Development Consent Order (DCO) being applied for.
2.1.2	4.4.5.9	Seabed preparation	The ES should provide further detail on the proposed seabed preparation activities, and identify the worse-case scenario assessed in relation to seabed disturbance. The need for dredging, quantities of material and likely disposal location should be identified, and likely significant effects assessed in the ES.
2.1.3	4.4.9.2	Alternatives in onshore substation design	Two substation designs are included in the proposed design envelope (air insulated versus gas insulated), with implications for size, form and appearance.

ID	Ref	Description	Inspectorate's comments
			The Inspectorate advises that flexibility in design should only be sought where absolutely necessary. In the interests of a proportionate ES, such optionality should ideally be resolved prior to the point of application.
2.1.4	4.5.1.2	Construction sequencing	The Scoping Report states that the Transmission Assets are likely to be installed over a period of up to four years for Morgan Offshore Wind Farm (OWF) and up to three years for Morecambe OWF. To what degree the construction activities will occur concurrently is not explained. The ES should ensure that the realistic worst case construction period is assessed for the project as a whole. Additionally, the construction phasing should be detailed enough to establish which construction activities will be done collaboratively and simultaneously or at separate times.
2.1.5	4.5.2	Vessel movements	The ES should detail the type, number and frequency of vessel movements required to construct and operate the Proposed Development. If these are unknown, then the ES should explain the assumptions that have been made about vessel movements to inform the assessment.
2.1.6	n/a	Construction port facility and operations and maintenance base	The Applicants should make effort to identify the location of the port and maintenance base in the ES, where possible, and assess any likely significant effects associated with port use. If locations cannot be confirmed, the ES should explain the assumptions and worst-case scenario which have informed the assessment.

2.2 EIA Methodology and Scope of Assessment

(Scoping Report Section 5)

ID	Ref	Description	Inspectorate's comments
2.2.1	5.4.3	Evidence based approach	The Inspectorate acknowledges that data and knowledge regarding the baseline environment exists from surveys, assessments and post-construction modelling for other proposed and existing offshore wind projects. The Inspectorate understands the benefits of utilising this information to supplement site specific survey data but advises that suitable care should be taken to ensure that the information in the ES remains representative and fit for purpose. This should include taking into account the impact of more recent developments that have occurred subsequent to when the data was collected. Similarly, where data from other wind farm projects is used to support the assessment, the ES should confirm that these are truly comparable for example in terms of the size of the foundations. The Applicants should make effort to agree the suitability of information used for the assessments in the ES with relevant consultation bodies.
2.2.2	5.5.1.1	Reversibility of impact	The ES should define what a 'reasonable timescale' or 'short time period' would be within which recovery could occur for an impact to be reversible/not permanent.
2.2.3	Tables 4.6, 4.12, 4.17 and 4.20.	Accidental pollution offshore	Offshore, the Scoping Report proposes to scope out accidental pollution resulting from construction, operation and decommissioning of the Proposed Development. The Inspectorate agrees that such effects are capable of mitigation through standard management

ID	Ref	Description	Inspectorate's comments
			practices and can be scoped out of the assessment. The ES should provide details of the proposed mitigation measures to be included in the Environmental Management Plan and its constituent Marine Pollution Contingency Plan (MPCP). The ES should also explain how such measures will be secured.
2.2.4	n/a	Mitigation measures	Any mitigation measures identified as necessary from the assessment should be clearly explained and the ES should set out how these would be secured through the DCO process.
2.2.5	n/a	Other relevant assessments	The ES should draw on relevant information within the Manx Marine Environmental Assessment, as cross referenced in the Isle of Man Government response.
2.2.6	n/a	Cumulative effects – other projects	In light of the number of ongoing developments within the vicinity of the Proposed Development application site, the ES should clearly state which developments will be assumed to be part of the baseline and those which are to be considered as other development for the purposes of the cumulative effects assessment. Respondents to the Scoping Report have identified proposed developments or provided advice on the types of projects, plans, or activities that should be included (see Appendix 2 of this Opinion); these should be taken into account in the cumulative effects assessment. The Applicant should seek to agree the scope of the projects assessed with these consultation bodies.
2.2.7	n/a	Confidential Annexes	Public bodies have a responsibility to avoid releasing environmental information that could bring about harm to sensitive or vulnerable features. Specific survey and assessment data relating to the presence and locations of features that could be subject to disturbance, damage, persecution, or commercial exploitation resulting from publication of the information, should be provided in

ID	Ref	Description	Inspectorate's comments
			the ES as a separate confidential annex. All other assessment information should be included in an ES chapter with a placeholder explaining that a confidential annex has been submitted to the Inspectorate and may be made available subject to request.

3. ENVIRONMENTAL ASPECT COMMENTS

3.1 Offshore: Physical Processes

(Scoping Report Part 2, Section 3.1)

ID	Ref	Applicants' proposed matters to scope out	Inspectorate's comments
3.1.1	Table 3.4	Changes to bathymetry due to depressions left by jack-up vessels	Whilst the Inspectorate acknowledges that the Scoping Report indicates a limited and short-term, reversible effect, no justification is provided to scope out impacts from jack-up vessel spud-cans and footprints on the sedimentary regime. There is also no evidence that additional scour from depressions would not give rise to significant effects. The Inspectorate therefore does not agree this matter can be scoped out. See ID 3.1.2 below regarding secondary scour. The Inspectorate is therefore not in agreement that changes to bathymetry (as a result of the use of jack-up vessels only) can be scoped out of the assessment.
3.1.2	Table 3.4	Scour of seabed sediments during the operation and maintenance phase	Based on the information provided within the scoping report indicating that scour protection will be installed as a committed mitigation measure, the Inspectorate is in agreement that an assessment of (primary) scour can be scoped out for the operational phase. It is however noted that secondary scour is proposed to be scoped into the assessment. The Scoping Report does not make reference to the scour of seabed sediments during the construction and decommissioning stages. For clarity, the Inspectorate considers that this should be scoped in to the assessment.

ID	Ref	Applicants' proposed matters to scope out	Inspectorate's comments
3.1.3	Part 1 – Paragraph 4.4.5.9	Seabed Levelling	Scoping Report paragraph 4.4.5.9 (in Scoping Report part 1) states that seabed levelling may be required but this is not mentioned in the physical processes chapter. The ES should assess any likely significant secondary effects that this may have on changes to the current/flow regime, wave regime and sediment transport regime and any morphological changes. Impacts from dredging and disposal of material should also be assessed, where significant effects are likely to occur. Any disposal method should be described and should include the estimated volume of material to be disposed of.

ID	Ref	Description	Inspectorate's comments
3.1.4	Paragraph 3.1.7.2 / 3.1.7.3 / Table 3.3	Numerical modelling and qualitative assessments	Table 3.3 indicates that for some impacts, a qualitative assessment only will be provided. Paragraphs 3.1.7.2 and 3.1.7.3 indicate that this is because modelling has already been undertaken for the Morecambe generation assets. The ES should consider the need for additional modelling as the transmission assets cover a significantly larger area than the Morecambe (and Morgan) generation assets and interact with coastal features at the landfall point. The extent of such modelling should be agreed with the Expert Working Group where possible.

3.2 Offshore: Underwater noise

(Scoping Report Part 2, Section 3.2)

ID	Ref	Applicants' proposed matters to scope out	Inspectorate's comments
3.2.1	Table 3.7	Effects of the particle motion element of underwater noise on marine mammals during all phases	The Scoping Report states that there is no evidence that particle motion has any effect on marine mammals and seeks to scope out the pathway on this basis. As mammal hearing is based on detection sound pressure rather than particle motion, the Inspectorate is content that this matter can be scoped out for these receptors.

ID	Ref	Description	Inspectorate's comments
3.2.2	Table 3.6, Table 5.2	Inter relationships with commercial fisheries	Section 3.2 of the Scoping Report (Underwater noise) states that the underwater noise study would inform the Commercial Fisheries ES chapter. However, Section 5.1 of the Scoping Report (Commercial fisheries) does not specifically identify underwater noise as a potential impact. The influence of noise impacts on commercial fisheries (i.e. as a result of impacts on targeted species) should be clearly explained and assessed within the ES.
3.2.3	Table 3.6	Effects of underwater noise on marine life due to jacket or monopile cutting and removal	Table 3.6 of the Scoping Report proposes to assess the effects of underwater noise on marine life due to jacket or monopile cutting and removal during decommissioning. However, the Scoping Report does not specifically identify this potential impact within the Fish and shellfish ecology, Marine mammals or Offshore ornithology sections. The outcomes of this assessment should be presented within the relevant ES chapters.

ID	Ref	Description	Inspectorate's comments
3.2.4	3.2.7.4	Noise propagation modelling	The Scoping Report anticipates that the underwater noise assessment will include estimation of realistic and maximum design scenarios for source level noise for impact piling during construction. Paragraph 3.2.1.2 and Table 3.6 identify other underwater noise sources during construction (e.g. the use of barges and vessels) but it is unclear whether modelling would be undertaken for these. The ES should clearly identify all sources of underwater noise and vibration, for all phases of the Proposed Development, and assess the impacts from these activities where significant effects are likely to occur. The ES should set out the methodology and assumptions for all modelling undertaken.

3.3 Offshore: Benthic, subtidal and intertidal ecology

(Scoping Report Part 2, Section 4.1)

ID	Ref	Applicants' proposed matters to scope out	Inspectorate's comments
3.3.1	Table 4.5	Long term habitat loss during decommissioning	The Scoping Report (Section 4.2, Table 4.11) states that permanent habitat loss may occur under any infrastructure that is not decommissioned at the end of the Transmission Assets lifetime. In light of this the Inspectorate does not agree to scope this matter out.
3.3.2	Table 4.5	Colonisation of hard structures during construction and decommissioning	The impact of the introduction of artificial structures and the colonisation of said structures by marine biota is not proposed to be assessed during the construction and decommissioning phases. Considering that the structures are proposed to be (partially) left in situ, the Inspectorate considers that the ES should assess the impact of the introduction of artificial structures and their colonisation as a likely effect during decommissioning where significant effects are likely to occur.
3.3.3	Table 4.5	Changes in physical processes during construction and decommissioning	The Inspectorate considers that during construction, there will be activities with potential to cause changes in physical processes e.g. laying cable protection and piling. As construction is anticipated to last three/ four years, changes in physical processes may occur during this time. Therefore, the Inspectorate does not agree to scope this matter out. The ES should assess impacts to physical processes during construction and decommissioning where significant effects are likely to occur.
3.3.4	Table 4.6	Accidental pollution during construction, operation and maintenance and decommissioning	As per Table 2.2, comment 2.2.3 of this Opinion, the Inspectorate agrees to scope this out.

ID	Ref	Description	Inspectorate's comments
3.3.5	4.1.3.2	Survey area	The Scoping Report states that the benthic and intertidal surveys undertaken to date have covered 'a refined area' of the scoping boundary. The survey locations should be presented on a figure within the ES.
3.3.6	Table 4.3	Designated sites	Consideration of designated sites should also include SPAs, which have benthic habitats that are designated as supporting habitats for the bird features.
3.3.7	Paragraph 4.5.1.1 and Table 4.5	Duration of impacts	Scoping Report paragraph 4.5.1.1 states that a temporary impact is one where natural recovery is possible over a short time period but this is not quantified either generally or in relation to the intertidal and benthic ecology. The ES should establish what impacts are temporary, medium and long term in relation to the receptor being impacted where it has influence on the assessment of significance.

3.4 Offshore: Fish and shellfish ecology

(Scoping Report Part 2, Section 4.2)

ID	Ref	Applicants' proposed matters to scope out	Inspectorate's comments
3.4.1	Table 4.12	Accidental pollution during construction, operation and maintenance and decommissioning phases	As per Table 2.2, comment 2.2.3 of this Opinion, the Inspectorate agrees to scope this out.

ID	Ref	Description	Inspectorate's comments
3.4.2	Table 3.2	Key constraints considered	Table 3.2 'Key Constraints Considered' should also include migration routes for Annex II diadromous fish.
3.4.3	4.2.3.2, Table 4.7	Baseline surveys	The baseline is supported by a desk-based analysis of multiple records set out in Scoping Report Table 4.7. However, considering the age of previous surveys within the area and that the proposed surveys are not specific to fish and shellfish, there is a risk that the baseline may not be robust. The desk study does not take into account the effectiveness of the surveys (for example, trawl surveys are not designed to capture shellfish) or the behaviour of species (for example, herring are also known to change specific locations of spawning each year and do not necessarily return to the same spot). Effort should be made to agree the approach to baseline characterisation with the relevant consultation bodies and the approach should be sufficiently justified in the ES.
3.4.4	4.2.4.13	Migratory species	Due to the extensive migration periods of various life stages of migratory fish and inshore foraging of sea trout and eel, determining key migration windows robustly is difficult. The Inspectorate advises

ID	Ref	Description	Inspectorate's comments
			that the ES should incorporate a worst case scenario that assumes that diadromous fish are present in the study area throughout the year.
3.4.5	4.2.4.20	Spawning and nursery grounds	The Scoping Report highlights herring as a species with high intensity spawning grounds within the Transmission Asset scoping boundary. The Applicant should note the statutory herring spawning closure in Manx waters (Douglas Bank herring closure). The Inspectorate notes that cod also has high intensity spawning grounds within the scoping boundary, and that owing to their well-developed hearing capabilities should also be considered vulnerable to underwater noise impacts.
3.4.6	Table 4.11	Underwater noise	The description of underwater noise impacts in Table 4.11 is imprecise and it is not possible to determine which specific impact pathways described in Table 3.6 of Section 3.2 (Underwater noise) are included in the assessment, e.g. it is not clear whether impacts from particle motion have been included. The description of impact pathways should be consistent across aspect chapters and technical appendices within the ES.
3.4.7	4.2.6	Mitigation measures	Mitigation measures adopted as part of the project specify that soft-start piling and ramp-up measures will be implemented during construction. The Applicants should consider controlling the timing of activities during construction and operation to avoid key and sensitive periods to species, for example fish spawning and migration periods. The ES should also specify any restrictions on where 'noisy' measures may overlap e.g. piling and potential UXO detonation, and describe any additional mitigation to be implemented e.g. twin walled piles or bubble curtains.

ID	Ref	Description	Inspectorate's comments
			The ES should describe the proposed mitigation measures and signpost where they are secured in the application based on a worst-case scenario of noise impact, and this should include any overlapping sources of noise e.g. multiple piles and UXO detonation. Effort should be made to agree the approach with the relevant consultation bodies.
3.4.8	4.2.8	Cumulative effects	The assessment of impacts on spawning fish from underwater noise should consider the potential for disturbance/displacement/disruption of spawning fish over sequential spawning seasons (whilst there may be no direct temporal or spatial overlap between projects, the cumulative effects over several spawning seasons should be assessed).
3.4.9	n/a	Direct damage	The Scoping Report does not consider the potential for direct damage to species. Whilst the Inspectorate acknowledges that fish are generally a mobile receptor, some species have a close affiliation with the seabed (i.e. sand eel and herring) and may be reliant on specific habitat for part of their life stages. In addition, sedentary shellfish species have limited ability to move in order to avoid danger. The Inspectorate considers that direct damage and disturbance to mobile demersal and pelagic fish and shellfish species should be scoped into the assessment for all phases of the development. Accordingly, the ES should include an assessment of these matters or evidence demonstrating agreement with the relevant consultation bodies that significant effects are not likely to occur.
3.4.10	n/a	Fish feeding grounds and overwintering areas for crustaceans	The Scoping Report does not address potential impacts on fish feeding grounds or over-wintering areas for crustaceans. The ES should assess these impacts where significant effects are likely to occur.

ID	Ref	Description	Inspectorate's comments
3.4.11	n/a	Vessel collision with basking shark	The ES should assess the potential for vessel collision with basking shark and any significant effects that are likely to occur.

3.5 Offshore: Marine mammals

(Scoping Report Part 2, Section 4.3)

ID	Ref	Applicants' proposed matters to scope out	Inspectorate's comments
3.5.1	4.3.4.21	White beaked dolphin	The Scoping Report states that white beaked dolphin is only an occasional visitor to the Irish Sea and that none were identified in the digital aerial surveys undertaken for the arrays. The Inspectorate considers that a high-level qualitative assessment should be presented within the ES, the scope of which should be agreed with the Expert Working Group (EWG).
3.5.2	Table 4.16	To be scoped out from operation and decommissioning: Injury and disturbance from underwater noise generated from piling and UXO detonation Disturbance from pre-construction surveys	The Inspectorate acknowledges that these activities will only be taking place during pre-construction/construction and agrees no assessment is required in relation to operation and decommissioning.
3.5.3	Table 4.17	Accidental pollution during all phases	As per Table 2.2, comment 2.2.3 of this Opinion, the Inspectorate agrees to scope this out.
3.5.4	Table 4.17	Increased Suspended Sediment Concentrations (SSCs) and associated sediment deposition during all phases	The Scoping Report states that marine mammals are known to forage in tidal areas where water conditions are turbid and visibility conditions are poor and there is large natural SSC variability within the study area. It further notes that sediments are expected to rapidly dissipate over one tidal excursion. Given the length of the transmission assets, the Inspectorate considers there is insufficient information in the Scoping Report on how the impact range is

ID	Ref	Applicants' proposed matters to scope out	Inspectorate's comments
			expected to be localised and dissipated over one tidal excursion therefore the Inspectorate is unable to scope this matter out.
3.5.5	Table 4.17	Impact of electric and magnetic fields (EMF) during the operation and maintenance phase	Current evidence from 2018 is referenced, suggesting that the only marine mammal to show any response to EMF is the Guiana dolphin (*Sotalia guianesi*) which have not been reported in the scoping area and on this basis, impacts from EMF are proposed to be scoped out. The Inspectorate is content to scope this matter out on this basis.

ID	Ref	Description	Inspectorate's comments
3.5.6	4.3.6.1	Mitigation measures for UXO clearance	No measures are proposed to mitigate impacts from UXO clearance. The ES should identify and secure appropriate mitigation measures to reduce/avoid impacts from UXO clearance on marine mammals. Effort should be made to agree appropriate mitigation with the relevant consultation bodies.
3.5.7	4.3.3.4	Site-specific surveys	The Scoping Report explains that aerial digital marine mammal surveys collected 30% of the sea surface of which 12% was analysed. The ES should explain the rationale behind the 12% value and demonstrate that the survey coverage is appropriate to provide adequate baseline characterisation. The ES should include reference to any agreements reached through the EWG, including relevant consultation bodies such as Natural England (NE) and Natural Resources Wales (NRW).
3.5.8	Table 4.16	Potential impacts to marine mammals	The ES should assess impacts on marine mammal feeding areas, birthing areas/haul out sites, nursery grounds, barrier effects, and known migration or commuting routes where significant effects are likely to occur.

ID	Ref	Description	Inspectorate's comments
3.5.9	4.4.6.1 and 4.3.6.1	Mitigation - Vessel Management Plan (VMP)	Scoping Report paragraph 4.4.6.1 states that a VMP will include measures to minimise disturbance to rafting seabirds. This should also incorporate measures to avoid disturbance and/or collision to marine mammals where appropriate.
3.5.10	4.3.8	Cumulative effects	The Scoping Report proposes to assess cumulative noise impacts but does not propose to assess other impacts scoped into the assessment in Table 4.16 cumulatively e.g. injury and disturbance from collision with vessels and pre-construction surveys or effects on changes in prey availability; this approach is not justified. The ES should assess cumulative impacts on marine mammals where significant effects are likely to occur.

3.6 Offshore: Ornithology

(Scoping Report Part 2, Section 4.4)

ID	Ref	Applicants' proposed matters to scope out	Inspectorate's comments
3.6.1	Table 4.19	Indirect impacts from underwater noise affecting prey species during operation	The Scoping Report proposes to scope in indirect impacts from underwater noise affecting prey species during construction and decommissioning and scope out this impact during operation on the basis that the underwater noise emitted during the operation and maintenance phase would not cause significant disruption to prey species. Prey species may be affected by several sources of impact in addition to noise (e.g. habitat loss and increased SSCs and associated sediment deposition) as described in (and scoped in to) Section 4.1: Benthic subtidal and intertidal ecology and Section 4.2 Fish and shellfish ecology. The Inspectorate considers therefore that the scope of this matter should be broadened to consider indirect impacts to ornithology receptors due to changes in prey availability arising from all significant sources, and that this should be considered for all phases of the development where significant changes to prey availability are likely to occur.
3.6.2	Table 4.20	Collision risk at OSPs and booster stations (all project phases)	The Inspectorate acknowledges that significant collision risk to birds arising from the stationary OSPs and Morgan offshore booster station structures is considered to be unlikely and is therefore content to scope this matter out.
3.6.3	Table 4.20	Barrier to movement (all project phases)	The Scoping Report proposes to scope this matter out as the relatively small scale of the stationary OSPs and Morgan offshore booster station structures means that they are unlikely to present a significant barrier to the movement of birds. The Inspectorate considers that the collective impact of the turbines and the proposed

ID	Ref	Applicants' proposed matters to scope out	Inspectorate's comments
			offshore platforms should be considered and therefore does not agree to scope this matter out of the operational phase.
3.6.4	Table 4.20	Accidental pollution (all project phases)	As per Table 2.2, comment 2.2.3 of this Opinion, the Inspectorate agrees to scope this out.

ID	Ref	Description	Inspectorate's comments
3.6.5	4.4.3.2 - 5	Baseline	The Scoping Report proposes to characterise the baseline using offshore ornithological surveys undertaken within the Morgan and Morecambe OWF array study areas, as well as intertidal and nearshore waterbird surveys, filling in the gaps with data derived from existing seabird datasets. The Inspectorate advises that the Applicants should seek to agree the survey coverage, modelling parameters used and the methodology applied with the relevant consultees through the Evidence Plan process to ensure that it is sufficient to cover the transmission infrastructure.
3.6.6	4.4.6.1	VMP, Environmental Management Plan and MPCP	The Scoping Report does not provide any detail on the specific measures to be included within these plans, noting they may evolve as the EIA progresses. Where these measures are being relied upon for the assessments in the ES they must be set out in the ES in detail, including how they are to be secured e.g. by DCO requirement.

3.7 Offshore: Commercial fisheries

(Scoping Report Part 2, Section 5.1)

ID	Ref	Applicants' proposed matters to scope out	Inspectorate's comments
3.7.1	Table 5.3	Interference with fishing activity	The Scoping Report proposes to scope out this matter on the grounds that cable installation, maintenance and decommissioning activities will be temporary, and construction, maintenance and decommissioning activities associated with the OSPs and any Morgan offshore booster station would be temporary and limited in spatial extent. The Inspectorate agrees that, subject to consultation with commercial fisheries stakeholders, this matter can be scoped out of the ES.
3.7.2	Table 5.3	Increase in steaming distances	The Scoping Report proposes to scope out this matter on the grounds that cable installation, maintenance and decommissioning activities will be temporary, and construction, maintenance and decommissioning activities associated with the OSPs and any Morgan offshore booster station would be temporary and limited in spatial extent. Considering the temporary nature of the activities, and that once operational, fishing vessels will be able to transit through the wind farm array area with limited change to existing steaming distances, the Inspectorate agrees that significant effects are unlikely and that this matter can be scoped out of the ES subject to the continued consultation noted in the Scoping Report.

ID	Ref	Description	Inspectorate's comments
3.7.3	5.1.6.1	Mitigation measures – cable positioning and protection	The Scoping Report states that where cable burial to sufficient depth to avoid interaction with fishing gear is not possible cable protection will be employed. This will be designed to enable trawling to continue over it. The ES must clearly describe the mitigation measures to be employed, with care taken to ensure consistency with cable protection matters considered for other environmental aspects, as necessary.

3.8 Offshore: Shipping and navigation

(Scoping Report Part 2, Section 5.2)

ID	Ref	Applicants' proposed matters to scope out	Inspectorate's comments
3.8.1	n/a	n/a	No matters have been proposed to be scoped out of the assessment.

ID	Ref	Description	Inspectorate's comments
3.8.2	5.2.2.2	Study Area	A study area of 10 nautical miles (nm) has been proposed for the shipping and navigation assessment. The ES should explain the rationale behind the choice of study area and, where possible, the approach should be agreed with the relevant consultation bodies.
3.8.3	5.2.7.10	Assessment Methodology	The ES should clearly set out how the risk assessment and hazard workshop approach leads to an assessment of significance of effect consistent / compatible with the terminology used in the ES, for which the intended approach is set out in Part 1, Chapter 5, Section 5.5.4 of the Scoping Report.

3.9 Offshore: Marine archaeology

(Scoping Report Part 2, Section 5.3)

ID	Ref	Applicants' proposed matters to scope out	Inspectorate's comments
3.9.1	Table 5.6	Alteration of sediment transport regimes during construction and decommissioning	Based on the information provided within the Scoping Report indicating that construction and decommissioning works are short term in duration, and the ES will consider sediment disturbance and deposition during these phases, the Inspectorate is in agreement that an assessment of the effects on archaeological deposits from the alteration of sediment transport regimes can be scoped out for construction and decommissioning phases only.

ID	Ref	Description	Inspectorate's comments
3.9.2	5.3.2.1	Scoping Boundary and Study Area	The Scoping Report describes the study area but does not explain why the area chosen (2km buffer zone) is sufficient to reflect the likely zone of influence of the Proposed Development, other than to say "in line with best practice". Some of the potential impacts to be assessed result from changes to marine physical processes, however the study area to be used for the marine archaeological assessment is different to that proposed for the assessment of physical processes. The ES should be based on a defined study area, which is sufficient to identify the likely significant effect (LSE) of the Proposed Development, on any offshore heritage assets within the English coastal zone. The ES should confirm whether the study area aligns with relevant policy and guidance and provide justification for any divergences. A figure showing the extent of the final study area should be provided in the ES.

ID	Ref	Description	Inspectorate's comments
3.9.3	3.3.3.5	Site Specific Surveys	Paragraph 3.3.3.5 indicates that geophysical survey work has been undertaken within the "transmission assets scoping boundary for the Morgan and Morecambe Offshore Windfarm projects". The export cable corridor has not yet been fully defined and it will be essential for the ES to clearly set out the areas subject to this survey. Archaeological expertise should be used to inform the approach to geophysical assessment and the ES should also explain how stakeholder consultation has informed the data collection for the assessment. The Inspectorate recommends that the Applicants make effort to agree the survey methodology and the investigations needed to inform the assessment and any mitigation measures with Historic England.
3.9.4	Figure 5.15	Scoping Boundary and Study Area	Figure 5.15 shows a small triangular area to the south of the onshore scoping boundary, which does not appear on any other figure or indicated study area throughout the Scoping Report and is not connected to the main marine archaeology study areas for the offshore environment. The ES should provide details of this additional study area, or in the case that it is an error in the figure, provide a corrected figure detailing the study area.
3.9.5	5.3.3.1	Desk top data	Given that the archaeological study area extends into the Isle of Man marine planning area, the Applicants are advised to include any relevant Isle of Man marine historic environment records within the ES data sources. The ES should also utilise the following Historic England resources where applicable: • The methodological approach produced by Historic England for Historic Seascape Characterisation, which supports the UK's implementation of Council of Europe European Landscape Convention (https://historicengland.org.uk/research/methods/characterisat

ID	Ref	Description	Inspectorate's comments
			ion/historicseascapes/); and (https://archaeologydataservice.ac.uk/archives/view/seascape_he_2018/index.cfm) • The Rapid Coastal Zone Assessment for Lancashire where prehistoric activity has been recorded including Neolithic red deer prints. https://historicengland.org.uk/research/results/reports/62-2012?searchType=research+report&search=rapid+coastal+zone+lancashire; • The Wetlands of North Lancashire should also be consulted for further details on deposits and research within the site boundary: Middleton et al (1995) The Wetlands of North Lancashire. Lancaster Imprints; and • The intertidal and coastal peat database should be consulted for nearby deposits. https://historicengland.org.uk/research/current/heritage-science/intertidal-peatdatabase/

3.10 Offshore: Other sea users

(Scoping Report Part 2, Section 5.4)

ID	Ref	Applicants' proposed matters to scope out	Inspectorate's comments
3.10.1	Table 5.9	Alterations to sediment transport pathways affecting aggregate extraction areas during construction and decommissioning	The Applicants propose to scope out this matter as alterations to sediment transport pathways would only occur during the operation and maintenance phase of the Proposed Development. However, part 1, paragraph 4.4.5.9 of the Scoping Report states that seabed levelling may be required during the construction phase. The ES should assess any likely significant effects that this may have on changes to the sediment transport regime and aggregate extraction areas.
3.10.2	Table 5.9	Interference with offshore microwave fixed communication links during construction and decommissioning	The Inspectorate understands that interference with offshore microwave fixed communication links is likely to be limited to the operation and maintenance phase. However, the Applicants should ensure consultation addresses potential effects from the Proposed Development prior to full operation of the Proposed Development, and if any effects are identified these should be assessed in the ES.

ID	Ref	Description	Inspectorate's comments
3.10.3	Section 5.4.2	Study Area	The Scoping Report provides limited information supporting the use of the one tidal excursion of the site boundary as the study area for regional other sea users and 1km buffer as the study area in relation to the local other sea users identified. The ES should explain how the study areas have been determined, identifying where industry guidance, professional judgement, or consultation has informed the study areas selected.

ID	Ref	Description	Inspectorate's comments
3.10.4	n/a	Alterations to sediment transport pathways affecting recreational diving sites and designated bathing water sites.	The ES should assess the potential impact of alterations of sediment transport pathways on recreational diving sites and designated bathing water sites, where significant effects are likely to occur.

3.11 Onshore: Geology, hydrogeology and ground conditions

(Scoping Report Part 2, Section 6.1)

ID	Ref	Applicants' proposed matters to scope out	Inspectorate's comments
3.11.1	Table 6.2	The impact on groundwater levels and flow in sensitive groundwater dependent sites during operation	No specific evidence is provided to indicate that the operation and physical presence of the transmission assets would not lead to effects on groundwater flows, for example drainage resulting in an altering of flow pathways and available groundwater volume. The ES should consider impacts on groundwater levels and flow unless it can be evidenced that such effects would not lead to a significant effect. Evidence should ideally include reference to existing case study information.
3.11.2	Table 6.2	The impact of a reduction in quantity and quality of surface water fed by groundwater during operation	As per the above comment, the potential for alterations to flow pathways as a result of the physical presence of the Proposed Development has the potential to impact groundwater levels and subsequently surface water which is fed by groundwater sources. The Scoping Report does not provide sufficient information to enable the Inspectorate to agree to scope this matter out of further assessment. Table 6.2 also notes that impacts on surface water are to be considered in the hydrology chapter, however, lists surface water quantity and quality within the hydrogeology chapter. The ES should clearly state where effects are to be assessed and provide a justification where a single receptor (for example surface water) is assessed in two separate chapters.
3.11.3	Table 6.2 / 6.3	The impact of a deterioration in groundwater quality through the accidental spillage/release of	Based on the information provided within the Scoping Report detailing that maintenance works would be limited in duration and that limited quantities of potentially polluting substances would be required, the Inspectorate is in agreement that an assessment of accidental release of polluting substances during operation and maintenance works can

ID	Ref	Applicants' proposed matters to scope out	Inspectorate's comments
		potentially polluting substances during operation	be scoped out of the assessment. The ES should however detail any operational controls on maintenance works, for example an Operational Management Plan.
3.11.4	Table 6.2	Heat generation during construction and decommissioning	As the cables will not be operational during the construction and decommissioning phases, the Inspectorate in in agreement than an assessment of heat generation can be scoped out of the ES for these phases.

ID	Ref	Description	Inspectorate's comments
3.11.5	3.1.4.9	Designated Sites	The assessment of designated sites should also consider Lytham Coastal Changes Site of Special Scientific Interest.
3.11.6	Table 6.2	Data collection requirements	Table 6.2 indicates that receptors will be identified using desk-based analysis. The ES should consider whether a field (walkover) survey should be undertaken, as this is likely to provide further details and updates to third party data.
3.11.7	Table 6.2	Potential Impacts	The Scoping Report does not refer to the potential for damage to new and existing infrastructure from potentially contaminated land, water, or ground gas. The ES should describe any design measures required to manage this issue.
3.11.8	6.1.7.2	Data sources	The Inspectorate considers that the Environment Agency (EA) Land Contamination Risk Management (LCRM) guidance should also be used to inform the ES methodology. The investigation of ground conditions should also be informed by guidance including:

ID	Ref	Description	Inspectorate's comments
			• British Standard (BS) 5930: Code of Practice for Ground Investigations; • BS 8485 - Code of Practice for the Design of Protective Measures for Methane and Carbon Dioxide Ground Gases for New Buildings; and • BS 10175:2011+A2:2017 Investigation of potentially contaminated sites. Code of practice.
3.11.9	n/a	Unexploded ordnance	The Scoping Report does not refer to the potential for the presence of Unexploded Ordnance (UXO) within the onshore study area. The ES should provide desk study information including a risk assessment to inform the ES.

3.12 Onshore: Hydrology and flood risk

(Scoping Report Part 2, Section 6.2)

ID	Ref	Applicants' proposed matters to scope out	Inspectorate's comments
3.12.1	Table 6.6	The impact of increased flood risk arising from additional surface water run off during decommissioning	The Scoping Report proposes to scope out flood risk as a result of run off during the decommissioning stage. Based on the information within the Scoping Report detailing that the transmission cable is to be left in situ and therefore the decommissioning will involve the limited areas of above ground installations, the Inspectorate is in agreement that significant effects are unlikely and that this topic can be scoped out.
3.12.2	Table 6.6	The impact of damage to existing field drainage during the operational stage The impact of damage to existing water pipes during the operational stage	Whilst the Inspectorate is in agreement that localised damage to field drainage and water pipes is unlikely during maintenance and operational works as these are limited in duration, scope and the need for excavation, the ES should provide details of any construction or decommissioning control measures to ensure that any damage during these phases is repaired prior to the operational phase so as to ensure there are no impacts during operation.
3.12.3	Table 6.6	Direct disturbance of surface water bodies and increased direct soil erosion and supply of fine sediment to surface watercourses during operation	Based on the information within the Scoping Report detailing that maintenance works are unlikely to lead to disturbance of surface water bodies or contribute fine sediment to water courses, the Inspectorate is in agreement that an assessment of these matters can be scoped out for the operational stage only. The ES should however detail any operational controls on maintenance works, for example an Operational Management Plan.
3.12.4	Table 6.7	The impact of contaminated run off on the quality of main rivers and	Based on the information provided within the Scoping Report detailing that maintenance works would be limited in duration, and with limited

ID	Ref	Applicants' proposed matters to scope out	Inspectorate's comments
		ordinary watercourses during operation The impact of accidental spillages / contaminant release on the quality of surface water and ground receptors during operation	potential for using polluting substances, the Inspectorate is in agreement that an assessment of contaminated run off into rivers during operation and maintenance works can be scoped out of the assessment. The ES should however detail any operational controls on maintenance works, for example an Operational Management Plan.
3.12.5	Table 6.7	The impact of increased flood risk arising from damage to existing flood defences during operation and maintenance	Based on the information within the Scoping Report detailing that maintenance works are unlikely to interact with existing flood defences, the Inspectorate is in agreement that an assessment of flood risk due to damage to flood defences can be scoped out. The ES should however detail any operational controls on maintenance works, for example an Operational Management Plan.
3.12.6	Table 6.7	The impact of increased flood risk arising from additional surface water runoff during the operation and maintenance of the onshore export cable during operation and maintenance	Based on the information within the Scoping Report detailing that the increased area of impermeable land as a result of the construction of the Proposed Development is unlikely to have the potential to lead to a noticeable change in run off rates, the Inspectorate is in agreement that an assessment of flood risk due to additional surface water run off can be scoped out for the operational stage only. The ES should however detail any operational controls on maintenance works, for example an Operational Management Plan.

ID	Ref	Description	Inspectorate's comments
3.12.7	Table 6.6	Data collection requirements	Table 6.6 indicates that receptors will be identified using desk based analysis. The ES should consider whether a field (walkover) survey

ID	Ref	Description	Inspectorate's comments
			should be undertaken, as this is likely to provide further details and updates to third party data.

3.13 Onshore: Terrestrial ecology and ornithology (intertidal and onshore)

(Scoping Report Part 2, Section 7.1)

ID	Ref	Applicants' proposed matters to scope out	Inspectorate's comments
3.13.1	Table 7.4	Impact of habitat loss on protected habitats and species during operation	On the basis that the activities associated with the operation and maintenance of the onshore elements of the Transmission Assets would require no additional land take and are unlikely to result in any temporary or permanent loss of habitat, the Inspectorate is content to scope out this matter.
3.13.2	Table 7.4	Impact of pollution caused by accidental spills/contaminant release on protected habitats and species during operation	On the basis that the activities associated with the operation and maintenance of the onshore elements of the Transmission Assets are unlikely to result in accidental spills/ contaminant release, and given that such effects are capable of mitigation through standard management practices, the Inspectorate agrees this matter can be scoped out of the assessment. The ES should however detail any operational controls on maintenance works.
3.13.3	Table 7.4	Impact during all phases on species not listed in paragraph 7.1.3.4 of this EIA Scoping Report, including red squirrel, brown hare, dormice, fish, and aquatic invertebrates	The Scoping Report proposes to scope out consideration of these receptors on the basis that the site selection and route refinement process will aim to avoid or reduce potential impacts on habitats and species. In the absence of baseline evidence in respect of these species, the Inspectorate is unable to scope this matter out.

ID	Ref	Description	Inspectorate's comments
3.13.4	Table 7.3, 7.1.7.1	Survey methods	Limited information is presented on survey methods for a range of species and habitats. The Inspectorate advises that sufficient baseline data is collected for any habitats and species along the cable route, so that potential impacts can be fully assessed. We advise that all surveys are discussed and agreed through an Evidence Plan process.

3.14 Onshore: Historic environment

(Scoping Report Part 2, Section 8.1)

ID	Ref	Applicants' proposed matters to scope out	Inspectorate's comments
3.14.1	Table 8.3	Operation – impacts to historic landscape character from the presence of the Proposed Development (other than the onshore substation)	The Inspectorate is satisfied that this matter can be scoped out of the ES.
3.14.2	Table 8.4	Operation and decommissioning – impacts to buried archaeological resource (damage and permanent loss)	Given that the operation, maintenance and decommissioning of the onshore elements of the Transmission Assets will not require additional land take and are unlikely to damage or result in the permanent loss of buried archaeological resource, the Inspectorate agrees that this matter is unlikely to give rise to significant effects. However, consideration should be given to the potential for changes to groundwater levels and/ or heat output from buried cables to result in the deterioration of buried archaeological assets and how the risk of such impacts would be managed. Where significant effects are likely, this matter should be scoped into the ES.
3.14.3	Table 8.4	Operation – impacts on the setting of above ground heritage assets from operation and maintenance of onshore elements (excluding onshore substations)	The Scoping Report proposes to scope out activities associated with operation and maintenance of the onshore export cables/landfall and associated infrastructure as they are unlikely to impact the setting of above ground heritage assets, and any impacts would be temporary and of very low magnitude. The Inspectorate considers it unlikely that significant effects would arise but at this stage has insufficient information about the cable route and potential for changes in screening to scope the matter out. The Inspectorate advises that consideration should be given to the potential for operational phase effects on the setting of above ground

ID	Ref	Applicants' proposed matters to scope out	Inspectorate's comments
			heritage assets as a result of vegetation clearance and planting restrictions imposed by any cabling easements.

ID	Ref	Description	Inspectorate's comments
3.14.4	8.1.2	Study areas	Effort should be made to agree the final study areas with relevant consultation bodies, e.g. Historic England and the local authorities.
3.14.5	Table 8.3	Impacts from offshore components	The Inspectorate notes that there is a designated Conservation Area extending from the shoreline at Blackpool. Consideration should be given to any potential impacts on the setting of the heritage asset from the construction, decommissioning and/ or operation of the offshore infrastructure i.e. substation and booster station platforms.
3.14.6	Table 8.3	Data collection	The desk based assessment (DBA) should incorporate an element of geoarchaeological deposit modelling to identify areas of archaeological/ palaeoenvironmental potential (i.e. peat) and to guide the scope of any geophysical survey or intrusive investigations. Where the DBA indicates potential for survival of palaeoenvironmental remains, specialist palaeoenvironmental assessment should be undertaken. Effort should be made to agree the detailed scope of the survey work with Historic England, in addition to the archaeological advisors of the relevant planning authorities. Cross reference can be made in the ES where relevant to the assessment of marine archaeology to avoid duplication of effort.

ID	Ref	Description	Inspectorate's comments
3.14.7	n/a	Intertidal areas	Paragraph 8.1.4.11 identifies potential for *"important archaeological and paleoenvironmental remains to be present within the intertidal areas in the vicinity of the landfall."* The Inspectorate notes that it is proposed to undertake an assessment of *"construction of the onshore elements… on buried archaeology resource."* Potential impacts to resource within the intertidal areas should also be included within the assessment.

3.15 Onshore: Land use and recreation

(Scoping Report Part 2, Section 8.2)

ID	Ref	Applicants' proposed matters to scope out	Inspectorate's comments
3.15.1	Table 8.7	Disruption and reduced access to agricultural land during operation and maintenance	The Scoping Report states that impacts arising during the operation of the onshore elements of the Transmission Assets will be limited to maintenance and repair activities and would be small in magnitude, short term and infrequent. In addition, any land impacted during maintenance and repair activities would be reinstated to its original condition. The Inspectorate agrees that this matter can be scoped out of the ES on this basis.
3.15.2	Table 8.7	The impact of disruption and reduced access to recreation resources (e.g., access land, common land and village greens, PRoW, cycle routes, other recreational resources) during operation and maintenance	The Scoping Report proposes to scope out potential impacts on recreational resources during operation because they are likely to be limited to small magnitude, short term and infrequent maintenance and repair activities and unlikely to result in significant effects. No common land is located within the Transmission Assets Scoping Boundary. The Inspectorate agrees that this matter can be scoped out of the ES on this basis.

ID	Ref	Description	Inspectorate's comments
3.15.3	8.2.4.2 8.2.7	Agricultural land	In addition to the Ministry of Agriculture, Fisheries and Food (1988) Guidelines cited at paragraph 8.2.4.1, the ES should take account of the following guidance where relevant:

ID	Ref	Description	Inspectorate's comments
			• Natural England (2012) Technical Information Note TIN049, Agricultural Land Classification: protecting the best and most versatile agricultural land • Stapleton, C., Reed, E., Gemmell, L., Adams, K. (eds) (2021) IEMA Guide: A New Perspective on Land and Soil in Environmental Impact Assessment. The ES should demonstrate how the Proposed Development has sought to avoid the use of areas of best and most versatile (BMV) land.
3.15.4	Table 8.6	Potential effects – permanent loss of agricultural land and reduced access and disruption on farming operations during construction	The impact of the Proposed Development on existing farming activities in the area should be explained in the ES.

3.16 Onshore: Traffic and transport

(Scoping Report Part 2, Section 8.3)

ID	Ref	Applicants' proposed matters to scope out	Inspectorate's comments
3.16.1	Table 8.10	Impact of additional vehicle movements on the local road network (LRN) and strategic road network (SRN) on driver and pedestrian delay, pedestrian amenity, community severance, public transport delay and accidents and safety during construction, operation and maintenance of the offshore elements of the Transmission Assets.	The Scoping Report proposes to scope out this matter on the basis that all land-based traffic and transport movements generated by the offshore elements of the development would be via a base port (or ports) which is not known at this time and is typically selected post-consent and would operate under the port (or ports) existing or new planning consents. The Inspectorate considers that it is unlikely that the additional vehicle movements arising from the offshore elements of the Proposed Development via a port (or ports) would result in significant effects on driver and pedestrian delay, pedestrian amenity, community severance, public transport delay and accidents and safety. The ES should however confirm that the anticipated vehicle movements are below the screening values in relevant guidance for these aspects, and if values are exceeded then an assessment of LSE should be provided.
3.16.2	Table 8.10	Impact of additional vehicle movements on the LRN and SRN on driver and pedestrian delay, pedestrian amenity, community severance, public transport delay and accidents and safety during operation and maintenance of the onshore elements of the Transmission Assets.	The Inspectorate considers that it is unlikely that the additional vehicle movements arising from the operation and maintenance of the Proposed Development's onshore elements would result in significant effects. The ES should confirm that the anticipated road vehicle movements are below the screening values in relevant guidance for these aspects, and if values are exceeded then an assessment of LSE should be provided.

ID	Ref	Applicants' proposed matters to scope out	Inspectorate's comments
3.16.3	Table 8.10	Impact of additional vehicle movements on the LRN and SRN on driver and pedestrian delay, pedestrian amenity, community severance, public transport delay and accidents and safety during decommissioning of the onshore elements of the Transmission Assets.	The Inspectorate considers that it is unlikely that the additional vehicle movements arising from the decommissioning of the Proposed Development's onshore elements would result in significant effects. The ES should confirm that the anticipated road vehicle movements are below the screening values in relevant guidance for these aspects, and if values are exceeded then an assessment of LSE should be provided.

ID	Ref	Description	Inspectorate's comments
3.16.4	8.3.6	Mitigation measures	Any mitigation measures identified as necessary from the assessment should be clearly explained and the ES should set out how these would be secured through the DCO process, such as the Construction Traffic Management Plan (CTMP) and should be consulted on and where possible agreed with relevant consultation bodies such as the local highway authority.

3.17 Onshore: Noise and vibration

(Scoping Report Part 2, Section 8.4)

ID	Ref	Applicants' proposed matters to scope out	Inspectorate's comments
3.17.1	Table 8.14	Impacts on human and heritage assets arising from vibration generated from construction and decommissioning traffic	The Inspectorate has considered the information in the Scoping Report regarding construction and decommissioning traffic as sources of ground-borne vibration. The Inspectorate agrees that significant effects are unlikely to occur and is content that vibration from construction and decommissioning traffic can be scoped out of the ES.
3.17.2	Table 8.14	Impacts on human and heritage assets arising from vibration generated from operation and maintenance activities	The Inspectorate has considered the information in the Scoping Report regarding, substation equipment, and other onshore infrastructure as sources of ground-borne vibration. The Inspectorate agrees that significant effects are unlikely to occur and is content that operational vibration from the operation of the Proposed Development can be scoped out of the ES. The ES should detail any operational control measures for noise during operation and maintenance (for example an Operational Management Plan).
3.17.3	Table 8.14	The impact of noise and vibration generated during operation and maintenance of the Transmission Assets (excluding the onshore substations), including the onshore export cable and associated infrastructure.	Based on the information provided within the Scoping Report indicating that any maintenance activities would be short term in duration and that the transmission assets (excluding substations) would have low potential to generate noise and vibration, the Inspectorate is in agreement that an assessment of operational noise and vibration can be scoped out for these named assets only.

ID	Ref	Description	Inspectorate's comments
3.17.4	Table 8.13	Noise from construction traffic	The data collection column states that "where existing baseline data coverage is insufficient, and where significant effects may occur, baseline sound levels will be obtained through sound monitoring surveys". Noise surveys should be compliant with the requirements of the relevant British Standard (e.g. BS 7445).
3.17.5	8.4.9	Interrelated effects	The Inspectorate considers that the list of inter-related effects should also include human health, land use and recreation and landscape and visual impacts (related to tranquillity).

3.18 Onshore: Air quality

(Scoping Report Part 2, Section 8.5)

ID	Ref	Applicants' proposed matters to scope out	Inspectorate's comments
3.18.1	Table 8.17	Impact on human receptors arising from air emissions generated by vehicles during the construction, operation and decommissioning phases (offshore) Impact on ecological receptors arising from air emissions generated by vehicles during the construction operation and decommissioning phases (offshore).	The Inspectorate considers that it is unlikely that the impact of air emissions arising from the offshore elements of the Proposed Development would result in significant effects and is content to scope this matter out.
3.18.2	Table 8.18	Impact on human and ecological receptors (dust soiling and human health) arising from fugitive dust emissions generated during operation and maintenance of the onshore elements of the Transmission Assets.	The Scoping Report states that activities associated with the operation and maintenance of the onshore elements of the Transmission Assets are unlikely to generate dust and therefore this phase of the development is unlikely to result in significant effects. The Inspectorate agrees that these activities can be scoped out of the assessment based on the information provided.
3.18.3	Table 8.18	Impact on human and ecological receptors arising from air emissions generated by vehicle traffic during operation and maintenance of the onshore	The Scoping Report states that operation of the onshore elements of the Transmission Assets will generate a small number of additional two-way vehicle movements as result of staff trips and occasional maintenance activities, but the vehicle movements would not exceed the Environmental Protection UK (EPUK) and the Institute of Air Quality Management (IAQM) indicative criteria for an air quality assessment, irrespective of whether the air quality study area was

ID	Ref	Applicants' proposed matters to scope out	Inspectorate's comments
		elements of the Transmission Assets.	located within or adjacent to an Air Quality Management Area (AQMA). The Inspectorate agrees that the potential impact on human or ecological receptors arising from air emissions generated by vehicle traffic during operation and maintenance of the onshore elements of the Transmission Assets is unlikely to be significant and that this can be scoped out of the assessment for air quality. The ES should describe the likely number and type of operation and maintenance vehicles that will be required.
3.18.4	Table 8.18	Impact on human and ecological receptors arising from air emissions generated by plants or stacks during operation and maintenance of the onshore elements of the Transmission Assets.	The Scoping Report states that the Transmission Assets do not include proposals for any plant or emissions stacks which could give rise to air emissions during operation of the onshore elements and this matter is therefore proposed to be scoped out of the assessment for air quality. The Inspectorate agrees that this matter can be scoped out of the assessment on the basis of the information presented in the Scoping Report.

ID	Ref	Description	Inspectorate's comments
3.18.5	8.5.4	Baseline - ecological receptors	The screening exercise undertaken to identify which ecological receptors are located within the air quality study area and which are specifically sensitive to air pollution should be clearly set out in the ES. Any ecological sites which are excluded from the air quality assessment in the ES should be fully justified based on evidence and in consultation with statutory consultation bodies and local authorities.

3.19 Onshore and offshore: Seascape, landscape and visual resources

(Scoping Report Part 2, Section 9.1)

ID	Ref	Applicants' proposed matters to scope out	Inspectorate's comments
3.19.1	Table 9.5	Impacts on seascape and landscape character and visual resources located beyond the study area	The Inspectorate notes the intention to establish a Zone of Theoretical Visibility (ZTV) to determine the extent of the study area and underpin the assessment of impacts on seascape, landscape and visual resources. Provided that the ZTV is robust, the Inspectorate considers that significant effects are unlikely beyond this area. However, the Inspectorate considers that there is potential for visual impacts outside of ZTV from sensitive receptors capable of long distance views, such as Blackpool Tower. The ES should demonstrate how the ZTV has been established, including the outcomes of consultation. The Applicants should seek to agree the extent of the ZTV with relevant consultation bodies as well as the number and location of specific sensitive visual receptors beyond the established study area.
3.19.2	Table 9.5	Impacts of the export cables on seascape and landscape character and visual resources during operation and maintenance	The Scoping Report proposes to scope this matter out on the basis that the offshore and onshore export cables would be fully submerged or buried underground during operation and maintenance. The Inspectorate agree this matter can be scoped out as significant effects are unlikely to occur.
3.19.3	Table 9.5	Impacts of decommissioning the offshore and onshore export cables on seascape and landscape character and visual resources	The Inspectorate is of the opinion that provided the offshore and onshore export cables remain in-situ during and after the decommissioning phase, significant effects are unlikely and this matter can be scoped out of further assessment.

3.20 Onshore and offshore: Aviation and radar

(Scoping Report Part 2, Section 9.2)

ID	Ref	Applicants' proposed matters to scope out	Inspectorate's comments
3.20.1	Table 9.8	Potential disruption to Helicopter Main Routes (HMRs) due to the presence of the OSPs and the Morgan offshore booster station	In the absence of information confirming the location of OSPs and the Morgan offshore booster station in relation to the three HMRs that overlap with the scoping boundary, the Inspectorate considers that the ES should provide an assessment of potential significant effects and disruption on HMRs.
3.20.2	Table 9.8	Impacts of increased helicopter traffic on availability of airspace for other users	The Applicants propose to scope out this matter on the basis that the Transmission Assets will be located within Class G (uncontrolled) airspace and that air traffic services will be available in the area. The Inspectorate agrees that significant effects are unlikely and is content for this matter can be scoped out.
3.20.3	Table 9.8	Potential disruption to military Practice and Exercise Area	Given the information in the Scoping Report demonstrating the absence of Practice and Exercise Areas within the study area, the Inspectorate is content that no impact pathway exists. The Inspectorate agrees to scope these matters out of the ES, subject to any changes to Practice and Exercise Areas that may occur as the EIA is refined.

ID	Ref	Description	Inspectorate's comments
3.20.4	n/a	Primary Surveillance Radar (PSR) and Secondary Surveillance Radar (SSR) systems	The Scoping Report does not describe the location of any PSR and SSR systems in relation to the Proposed Development.

ID	Ref	Description	Inspectorate's comments
			The ES should set out the location of any PSR and SSR systems including an assessment of potential impacts to these radar systems or information demonstrating the absence of likely significant effects and agreement with relevant consultation bodies.
3.20.5	Section 9.2.6	Mitigation measures	It is noted that the measures listed include appropriate lighting and marking of the OSPs and the Morgan offshore booster station. Unless otherwise agreed with relevant stakeholders, including the Ministry of Defence (MOD), the ES should explain how the Proposed Development would be fitted with MOD accredited aviation safety lighting in accordance with the Civil Aviation Authority Air Navigation Order 2016.

3.21 Onshore and offshore: Climate change

(Scoping Report Part 2, Section 9.3)

ID	Ref	Applicants' proposed matters to scope out	Inspectorate's comments
3.21.1	Table 9.11	Climate Risk Assessment during construction and decommissioning	The Scoping Report seeks to scope out these development phases on the basis that they will not be lengthy enough for significant climate change risks compared to the present-day baseline to occur. The Inspectorate considers that consideration of construction stage effects can be scoped out on this basis, however the assessment of decommissioning stage effects should take into account the impacts of climate change, including increases in wave height and wind speed.
3.21.2	Table 9.11	In-combination climate change effects	In-combination climate change effects are proposed to be scoped out of the Climate Change aspect chapter as they will be addressed individually within each applicable ES chapter. The Inspectorate is content with this approach. The ES should cross-reference other relevant Chapters where this is assessed in for clarity.

ID	Ref	Description	Inspectorate's comments
3.21.3	9.3.8	Cumulative impacts	The methodology provided for the assessment of cumulative impacts concerns the assessment of greenhouse gas emissions only, where specific local development projects have limited relevance. Local development projects may however have an influence on the vulnerability of the proposed Development to climate change, e.g. influencing flooding risk, and should therefore be considered in that context.

3.22 Onshore and Offshore: Socio-economics and community

(Scoping Report Part 2, Section 9.4)

ID	Ref	Applicants' proposed matters to scope out	Inspectorate's comments
3.22.1	Table 9.14	Tourism and community effects within the National Impact Area (NIA)	The Scoping Report considers that effects will be concentrated within particular localities related to the physical location of the Transmission Assets, centres of activity during the construction, operation, maintenance, and decommissioning phases and are not anticipated to have any significant effects on tourism and community receptors outside the Local Impact Areas (LIAs). The Inspectorate agrees that this matter can be scoped out of the assessment on the basis of the information presented in the Scoping Report.
3.22.2	9.4.8.3	Potential cumulative effects arising from operation and maintenance of the Transmission Assets	The Scoping Report proposes that potential effects arising from operation and maintenance of the Transmission Assets are scoped out of the cumulative impact assessment for socio-economics and community as these activities are unlikely to give rise to significant effects. The Inspectorate agrees that this matter can be scoped out of the assessment on the basis of the information presented in the Scoping Report.

ID	Ref	Description	Inspectorate's comments
3.22.3	9.4.2.8-9.2.4.9	Identification of likely port locations	It is understood from the Scoping Report that likely port locations will not be confirmed prior to completion of the EIA. However, the ES

ID	Ref	Description	Inspectorate's comments
			should define them as far as possible, identify where uncertainty remains and assess the worst-case scenario, where possible.
3.22.4	Table 9.13	Impact on recreation receptors	Part 2, Section 9.4 'Socio-economics and community' (Table 9.13) proposes to include an assessment of the impact of disruption on tourism and recreation receptors for all phases of the development, while Part 2, Section 8.2 'Land use and recreation' (Table 8.6) proposes to scope in an assessment of the impact of disruption and reduced access to recreational resources during construction and decommissioning. The Inspectorate recommends that the impact of disruption on land-based recreational receptors should be presented in one aspect chapter only, for a more streamlined approach. As per comment 3.15.2 in section 3.15 of this report, the Inspectorate considers that the potential impact on recreation resources during operation and maintenance is unlikely to result in significant effects and this matter can be scoped out of the ES.

3.23 Aspects proposed to be covered as a technical appendix

(Scoping Report Part 2, Section 10.2)

ID	Ref	Applicants' proposed aspects to scope out	Inspectorate's comments
3.23.1	10.2.1.4	Human health - standalone chapter	The Scoping Report states that a technical appendix to the ES would be provided to draw the information relevant to human health together and to signpost where further details can be found, including conclusions regarding likely significant effects. The Inspectorate is content that a technical appendix will summarise the findings of the human health assessment and set out conclusions regarding likely significant effects. The Applicants' assessment should take into account relevant best practice guidance on the assessment of human health effects, such as recent guidance issued by the Institute of Environmental Management and Assessment (IEMA) for '*Effective Scoping of Human Health in Environmental Impact Assessment (November 2022)'* and '*Determining Significance For Human Health In Environmental Impact Assessment (November 2022)'*.
3.23.2	10.2.1.9	Health - Impacts resulting from emissions to air, including dust emissions and other pollutants, such as emissions from traffic during operation and maintenance	The Scoping Report states that no new dust emissions would be generated during the operational phase and no significant traffic flows would be associated with operation or maintenance of the transmission assets. The Inspectorate agrees that this matter as referred to above under Table 8.18 within the can be scoped out of the assessment on the basis of the information presented in the Scoping Report.
3.23.3	10.2.1.9	Health – Impacts resulting from emissions to water, land and soil, including runoff or spillages from	The Scoping Report states that no new emissions to land or soil would occur during the operational and maintenance phase.

ID	Ref	Applicants' proposed aspects to scope out	Inspectorate's comments
		construction areas during operation and maintenance	The Inspectorate agrees that this matter can be scoped out of the assessment on the basis of the information presented in the Scoping Report. However, the ES should provide detail of any operational controls on maintenance works, for example in an Operational Management Plan.
3.23.4	10.2.1.9	Health - Impacts arising from any contamination risk to workers or the public, such as existing areas of contaminated land during operation and maintenance	The Scoping Report states that no new disturbance to land would be required during the operation and maintenance phase and, as such, no areas of contaminated land would be affected. The Inspectorate agrees that this matter can be scoped out of the assessment on the basis providing the ES sets out details of any operational controls on maintenance works, for example via a Remediation Method Statement or Contaminated Land Management Plan.
3.23.5	10.2.1.9 Table 8.6	Health - Impacts arising from changes to access to PRoW or open space during operation and maintenance	The Scoping Report states that once construction is completed, no further disruption to PRoW or areas of land would be required. The Inspectorate agrees that this matter can be scoped out of the assessment on the basis of the information presented in the Scoping Report.
3.23.6	10.2.1.9	Health - Impacts arising from employment opportunities during operation and maintenance	The Inspectorate agrees that this matter can be scoped out of the assessment on the basis of the information presented in the Scoping Report.
3.23.7	10.2.1.9 - 10.2.1.22	Health - Impacts arising from EMFs in terms of their risks to public health, due to adoption of relevant health protection standards	The Scoping Report states that effects are not likely to be significant but the human health appendix will consider the effects of EMF through a 'risk perception' section within the technical appendix. The Inspectorate agrees that this matter can be scoped out of the assessment on the basis that the ES demonstrates the design is

ID	Ref	Applicants' proposed aspects to scope out	Inspectorate's comments
			compliant with the International Commission on Non-Ionizing Radiation Protection guidelines (1998) in ensuring that the threshold for impacts to humans is not met/exceeded. See Sections 3.11 and 3.25 in this report.
3.23.8	10.2.2.2	Waste generation during construction	On the basis that a Site Waste Management Plan (SWMP) is to be produced and all construction work will be required to follow this, the Inspectorate is content that a full assessment of waste generation can be scoped out of the assessment. The ES should also confirm how the SWMP will be secured and implemented as part of the Development Consent Order. The SWMP should consider all waste streams including, but not limited to, general construction and demolition waste, soil and groundwater disposal, and wastewater and sewage disposal, and how this may effect local and national waste management capacity. The SWMP should also refer to any associated activities which may lead to waste generation, for example as required by remediation method statements or contaminated land management / discovery strategies where relevant. The ES must contain an estimate of types and quantities of waste arising from construction.
3.23.9	10.2.2.8	Waste generation during operation	On the basis of the low anticipated volume of waste to be generated during operation and maintenance, the Inspectorate is in agreement that an assessment of this can be scoped out of the ES. The ES should however include reference to any waste management procedures to be detailed within an Operational Management Plan and confirm how this would be secured as part of the Development Consent Order. The ES must contain an estimate of types and quantities of waste arising from operation.

ID	Ref	Applicants' proposed aspects to scope out	Inspectorate's comments
3.23.10	n/a	Contaminated waste	The Scoping Report makes no reference to the treatment or disposal of contaminated waste. The ES or SWMP should explain the measures that will be implemented for the storage, removal, and disposal, including the disposal sites, of contaminated waste, where relevant.
3.23.11	10.2.3	Underwater noise	The Applicants propose to present the underwater noise assessment in a technical appendix which will inform the relevant chapters of the ES. The Inspectorate is content with this approach.

3.24 Aspects covered elsewhere in the ES

(Scoping Report Part 2, Section 10.3)

ID	Ref	Aspects to be covered elsewhere in the ES	Inspectorate's comments
3.24.1	10.3.3	Material Assets	The Scoping Report suggests that an assessment of material assets should be scoped out of the ES as it is covered in other aspect chapters in part 2 of the Scoping Report (Chapter 5.4 other sea users, Chapter 8.1 historic environment, Chapter 8.2 land use and recreation and Chapter 9.4 socioeconomics and community). Provided material assets are referenced within the relevant Chapters listed above and cross-references are made where appropriate, the Inspectorate is content with this approach.
3.24.2	10.3.4	Major accidents and disasters	The Scoping Report states that assessments will include, where relevant, significant effects arising from the vulnerability of the Proposed Development to major accidents and disasters relevant to the physical, biological and human environment as described. The Scoping Report states that major accidents and disasters have been considered in design measures and will be described within the Project Description chapter of the ES. The Inspectorate is content that this aspect does not need to be assessed within a standalone chapter, provided major accidents and disasters are referenced within the relevant ES chapters and cross-references are made where appropriate. The ES should include a section which signposts the reader to the specific sections of the ES which deal with the relevant matters, including the cumulative effects section. The Applicant should consult with relevant bodies including pipeline operators as the onshore site boundary for the Proposed Development crosses the consultation zones of Major Accident Hazard

ID	Ref	Aspects to be covered elsewhere in the ES	Inspectorate's comments
			(MAH) sites. The ES should also consider the risks and vulnerability of the Proposed Development in relation to the Springfields Works nuclear licensed site, as the Proposed Development is within the Detailed Emergency Planning Zone (an Office for Nuclear Regulation consultation zone). Any design measures taken to avoid major accidents and disasters should be clearly described within the ES.

3.25 Aspects proposed to be scoped out of the ES

(Scoping Report Part 2, Section 11)

ID	Ref	Applicants' proposed aspect to scope out	Inspectorate's comments
3.25.1	11.2	Local planning policy context	The Applicants propose to scope out a standalone Local Planning Policy chapter on the basis that a description of the consenting process will be outlined in the introductory chapters and that relevant legislation and planning policy context will be outlined within each of the aspect chapters. A Planning Statement will also be provided. The Inspectorate is content with this approach.
3.25.2	11.3	Sunlight, daylight and microclimate	The Inspectorate agrees that this aspect can be scoped out of the ES on the basis of the information presented in the Scoping Report, noting that the anticipated maximum height parameter of the proposed onshore substation, i.e. the main onshore above ground component, is 20m (30m with lightning protection) as described in Scoping Report Part 1, Table 4.7. The Inspectorate's comments on climate change effects are presented at section 3.21 of this Scoping Opinion.
3.25.3	11.4.1	Heat	Based on the Information provided within the Scoping Report indicating that the construction and decommissioning stages, and operational infrastructure, are unlikely to generate significant levels of heat, and the infrastructure will be designed to reduce heat emissions, the Inspectorate in in agreement that this can be scoped out of assessment as a specific chapter. It is however noted that some aspects propose to assess the effects of heat (for example geology, hydrogeology and ground conditions). Where this is specifically noted as being scoped in within the scoping report, the ES should assess this.

ID	Ref	Applicants' proposed aspect to scope out	Inspectorate's comments
3.25.4	11.4.2	Radiation	Based on the Information provided within the Scoping Report indicating that the construction and decommissioning stages, and operational infrastructure, are unlikely to generate significant levels of radiation including EMF, and the infrastructure will be designed to reduce EMF emissions, comply with current guidance, or be inaccessible to the general public, the Inspectorate in in agreement that this can be scoped out of assessment as a specific chapter. It is however noted that some aspects propose to assess the effects of EMF (for example offshore ecology). Where this is specifically noted as being scoped in within the scoping report, the ES should assess this.

APPENDIX 1: CONSULTATION BODIES FORMALLY CONSULTED

TABLE A1: PRESCRIBED CONSULTATION BODIES[1]

SCHEDULE 1 DESCRIPTION	ORGANISATION
The Health and Safety Executive	Health and Safety Executive
The National Health Service Commissioning Board	NHS England
The relevant Integrated Care Board	NHS Lancashire and South Cumbria Integrated Care Board
Natural England	Natural England
The Historic Buildings and Monuments Commission for England	Historic England
The relevant fire and rescue authority	Lancashire Fire and Rescue Service
The relevant police and crime commissioner	Lancashire Police and Crime Commissioner
The relevant parish council(s) or, where the application relates to land [in] Wales or Scotland, the relevant community council	North Meols Parish Council
	Hutton Parish Council
	Longton Parish Council
	Penwortham Town Council
	Saint Anne's on the Sea Town Council
	Westby-with-Plumptons Parish Council
	Bryning-with-Warton Parish Council
	Freckleton Parish Council
	Ribby-with-Wrea Parish Council
	Newton-with-Clifton Parish Council
	Kirkham Town Council

[1] Schedule 1 of The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (the 'APFP Regulations')

SCHEDULE 1 DESCRIPTION	ORGANISATION
	Lea & Cottam Parish Council
The Environment Agency	Environment Agency
Royal Commission On Ancient and Historical Monuments Of Wales	Royal Commission On Ancient and Historical Monuments Of Wales
The Joint Nature Conservation Committee	Joint Nature Conservation Committee
The Maritime and Coastguard Agency	Maritime & Coastguard Agency
The Maritime and Coastguard Agency - Regional Office	The Maritime and Coastguard Agency - Liverpool Marine Office
The Marine Management Organisation	Marine Management Organisation (MMO)
The Marine Management Organisation	Natural Resources Wales
The Civil Aviation Authority	Civil Aviation Authority
The Relevant Highways Authority	Blackpool Council
	Lancashire County Council
The relevant strategic highways company	National Highways
The Canal and River Trust	Canal & River Trust
Trinity House	Trinity House
United Kingdom Health Security Agency, an executive agency of the Department of Health and Social Care	United Kingdom Health Security Agency
The Crown Estate Commissioners	The Crown Estate
The Forestry Commission	Forestry Commission
The Secretary of State for Defence	Ministry of Defence
The Office for Nuclear Regulation (the ONR)	Office for Nuclear Regulation (the ONR)

TABLE A2: RELEVANT STATUTORY UNDERTAKERS[2]

STATUTORY UNDERTAKER	ORGANISATION
The relevant Integrated Care Board	NHS Lancashire and South Cumbria Integrated Care Board
The National Health Service Commissioning Board	NHS England
The relevant NHS Trust	North West Ambulance Service NHS Trust
Railways	Network Rail Infrastructure Ltd
	National Highways Historical Railways Estate
Canal Or Inland Navigation Authorities	Canal & River Trust
Lighthouse	Trinity House
Civil Aviation Authority	Civil Aviation Authority
Licence Holder (Chapter 1 Of Part 1 Of Transport Act 2000)	NATS En-Route Safeguarding
Universal Service Provider	Royal Mail Group
Homes and Communities Agency	Homes England
The relevant Environment Agency	Environment Agency
The relevant water and sewage undertaker	United Utilities
The relevant public gas transporter	Cadent Gas Limited
	Northern Gas Networks Limited
	Scotland Gas Networks Plc
	Southern Gas Networks Plc
	Wales and West Utilities Ltd
	Energy Assets Pipelines Limited

[2] 'Statutory Undertaker' is defined in the APFP Regulations as having the same meaning as in Section 127 of the Planning Act 2008 (PA2008)

STATUTORY UNDERTAKER	ORGANISATION
	ES Pipelines Ltd
	ESP Connections Ltd
	ESP Networks Ltd
	ESP Pipelines Ltd
	Fulcrum Pipelines Limited
	GTC Pipelines Limited
	Harlaxton Gas Networks Limited
	Independent Pipelines Limited
	Indigo Pipelines Limited
	Last Mile Gas Ltd
	Leep Gas Networks Limited
	Quadrant Pipelines Limited
	Squire Energy Limited
	National Grid Gas Plc
The relevant electricity distributor with CPO Powers	Eclipse Power Network Limited
	Energy Assets Networks Limited
	ESP Electricity Limited
	Fulcrum Electricity Assets Limited
	Harlaxton Energy Networks Limited
	Independent Power Networks Limited
	Indigo Power Limited
	Last Mile Electricity Ltd
	Leep Electricity Networks Limited
	Mua Electricity Limited
	Optimal Power Networks Limited

STATUTORY UNDERTAKER	ORGANISATION
	The Electricity Network Company Limited
	UK Power Distribution Limited
	Utility Assets Limited
	Vattenfall Networks Limited
	Electricity North West Limited
	National Grid Electricity Transmission Plc
	National Grid Electricity System Operator Limited

TABLE A3: SECTION 43 LOCAL AUTHORITIES (FOR THE PURPOSES OF SECTION 42(1)(B))[3]

LOCAL AUTHORITY[4]
Lancashire County Council
Blackpool Council
Blackburn with Darwen Borough Council
Wigan Council
St Helens Council
Sefton Council
Knowsley Metropolitan Borough Council
Ribble Valley Borough Council
Wyre Council
Preston City Council
Fylde Borough Council
South Ribble Borough Council

[3] Sections 43 and 42(B) of the PA2008

[4] As defined in Section 43(3) of the PA2008

LOCAL AUTHORITY[4]
Chorley Borough Council
West Lancashire Borough Council
Cumbria County Council
North Yorkshire County Council
Calderdale Metropolitan Borough Council
Bury Metropolitan Borough Council
Bradford Metropolitan District Council
Bolton Metropolitan Borough Council
Rochdale Metropolitan Borough Council
Yorkshire Dales National Park

TABLE A4: NON-PRESCRIBED CONSULTATION BODIES

ORGANISATION
Cadw
Isle of Man Government
Royal National Lifeboat Institution
Barrow-in-Furness Borough Council

APPENDIX 2: RESPONDENTS TO CONSULTATION AND COPIES OF REPLIES

CONSULTATION BODIES WHO REPLIED BY THE STATUTORY DEADLINE:
Blackpool Council
Cadw
Calderdale Metropolitan Borough Council
Canal & River Trust
Environment Agency
Forestry Commission
Fylde Borough Council
Health and Safety Executive
Historic England
Homes England
Isle of Man Government
Joint Nature Conservation Committee
Lancashire County Council
Marine Management Organisation
Maritime & Coastguard Agency
Ministry of Defence
National Grid Electricity Transmission plc
National Highways
NATS En-Route Safeguarding
Natural England
Natural Resources Wales
Northern Gas Networks Limited

CONSULTATION BODIES WHO REPLIED BY THE STATUTORY DEADLINE:
Office for Nuclear Regulation
South Ribble Borough Council
St Helens Council
Trinity House
United Kingdom Health Security Agency
United Utilities

Blackpool Council

21 November, 2022

Ms. L Feekins-Bate
Environmental Services
Central Operations
Temple Quay House
2 The Square
Bristol, BS1 6PN

Your Ref: EN020028

Enquiries To: Miss C Johnson
Direct Line: [redacted]
Email: [redacted]

Dear Ms L. Feekins-Bate

APPLICATION NUMBER: 22/0853
Please quote this number on all correspondence.

Infrastructure Planning (Environmental Impact Assessment) Regulations 2017

Proposal: Morgan and Morecambe Offshore Wind Farm developments Environmental Impact Assessment (EIA) scoping request
Location: Offshore wind farm development in the Irish Sea

I write to you further to your Scoping Opinion Request consultation and the Scoping Report received on 28/10/2022 in respect of the above proposals. Blackpool Council welcomes the opportunity to respond to the consultation. It is understood that the Planning Inspectorate under the terms of Regulation 10 of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017, has consulted the relevant prescribed bodies and local authorities and is seeking more localised views from the Council's internal departments in formulating any response to the consultation.

The consultation responses below have provided advice on further information required and these should be taken into account in preparing the Environmental Statement.

Visual impact on the coastline and impact on the setting of heritage assets

The Conservation Officer confirms that there are no protected wreck sites in or close to the scoping boundary, but the proposal that no impacts will be scoped out will allow for the protection of unknown and unprotected marine archaeology and agrees with the impacts to be scoped in and scoped out.

The Conservation Officer confirms that the methods described are sufficient for informing a robust impact assessment of any affected designated or undesignated heritage assets in the borough.

Although outside the scoping boundary, Blackpool Tower should be considered to be a visual receptor for all phases of the scheme.

Aerodrome Safeguarding and Air Navigation

Blackpool Airport lies to the south of Blackpool and straddles Blackpool and Fylde Borough Council's administrative boundaries. As such, in terms of Aerodrome and Air Navigation Safety, the following matters require further details:

- details are required on possible electro-magnetic interference on the NAVAIDS at the Airport from the cables and other equipment which may impact these sensitive navigation aids
- further assessment of how the turbines may impact upon air space
- height of all structures and construction equipment to consider impact on air space
- further details on how turbines may impact wind speeds

Highway impact from running the pipelines along roads away from where they make landfall

Blackpool Council as the Local Highway Authority considers that the scoping of effects on highways and traffic to be reasonable. It would appear from the small scale fig 1.1 that the routes will not affect highways within Blackpool directly but will have effects on Lancashire County Council (LCC) roads immediately outside the Blackpool Borough boundary. These effects will cause congestion which, in turn, will have localised but potentially significant economic effects. I would expect others to address these effects.

We have noted Fig 8.5, which identifies the Initial Traffic and Transport Study Area. There are presently only two roads connecting Blackpool and St Annes – Clifton Drive A584 and Queensway B5261. A third route, further east, the M55 Heyhouses Link Road is under construction. It is evident, from long experience, that any works or events that delay traffic on one of the existing routes almost immediately precipitates congestion on the other and onward into one town or the other – or both. For example a closure of a few hours because of a recent RTC on Queensway caused congestion as far as Lytham to the south and A583 to the east. We would expect significant works affecting any of the three routes, all of which have to be crossed, to have detrimental effects on routes in both Blackpool and St Annes well beyond the study area identified in Fig 8.5. TA documentation for EZ Planning Applications demonstrates the effects of relatively small changes to the loading of the network in the area and there is LCC modelling for the Link Road.

It would be helpful at later stages of scheme development and evaluation for the anticipated HGV and Abnormal Load routes and loadings to be clarified. We are experienced in addressing the effects of such traffic from inland to coast protection and similar works and would, for example, look for redress against unreasonable damage or wear and tear to the highway system. We would anticipate a default route from M55 to the coastal area and the western extents of the cable corridor to involve Progress Way/Squires Gate Lane A5230.

Dealing specifically with the questions raised in section 12.7 of the documentation:

Are there any additional baseline data sources available that could be used to inform the EIA? With respect to highways and traffic – no unless the Initial Traffic and Transport Study Area is extended further into Blackpool and St Annes.

Does the reader agree that the proposed study areas are appropriate for each of the EIA topics?
With respect to highways and traffic – yes except as above.

Have all potential impacts resulting from the Transmission Assets been identified for each of the EIA topics within this EIA Scoping Report?

With respect to highways and traffic – generally yes except that the Initial Traffic and Transport Study Area should be extended further into Blackpool and St Annes.

Does the reader agree with the impacts to be scoped in, and out, of the assessment?
With respect to highways and traffic – yes.

For those impacts scoped in, does the reader agree that the methods described are sufficient to inform a robust impact assessment?

With respect to highways and traffic – yes.

Are there any specific developments or infrastructure schemes which should be taken into account when considering potential cumulative impacts?

With respect to highways and traffic – Enterprise Zone and Division Lane West access junction works on Common Edge Road.

Environmental impact from construction and potential pollution or contamination

Environmental Protection officers have no on contaminative concerns in relation to the wind farm.

Archaeological impact

Lancashire County Council's Historic Environment Team have confirmed that the proposed assessment methodology outlined in section 8 of the Scoping Report is one that the Historic Environment Team (HET) would consider entirely appropriate and necessary. The HET would welcome consultation on the proposed sources to be used in compiling the initial the EIA.

Impact on the Blackpool Airport and the Blackpool Airport Enterprise Zone

The Environmental Statement should provide further details considering the potential impact upon future development at the Enterprise Zone and Blackpool Airport.

Further detailing of routes and any necessary easements should also consider impacts upon Blackpool Airport operations such as drainage requirements.

Biodiversity/Ecology

Further details are required to assist the understanding of any potential impacts upon the Ribble & Alt Estuaries and the biological heritage site at Blackpool Airport.

I trust that this information is of use to you but please do contact me with any queries.

Kind regards

Clare Johnson MRTPI
Principal Planner
Blackpool Council
[redacted]

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Laura Feekins-Bate
EIA Advisor
The Planning Inspectorate

MorganandMorecambeOWFTA@planninginspectorate.gov.uk

Eich cyfeirnod Your reference	EN020028
Ein cyfeirnod Our reference	
Dyddiad Date	21 November 2022
Llinell uniongyrchol Direct line	0300 0250566
Ebost Email:	Cadwplanning@gov.wales

Dear Laura

Morgan and Morecambe Offshore Windfarms - EIA Scoping Consultation

Thank you for your letter of 1 November asking for Cadw's view on the above.

Cadw, as the Welsh Government's historic environment service, has assessed the characteristics of this proposed development and its location within the historic environment. In particular, the likely impact on designated or registered historic assets of national importance. In assessing if the likely impact of the development is significant Cadw has considered the extent to which the proposals affect those nationally important historic assets that form the historic environment, including scheduled ancient monuments, listed buildings, registered historic parks, gardens and landscapes.

Advice

This advice is given in response to scoping opinion as to the contents of an Environmental Impact Assessment (EIA) that will be submitted in support of an application for the Morgan and Morecambe Offshore Windfarms.

These proposed windfarms will not have a direct impact on any historic assets in Wales or in Welsh waters. The nearest any of the masts will be to the Welsh coast is over 50km away. As such it would be only in exceptional circumstances (if then) that the windfarms will be visible from Wales and therefore we do not envisage that the proposed wind farms will have any significant impact on the settings of any designated historic assets in Wales. As such, we do not wish to comment on the scoping of the environmental impact assessment

Yours sincerely

Jenna Arnold

Diogelu a Pholisi/ Protection and Policy

From: [redacted]
[redacted] Morgan and Morecambe OWFTA
Subject: EN020028 - Morgan and Morecambe Offshore Windfarms Transmission Assets - EIA Scoping Notification and Consultation
Date: 28 October 2022 12:13:03

Thank you for your consultation on the EIA Scoping for the Morgan and Morecambe Offshore Windfarms Transmission Assets. Having considered the information the Council do not wish to make any comments

Anita Seymour
Senior Planning Officer
Calderdale MBC
Regeneration & Strategy
Planning Services
[redacted]

The Planning Inspectorate

Your Ref EN020028

Our Ref IPP 171

Wednesday 16th November 2022

Dear Laura Feekins-Bate

Proposal: Planning Act 2008 (as amended) and The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (the EIA Regulations)– Regulations 10 and 11

Application by Morgan Offshore Wind Limited and Morecambe Offshore Windfarm Limited (the Applicant) for an Order granting Development Consent for the Morgan and Morecambe Offshore Wind Farms Transmission Assets (the Proposed Development)

Waterway: Savick Brook (Ribble Link)

Thank you for your consultation.

We are the charity who look after and bring to life 2000 miles of canals & rivers. Our waterways contribute to the health and wellbeing of local communities and economies, creating attractive and connected places to live, work, volunteer and spend leisure time. These historic, natural and cultural assets form part of the strategic and local green blue infrastructure network, linking urban and rural communities as well as habitats. By caring for our waterways and promoting their use we believe we can improve the wellbeing of our nation. The Trust is a statutory consultee in the Environmental Impact Assessment and Development Management process.

Based on the Transmission Assets Scoping Boundary shown at figure 1.1 of the EIA Scoping Report we have a number of assets within the boundary. The Trust lease the Savick Brook to enable navigation and connectivity to the Lancaster Canal (starting in Preston). The Trust own and manage at least 3 locks within the boundary as well as other assets. National Cycle Route 622 is also carried along the towpath here. We also have a right of navigation along the Ribble Link (River Ribble) which provides connectivity to Savick Brook from our waterways to the south (which are outside the boundary). The Ribble Link is a County Wildlife Site. The Ribble & Alt Estuaries are Special Protection Areas (SPA), The Ribble Estuary is also a Site of Special Scientific Interest (SSSI) and RAMSAR site.

Our interest with this proposal therefore relates to the landfall elements of the scheme and how a connection would be made to the National Grid Shared Point of Connection at Penwortham. Based on corridor shown at figure 1.1, such a connection would require at least one crossing of our waterway that we have interests within and a number of assets. We would welcome further discussion with the Promoter of the scheme to establish where such a crossing (underground) of the waterways would be required. We would want to ensure that the structural integrity of our assets are safeguarded.

The Trust have reviewed the EIA Scoping Report and have no specific comments on the topic areas to be covered which would appear to be comprehensive. Much will depend on the route selection and the details to be developed in terms of the crossing (underground) of our waterways and the proximity of any above ground

Canal & River Trust
Fradley Junction, Alrewas, Burton upon Trent, Staffordshire, DE13 7DN
T [redacted] E [redacted] W [redacted]

installations to our waterways and associated visual impacts. It will be important that our waterways and our users are fully safeguarded and protected during the works and considered as a receptor.

Comment as landowner

The Trust has a duty under the Trusts Agreement with the Secretary of State for Environment, Food and Rural Affairs (28 June 2012) to operate and manage the waterways and towpaths for public use and enjoyment. Additionally, the Trust has a duty under S105 Transport Act 1968 to maintain commercial and cruising waterways in a suitable condition for use by the public.

At this stage it is unclear which land parcels might be required in relation to the works and whether these are within the ownership of the Trust, or where we have land interests and rights. The Trust is a statutory undertaker which has specific duties to protect the waterways. Accordingly, we have a duty to resist the use of compulsory purchase powers which may negatively affect our land or undertakings. Alternatively, should any compulsory acquisition powers over the Trust's land be sought, such acquisition should only be with the consent of the Trust.

Separate discussions would need to take place between the Trust and the promotors, especially on the waterway undergrounding detailing, design, engineering and agreements to access/enter our land as necessary.

Finally, the Trust will require any works which interface with our waterways/land to comply with the Canal & River Trust "Code of Practice for Works affecting the Canal & River Trust".

The above comments are given as advice based on the consultation material. We would wish to provide more once the route has been finalised and the potential impact on our waterway at each crossing can be determined. The above comments do not prejudice any further comments or matters that may be raised by the Trust at a later stage.

Please do not hesitate to contact me with any queries you may have.

Yours sincerely,

Tim Bettany Simmons MRTPI
Area Planner & Special Projects

[redacted]

[redacted]

Canal & River Trust
Fradley Junction, Alrewas, Burton upon Trent, Staffordshire DE13 7DN
T [redacted] E [redacted] W [redacted]

The Planning Inspectorate
Planning Inspectorate
Room 4/04 Kite Wing
Temple Quay House (2 The Square)
Temple Quay
Bristol
Avon
BS1 6PN

Our ref: NO/2022/114845/01-L01
Your ref: Morgan and Morecambe Offshore

Date: 25 November 2022

Dear The Inspectorate

SCOPING OPINION FOR ENVIRONMENTAL STATEMENT FOR MORGAN AND MORECAMBE WINDFARMS TRANSMISSION ASSETS PENWORTHAM, LANCASHIRE.

Thank you for consulting us on the following document:

- Morgan and Morecambe Offshore Wind Farms: Transmission Assets Environmental Impact Assessment Scoping Report ref. MM_4000121_01-00, FLO-MOR-REP-0047 dated 25 October 2022 produced by RPS.

Environment Agency position

We have reviewed the Scoping in so far as it relates to our remit, and we broadly agree with the conclusions reached regarding the potential topics and impacts to be scoped into the EIA process. We have the following comments:

6.1 Geology, hydrogeology and ground conditions

- Table 6.2 - we agree with the impacts to be scoped in and out in relation to groundwater.
- Section 6.1.4.5 states that no SPZs have been designated within the Transmission Assets Scoping Boundary as shown on Figure 6.1. However this is incorrect – please be aware that the total catchment (Zone 3) extends further south than shown, and borders the Ribble estuary.

6.2 Hydrology and Flood Risk

- We broadly agree with the scoping of the hydrology and Flood Risk aspects in the EIA scoping report.
- Table 6.6 page 236 identifies the impact of increased flood risk arising from damage to existing flood defences. This should include formal constructed flood defences, but also consider impacts to natural flood defence mechanisms, notably the sand dunes at Lytham.

We kindly request that we be included in the hydrology and flood risk EWG and we look forwards to further consultation.

7.1 Terrestrial ecology (intertidal and onshore)

- We note the intention to minimise the cable corridor area and haulroads where possible to minimise impact on habitat.
- We note the intention to use horizontal directional drilling (HDD) for river crossings and the onshore cable landing area.
- Table 7.3 page 253 identifies the impact of temporary and permanent habitat loss which may support protected or notable species. The impact of habitat loss should be widened to include consideration of other services provided by these habitats – notably the impact on the natural flood risk management provided by sand dunes.
- We note that in Table 7.4 on Page 254 fish are scoped out of onshore impact. We agree that fish and river surveys are not required if HDD is used for river crossings. However if open cut is required then the impact on fish and river habitats in these locations will need to be assessed.
- Page 255: We are satisfied with the Measures to be adopted as part of the project relevant to ecology
- Page 256- Biodiversity Net Gain will be required for this project. The project should consider where habitat improvements can be achieved as part of the scheme. We would expect to see this information provided in the environmental statement.
- We agree with scope for MCZ and WFD.

We kindly request to be included in the onshore ecology EWG and we look forwards to further consultation.

Yours sincerely

Mrs Liz Locke
Sustainable Places Officer

e-mail clplanning@environment-agency.gov.uk

End

Forestry Commission

North West & West Midlands Area Office
Ghyll Mount
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Penrith 40 Business Park
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Tel: [redacted]

nwwm@forestrycommission.gov.uk

Area Director
Keith Jones

The Planning Inspectorate
Environmental Services
Central Operations
Temple Quay House
2 The Square
Bristol
BS1 6PN

Ref: EN020028

Date: 24 November 2022

Dear Sir/Madam

Planning Application by **Morgan Offshore Wind Limited and Morecambe Offshore Windfarm Limited (the Applicant) for an Order granting Development Consent for the Morgan and Morecambe Offshore Wind Farms Transmission Assets**

Thank you for seeking the Forestry Commission's advice about the impacts that this application may have on Ancient Woodland. As a non-statutory consultee, the Forestry Commission is pleased to provide you with the attached information that may be helpful when you consider the application:

- Details of Government Policy relating to ancient woodland
- Information on the importance and designation of ancient woodland

Ancient woodlands are irreplaceable. They have great value because they have a long history of woodland cover, with many features remaining undisturbed. This applies equally to Ancient Semi Natural Woodland (ASNW) and Plantations on Ancient Woodland Sites (PAWS).

It is Government policy to refuse development that will result in the loss or deterioration of irreplaceable habitats including ancient woodland, unless "*there are wholly exceptional reasons*

*and a suitable compensation strategy exists" (*National Planning Policy Framework paragraph 180c).

We also particularly refer you to further technical information set out in Natural England and Forestry Commission's Standing Advice on Ancient Woodland – plus supporting Assessment Guide and Case Decisions.

As a Non Ministerial Government Department, we provide no opinion supporting or objecting to an application. Rather we are including information on the potential impact that the proposed development would have on the ancient woodland.

We request details of any possible or likely impacts on Four Acre Wood, which appears to be within the proposed development zone. We would bring to your attention that Four Acre Wood is the ***only*** Ancient Semi Natural Woodland southwest of Preston for many miles. The typical mitigation metric that is appropriate for the loss of any woodland is 1 Acre lost: 20-30 Acres replacement mitigation woodland. Please also consider that Lancashire is one of the United Kingdom's least afforested counties with woodland cover of 6%. Therefore, any proposed woodland loss is particularly problematic because of biodiversity and sequestered carbon loss.

Subsequent Enforcement Notices, may be materially relevant to planning applications in situations where the site looks to have been cleared prior to a planning application having been submitted or approved.

If the planning authority takes the decision to approve this application, we may be able to give further support in developing appropriate conditions in relation to woodland management mitigation or compensation measures. Please note however that the Standing Advice states that "*Ancient woodland, ancient trees and veteran trees are irreplaceable. Consequently you should not consider proposed compensation measures as part of your assessment of the merits of the development proposal*."

We suggest that you take regard of any points provided by Natural England about the biodiversity of the woodland.

We also assume that as part of the planning process, the local authority has given a screening opinion as to whether or not an Environmental Impact Assessment is needed under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. If not, it is worth advising the applicant to approach the Forestry Commission to provide an opinion as to whether or not an Environmental Impact Assessment is needed under the Environmental Impact Assessment (Forestry) (England and Wales) Regulations 1999, as amended.

We hope these comments are helpful to you. If you have any further queries please do not hesitate to contact me.

Yours sincerely

[redacted]

Graham Simms
Area Admin Officer

Forestry Commission England

A summary of Government policy on ancient woodland

Natural Environment and Rural Communities Act 2006 (published October 2006).
Section 40 – "Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity".

National Planning Policy Framework (published February 2019).
Paragraph 180c – "*development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists*".

National Planning Practice Guidance – Natural Environment Guidance. (published March 2014)
This Guidance supports the implementation and interpretation of the National Planning Policy Framework. This section outlines the Forestry Commission's role as a non statutory consultee on *"development proposals that contain or are likely to affect Ancient Semi-Natural woodlands or Plantations on Ancient Woodlands Sites (PAWS) (as defined and recorded in Natural England's Ancient Woodland Inventory), including proposals where any part of the development site is within 500 metres of an ancient semi-natural woodland or ancient replanted woodland, and where the development would involve erecting new buildings, or extending the footprint of existing buildings"*

It also notes that ancient woodland is an irreplaceable habitat, and that, in planning decisions, **Plantations on Ancient Woodland Sites (PAWS) should be treated equally in terms of the protection afforded to ancient woodland in the National Planning Policy Framework**. It highlights the Ancient Woodland Inventory as a way to find out if a woodland is ancient.

The UK Forestry Standard (4th edition published August 2017).
Page 23: "Areas of woodland are material considerations in the planning process and may be protected in local authority Area Plans. These plans pay particular attention to woods listed on the Ancient Woodland Inventory and areas identified as Sites of Local Nature Conservation Importance SLNCIs)".

Keepers of Time – A Statement of Policy for England's Ancient and Native Woodland (published June 2005).
Page 10 "The existing area of ancient woodland should be maintained and there should be a net increase in the area of native woodland".

Natural Environment White Paper "The Natural Choice" (published June 2011)
Paragraph 2.53 - This has a "renewed commitment to conserving and restoring ancient woodlands".
Paragraph 2.56 – "The Government is committed to providing appropriate protection to ancient woodlands and to more restoration of plantations on ancient woodland sites".

Standing Advice for Ancient Woodland and Veteran Trees (first published October 2014, revised 14 July 2022)
This advice, issued jointly by Natural England and the Forestry Commission, is a material consideration for planning decisions across England. It explains the definition of ancient woodland, its importance, ways to identify it and the policies that are relevant to it.

The Standing Advice refers to an Assessment Guide. This guide sets out a series of questions to help planners assess the impact of the proposed development on the ancient woodland.

Biodiversity 2020: a strategy for England's wildlife and ecosystem services (published August 2011).
Paragraph 2.16 - Further commitments to protect ancient woodland and to continue restoration of Plantations on Ancient Woodland Sites (PAWS).

Importance and Designation of Ancient and Native Woodland

Ancient Semi Natural Woodland (ASNW)
Woodland composed of mainly native trees and shrubs derived from natural seedfall or coppice rather than from planting, and known to be continuously present on the site since at least AD 1600. Ancient Woodland sites are shown on Natural England's Inventory of Ancient Woodland.

Plantations on Ancient Woodland Site (PAWS)
Woodlands derived from past planting, but on sites known to be continuously wooded in one form or another since at least AD 1600. They can be replanted with conifer and broadleaved trees and can retain ancient woodland features, such as undisturbed soil, ground flora and fungi. Very old PAWS composed of native species can have characteristics of ASNW. Ancient Woodland sites (including PAWS) are on Natural England's Inventory of Ancient Woodland.

Other Semi-Natural Woodland (OSNW)
Woodland which has arisen since AD 1600, is derived from natural seedfall or planting and consists of at least 80% locally native trees and shrubs (i.e., species historically found in England that would arise naturally on the site). Sometimes known as 'recent semi-natural woodland'.

Other woodlands may have developed considerable ecological value, especially if they have been established on cultivated land or been present for many decades.

Information Tools – The Ancient Woodland Inventory

This is described as provisional because new information may become available that shows that woods not on the inventory are likely to be ancient or, occasionally, vice versa. In addition ancient woods less than two hectares or open woodland such as ancient wood-pasture sites were generally not included on the inventories. For more technical detail see *Natural England's Ancient Woodland Inventory*. Inspection may determine that other areas qualify.

As an example of further information becoming available, Wealden District Council, in partnership with the Forestry Commission, Countryside Agency, the Woodland Trust and the High Weald AONB revised the inventory in their district, including areas under 2ha. Some other local authorities have taken this approach.

Forestry Commission England

Further Guidance

Felling Licences - Under the Forestry Act (1967) a Felling Licence is required for felling more than 5 cubic metres per calendar quarter. Failure to obtain a licence may lead to prosecution and the issue of a restocking notice.

Environmental Impact Assessment - Under the Environmental Impact Assessment (Forestry) (England and Wales) Regulations 1999, as amended, deforestation which is likely to have a significant impact on the environment may also require formal consent from the Forestry Commission.

From: [redacted]
To: Morgan and Morecambe OWFTA
Subject: Fylde Council comments on Scoping Opinion
Date: 24 November 2022 12:42:06
Attachments: fb-icon_f6c87688-ed9f-4afd-b850-f8c6e385eff21.gif
yt-icon_7d30c94b-113c-4e59-998d-48ec1b4961de1.gif
tw-icon_f022a768-2fec-4c50-bbe8-807d6e570fa41.gif

Morning

I refer to your letter of 26 October 2022 requesting any comments that Fylde Council has on the Scoping Opinion for the Morgan and Morecambe Offshore Windfarm project.

The overriding position is that the council does not have any major comments to add to the content of the scoping opinion. This is partly due to the nature of the proposal being focused on an offshore activity which is out of our direct remit, but also partly as the proposal has not yet been well developed with regards to its onshore arrangements with the routeing through the brough particularly vague at this stage. Whilst it is clear that there is a potential impact on the coastal margin of the borough around the landing site, where there is a fragile dune system that has important roles in sea defence, wildlife habitat and other environmental aspects, at least this is a known location. The document makes some reference to the relevant aspects that need to be considered in that location. However, the routeing from the landing point to where the cables will leave the borough to connect to Penwortham covers large swathes of the borough, and there is little in the Scoping Opinion report that sets out how that is likely to impact on the wide range of environmental and other infrastructure that the cable route will cross. These include infrastructure such as main roads, railway lines, key drainage ditches, other power and utility connections, etc. as well as various international and local level ecological designations and their associated IRZs. The scope of the EIA needs to be sufficient to ensure that all these are appropriately considered

I note that this is the earliest stage of the process and look forward to consultation on future phases when the routeing is likely to be more clearly defined and so the scope of its impacts can be assessed.

Regards

Andrew

Andrew Stell
Development Manager
Planning

[redacted]

Health and Safety Executive

NSIP Consultation Team

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Email.NSIP.applications@hse.gov.uk

http://www.hse.gov.uk/

Dr J Neilson – Head of Unit
Date: 11 November 2022

For the attention of: Laura Feekins-Bate
The Planning Inspectorate
Temple Quay House
Temple Quay
Bristol BS1 6PN

References: CM9 Ref: 4.2.1.7044.
NSIP Ref: EN020028

Dear Ms Feekins-Bate

Planning Act 2008 (as amended) and The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (the EIA Regulations) – Regulations 10 and 11 Application by Morgan Offshore Wind Limited and Morecambe Offshore Windfarm Limited (the Applicant) for an Order granting Development Consent for the Morgan and Morecambe Offshore Wind Farms Transmission Assets (the Proposed Development)

Thank you for your letter of 28 October 2022 regarding the information to be provided in an environmental statement relating to the above project. HSE does not comment on EIA Scoping Reports but the following information is likely to be useful to the applicant.

HSE's Land Use Planning Advice

Will the proposed development fall within any of HSE's consultation distances?

According to HSE's records, the proposed Morgan and Morecambe Offshore Windfarms Transmission Assets project components as specified in the Environmental Impact Assessment Scoping Report, dated 25/10/22, document reference (MM_4000121_01-00, FLO-MOR-REP-0047), (Figure 1.1, Location of Morgan Offshore Wind Project, Morecambe Offshore Windfarm, and the Joint Point of Connection Penwortham), the onshore site boundary cross the Consultation Zones of several Major Accident Hazard (MAH) sites with the following operators.

• HSE Ref #3823 operated by Springfields Fuels Ltd, Salwick, Preston, Lancashire, PR4 0XJ (Note: Onshore site boundary is impacted by this MAH site)

• HSE Ref #3723 operated by F2 Chemicals Ltd, Lea Lane, Preston, Lancashire, PR4 0RZ. (Note: Onshore site boundary is impacted by this MAH site)

• HSE Ref #4762 operated by Reliance Energy Ltd. Higher Ballam, Blackpool, FY4 5JX. (Note: Onshore site boundary is impacted by this MAH site)

The Applicant should make contact with the above operators, to inform an assessment of whether or not the proposed development is vulnerable to a possible major accident.

There are also several major accident hazard pipelines that the proposed development crosses, associated with the following operators:

• Sabic UK Petrochemicals UK Pipeline- HSE Ref # 6710 (Trans-Pennine Ethylene Pipeline Wilton/Runcorn)

• Essar Oil UK limited Pipeline- HSE Ref # 7129 (NWEP Grangemouth / Stanlow)

• National Grid Gas PLC Pipelines- HSE Ref # 6819 (15 Feeder Carnforth/Bretherton) &

HSE Ref # 8345 (21 Feeder Treales / Mawdesley)

The Applicant should make the necessary approaches to the relevant pipeline operators. There are three particular reasons for this

: i) the pipeline operator may have a legal interest in developments in the vicinity of the pipeline. This may restrict developments within a certain proximity of the pipeline

. ii) the standards to which the pipeline is designed and operated may restrict major traffic routes within a certain proximity of the pipeline. Consequently, there may be a need for the operator to modify the pipeline or its operation, if the development proceeds.

iii) to establish the necessary measures required to alter/upgrade the pipeline to appropriate standards.

Based on the information in the Environmental Impact Assessment Scoping Report, dated 25/10/22, document reference (MM_4000121_01-00, FLO-MOR-REP-0047), it is unlikely that HSE would advise against the development.

Please note that the advice is based on HSE's existing policy for providing land-use planning advice and the information which has been provided. HSE's advice in response to a subsequent planning application may differ should HSE's policy or the scope of the development change by the time the Development Consent Order application is submitted. Would Hazardous Substances Consent be needed? It is not clear whether the applicant has considered the hazard classification of any chemicals that are proposed to be present at the development. Hazard classification is relevant to the potential for accidents. For example, hazardous substances planning consent is required to store or use any of the Categories of Substances or Named Hazardous Substances set out in Schedule 1 of The Planning (Hazardous Substances) Regulations 2015 as amended, if those hazardous substances will be present on, over or under the land at or above the controlled quantities. There is an addition rule in the Schedule for below-threshold substances. If hazardous substances planning consent is required, please consult HSE on the application. Consideration of risk assessments Regulation 5(4) of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 requires the assessment of significant effects to include, where relevant, the expected significant effects arising from the proposed development's vulnerability to major accidents. HSE's role on NSIPs is summarised in the following Advice Note 11 Annex on the Planning Inspectorate's website - Annex G – The Health and Safety Executive. This document includes consideration of risk assessments on page 3 .

There are 3 licenced explosives sites in the vicinity of the proposed development but the development does not enter any of the save guarding zones of the sites – therefore HSEs Explosives Inpsectorate no comment to make.

Yours sincerely

NSIP Consultations Team

For and on behalf of Health and Safety Executive

Historic England

Laura Feekins-Bate
EIA Advisor
The Planning Inspectorate
Temple Quay House
2 The Square
Bristol, BS1 6PN

Your Ref: EN020028

24th November 2022

Dear Ms Feekins-Bate,

Morgan and Morecambe Offshore Wind Farms Transmission Assets Environmental Impact Assessment Scoping Report

Thank you for your email and letter, dated 28th October 2022 requesting our comments on the following document, as referenced:

> *Morgan and Morecambe Offshore Wind Farms: Transmission Assets. Environmental Impact Assessment Scoping Report* (Dated October 2022), prepared by RPS Group Plc for bp and Energie Baden-Württemberg AG (Morgan Offshore Wind Farm) and Cobra Instalaciones y Servicios, S.A. and Flotation Energy Ltd. (Morecambe Offshore Windfarm)

In summary, we concur with the conclusions of the above referenced Scoping Report that marine archaeology and onshore historic environment, as relevant to construction, operation and maintenance and decommissioning phases of this proposed development will be scoped into the EIA exercise for this proposed development.

The role of Historic England

As you may be aware, Historic England is the Government's advisor on all aspects of the historic environment in England. Historic England's general powers under section 33 of the National Heritage Act 1983 were extended (via the National Heritage Act 2002) to modify our functions to include securing the preservation of monuments in, on, or under the seabed within the seaward limits of the UK Territorial Sea adjacent to England. We also provide our advice in recognition of the English marine plan areas (inshore and offshore), as defined by the Marine and Coastal Access Act 2009 and the objectives and policies of published Marine Plans.

We understand that the Morgan Offshore Wind Project and the Morecambe Offshore Windfarm are scoped into the "Pathways to 2030" workstream under the Offshore Transmission Network Review (OTNR), published by BEIS. The output of this initiative is that the separate Morgan and Morecambe projects should work collaboratively to connect with the National Grid electricity substation at Penwortham (Lancashire).

The EIA Scoping report explains that although electricity export cables are not within the definition of a Nationally Significant Infrastructure Project (NSIP), a Section 35 Direction under the Planning Act 2008 was granted by SoS Business, Energy and Industrial Strategy in October 2022 enabling this project to be determined under the Planning Act as an NSIP. It is therefore the case that an EIA exercise is to be conducted in accordance with The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017, as amended and the Marine Works (Environmental Impact Assessment) Regulations 2007, as amended. The focus is to be on construction, operation and maintenance and decommissioning of the transmission assets required to enable the export of electricity from both projects within shared offshore and onshore export cable corridors.

EIA Scoping Report – Part 1: Introduction

We understand that this EIA Scoping Report is focused on the design of two electrically separate sets of transmission assets within a shared corridor utilising the same coastal landfall location and thereby reducing overall environmental impact. We are aware that this EIA Scoping Report is defined by a Transmission Assets Scoping Boundary (as shown in Figure 1.1), which includes the array areas for both Morgan and Morecambe projects, so that the possible locations of up to six Offshore Substation Platforms (OSPs) can be included (as described in paragraph 4.2.1.1). The other offshore elements included are:

- Up to five interconnector cables between OSPs; and
- Morgan offshore booster station as necessary for High Voltage Alternating Current transmission systems.

The onshore elements will include:

- Landfall site;
- Onshore export cable corridor;
- Any temporary ancillary onshore infrastructure;
- Onshore substations; and
- 400kV cable corridor

The EIA will consider a range of foundation types for the OSPs and Morgan offshore booster station comprising:

- Monopile;
- Suction bucket (monopod);
- Jacket foundations with piling;
- Jacket foundations on suction buckets;
- Gravity based structures and
- Tripod.

It is explained (paragraph 4.4.5.7) that final selection of foundation type will be dependent upon the findings of site investigation and project design work and that a design envelop approach will be adopted, as set out in Table 4.4.

Sub-section 4.4.6 (Offshore export cable corridor) sets out that a maximum of six offshore cables will be required (up to four for the Morgan Offshore Wind Project and two for the Morecambe Offshore Windfarm). We note the request for design flexibility as explained in paragraph 4.4.6.3 and consideration of uncertainties as could affect the project (section 5.7). Section 6.7 (Evidence plan process and expert groups) in paragraph 6.3.1.4 states that an evidence plan steering group will be established for the Transmission Assets DCO application. We appreciate that Historic England will participate through Expert Working Group meeting for the onshore and offshore cultural heritage and we recommend that membership of the project Steering Group is also extended to Historic England.

Chapter 3 (Site selection) in Table 3.2 mentions "historic seascape areas", but no further attention appears to have been given to this topic in the Scoping Report. The Applicant should therefore access the methodological approach produced by Historic England for Historic Seascape Characterisation, which supports the UK's implementation of Council of Europe European Landscape Convention 2000[1]:

- https://historicengland.org.uk/research/methods/characterisation/historic-seascapes/; and
- https://archaeologydataservice.ac.uk/archives/view/seascape_he_2018/index.cfm

EIA Scoping Report – Part 2 Transmission Assets
Chapter 5 Proposed technical assessments – offshore human environment
Section 5.3 Marine Archaeology

It was important to see in this Scoping Report that a range of data sources will be utilised in the assessment of the EIA process. We would also recommend assessment of the following resources is included to inform production of any Preliminary Environmental Information Report (PEIR) and Environmental Statement (ES):

- The Rapid Coastal Zone Assessment for Lancashire where prehistoric activity has been recorded including Neolithic red deer prints. Estuaries are favoured areas for settlement by Stone Age hunter gatherers and so it should be anticipated that finds and sites could be exposed during development. https://historicengland.org.uk/research/results/reports/62-2012?searchType=research+report&search=rapid+coastal+zone+lancashire;
- The Wetlands of North Lancashire should also be consulted for further details on deposits and research within the site boundary: Middleton et al (1995) *The Wetlands of North Lancashire*. Lancaster Imprints; and
- The intertidal and coastal peat database should be consulted for nearby deposits. The site boundary for the onshore cable goes through two area of peat east of Lytham St Annes. https://historicengland.org.uk/research/current/heritage-science/intertidal-peat-database/

[1] https://www.coe.int/en/web/landscape

Paragraph 5.3.3.5 explains that geophysical survey campaigns were conducted between October and December 2021 (Morecambe) and between April and September 2022 (Morgan). The important matter here is that these data are reviewed by a professional, accredited and experienced marine archaeologist contractor/consultant to corroborate desk-based sources of information.

Regarding the three broad categories of archaeological/historical analysis, we appreciate the point captured in paragraph 5.3.4.3 that the present absence of information about in-situ palaeo-environmental evidence probably reflects the lack of geo-archaeological analysis conducted in this area to date. Furthermore, while we appreciate that geophysical survey data can provide information about the potential for submerged prehistoric archaeology, it is necessary for such potential to be qualified through geotechnical survey (i.e. deep boreholes and shallow vibro-cores).

Figure 5.15 (maritime archaeology within the transmission assets area) includes points defined as "maritime archaeology – unknown" it is important that any subsequent PEIR clarifies what this means given the acknowledgment in paragraph 5.3.3.3 about locations of multiple "recorded losses". We therefore concur with the essential requirement to corroborate what desk-based research indicates could be present and analysis of marine survey data, as explained in paragraphs 5.3.4.17 and 5.3.4.18. It is also relevant that the EIA Scoping Report acknowledges how other anomalies present could be of archaeological interest (paragraph 5.3.4.19) and that this project could continue to reveal the presence of more features of archaeological interest.

Paragraph 5.3.4.22 mentions that "…site-specific geophysical survey analysis will clarify whether aviation archaeological material is present within the marine archaeology study area". It is important to note that aircraft crash sites can be highly fragmentary and of limited spatial extent and therefore difficult to identify through geophysical survey. In general, it is our advice that given the risk of encountering presently unknown cultural heritage (prehistoric environmental evidence, historic vessels or aircraft), that investigation measures and procedures are established at an early stage of PEIR preparation. The benefit of adopting this approach is to ensure capacity is built in to inform design, that best delivers UK policy objectives for the protection of underwater cultural heritage.

Section 5.3.5 (Potential project impacts) states that no impacts are proposed to be scoped out of the assessment for marine archaeology, as summarised in Table 5.6 which identifies impacts during phases of construction, operation and maintenance and decommissioning to be included in the EIA exercise for this proposed project.

We note that a "technical report" and draft Written Scheme of Investigation (WSI), produced in reference to guidance published by The Crown Estate are to be prepared and it is important that such information is produced in time to inform an PEIR and any eventual ES submission. We note that the focus for attention is on archaeological analysis of geophysical data. It is important that such data is acquired at sufficient resolution to adequately characterise the historic environment, as could be encountered within the Transmission Assets Scoping Boundary (TASB). It is also relevant that to support preparation of any PEIR that detail is provided about the geotechnical survey campaign, as will be necessary to inform the design of this proposed project. Any draft WSI should therefore include a full set of methodological approaches for survey data capture and analysis.

Section 5.3.6 (Measures adopted as part of the project), identifies important matters for this EIA exercise, which require clarification, such as:

- Archaeological input into specifications for and analysis of preconstruction geophysical surveys. To support this objective, it is important that the project produces an outline WSI to accompany any PEIR which addresses the full range of survey campaigns (geophysical and geotechnical), as should be initiated post-consent and before initiation of any construction phase;
- The development of, and adherence to, a WSI for the construction phase. It is directly relevant that the WSI describes survey investigation techniques as will occur during this defined phase;
- We welcome the attention given to geoarchaeological analysis to optimise geotechnical surveys as should occur pre-construction. It is useful to consider the potential requirement for a paleoenvironmental assessment as a result of the assessment of cores for their heritage value. It is also important to see the geoarchaeological investigations will be compiled in a deposit model. This model should include the depth, character and potential of the deposits of archaeological interest and should inform any subsequent evaluation, borehole sampling and/or geophysical survey; and
- All archaeological advice commissioned by the Applicant should be from consultants that are also professional practitioners, accredited and with working experience of this development sector

Section 5.3.7 (Proposed assessment methodology) requires updating to support production of a PEIR, through including the following references:

- Gribble J. and Leather S. (2011) *Guidance for Offshore Geotechnical Investigations and Historic Environment Analysis*: guidance for the renewable energy sector. Published by the former COWRIE Group; and
- Historic Environment Advice Note 15 *Commercial Renewable Energy Development and the Historic Environment* (2021). Published by Historic England: https://historicengland.org.uk/images-books/publications/commercial-renewable-energy-development-historic-environment-advice-note-15/

It should also be noted that *Archaeological Written Schemes of Investigation for Offshore Wind Farm Projects*, published by The Crown Estate in July 2021 replaces the 2010 edition. Appendix 5.4 includes vessels lost in the 1990s, which we do not consider as relevant to this chapter of the Scoping Report and should be dealt with as a modern obstruction in other chapter(s) in any subsequent PEIR.

Chapter 6 Proposed technical assessments – onshore physical environment
Section 6.1 Geology, hydrogeology and ground conditions

Table 6.2 impacts on geology and hydrogeology – changes in groundwater levels can also impact on buried and waterlogged archaeological assets, including the dewatering of organic deposits leading to deterioration and loss of heritage assets. Furthermore, the heat output from cables can lead to drying out and deterioration of surrounding deposits which may include unknown buried archaeological assets. It is also vital to make sure the transmission cables will not suffer from bentonite slurry leakage which can contaminate surrounding archaeological deposits. The potential impact and mitigation of risk will need to be included in the WSI.

Chapter 8 Proposed technical assessments – onshore human environment
Section 8.1 Historic environment

Paragraph 8.1.2.2 – This paragraph discusses the extent of the assessment study area in terms of distance from the landfall and onshore cable corridor. We understand that the extent of the TASB and that the cable corridor (and substation locations) will be determined during the EIA process, based on constraints etc. It is therefore our advice that the Applicant should consider the assessment study area to be the TASB plus relevant distance quoted dependent on asset type. We are also aware at this stage of project development that there is a relative lack of archaeological fieldwork within much of the TASB. However, we must also consider the appropriateness of selecting a distance of 250m either side of the corridor (or TASB) and whether or not it is sufficient to capture data to make a judgement on the potential for currently unknown archaeological remains.

Paragraph 8.1.2.3 notes that study area distances chosen have been used on similar projects, however, this assessment needs to take account of regional variations in types and density of archaeological sites/remains as relevant to this location. It is suggested that a distance of 500m either side should strike a balance between the amount of data to be assessed and the robustness of judgements on archaeological potential.

We concur with the matter identified in Paragraph 8.1.3.1 that unpublished material (such as grey literature) should be included, which will capture information on recent archaeological works that may not yet have been added to the HER or made publicly available via other means.

Table 8.1 – The second line should state “Lancashire Historic Environment Record” rather than “Historic England - Historic Environment Records”. The table should also have included the Lancashire Archives, which we will expect to be accessed accordingly to prepare any subsequent PEIR and ES for this proposed project.

Paragraph 8.1.4 (Baseline environment) – As a general principle, all designated heritage asset should be considered inclusive of Registered Battlefields. Furthermore, for clarity, the baseline should include “non-designated heritage assets” or “above and below ground non-designated heritage assets”.

Paragraph 8.1.4.6 – It is important for this EIA exercise to include the potential of uncovering prehistoric activity during the scheme, particularly around Lytham Moss and the estuarine areas. We recommend a specialist palaeoenvironmental assessment is undertaken where Desk Based Assessment (DBA) and other surveys indicate potential for the survival of palaeoenvironmental remains. This will enable the nature, extent and survival of subsurface archaeological and geoarchaeological remains to be established and presented in the PEIR and ES.

Paragraph 8.1.4.11 – As well as the intertidal areas, there are large areas of the TASB with peat subsoils, sometimes up to several meters deep which have very high palaeoenvironmental potential. These areas also have very high archaeological potential, as demonstrated by the recent archaeological work on the Windy Harbour to Skippool road improvement scheme NSIP project (PINs Reference: TR010035).

Table 8.3 – The second sentence of the data collection column should state "subject to consultation with the Local Planning Authority's nominated archaeological advisor and Historic England". A walkover survey of the entire study area should be undertaken as part of the DBA, rather than just designated assets based on the result of the DBA. The DBA should also include an element of geoarchaeological deposits modelling to identify areas of archaeological/palaeoenvironmental potential (i.e. areas of peat) and to guide any subsequent geophysical survey (to ensure that the most appropriate techniques are used) or intrusive investigations.

Paragraph 8.1.6.2 – Should state that the WSI will be agreed with the "Local Authority's nominated archaeological advisor and Historic England".

Paragraph 8.1.7.1 – The relevant National Policy Statements should be quoted, rather than NPPF (see also Chapter 13 References).

Section 8.2 Land use and recreation

Paragraph 8.2.4.6 – We note that the presence of peat deposits is identified within site boundary. The impact the cable route will have on these deposits needs to be considered, including loss of deposits, assessment of the preservation and heritage potential of the resource, and danger of dewatering or overheating the organic deposits from the cables.

Chapter 12 (Transmission Assets summary)
Section 12.7 Next steps

Regarding the questions set out in paragraph 12.7.1.1, we offer the following responses:

- *"Are there any additional baseline data sources available that could be used to inform the EIA?"*
  The proposed location of the Morgan and Morecambe Transmission Assets project occurs within the North West Offshore Marine Plan area and therefore a key source of information will be records as held by the UK Hydrographic Office, as referenced in Sub-section 5.3.4. However, these records will require corroboration with commissioned geophysical survey investigations to support the production of the PEIR and ES. We therefore welcome the statement made in section 5.3.6 that assessment will be conducted by marine archaeology specialist contractor(s). Please also see our comments regarding Table 8.1 (onshore historic environment).

- *"Does the reader agree that the proposed study areas are appropriate for each of the EIA topics?"*
  We offer comment and advice only in reference to the historic environment, as might exist within the proposed project area and archaeological study area. Please see the comments provided regarding Section 8.1 and the TASB.

- *"Have all potential impacts resulting from the Transmission Assets been identified for each of the EIA topics within this EIA Scoping Report?"*
  We offer comment and advice only in reference to the historic environment as might exist within the proposed project area (onshore and offshore). It is an important factor that given the possibility that presently unknown elements of the historic environment might be encountered (e.g. as we highlighted in our comments for Section 8.1), that consideration of potential impact will require this project to adopt an adaptive approach to inform design and delivery of the intended infrastructure.

- *"Does the reader agree with the impacts to be scoped in, and out, of the assessment?"*
  We are prepared to accept the explanation provided about the impacts to be scoped in and out of the EIA exercise as relevant to the historic environment.

- *"For those impacts scoped in, does the reader agree that the methods described are sufficient to inform a robust impact assessment?"*
  The methods set out should be sufficient to generally characterise the area within which this development is proposed. A crucial contributing factor to the EIA exercise will be optimising corroboration between desk-based sources of information (published and 'grey literature') and bespoke survey campaigns (geophysical and geotechnical) with analysis conducted by an accredited, professional and experienced archaeological contractor/consultant. The reporting of such analysis should feature within any PEIR and ES produced.

- *"Are there any specific developments or infrastructure schemes which should be taken into account when considering potential cumulative effects?"*
  Consideration should be given to other Irish Sea marine renewable energy generation infrastructure and other seabed development, inclusive of any electricity interconnectors and telecommunications cable circuits.

Yours sincerely,

[redacted]

Dr Christopher Pater
Head of Marine Planning

Cc. Pete Owen (Inspector of Ancient Monuments, Historic England North Region)
Dr Sam Rowe (Science Advisor, Historic England North West

Homes England

By email: MorganandMorecambeOWFTA@planninginspectorate.gov.uk

24 November 2022

Dear Sir / Madam,

Consultation on the Morgan and Morecambe Offshore Windfarms Transmission Assets - EIA Scoping Notification and Consultation

Homes England Response

As a prescribed body and landowner, we would firstly like to thank you for the opportunity to comment on the above consultation.

Homes England is the government's housing accelerator. We have the appetite, influence, expertise, and resources to drive positive market change. By releasing more land to developers who want to make a difference, we're making possible the new homes England needs, helping to improve neighbourhoods and grow communities.

Homes England does not wish to make any representations on the above consultation. We will however continue to engage with you as appropriate.

Yours faithfully,

[redacted]

P.P Nicola Elsworth
Head of Planning and Enabling

Homes England
1st Floor Churchgate House
56 Oxford Street
Manchester
M1 6EU

Please send all Local Plan and related consultations to
nwlocalplanconsultat@homesengland.gov.uk

0300 1234 500
www.gov.uk/homes-england

Isle of Man Government
Reiltys Ellan Vannin

infrastructure
bun-troggalys

Office of the Minister
and Chief Executive

Contact: Tracy Clift
Telephone: [redacted]
Email:
Date: 25th November 2022

Dear Ms Laura Feekins-Bate,

Re: Morgan Offshore Windfarm Limited and Morecambe Bay Offshore Windfarm Limited Transmission Assets Scoping Opinion with non-prescribed consultation bodies
(Your Ref EN020028)

Thank you for your letter dated 28th October 2022 regarding the scoping opinion for the proposed Morgan and Morecambe Offshore Wind Farm Transmission Assets, providing the Isle of Man Government (as a non-prescribed consultation body) with the opportunity to review and comment on the Environmental Impact Assessment Scoping Opinion. This letter is a response from the Territorial Seas Committee (TSC) made up of representatives of a number of Departments and Statutory Boards of the Isle of Man Government.

The TSC found it a useful and interesting document and await the associated outcomes and future opportunity to comment as the project advances. The TSC is of the opinion that the Isle of Man should be identified as one of the main stakeholders given the proximity to the Manx territorial limits. Thank you for affording us with the opportunity to consider, and provide comments on the above.

The EIA Scoping Report provides a good overview of what will be undertaken as part of the early stages of this project. The TSC is satisfied from the information in these documents that all international environmental standards and best practice will be adhered to when undertaking the collection and analysis of the data obtained from within the proposed area, and will ensure appropriate mitigation measures are in place to address any concerns identified throughout the Environmental Assessments process. The TSC also acknowledges the recent outcome of TCE's Habitats Regulations Assessment for the Mona site.

Whilst the Isle of Man is not a member of the EU and is therefore not directly covered by most European directives, the Isle of Man still follows relevant European environmental safeguards and expects best practice to be followed. The Isle of Man also meets its obligations under a range of multilateral agreements extended to the island via the UK, including all those noted in Section 2.3 of the Scoping Report, via a range of Manx statutory instruments, including the Wildlife Act 1990. As part of this, the TSC would request that appropriate consideration is given to the species and habitats which are protected and designated under this Act, and ensure that there are no detrimental impacts on these features as part of this proposed project. In addition, the same would be requested in respect of the marine protected sites and the manner in which these are

designated and managed, including any transboundary impacts arising from the project. Marine Nature Reserves[1], the highest level of statutory conservation designation in the territorial sea, constitute important components of Biosphere Isle of Man, biodiversity and habitat conservation and fisheries management. As such the committee requests their inclusion and consideration in the assessment of all relevant receptors.

It is noted that the cumulative effects will be thoroughly investigated. However, of particular importance and concern would be the habitats and species found within Isle of Man waters, particularly those protected under Manx law[2] or identified as threatened or declining by the OSPAR Convention, and which may be affected by the proposed developments. Comments included below request the inclusion of relevant, island-based conservation organisations which may also have relevant information and data of interest to the project.

Any marine developments within or adjacent to the Isle of Man territorial waters have the potential to impact commercial fisheries in Manx waters, and the Committee would appreciate if the relevant fishing organisations on the island, listed in the report as consultees, are engaged as fully as possible via the appointed Fisheries Liaison Officer.

The above proposal also has the possibility for potential trans-boundary impacts on Manx land/seascapes and the TSC would particularly like to ensure that the impacts on wildlife/habitat conservation and fisheries in Manx waters are fully considered within the scope of this assessment. We would request that the impact on infrastructure and transport activities, including but not limited to, Manx shipping and navigation and aviation interests, including airport radar issues are also fully considered.

Ørsted proposed offshore windfarm Agreement for Lease

The TSC wishes to point out that there is an Agreement for lease (AfL) with Ørsted for an offshore windfarm within Isle of Man territorial waters, something which appears to have been omitted from some of the maps depicting neighbouring offshore windfarms (committed and future).

Crogga Hydrocarbon site

The Department of Infrastructure has issued a Seaward Production Innovate Licence to Crogga Limited in respect of the hydrocarbon block 112/25. This licence commenced on 1st January 2019. Again, the TSC would draw this to your attention as it does not appear on some of the maps.

Marine Navigation

As an island nation, any significant risk of interference with marine navigation is of concern to the TSC with regard to transport to and from the island, and the shipping lanes in our Territorial waters which are used to connect the UK and Ireland. The TSC is particularly concerned about the cumulative impacts from all of the proposed windfarms awarded as part of The Crown Estate's Round 4 project, and would want to see this fully taken into account as part of this EIA, should construction phases overlap with the other projects.

Data Sources

The TSC would draw the applicant's attention to the Manx Marine Environmental Assessment[3] (MMEA) which provides a useful overview of the Island's marine environment and should be

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[1] https://www.gov.im/MNR

[2] Wildlife Act 1990 (http://www.legislation.gov.im/cms/images/LEGISLATION/PRINCIPAL/1990/1990-0002/WildlifeAct1990_2.pdf)

[3] https://www.gov.im/about-the-government/departments/infrastructure/harbours-information/territorial-seas/manx-marine-environmental-assessment/

taken into account as part of both the transboundary and possibly also the cumulative impacts assessment as part of this application. More detail will be provided below in respect of specific areas of the MMEA that should be reviewed.

In addition to this broad statement, the TSC has provided specific ccomments, over subsequent pages, in relation to the individual chapters of the Scoping Report, and collated on behalf of various contributors within the responsible Departments of the Isle of Man Government.

The TSC would welcome the opportunity for continued involvement in the process.

Should you require any further information or clarification on any of the contents of this response, then please do not hesitate to contact myself, and I can raise any items with the members of the TSC.

Yo[redacted]

M[redacted]
Chair, Territorial Seas Committee

Chapter Specific Comments on Morgan and Morecambe Bay Transmission Assets Scoping Report

As a neighbouring jurisdiction, it may be useful to draw attention to the Manx Marine Environmental Assessment[4], which is a reference report, specifically developed for marine planning and development processes. This report comprises a series of individual chapters, including a comprehensive summary of the Manx legislative system; https://www.gov.im/media/1363391/ch-12-legislative-system.pdf and would assist with some of the transboundary issues to be considered. This reference has been omitted from the list given at the back of the Scoping Report.

The areas of particular interest and relevance to the Isle of Man are expanded upon below.

Section 4 Offshore Biological Environment

4.1 Benthic subtidal and intertidal ecology

Study Area 4.1.2

- The TSC considers that from an Isle of Man perspective, it would be beneficial if, within Figure 4.1 that the IOM jurisdictional boundary is also included for clarity as there are varying legislative requirements and ecological connectivities within Manx waters, with potential implications for other sections.

- The TSC will happily liaise with the applicant to provide appropriate GIS shapefiles directly where this is possible.

4.1.3 Data Sources:
Table 4.1: Summary of key desktop datasets and reports

Please also see the following for consideration and inclusion in Table 4.1, and with relevance to Figure 4.2;

- Hilmar Hinz, Lee G. Murray, Fiona Gell, Laura Hanley, Natalie Horton, Holly Whiteley, Michel J. Kaiser. Seabed habitats around the Isle of Man. Fisheries & Conservation report No. 12, Bangor University. pp.29.
    - http://fisheries-conservation.bangor.ac.uk/iom/documents/12.pdf
- White, S. (2011). An investigation of biotope distribution and susceptibility to fishing pressure in Manx territorial waters for the development of management recommendations for conservation.
    - http://fisheries-conservation.bangor.ac.uk/iom/documents/ShannonWhiteMEPDissertationwithrepresentativeimagesinappendix7.3.pdf
- Additional information on specific habitats may also be available from the Isle of Man Government on request

Section 4.1.4.28 Designated Sites

Noting Section 4.1.4.29 *'The nature conservation designations which have been screened in for consideration in the benthic subtidal and intertidal ecology EIA comprise European and National*

[4] https://www.gov.im/about-the-government/departments/infrastructure/harbours-information/territorial-seas/manx-marine-environmental-assessment/

Site Network conservation sites (i.e., SACs, Ramsar), and national designations (i.e., SSSIs, MCZs; see Table 4.3).

- Please ensure that Manx-equivalent designated sites, e.g. Marine Nature Reserves (https://www.gov.im/MNR), have been consistently considered within the scoping study sections as appropriate and consistently, noting that;
    - the wider spatial scope of the 'Regional benthic subtidal and intertidal study area' versus the smaller 'Benthic subtidal and intertidal study area' may justifiably exclude their inlcusion for some receptors.
    - for example, their inclusion in the 'Fish and Shellfish Section', but not under 'Benthic subtidal and intertidal ecology'.

- This request for appropriate and consistent consideration of Manx Designated Sites also applies to other sections within the Scoping Report, including Table 4.5, whilst acknowledging that their distance from the Transmission Assets may deem them not-relevant for some receptors. However, their specific acknowledgement in the relevant sections of text would ensure clarity as to their consideration.

- For further information on Manx Marine Nature Reserves, their designation features and the Wildlife Act 2009, please refer to the following;

    - https://www.gov.im/mnr
    - https://www.gov.im/media/1362728/mnr-designation-order-2018-300920.pdf
    - https://www.gov.im/media/1362727/manx-marine-nature-reserves-byelaws-2018-sd-2018-0186-300920.pdf
    - https://www.gov.im/media/1371896/guidance-notes-for-marine-nature-reserve-designations-160221.pdf
    - https://www.gov.im/media/1363689/wildlife-act-1990.pdf

Section 4.1.4.30 Protected Species and Habitats:

- Further, consideration of the above should also be taken in relation to this Section, and with regard to the Wildlife Act 1990, specifically Schedule 5 (species protected under Manx law).

- Similarly **Table 4.3** should be re-assessed with respect to Manx Marine Nature Reserve legislation, or acknowledged as having been considered in the preceeding text.

- The IoM Territorial Sea committee also requests appropriate consideration of the Manx designations and features within any future Habitats Regulation Assessment (HRA) process.

- Please also note that, although EU Directives do not apply to the island, the Isle of Man is signatory to a number of statutory multilateral nature conservation agreements, extended via the UK, but under Manx jurisdiction within the terriotrial sea. For example; OSPAR Convention, Bonn Convention, Bern Convention, Convention on Biological Diversity.

- For further details please see https://www.gov.im/media/1346374/biodiversity-strategy-2015-final-version.pdf : Appendix B. Multilateral Environmental Agreements with biodiversity relevance extended to the Island

Table 4.5: Impacts proposed to be scoped into the project assessment for benthic subtidal and intertidal ecology

- The TSC acknowledges the consideration of impacts to benthic invertebrates due to electromagnetic fields (EMF).

- However Table 4.5 indicates that no specific modelling is required, and will be based on a '*thorough review of the available literature*', although it is generally acknowledged that '*there is limited evidence on the electro sensitivity of benthic organisms and therefore the impact of EMFs on benthic invertebrates*'

- As such, limited evidence does not mean limited or no effect, and so the circular argument presented neither adequately assesses the potential effects of EMF on invertebrates (some of which are commercially or ecologically valuable), nor advances the understanding of EMF-generating cables in the sea.

- As such, the Committee **seeks clarification as to how the Developer will assess the potential effects of EMF on benthic invertebrates noted above**, including commercially-important scallop stocks thought to be hydrologically-linked throughout the Irish Sea.

4.1.10 Potential transboundary impacts

- Trans-boundary effects in relation to this indicator have essentially been scoped out of the assessment, and the committee seeks reassurance that sufficient consideration of the potential impacts on sessile, commercially important fishery species, either within the benthic ecology section and/or fish and shellfish section have been adequately considered.

- Studies by Bangor University have indicated that, within the Irish Sea, there may be south-north connectivity of scallop and queen scallop grounds, and which may be important in relation to recruitment patterns further north; for example around the Isle of Man. This may be true of other species with plankton-dispersed larvae. The following should be considered to inform the EIA Scoping.

    - Neill, S.P. & Kaiser, M.J. (2008) Sources and sinks of scallops (*Pecten maximus*) in the waters of the Isle of Man as predicted from particle tracking models. Fisheries & Conservation report No. 3, Bangor University. Pp. 25 (http://fisheries-conservation.bangor.ac.uk/iom/documents/3.pdf); and,
    - Close H. (2014) Connectivity between Populations of the Scallop *Pecten maximus* in the Irish Sea and the Implications for Fisheries Management. MSc thesis, Bangor University, pp 82.
    - http://fisheries-conservation.bangor.ac.uk/iom/documents/11.pdf

4.2 Fish and shellfish ecology

4.2.3 Data sources
4.2.3.1 Table 4.7

- The Committee notes that there are **no specific references to the extensive literature available for Manx shellfish** (see also commercial fisheries comments), noting that these data are generally produced and available from Bangor University,

reference to which is included. However, specific reference to Isle of Man scallop survey data would acknowledge its inclusion in the assessment.

- The following are considered relevant:
  - Manx Marine Environmental Assessment: https://www.gov.im/media/1363405/ch-41-fisheries.pdf
  - Bangor University Fisheries and Conservation Science Group: http://fisheries-conservation.bangor.ac.uk/iom/reports.php.en
    - including the stock/ground connectivities noted above, and for annual fisheries surveys for scallops.

- 4.2.4.6 Basking shark: noting that Manx Basking Shark Watch (now part of Manx Whale and Dolphin Watch) maintain public and research sightings data on this species: https://www.mwdw.net/

- Further, reference to 4.2.4.14 (Shellfish Assemblages) do not include those within Manx waters and adjacent stations, which are also surveyed annually by Bangor University, or annual scallop surveys in the eastern Irish Sea by AFBI (including shared stations with the Bangor survey). The connectivities between scallop fishing grounds in relation to recruitments processes should be more specifically acknowledged and the data sources more comprehensive to reflect these connections, particularly when data originates from the same organisational source. As such, the most up to date data and reports should be obtained from Bangor University and AFBI.

- **Section 4.2.4.18** and **Table 4.8**: There is no reference or apparent consideration of shellfish in relation to spawning and nursery grounds. See also previous comments about connectivity between eg. scallop grounds.

- Also please note the statutory herring spawning closure in Manx waters in relation to sections **4.2.4.19 – 21.** This was originally included within EU Council Regulations (EC) No 850/98 (amended by EC 2723/1999), and has since been rescinded. However, the closure remains in place under Manx law : https://www.gov.im/media/1364592/sea-fisheriestechnicalmeasuresbye-laws2000_7.pdf (byelaw 18).

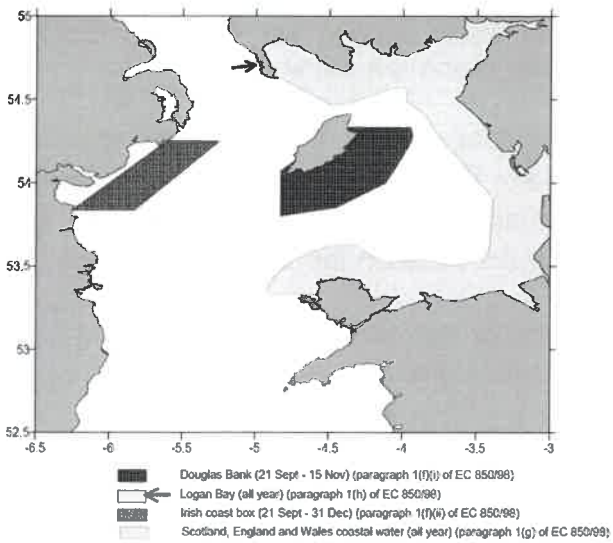

Figure 11.2.3 Position and geographical area of herring closures within the Irish Sea as defined by Council Regulation (EC) No 850/98, amended by EC 2723/1999.

4.2.4.23 Designated Sites

- See Douglas Bank herring closure (above).

- The current statutory commercial fishing closures for Manx waters can be found here, including annual closed areas, implemented via licence conditions; https://www.gov.im/categories/business-and-industries/commercial-fishing/iom-licencing/iom-conditions-and-variations/

Table 4.9

- As noted elsewhere, it may appear inconsistent to have included MNRs within the Fish and Shellfish Ecology section, but not within the Benthic Subtidal and Intertidal Ecology Assessment, and so perhaps explicit statement of exclusion in the latter could be noted for clarity.

- With respect to **Table 4.10** (Relevant protected fish and shellfish species) and acknowledging the jurisdictional boundaries of the developments site, but also the migratory nature of some species; it may be relevant to note that several of these species are also protected under the Isle of Man Wildlife Act 1990. The relevance in this section is for the developer to determine, or perhaps comprehensively consider under transboundary effects and which **Section 4.2.10** appears to indicate that it will be?

4.3 Marine Mammals

- Noting **Section 4.3.2** 'marine mammal study area for the generation assets extends over the Irish Sea geographic region', including the Manx territorial sea.

- Migratory mammal species using Manx waters, and that may be affected by marine developments and activities, include Risso dolphins, bottlenose dolphins, harbour porpoise, the short-beaked common dolphin and Minke whales. Grey and harbour seals are regularly present in Manx waters and there is a large pupping colony on the Calf of Man as well as other smaller coastal sites aorund the Island. The Manx Whale and Dolphin Watch conduct research and collate a public-sightings programme on Manx cetaceans and the Manx Wildlife Trust also collates data on marine mammals and marine strandings. The responsible Departments of the Isle of Man Government are committed to the protection of these species in Manx waters, via domestic legislation and various international treaties to which the Island is a signatory.

- Noting some reference to Manx data sources, the Committee recommends appropriate engagement with both the Manx Wildlife Trust (MWT)[5](seals) and Manx Whale and Dolphin Watch (MWDW[6])(cetaceans) for further input on this topic, and access to local data sources to better represent the situation for Isle of Man waters.

- For additional information on Isle of Man marine mammals see the relevant chapters of the Manx Marine Environmental Assessment 3.4a[7] and 3.4b[8].

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[5] MWT Phone: 01624 844432 Email: enquiries@manxwt.org.uk
[6] MWDW Office: 01624 610 131, Email: info@mwdw.net

[7] https://www.gov.im/media/1363399/ch-34a-cetaceans.pdf
[8] https://www.gov.im/media/1363400/ch-34b-seals.pdf

For marine mammals, species management units (MU) define the spatial extent over which effects are considered.

Management Units for cetaceans in UK waters (January 2015) JNCC are:

- Harbour Porpoise: 3. Celtic and Irish Seas (CIS) (comprising ICES area VI and VII, except VIId);
- Common dolphin Celtic and greater north sea;
- Bottlenose dolphin 6. Irish Sea (IS) (ICES Division VIIa);
- Risso's dolphin All UK waters (which by omission should also include the Manx Territorial sea; and,
- Minke Whale: single European waters management unit.

The Committee notes that the **Management Units for these cetaceans include Isle of Man territorial waters** and, as such, consider it appropriate that this area is adequately included within the assessment for these species.

- **4.3.4.10** Minke whale: noting the comment '*This species is rarely recorded east of the Isle of Man and are rare in Liverpool Bay (Dong Energy, 2013).*' This statement is not accurate, or requires clarification, as numerous annual records off the east coast of the Isle of Man confirm otherwise (See MWDW). While they may be most frequently recorded relatively close inshore, this cannot necessarily be assumed to be the scope of their distribution, and may represent land-based observer bias.

- Sightings data from Manx Whale and Dolphin Watch indicates that the species is particularly found between September and November off the east coast, and the statement (**Section 4.3.4.12**) that '*Minke whale are not regularly recorded around the Isle of Man by the Manx whale and dolphin watch.....* ' is not considered to be an accurate interpretation. Contact the organisation for details, but it is regularly reported, albeit seasonally.

- For example, data provided by MWDW to the Department of Environment Food and Agriculture indicated that in 2021 Minke whales accounted for 8.2% of all public sightings recorded and included 31 reports of 42 individuals, including 3 juveniles. This in addition to 4 individuals recorded during land-based surveys.

- Acknowledging the general accuracy of the second part of the statement, that; '..... *individuals were recorded in November, October and September 2021* (Manx whale and dolphin watch, 2022).', the Committee reiterates its advice to contact this organisation again for clarification and interpretation of relevant data.

- Similarly, the data presented for Risso's dolphins appears at odds with the data available to the Isle of Man Government, again from MWDW. Noting the comment; '*Risso's dolphin are not regularly recorded around the Isle of Man by the Manx whale and dolphin watch however individuals were recorded in September 2021 (Manx whale and dolphin watch, 2022).*' The same organisation reported 52 public sightings relating to 286 individual animals, including 25 juveniles, and accounting for 13.8% of all cetacean sightings records.

- While noting the intention to scope this species into the EIA, the Committee reiterates its advice to contact this organisation again for clarification and interpretation of the relevant Manx data.

- Given the issues identified with this section, the Committee recommends a more comprehensive reconsideration of its presentation following further engagement with the MWDW.

4.3.4.37 Grey seals.

- In relation to **Section 4.3.4.51**, the statement that '*Grey seal at-sea distribution maps have been produced by Carter et al. (2020) based on a Global Positioning System (GPS) telemetry tagging programme by The Department for Business, Energy and Industrial Strategy (BEIS), through their Offshore Energy Strategic Environmental Assessment (OESEA) programme.* ***This data shows that grey seal do not occur in high densities within the regional marine mammal study area. Densities are higher*** *around the coasts and around the River Dee Estuary, the River Mersey Estuary,* ***and the southern tip of the Isle of Man*** *(Figure 4.18; Russell et al., 2017; Carter et al., 2020).'*

- This is not considered to be a comprehensive interpretation.

- Accepting that densities are higher in some areas, the Manx Wildlife Trust in its two 2020 whole-island seal counts reported 279 and 287 grey seals respectively, with historical monthly counts recording between 135 and 405 individuals. The Irish Sea population has been estimated to consist of between 5,198 – 6,976 individuals (Kiely *et al.,* 2000).

- For recent and historical data on grey seals in Manx waters, in addition the MMEA chapter, please contact Manx Wildlife Trust (see details above).

- **Table 4.14 (Summary of designated sites with relevant marine mammal features)** Please note that significant numbers of grey seals occur within Calf of Man and Wart Bank MNR, and are also a designation feature of that site (https://www.gov.im/media/1371896/guidance-notes-for-marine-nature-reserve-designations-160221.pdf).

Protected species

4.3.10 Transboundary effects. The TSC would like to confirm the Isle of Man's relevance for consideration of protected species within this issue.

- **Manx Marine Nature Reserves (MNRs)**; as acknowledged in Table 4.14 and related Figures, several Manx MNRs specifically include cetaceans in their designation features[9], including presumed feeding grounds for Cardigan Bay Bottlenose Dolphins, regionally-important populations of Risso's dolphins and wide-ranging populations of grey seals.

- The statutorily-designated Manx MNRs are included on OSPAR, JNCC, Protected Planet (United Nations Environment World Conservation Monitoring Centre) mapping tools.

[9] https://www.gov.im/media/1371896/guidance-notes-for-marine-nature-reserve-designations-160221.pdf

- As noted above, the Committee recommends contacting the Manx Wildlife Trust (MWT)[10](seals) and Manx Whale and Dolphin Watch (MWDW[11])(cetaceans) for further input on this question, and access to local data sources.

Section 4.4 Ornithology

Bird populations

Manx shearwater, guillemot, razorbill and kittiwake are noted as numerous in previous surveys of development assets study area. These are all within foraging range of their Isle of Man breeding colonies.

Recent Manx BirdLife data shows that populations on the Isle of Man exceed 1% of the UK or British Isles breeding seabird populations for herring gull, little tern, shag and cormorant, and for wintering populations of shag, herring gull, great black-backed gull and black throated diver. In addition they exceed the 0.5% levels for breeding great black-backed gull, black guillemot and wintering cormorant. We also have healthy populations of many raptor species, some of which migrate across the Irish Sea. The conservation of these populations is important to us.

The Committee recommends the appropriate consideration of bird data from Manx Birdlife. Manx BirdLife holds the national database for bird data.

The TSC would request that the national bird status and conservation concerns of the Isle of Man are taken into account by reference to the recently published Manx Birds of Conservation Concern and we have a current concern regarding severe declines in many seabird populations on the Isle of Man (See http://manxbirdlife.im/seabirdcensus2017-18/). Schedule 1 of the Wildlife Act 1990 lists specially protected birds around the Isle of Man. Both of these sources are relevant to the status of these species in the vicinity of this development and in particular, the considerations of potential impacts on Manx populations.

Of particular note is the seabird recovery project on the Calf of Man, under which Manx shearwater numbers are recovering and increasing, year on year, so it is important that the most up to date data are received from Manx National Heritage, the landowner, at the time of analysis. Annual updates are recommended if rerunning them.

Our national interest lies in maintaining our national bird populations and so consideration of the effects on the IoM population levels and on key breeding colonies are requested and considered most appropriate to Isle of Man consultation, as these are the scales which are relevant to us.

Transboundary impacts

The TSC welcomes the scoping in of transboundary impacts on ornithology. Despite being outside UK territorial waters, Manx bird populations may be utilising this area, which lies within the foraging ranges of many seabird species.

Designated sites (Section 4.4.4.10 onwards)

Noting the inclusion of MNRs and the Island's RAMSAR site within this section, the Committee draws your attention to the Calf of Man status as a National Bird Observatory (designated in 1959) and a member of the Bird Observatories Council of Britain and Ireland.

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[10] MWT Phone: 01624 844432 Email: enquiries@manxwt.org.uk

[11] MWDW Office: 01624 610 131, Email: info@mwdw.net

The IoM does not have the designation of SPAs (though it is included within the Bern and Bonn Conventions), so it is important that in considering any impacts on key seabird breeding sites, that the full Seabirds Count surveys for the IoM are taken into account (Manx BirdLife have published a report for the IoM http://manxbirdlife.im/seabirdcensus2017-18/), as well as Areas of Special Scientific Interest. Please note that the Sugar Loaf and Calf of Man are not currently designated ASSIs, though these hold some of our largest seabird colonies and are listed as Important Bird Areas and potential Ramsar sites. The Calf is protected under the Manx Museum and National Trust Act. Both, however, are linked to the relevant Marine Nature Reserves with seabirds as designation features.

The Isle of Man is also a UNESCO Biosphere[12], which uniquely covers the whole of its terrestrial and marine territory.

Future consultations
We note the likely interest for the following NGOs: Manx Wildlife Trust, Manx BirdLife, Manx Ornithological Society.

5 Offshore Human Environment
5.1 Commercial fisheries

The Isle of Man has regionally and economically-important fishery stocks within its territorial sea and works closely and effectively with the UK and devolved Governments in relation to shared access and sustainable fisheries management, including with the MMO, and this cooperative approach is expected to continue.

Further details on the island's fisheries and its fisheries development strategy can be found in the Manx Marine Environmental Assessment[13]

- https://www.gov.im/media/1363405/ch-41-fisheries.pdf)
- https://www.gov.im/about-the-government/departments/environment-food-and-agriculture/fisheries-division/future-fisheries-strategy/

The responsible Departments of the Isle of Man Government adopt a science-informed, ecosystem-based strategy, and is supportive of similar approaches. Various marine development activities surrounding the Isle of Man have the potential to adversely affect economically-important fisheries within Manx waters, and this is particularly relevant in relation to trans-boundary stocks, or to reproductive connectivities between stocks in different jurisdictional areas. Examples of relevant species in this regard include; herring, scallop and queen scallop, whelk and *Nephrops* (langoustine).

Various fisheries stock surveys and assessments are carried out in Manx and UK waters, by both Manx-based and UK research organisations (e.g. Bangor University, AFBI), frequently using the same survey stations[14] (this 2019 report is indicatve, and more recent reports are available). It is recommended that impact assessments and associated fisheries liasions officers contact these organisations for further and recent data. The Committee is supportive of collaborative research and cooperation in relation to fisheries science and management.

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[12] https://www.biosphere.im/
[13] https://www.gov.im/media/1363405/ch-41-fisheries.pdf
[14] http://fisheries-conservation.bangor.ac.uk/iom/documents/IOM_QSC_SAReport_2019_final.pdf

Temporal and spatial fisheries closed areas are also present in Manx waters, and their positions may vary depending on annual stock assessment surveys. The latest versions may be found on the DEFA fisheries website[15] (under commercial fishing licence conditions), but may change seasonally and from year to year.

5.1.2 Study area

- The TSC notes that ICES rectangles 36E5 and 37E5 cover the majority of Manx territorial waters, and so the assessment would be expected to include appropriate consideration of Manx fisheries interests.

- Noting at **Section 5.1.3.3**, the comment that '*smaller vessels are excluded from Vessel Monitoring Systems (VMS) data, as only vessels with a length of ≥15m (MMO) or >12m (ICES) are captured.*'

This is not correct for scallop vessels fishing within Manx waters (36 and 37 E5), or throughout the territorial sea area, since all such vessels must possess and operate a VMS device during fishing activities, regardless of size. Contact in relation to potential data access should be made to: Fisheries@gov.im

- As stated in the Scoping Study, the committee encourages further engagement with relevant commercial fisheries, science and fisheries management organisations within the region, including Bangor University, which undertakes stock surveys and assessments and publishes relevant fisheries science material online, and the Isle of Man Government will endeavour to assist in achieving an accurate and appropriate baseline.

- As noted earlier, AFBI NI also undertake annual surveys for scallops, queen scallops and herring survey data within the scope of the project area, and which may be of relevance.

Section 5.2 Shipping and Navigation

The TSC welcomes the inclusion of the Island's shipping routes as part of this assessment, and further supports the continued involvement of the Isle of Man Steam Packet Company (IOMSPC) as part of the Maritime Navigation Engagement Forum. For clarity, the following IOMSPC routes traverse either alongside or through the transmission assets shipping and navigation study area – the Douglas to Liverpool Fastcraft Route, the Douglas to Heysham route as well as the Douglas to Heysham weather route.

Given that the location of the offshore substations have yet to be finalised, the Territorial Sea Committee would welcome continued engagement to ensure that there will be no detrimental impacts to the Island's lifeline, strategic shipping routes as a result of these transmission assets.

As previously advised, the TSC would welcome the inclusion on all appropriate maps of the site of an Agreement for Lease with Ørsted to develop an offshore windfarm in Manx territorial waters particularly as well as the proposed hydrocarbon site wtihin Manx waters. All of these projects have the potential to make shipping and navigation in Manx waters more problematic than it is currently, and could result in not only impacts on the route, but also monetary and time costs to all those using these lifeline services. Further information on both these sites can be provided as and when required.

[15] https://www.gov.im/media/1367938/iomfl-schedule-h10-020120.pdf

The TSC notes the inclusion of shipping routes in Figures 5.10-5.12 (Including Isle of Man Steam Packet Company as well as recreational and fisheries vessels) as part of the consideration of shipping routes through the scoping boundary for this project. The TSC welcomes the involvement of the IOMSPC in continued discussions.

It further welcomes that the routes are being scoped in as part of the EIA for further consideration as part of this project and would specifically wish to see these routes included in the assessment of cumulative impacts (Table 5.5 and at para 5.2.8).

The TSC further acknowledges the lower densities in respect of tug and service vessels to and from the Isle of Man compared to some of the other ports, however, it should be noted that the Isle of Man, and Douglas Harbour northwards plays a vital role in the Irish Sea during times of rough weather, providing a safe shelter for many vessels. The opportunity for ships to easily access must be maintained and considered as part of this assessment.

Any significant risk of interference with navigation is of concern to the TSC as the island is heavily reliant on a high quality marine transport system for goods, services and passengers.

With regards to the cumulative impacts in para 5.2.8.2 (Part 2 Transmission assets), the TSC would welcome the inclusion of both the proposed offshore windfarm site and hydrocarbon block 112/25 within any assessment and would be keen to see the outcome of this assessment. There is the potential for significant on the Island's shipping routes with all the proposed offshore windfarms, and the TSC must ensure that any disruptions to services are minimal so as not to be to the detriment of the Island's quality of life.

In respect of 5.2.10.1 (Part 2 Transmission assets), the TSC seeks confirmation that there will be no requirement for deviation to the Island's shipping routes as this is not not specifically outlined for consideration as part of transboundary issues, which states there would only be impacts on boats operating to/from the Republic of Ireland . This is particularly of importance given that there are a number of the Isle of Man Steam Packet Company's lifeline routes that travel through the transmission assets study boundary for this project.

Search and Rescue

The TSC wishes to ensure that the position of the Isle of Man in respect of Search and Rescue (SAR) is fully understood. The UK's MCA understakes the Island's SAR on our behalf via an MOU between the MCA and the Department of Infrastructure. This MOU covers both SAR and marine pollution events. It is essential that this is acknowleged as part of the consideration of SAR both to ensure the dispatch of any required vessels boats and helicopters (via RNLI and HMCG) are not impeded in emergencys. HMCG oversee emergency calls, and will dispatch the relevant vessels – the Island's lifeboat stations will deploy first.

Section 9.2 Aviation

The areas of both the Morgan and Morecambe OWFs will need to take account of IOMA PSR/MLAT and MSAs as set out within their respective EIA Scoping Reports with Ronaldsway Airport being identified in those reports.

It is noted that in this instance, with the specific project relating only to the transmission assets, Ronaldsway Airport has not been included in the list of impacted parties in Table 9.7 on page 331.

As most of the transmission assets would be under water or on land on the mainland, this should not affect Ronaldsway, however, the specification of the offshore substation platforms (see page 46) are significant with the main structure to a height of 75m and top of antenna structure to

125m. As the sites for these are not yet confirmed, the Territorial Sea Committee would request that Ronaldsway Airport continued to be engaged as this project progresses to ensure there is to be no detrimental impact to the radars from the substations.

Section 9.1 Seascape, Landscape and Visual Resources
The TSC would welcome continued engagement as the sites for the offshore substation are finalised and confirmed.

Section 9.4 Socio Economics and Community
The TSC notes the inclusion of the impact of the construction of the transmission assets on the supply chain as part of Table 9.13. The TSC would request that the Isle of Man is also considered as part of this assessment as there may be impacts due to any shipping disruption during construction.

The TSC also wishes to understand how any financial (both in terms of time and money) implications will be taken into account on other areas, such as shipping and navigation as part of this project. It is understandable that the operational and maintenance have been scoped out, however, for their construction, there may be impacts that will need to be quantified in respect of the Isle of Man.

Manx Cable Company and Manx Utilities Authority

The Manx Cable Company (MCC) own and operates, on behalf of the Manx Utilities Authority, a submarine power cable, referred to as the Isle of Man interconnector [Manx 1], which runs between Douglas Head in the Isle of Man and Bispham, Blackpool. With an undersea section of approximately 104km (65 mi), it is one the longest AC undersea cables in the world and is an essential means of maintaining secure supplies of electricity to the residents of the Isle of Man. Sub-sea cables are vulnerable to third-party damage from marine activities and these risks are constantly being monitored and assessed, as the impact from third-party damage can result in significant repair and business interruption costs to the Authority.

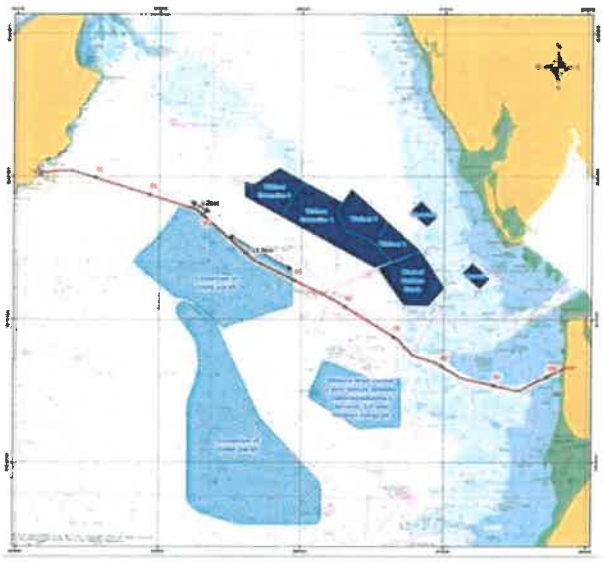
In addition to third-party damage the introduction of fixed structures and associated export, collector and/or array cables on or buried in the seabed, can through their proximity present an ongoing operational risk to maintenance and repair works over the life of the asset.

With this in mind and considering the interconnector's asset value and strategic importance to our business and the wider Manx economy MCC welcomes the opportunity to engage in the consultation process.

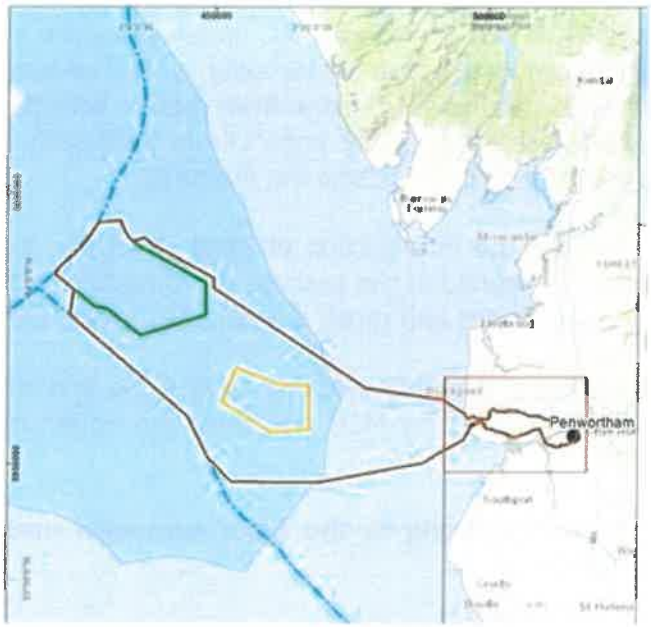
Interpretation of Wind Farm proximity to the Interconnector and associated export cables

The proposed wind farm is sited outside IOM territorial waters between the Isle of Man and west coast of GB and to the south of the Walney Wind farm.

Approximately 20km of the IOM interconnector is positioned inside the scoping boundary of the proposed Morgan Wind farm as shown below.



The wind farm export cables will be positioned within the indicative cable corridor proposed, which runs predominately from the proposed windfarm towards the northwest coast of England narrowing to a point north of the Ribble Estuary.



Comments and Feedback:

Item	Risk Category	Potential Increase in Risk	Level of Concern	Comments
1	Third Party Damage	Vessels engaged in the construction and maintenance utilise Douglas Harbour increasing the potential for vessels anchoring in the vicinity of Douglas Bay.	Medium	Request developer ensures robust protocols are in place to highlight the existence and positioning of the interconnector to all vessel engaged in the supply chain.
2	Third Party Damage	Displacement of fishing activity increases fishing interaction, from present levels, over the cable route.	Low	The impact of displaced fishing activity may present an unacceptable increase in risk considering the collective impact of Eastern Irish Sea in the future.
3	Third-Party Damage	Survey works [Geotechnical] which are invasive and interacts with the sea bed in close proximity to the IOM interconnector	High	Request developer engages as soon as it is practicable with MCC to review any survey with 1NM and assess the risk presented by the proposed survey works due to it nature and proximity.
4	Third-Party Damage	Cable installation [export and inter-array cables]	High	Request developer engages as soon as it is practicable with MCC to review any cable installation activities with 1NM and assess the risk presented by the proposed works due to it nature and proximity.
5	Third-Party Damage	Fixed Structure installation [wind turbines and offshore sub-stations]	High	Request developer engages as soon as it is practicable with MCC to review any offshore construction activities with 1NM and assess the risk presented by the proposed works due to it nature and proximity.
6	Operational Risk	Close proximity of fixed structures such as turbines and offshore substations	Medium	Request developer engages as soon as it is practicable with MCC to open dialogue on determining a suitable proximity limit where the planned proximity of any fixed structure is within 1NM of the IOM interconnector
7	Operational Risk	Third-party cable crossings	Medium	Request developer avoids, wherever possible, multiple crossings of the IOM interconnector by export, collector and/or array cables. Where multiple cable crossings are necessary, the crossing of cables should be spaced and agreed so that, timely and economical repairs to both the crossing and crossed cables can be undertaken.

In addition to the above, and for the purpose of transparency, it is appropriate to share an outline of Manx Utilities plans relating to a second interconnector for the Isle of Man.

Several options for future interconnection, via a second sub-sea interconnector cable, are currently being considered with one potential off-shore cable route/corridor running to the south of the proposed Morgan array and north of the proposed Mona Array.

At present these plans and options are still in the high level feasibility stage but it is considered appropriate to highlight and share our plans for information purposes at this stage.

The above should not be seen as negative feedback and can be considered as a first step in working towards reducing potential conflict in the future.

Manx Marine Accreditations

The Isle of Man is signatory, via the UK, to the UN Convention on Biological Diversity, OSPAR Convention, the Convention on Migratory Species, ASCOBANS and several other international conservation conventions.

"The Manx Marine Environmental Assessment" provides a comprehensive source of information on the Manx marine environment with reference to baseline data that may be useful fo consider in relation to future work.

https://www.gov.im/about-the-government/departments/infrastructure/harbours-information/territorial-seas/manx-marine-environmental-assessment/

It may also be of particular interest to note that the whole of the Isle of Man and its territorial waters has been designated as a biosphere reserve; UNESCO Biosphere Isle of Man (https://www.biosphere.im/), within which the network of Marine Nature Reserves constitute the marine core areas. The TSC therefore requests your support in seeking to ensure the future environmental sustainability of this unique area.

From:	Jillian Whyte
To:	Morgan and Morecambe OWFTA
Cc:	Emma Thorpe
Subject:	EN020028 - Morgan and Morecambe Offshore Windfarms Transmission Assets - EIA Scoping Notification and Consultation - JNCC
Date:	24 November 2022 13:26:34
Attachments:	image001.png image003.png image004.png image005.png image006.png image002.jpg image007.jpg image008.png image009.png image010.jpg

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Dear Laura,

Thank you for consulting JNCC on the Morgan and Morecambe Offshore Windfarms Transmission Assets EIA Scoping Report. JNCC's role in relation to offshore renewables in English waters has been delegated to Natural England. Natural England is now authorised to exercise JNCC's functions as a statutory consultee in respect of applications for offshore renewable energy projects in inshore and offshore waters (0-200nm) adjacent to England. Therefore, Natural England should provide a full response. As such JNCC have not reviewed this document and will not be providing further comment.

If you have any questions please let me know.

Kind regards,

Jillian

Jillian Whyte BSc(Hons)
Offshore Industries Adviser
Marine Management Team
JNCC, Inverdee House, Baxter Street, Aberdeen, AB11 9QA
Tel: +[redacted]
Email:[redacted]

JNCC have been monitoring the outbreak of COVID-19 closely and developed a response plan. As a result, the vast majority of our staff are working from home and adhering to the government's advice on social distancing and travel restrictions. Whilst we are taking these actions we are available for business as usual. We will respond to enquiries as promptly as possible. However, there may be some delays due to the current constraints and we ask for your understanding and patience.

jncc.gov.uk

From: Morgan and Morecambe OWFTA <MorganandMorecambeOWFTA@planninginspectorate.gov.uk>
Sent: 28 October 2022 09:56
Cc: Morgan and Morecambe OWFTA <MorganandMorecambeOWFTA@planninginspectorate.gov.uk>
Subject: EN020028 - Morgan and Morecambe Offshore Windfarms Transmission Assets - EIA Scoping Notification and Consultation

Dear Sir/ Madam

Please see attached correspondence on the proposed Morgan and Morecambe Offshore Windfarms Transmission Assets project.

Please note that the deadline for consultation responses is **Friday 25 November 2022**, and is a statutory requirement that cannot be extended.

Kind regards

Laura

Laura Feekins-Bate | EIA Advisor
The Planning Inspectorate

@PINSgov The Planning Inspectorate planninginspectorate.gov.uk
Ensuring fairness, openness and impartiality across all our services

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https://jncc.gov.uk/privacy

Laura Feekins-Bate
EIA Advisor
Environmental Services
Central Operations
Temple Quay House
2 The Square
Bristol, BS1 6PN

Phone: [redacted]
Email: [redacted]

Your ref: EN020028
Our ref: MH/RT/KM
Date: 25 November 2022

MorganandMorecambeOWFTA@planninginspectorate.gov.uk

Dear Madam,

Planning Act 2008 (as amended) and The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (the EIA Regulations) – Regulations 10 and 11
Application by Morgan Offshore Wind Limited and Morecambe Offshore Windfarm Limited (the Applicant) for an Order granting Development Consent for the Morgan and Morecambe Offshore Wind Farms Transmission Assets (the Proposed Development)
Scoping consultation and notification of the Applicant's contact details and duty to make available information to the Applicant if requested

Thank you for consulting Lancashire County Council on the above environmental impact assessment scoping document. The Council does not have any specific points to raise at this time with regard to its content.

It is noted that the scoping report makes mention of the location of a number of environmental records some of which are held by the Council – for instance, the Historic Environment Team (HET) are curators for Lancashire's Historic Environment Record and, under the Lancashire Environment Record Network, the Council is also the local environmental record centre. The Council would therefore welcome any future consultation on proposed sources to be used in compiling the environmental impact assessment and assistance with requests from the Applicant for local information held in the preparation of the environmental impact assessment where possible.

Should you require any further assistance then please do not hesitate to contact me at the email or telephone number provided.

Yours sincerely

[redacted]
Marcus Hudson, Planning Service Manager

Lancashire County Council
PO Box 100, County Hall, Preston, PR1 0LD

Marine Management Organisation

Marine Licensing
Lancaster House
Hampshire Court
Newcastle upon Tyne
NE4 7YH

T +44 [redacted]
F +44 [redacted]
www.gov.uk/mmo

Laura Feekins-Bate
Environmental Services
Central Operations
Temple Quay House
2 The Square
Bristol
BS1 6PN

(Email only)

Your reference: EN020028

Our reference: DCO/2022/00010

23 November 2022

Dear Miss/Ms/Mrs Feekins-Bate

Formal scoping request under the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 for the proposed Morgan and Morecambe Offshore Wind Tranmission Assets

Thank you for your scoping opinion request of 28 October 2022 and for providing the Marine Management Organisation (MMO) with the opportunity to comment on Morgan Offshore Wind Limited and Morecambe Offshore Windfarm Limited Joint Transmission Assets Environmental Impact Assessment (EIA) Scoping Report.

Below outlines the MMO's Scoping Opinion under the Regulations 10 and 11 of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017.

The MMO's role in Nationally Significant Infrastructure Projects

The MMO was established by the Marine and Coastal Access Act 2009 (the "2009 Act") to contribute to sustainable development in the marine area and to promote clean, healthy, safe, productive and biologically diverse oceans and seas. The responsibilities of the MMO include the licensing of construction works, deposits and removals in English inshore and offshore waters and for Welsh and Northern Ireland offshore waters by way of a marine licence[1]. Inshore waters include any area which is submerged at mean high water spring ("MHWS") tide. They also include the waters of every estuary, river or channel where the tide flows at MHWS tide. Waters in areas which are closed permanently or intermittently by a lock or other artificial means against the regular action of the tide are included, where seawater flows into or out from the area. In the case of Nationally Significant Infrastructure Projects ("NSIPs"), the 2008 Act enables Development Consent Order's ("DCO") for projects which affect the marine environment to include provisions which deem marine licences[2].

[1] Under Part 4 of the 2017 Act
[2] Section 149A of the 2008 Act

As a prescribed consultee under the 2008 Act, the MMO advises developers during preapplication on those aspects of a project that may have an impact on the marine area or those who use it. In addition to considering the impacts of any construction, deposit or removal within the marine area, this also includes assessing any risks to human health, other legitimate uses of the sea and any potential impacts on the marine environment from terrestrial works. Where a marine licence is deemed within a DCO, the MMO is the delivery body responsible for post-consent monitoring, variation, enforcement and revocation of provisions relating to the marine environment. As such, the MMO has a keen interest in ensuring that provisions drafted in a deemed marine licence ("DML") enable the MMO to fulfil these obligations. Further information on licensable activities can be found on the MMO's website[3]. Further information on the interaction between the Planning Inspectorate and the MMO can be found in our joint advice note[4].

Please find attached the scoping opinion of the MMO. In providing these comments, the MMO has sought the views of our technical advisors at the Centre for Environment, Fisheries and Aquaculture Science (Cefas).

The MMO reserves the right to make further comments on the project throughout the preapplication process and may modify its present advice or opinion in view of any additional information that may come to our attention. This representation is also submitted without prejudice to any decision the MMO may make on any associated application for consent, permission, approval or any other type of authorisation submitted to the MMO either for the works in the marine area or for any other authorisation relevant to the proposed development.

If you require any further information, please do not hesitate to contact me using the details provided below.

Yours Sincerely

[redacted]

Ashley Endacott
Marine Licensing Case Officer

D: [redacted]
E: [redacted]

[3] https://www.gov.uk/planning-development/marine-licences
[4] http://infrastructure.planningportal.gov.uk/wp-content/uploads/2013/04/Advice-note-11-v2.pdf

Scoping Opinion

The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (the EIA Regulations) ("the Regulations")

Title: Morgan and Morecambe Offshore Wind Farms Transmission Assets

Applicant: Morgan Offshore Wind Farm Limited and Morecambe Offshore Windfarm Limited

MMO Reference: DCO/2022/00010

Contents

Contents 3
1 Proposal 4
1.1 Project Background 4
2 Location 5
3 Scoping Opinion 6
3.1 Marine Planning 6
3.2 Benthic Ecology 7
3.3 Coastal Processes 8
3.4 Fish Ecology and Fisheries 9
3.5 Shellfish Ecology 14
3.6 Underwater Noise 16
4 Conclusion 18
5 References 18

1 Proposal

Morgan and Morecambe Offshore Windfarms Joint Transmission Assets (hereafter 'the project').

1.1 Project Background

1.1.1 The project is a proposal by British Petroleum (BP), Energie Baden-Württemberg AG, Cobra Instalaciones y Servicios S.A and Flotation Energy Plc and relates solely to the joint transmission assets for the two offshore windfarms, Morgan Offshore Windfarm and Morecambe Offshore Windfarm respectively.

1.1.2 The proposed Morgan Offshore Windfarm (Morgan OWF) is located 22.3 kilometres (km) from the Isle of Man and 36.3km from the northwest coast of England (when measured from Mean High Water Springs (MHWS)). The anticipated nominal capacity of the Morgan Offshore Wind Project is 1500 Megawatts (MW)

1.1.3 The proposed Morecambe Offshore Windfarm (Morecambe OWF) is also located in the east Irish Sea, approximately 28.75km from the northwest coast of England (when measured from MHWS). The anticipated nominal capacity of the Morecambe Offshore Windfarm is 480MW.

1.1.4 Morgan OWF and Morecambe OWF are seeking consent for transmission assets comprising shared offshore export cable corridors to landfall and shared onshore export cable corridors to onshore substation(s), and onward connection to the National Grid electricity transmission network at Penwortham, Lancashire.

2 Location

The project is located in the east Irish Sea. Location is displayed in Figure 1 below.

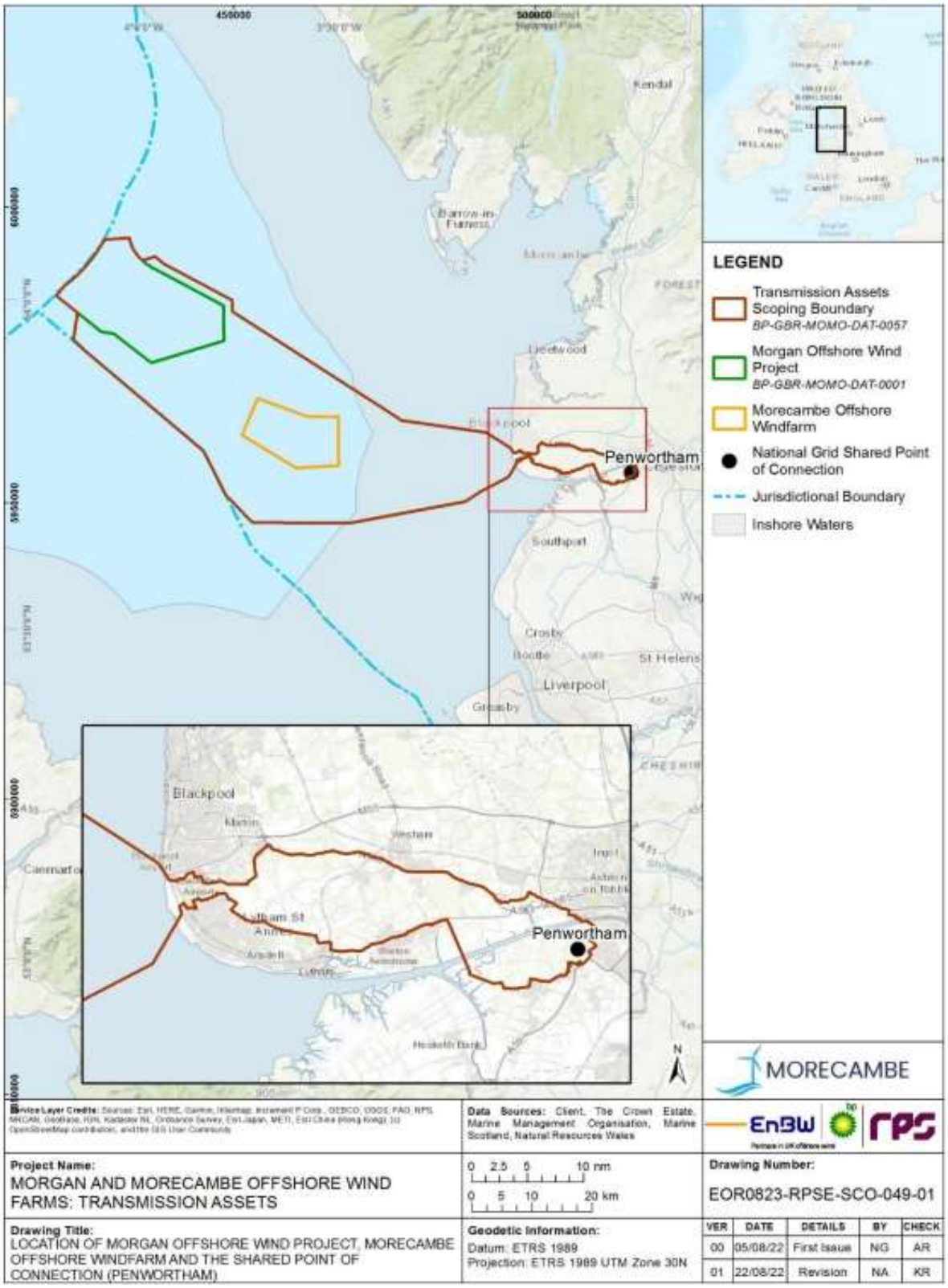

Figure 1: Location of works. Image taken from applicants Scoping Report

3 Scoping Opinion

Pursuant of regulations 10 and 11 of the Regulations, BP, Energie Baden-Württemberg AG, Cobra Instalaciones y Servicios S.A and Flotation Energy Plc have requested a Scoping Opinion from the MMO. In so doing a Scoping Report entitled “Morgan and Morecambe Offshore Wind Farms: Transmission Assets Environmental Impact Assessment Scoping Report” has been submitted to the MMO for review.

The MMO agrees with the topics outlined in the Scoping Report and in addition, we outline that the following aspects be considered further during the EIA and must be included in any resulting Environmental Statement (ES).

3.1 Marine Planning

3.1.1 The MMO highlights that the project is proposed to take place within the North West Inshore Marine Plan area. The MMO believes that for the final ES, a table is produced to highlight all policies within this plan area and whether these have been screened in or out, including justification. The MMO welcomes any further discussions with the applicant with regards to this.

3.2 Benthic Ecology

3.2.1 The MMO notes that Table 4.5 of the scoping report includes the relevant potential impacts arising from construction, operation and maintenance, and decommissioning of the transmission assets within the scoping boundary area for the project (Figure 1). The impacts have been scoped in for one, two or three of project phases (i.e., construction, operation and maintenance, decommissioning) and the relevant justifications have been provided accordingly.

3.2.2 The MMO notes the impacts on the benthic ecology relating to an accidental pollution event during the project phases has been scoped out of the assessment. The report concludes that the likelihood of an accidental spill is very low. Furthermore, developing and adhering to the Marine Pollution Contingency Plan will minimise the magnitude of any potential spill such that the overall impact on the benthic assemblage is not significant.

3.2.3 The MMO is satisfied that the approach to the scoping assessment and data gathering is appropriate. A suitable zone of influence (ZOI) of one tidal exclusion has been selected for assessment and suitable datasets and reports have been compiled and consulted.

3.2.4 The MMO note that while a site-specific benthic survey, comprising benthic sediment sampling and seabed imagery acquisition, has been conducted (in spring / summer 2022), it is unclear from the scoping report how many samples were collected and how they were distributed within the study region. The scoping report states the survey was conducted within a 'refined area of the transmissions assets scoping boundary' and then goes onto say the sampling strategy was 'designed to adequately sample the area… for benthic characterisation'. The results of this site-specific survey, and that of the comprehensive desk-based review, will be presented subsequently as a technical report in the Environmental Statement.

3.2.5 Relevant protected benthic species and habitats have been identified and included in the scoping report and several conservation designations have been included for consideration. Fylde Marine Conservation Zone (MCZ) lies, almost wholly, within the transmission assets scoping boundary at the nearshore end of the export cable corridor. The protected features of the Fylde MCZ are Subtidal sand and Subtidal mud which have a general management approach of 'Maintain in favourable condition'. The MMO defer to the relevant statutory nature conservation body (SNCB) regarding the impact of the export cable with respect to these protected features.

3.2.6 The MMO notes that the project includes inbuilt mitigation in the form of development and adherence to agreed methods for installation and construction (i.e., Cable Installation Specification and Installation Plan, Construction Method Statement and Environmental Management Plan). The report states that any additional mitigation will be dependent on the significance of the effects and will be consulted upon accordingly with the relevant SNCB throughout the application process. The MMO recommend that micro-siting of transmission assets is considered where protected species or habitat features are otherwise negatively impacted, particularly within conservation designation areas.

3.2.7 The MMO note that the likely export cable route would bisect the Fylde MCZ and the Ribble and Alt Estuaries Ramsar designated sites. The MMO recommend options for compensatory measures are discussed with the relevant SNCBs to agree e.g., monitoring any impacts on the designated features, and consideration is given to adjusting the proposed cable route to avoid the designated conservation area entirely.

3.3 Coastal Processes

3.3.1 The MMO notes Table 3.3 in document 6 contains a comprehensive list of impacts that are scoped in for the installation, operation and removal of the transmission gear. These included; increase in suspended sediments, impacts to the wave regime, impacts to the tidal regime, and various impacts to sediment transport. The MMO is satisfied this list covers the potential impacts of the project on the physical environment.

3.3.2 Two impacts have been scoped out of the Environmental Impact Assessment; changes to bathymetry due to depressions left by jack-up vessels and scour of seabed sediments during the operation and maintenance phase. Given the seabed substrate, the MMO agree with the applicant that the depressions created by the jack-up barge can be scoped out. Given the use of scour protection, the MMO are satisfied that scour around the operational infrastructure can be scoped out also.

3.3.3 The MMO notes that a wide range of data/information sources has been identified in Table 3.1. In addition, the MMO notes a range of recent site-specific geophysical and metocean surveys. The MMO is satisfied these will provide a strong foundation to the Environmental Impact Assessment.

3.3.4 The MMO note that the only mitigation identified is the use of scour protection. The precise details will be important, but at this stage such mitigative action seems reasonable given the project.

3.3.5 The potential impacts of the project are captured in Table 3.3. In addition to this, the MMO would like to emphasize the importance of considering the impact to beach morphology at the landing site and the subsequent impacts within the sediment cell.

3.4 Fish Ecology and Fisheries

3.4.1 The scoping report is clearly presented, well-structured and easy to navigate. Consideration has been given to the relevant demersal, pelagic, and migratory fish and elasmobranch receptors within the east Irish Sea, and the report identifies spawning grounds for species of commercial and conservation importance within the Transmission Asset Scoping Boundary (TASB).

3.4.2 The description of the environment for fish is high level, which is to be expected at this stage and is consistent for projects of a similar size and scale. The reports correctly recognises that the TASB overlaps areas of spawning and nursery grounds for several commercially important fish species including cod, *Gadus morhua*, sole, *Solea solea*, European hake, *Merluccius merluccius*, Atlantic herring, *Clupea harengus*, and sandeel, *Ammodytes spp*, and has acknowledged the potential for the region to act as a localised spawning area for European seabass, *Dicentrarchus labrax*. The spawning and nursery grounds of key species which occur within the Irish Sea region and overlap the TASB are detailed within Table 4.8 of the report and have been mapped based on appropriate data sources. This is appropriate.

3.4.3 Migratory species, including Atlantic salmon, *Salmo salar*, European eel, *Anguilla Anguilla*, sea trout, *Salmo trutta*, and smelt, *Osmerus eperlanus*, have also been correctly identified as key fish receptors likely to be present, or migrating through, the TASB.

3.4.4 The MMO note that very little information has been presented within the report which details the timing of the spawning seasons for the key marine fish species identified within the study area. The report has considered the timing of seasonal migrations of migratory fish and has noted the potential for the works to cause disruption and barriers to migration. The report states that “the timing of fish migration will therefore be an important element of the baseline characterisation”. Whilst the MMO recognise that a schedule of works for the project has not yet been confirmed, the MMO recommend that equal consideration is given to the timing of spawning seasons for the key marine fish species identified in relation to potential impacts from the project works in the preliminary environmental information report (PIER).

3.4.5 The report has also recognised that basking sharks, *Cetorhinus maximus*, follow a regular seasonal migration route through the Irish Sea and that sightings are common around the Isle of Man. Basking sharks are protected under the Wildlife and Countryside Act (1981) and therefore, it is important that this species is considered while assessing potential impacts from the cable installation. The MMO is content with the approach to this.

3.4.6 Potential impacts to fish and fish ecology within the TASB which may occur during the construction, operation and decommissioning phases are detailed in Table 4.11 of the report. Details of additional data collection and supporting analyses (including modelling) have been included where appropriate. The MMO is satisfied the potential impacts to fish and fish ecology have been correctly scoped into further assessments, as follows:

i. Temporary habitat loss/disturbance as a result of site preparation and cable installation activities during construction, operation and maintenance activities, and decommissioning.

ii. Long term habitat loss under all foundation structures, associated scour protection, and cable protection. Permanent habitat loss may occur under any infrastructure that is not decommissioned.

iii. Underwater noise (UWN) impacting fish and shellfish receptors: potential for mortality, injury and disturbance to fish as a result of UXO detonation, pile-driving and pre-construction geophysical surveys.

iv. Underwater noise from non-piling activities during all phases (e.g. vessel movement and cable repairs, removal of infrastructure) which may lead to injury and disturbance to fish.

v. Electromagnetic Fields (EMF) from subsea electrical cabling may affect fish prey/predator relationship by inhibiting/interfering with fish behaviour.

vi. Increased suspended sediment concentrations (SSCs) and associated sediment deposition: arising from construction activities, maintenance operations and decommissioning activities.

vii. Disturbance/remobilisation of sediment-bound contaminants: caused by seabed disturbance during construction, maintenance and decommissioning activities, may have an adverse effect on fish communities.

viii. Colonisation of hard structures by a range of marine organisms leading to localised increases in biodiversity and/ or aggregation of fish and shellfish in the vicinity of structures.

3.4.7 The MMO note that the report scopes in both temporary habitat loss/disturbance and long-term habitat loss as potential impacts of the project works. Permanent habitat loss has also been noted as potentially occurring under any infrastructure that is not decommissioned at the end of the Transmission Assets operational lifetime, which is currently assumed to be 35 years. However, the MMO consider that alterations to the habitat which will remain for such a significant amount of time should be considered permanent rather than temporary. The MMO also note that it has not yet been determined whether the infrastructure described in the project design envelope will be fully or partially removed or whether elements will be left in place upon decommissioning of the Transmission Assets. In addition, it cannot be guaranteed with any certainty that alterations made to the habitat will be reversed following the removal project infrastructure. As such, the MMO recommend that potential impacts relating to habitat loss be considered as permanent in further assessments.

3.4.8 The MMO notes that for future assessments, that colonisation of hard structures results from the introduction of artificial structures into the marine environment during the construction phase of the project. Therefore, colonisation of artificial structures should be considered an effect, rather than an impact. To this regard, the introduction of artificial structures should be the direct impact from the project works which is scoped into the assessments, with colonisation of said structures by marine biota being noted as one of several subsequent effects (alongside localised increases in biodiversity and the aggregation of fish in the vicinity of structures, as correctly identified by the report). The MMO welcomes that the impact of introduction of artificial structures (and subsequent effect of colonisation of artificial structures) has been scoped into further assessments.

3.4.9 Scoping for the commercial fisheries baseline has been appropriately considered in Section 5.1 of the report. The MMO note that ICES rectangles 37E5, 37E6, 36E5 and 36E6 overlap with the TASB and that a number of appropriate datasets have been identified, including Vessel Monitoring System (VMS) and UK Landing and Effort Statistics (inclusive of the Isle of Man). There are some limitations associated with these proposed datasets (UK vessels <12m in length and non-UK vessels fishing in the area but landing into non-UK ports will not be captured). The report recognises this and proposes to obtain data from the European Commission's Scientific, Technical and Economic Committee for Fisheries (EU STECF) and the International Council for the Exploration of the Sea (ICES) to fully capture fishing activity in the region. The report has also identified key regional and national fishing organisations and appointed a fisheries liaison to engage with fisheries stakeholders. The MMO support this approach and defer to North Western Inshore Fisheries and Conservation Authority (IFCA) and the Fisheries Division of the Isle of Man, for further comments on the commercial fisheries characterisation.

3.4.10 The report recognises that there was persistent fishing activity with both static and mobile gears within the TASB between 2017 and 2020. Loss or restricted access to fishing grounds, displacement of fishing activity into other areas, loss or damage to fishing gear due to snagging, potential impacts on commercially important fish and shellfish resources and supply chain opportunities for local fishing vessels have all been identified as potential impacts on commercial fisheries from the project works. The MMO is satisfied the impacts scoped into the assessment are appropriate and defer to North Western IFCA for further comments on this. The report has also provided a list of projects and activities which could act collectively with the Transmission Assets. It is the opinion of the MMO that this is a proactive approach to characterising potential cumulative effects for commercial fisheries.

3.4.11 At this stage only impacts from accidental pollution during construction, operation and maintenance and decommissioning phases have been scoped out. The report states that accidental pollution, from sources such as vessels, vehicles, equipment, and machinery, will be managed through the implementation of Environmental Management Plans. Included in these plans will be industry good practice and OSPAR (Oslo-Paris), International Maritime Organisation and MARPOL (International Convention for the Prevention of Pollution from Ships) guidelines for preventing pollution at sea. This is consistent with measures implemented for applications of a similar size and scale and the MMO agree this is appropriate.

3.4.12 Regarding impacts on commercial fisheries, impacts from interference with fishing activity (increased vessel traffic) and increases in steaming distances have been scoped out of further assessment. Both impacts have been considered unlikely to be significant given that vessel traffic as a result of export cable and interconnector cable installation will be unlikely to add significantly to the marine traffic already present within the TASB, and that longer steaming distances will occur for a short period of time during cable installation, maintenance, and decommissioning. The MMO is content that this is appropriate. The scoping out of both these impacts has been subject to consultation with commercial fisheries stakeholders. A fisheries liaison officer has also been appointed to ensure that there is ongoing engagement with stakeholders from fishing communities, and the MMO support this approach.

3.4.13 The MMO notes that appropriate resources have been used to characterise the impacts on fish receptors. Resources including Coull *et al*., 1998 and Ellis *et al*., 2012 to characterise spawning and nursery grounds for relevant fish receptors and the Sound Exposure Guidelines by Popper *et al*., (2014) have been used. In addition, data relating to basking sharks has been obtained from the NBN Atlas, representing sightings of basking sharks submitted to the Marine Conservation Society from 1987 to 2016. Appropriate sources from the Environment Agency have also been identified to characterise the environment for migratory fish species.

3.4.14 The MMO note that the proposed approach to determining the location/s of herring spawning habitat is to follow the method described by Boyle and New (2018), using Irish Sea herring larvae survey data collected by the Agri-food and Biosciences Institute (AFBI) of Northern Ireland to determine areas where active spawning is taking place. Site specific benthic grab samples will also be collected, and particle size analysis (PSA) will be undertaken to inform suitability of the sediment within the TASB to support herring spawning and sandeel habitat. Whilst the MMO agree that larval data present the most up to date information and provide the greatest confidence for determining areas where active spawning is taking place, it is unclear from reviewing the scoping report how the project intends to make use of the PSA data for the purpose of determining herring spawning habitat suitability. As recommended in our advice for the scoping opinions on both Morecambe OWF and Morgan OWF, the MarineSpace Method (2013a) uses a suite of data assigned with scores to produce a heat map of potential herring spawning habitat based on the confidence of data. The herring potential spawning habitat sediment classes of 'Preferred', 'Marginal' and 'Unsuitable' used in MarineSpace (2013a) were adopted from the method described in Reach *et al*. (2013).

3.4.15 The MMO also recommend the same approach should be applied to determining habitat suitability for sandeel, based on the methods described by Latto *et al*. (2013) and MarineSpace (2013b). This is consistent with the approach recommended to other OWF developments of a similar size and scale.

3.4.16 The report notes that the projects intend to incorporate UWN noise modelling outputs from the Morgan OWF and Morecambe OWF Generation Assets into the Transmission Asset assessment of the magnitude of UWN impacts to fish (from UXO detonation, piling and similar activities). The proposed approach will use best practice guidelines (including Popper *et al*., 2014) as well as scientific literature. The MMO support this approach and recommend that fish should be modelled as stationary rather than fleeing receptors for the following reasons:

i. It is known that fish will respond to loud noise and vibration, through observed reactions including schooling more closely; moving to the bottom of the water column; swimming away, and burying in substrate (Popper et al., 2014). However, this is not the same as fleeing, which would require a fish to flee directly away from the source over the distance shown in the modelling. The MMO are not aware of scientific or empirical evidence to support the assumption that fish will flee in this manner. Therefore, it is most appropriate to assume a stationary receptor.

ii. The assumption that a fish will flee from the source of noise is overly simplistic as it overlooks factors such as fish size and mobility, biological drivers, as well as foraging, reproductive or migratory behaviours which may cause an animal to remain/return to the area of impact. This is of particular relevance to herring, as they are benthic spawners which spawn in specific locations with specific substrate composition.

iii. Eggs and larvae have little to no mobility, which makes them vulnerable to trauma from exposure to noise and developmental effects. Accordingly, they should also be assessed and modelled as a stationary receptor, as per the Popper et al., (2014) guidelines.

3.4.17 Within the approach to UWN modelling, the report states that consideration will be given to the potential injury and disturbance to fish, including disruption to spawning activity as well as potential disruption 'barriers' to the migrations of diadromous fish species. For the purpose of modelling behavioural responses in herring at their spawning ground, the MMO recommend the inclusion of a 135dB threshold based on startle responses observed in sprat by Hawkins *et al*. (2014). Sprat is considered a suitable proxy species for herring for the purpose of modelling likely behavioural responses in gravid herring at the spawning ground. It would be useful if the 135dB noise contour was presented in mapped form (i.e., as an additional contour to the 186dB, 203dB and 207dB, as per Popper *et al.,* 2014. This is consistent with the approach recommended to other OWF developments of a similar size and scale.

3.4.18 The report includes a brief section on measures which will be adopted as part of the project. At this stage of the project development, the information provided is high level but appropriate.

3.4.19 The MMO note that embedded and 'best-practice' mitigation measures adopted so far include the development and adherence to a Cable Specification and Installation Plan, implementation of soft-start measures on commencement of piling to reduce the risk of injury to sensitive marine receptors, adherence to a Construction Method Statement and adherence to an Environmental Management Plan, including actions to minimise the introduction of invasive, non-native species, and a Marine Pollution Contingency Plan (MPCP). The MMO is satisfied that these measures are appropriate but note that report recognises that further mitigation may be implemented, based on the outcomes of the EIA, which the MMO agree and support.

3.5 Shellfish Ecology

3.5.1 The MMO notes that Table 5.2 of the report outlines the impacts scoped in - 'loss or restricted access to fishing grounds', 'displacement of fishing activity to other areas', 'loss or damage to fishing gear due to snagging', 'potential impacts to commercially important fish and shellfish resources', and 'supply chain opportunities for local fishing vessels'. These have been scoped in for all three phases (construction, operation, maintenance) of the project. The MMO agree with these impacts and the justifications, data collection and analysis required to characterise the baseline environment, and summary of the proposed approach to assessment.

3.5.2 The MMO notes that impacts that have been scoped out are detailed in Table 5.3 of the report and include 'interference with fishing activity' and 'increase in steaming distances'. The MMO is satisfied the scoping out of these two potential impacts to be well justified (though please refer to point 3.5.3) and welcome that commercial fisheries stakeholders are to be consulted on the EIA Scoping Report.

3.5.3 Regarding the scoped out 'Increase in steaming distances' impact, the justification text (Table 5.3) states "Offshore export cable and interconnector cable installation, maintenance, and any decommissioning activities will be temporary and therefore longer steaming distances will occur for a short period of time." The MMO would welcome clarity on what timescale is implied by "a short period of time**."**

3.5.4 The MMO notes Table 5.1 details the data used to inform the assessments. These include landings and effort statistics from the MMO, landings statistics from EU vessels from the Scientific, Technical and Economic Committee for Fisheries (STECF), vessel monitoring system (VMS) data from ICES, UK inshore fishing intensity data from Cefas, and traffic survey data from Nash Maritime. These data are recent and are appropriate for shellfisheries, as landings data should include landings from gears associated with shellfish capture (for example pots for crabs, lobsters, whelks and cuttlefish; otter trawls for Nephrops; beam trawls for cuttlefish; dredges for scallops). Data presented in the report are consistent with the MMO landings data for landings to the four ICES rectangles. The MMO also acknowledge that expert working groups (EWGs) will be established to discuss topic-specific issues with relevant stakeholders, building on those already set up for the generation assets. EWG meetings will be held at key stages in the EIA process or when new information becomes available for each topic, to provide the opportunity for stakeholders to provide feedback and advice at an early stage and topics covered will include shellfisheries.

3.5.5 Full details of the proposed mitigation are not provided at this stage, as is typical for the scoping stage. Where required, further mitigation will be identified within the topic-specific chapters of the Environmental Statement. The MMO also acknowledge that commercial fisheries stakeholders are to be consulted with regarding the EIA Scoping Report; these consultations might highlight a need for mitigation.

3.5.6 The MMO notes section 3.2.5.1 states “there is the potential for underwater noise to impact sensitive ecological receptors. The potential effects on these receptors will be assessed within the relevant technical sections of the ES (marine mammals, fish and shellfish and commercial fisheries).” With this in mind, the MMO would like to see consideration of sensitive shellfish resources to underwater noise in the ES.

3.6 Underwater Noise

3.6.1 The MMO note underwater noise and vibration sources arising during construction of the Transmission Assets may include piling, hammering or drilling for installation of the foundations for the OSPs and the Morgan offshore booster station. This will include the use of barges and vessels, heavy machinery and generators on the vessels (para 3.2.1.2 of section 3.2). Therefore, it is appropriate that an underwater noise study will be undertaken to provide an assessment of the level of noise generated from the Transmission Assets. This will be presented in the form of a technical appendix to support the relevant offshore chapters of the ES for fish and shellfish ecology and marine mammals (para 3.2.1.3).

3.6.2 Specifically, Table 3.6 lists the impacts proposed to be scoped in to the project assessment for underwater noise. The MMO agree with the impacts listed in Table 3.6 and welcome that they are being taken forward for assessment.

3.6.3 The MMO notes Table 3.6 states “there is potential for disturbance during the construction phase due to the clearance or detonation of UXO (Unexploded Ordnance), depending on the occurrence, size, and techniques used. It is therefore proposed to include these activities in the assessment”. Please note that auditory injury (either permanent threshold shift (PTS) or temporary threshold shift (TTS)) is a primary concern regarding UXO detonation in addition to disturbance. UXO detonations can generate very high peak sound pressure levels.

3.6.4 Table 4.16 in section 4.3 appropriately lists the underwater noise impacts (among others) to be scoped in specifically for marine mammals.

3.6.5 It is worth highlighting at this stage that regarding behavioural noise thresholds, the MMO recommends a (precautionary) threshold based on a field study which observed behavioural changes at 135 dB re 1 mPa2s (single strike Sound Exposure Level (SELss)). This study by Hawkins et al. (2014) exposed wild schooling sprat (a clupeid species similar to herring) to short sequences of repeated impulsive playback sounds at different sound pressure levels, to resemble that of a percussive pile driver. Observed behavioural responses included the break up of fish schools. The sound pressure levels to which the fish schools responded on 50% of the presentations were 163.2 and 163 dB re 1 µPa (peak-to-peak). The estimated single strike sound exposure level was 135 dB re 1 µPa2 ·s. The study was carried out in Lough Hyne, County Cork, on the southwest coast of Ireland.

3.6.6 The MMO notes the only impact proposed to be scoped out of the project assessment for underwater noise is the “effects of the particle motion element of underwater noise on marine mammals during all phases” (as per Table 3.7). The MMO agree with the justification provided (i.e. that there is no evidence that particle motion has any effect on marine mammals and, therefore, this impact is scoped out of the marine mammals ES chapter).

3.6.7 The MMO is satisfied that the proposed assessment methodology (as set out in para 3.2.7.1) identifies appropriate data sources and noise exposure criteria for fish and marine mammals.

3.6.8 The MMO defer to Natural England to ensure that all appropriate marine mammal species, and all designated sites with relevant marine mammal features, have been scoped in to the ES. For reference, the assessment will scope in harbour porpoise, minke whale, bottlenose dolphin, short beaked common dolphin, Risso’s dolphin, grey seal and harbour seal. The assessment will scope out white beaked dolphin.

3.6.9 The MMO notes Para 4.3.7.2 states “the impact assessment will consist of a detailed quantitative assessment for underwater noise (impulsive and non-impulsive). The assessment will include permanent auditory injury and behavioural disturbance”. The MMO remind the project that temporary auditory injury (TTS) should also be considered in addition to permanent auditory injury and behavioural disturbance.

3.6.10 Full details of the proposed mitigation are not provided at this stage. Measures adopted as part of the project will be the development of, and adherence to, a Marine Mammal Mitigation Protocol (MMMP) which would include implementation of piling soft start and ramp up measures.

3.6.11 The MMO note the requirement for and feasibility of any further mitigation will be dependent on the significance of effect and will be consulted upon with statutory consultees throughout the EIA process (para 4.3.6.2). At this stage, it is worth highlighting that if UXO detonation is required, then the MMO recommend that a specific MMMP for this activity should also be developed, in consultation with the MMO and relevant SNCBs. This is in keeping with other wind farm developments.

3.6.12 The MMO would expect any application for UXO detonation activities to be made separately to the DCO application, and would also expect detailed UXO survey and intrusive investigation works to be undertaken prior to the submission of a marine licence application for disposal, to allow for the confirmation of the number, location type and degradation level of UXO to be assessed.

4 Conclusion

The topics highlighted in this scoping opinion must be assessed during the EIA process and the outcome of these assessments **must** be documented in the ES in support of the DCO application. This statement, however, should not necessarily be seen as a definitive list of all EIA requirements. Given the scale and programme of these planned works other work may prove necessary.

5 References

Boyle, G., New, P., 2018. ORJIP Impacts from Piling on Fish at Offshore Wind Sites: Collating Population Information, Gap Analysis and Appraisal of Mitigation Options. Final report – June 2018. The Carbon Trust. United Kingdom. 247 pp.

Hawkins, A., Roberts, L and Cheesman, S. (2014). Responses of free-living coastal pelagic fish to impulsive sounds. Acoustical Society of America.pp. 3101-3116.

Latto P. L., Reach I.S., Alexander D., Armstrong S., Backstrom J., Beagley E., Murphy K., Piper R. and Seiderer L.J., 2013. Screening Spatial Interactions between Marine Aggregate Application Areas and Sandeel Habitat. A Method Statement produced for BMAPA.

MarineSpace Ltd, ABPmer Ltd, ERM Ltd, Fugro EMU Ltd and Marine Ecological Surveys Ltd, (2013a). Environmental Effect Pathways between Marine Aggregate Application Areas and Atlantic Herring Potential Spawning Habitat: Regional Cumulative Impact Assessments. Version 1.0. A report for the British Marine Aggregates Producers Association.

MarineSpace Ltd, ABPmer Ltd, ERM Ltd, Fugro EMU Ltd and Marine Ecological Surveys Ltd, (2013b). Environmental Effect Pathways between Marine Aggregate Application Areas and Sandeel Habitat: Regional Cumulative Impact Assessments and Case Study Environmental Impact Assessments. A report for BMAPA.

Reach I.S., Latto P., Alexander D., Armstrong S., Backstrom J., Beagley E., Murphy K., Piper R. and Seiderer L.J., (2013). Screening Spatial Interactions between Marine Aggregate Application Areas and Atlantic Herring Potential Spawning Areas. A Method Statement produced for BMAPA.

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Your Ref: EN020028

Date: 16th November 2022

Via email: MorganandMorecambeOWFTA@planninginspectorate.gov.uk

Dear Ms Feekins-Bate

Application by Morgan Offshore Wind Limited and Morecambe Offshore Wind Limited (the Applicant) for an Order granting Development Consent for the Morecambe and Morgan Offshore Wind Farm Transmission Assets (the Proposed Development)

REQUEST FOR SCOPING OPINION – Morgan and Morcombe Offshore Windfarm Transmission Assets.

The MCA has reviewed the scoping report provided by Morgan Offshore Wind Limited and Morecambe Offshore Wind Limited as detailed in your letter of 28th October 2022 and would comment as follows:

The Environmental Impact Report should supply detail on the possible impact on navigational issues for both commercial and recreational craft, specifically:

- Collision Risk
- Navigational Safety
- Visual intrusion and noise
- Risk Management and Emergency response
- Marking and lighting of site and information to mariners
- Effect on small craft navigational and communication equipment
- The risk to drifting recreational craft in adverse weather or tidal conditions
- The likely squeeze of small craft into the routes of larger commercial vessels.

The development area carries a significant amount of traffic with a number of important commercial shipping routes to/from UK ports and the Irish Sea, particularly lifeline ferries between UK, Isle of Man and Ireland.

Attention needs to be paid to routing, particularly in heavy weather routeing so that vessels can continue to make safe passage without large-scale deviations. The likely cumulative and in combination effects on shipping routes should be considered which will be an important issue to assess for this project. It should consider the proximity to other windfarm developments, other infrastructure, and the impact on safe navigable sea room.

It is noted that a Navigational Risk Assessment will be submitted in accordance with MGN 654. This should be accompanied by a detailed MGN 654 Checklist which can be found at: https://www.gov.uk/guidance/offshore-renewable-energy-installations-impact-on-shipping

We note that a vessel traffic survey will be undertaken to the standard of MGN 654 collected from a vessel-based survey using AIS, radar, and visual observations to capture all vessels navigating in the study area. We understand that this is in addition to existing data and data collected for the generation assets (Morgan Offshore Wind Project and Morecambe Offshore Windfarm), site specific marine vessel traffic surveys, and will be carried out to inform the NRA and EIA for the Transmission Assets. The MCA is happy to discuss this specific requirement with the project developer.

Attention should be paid to cabling routes and where appropriate burial depth for which a Burial Protection Index study should be completed and subject to the traffic volumes, an anchor penetration study may be necessary. If cable protection measures are required e.g. rock bags or concrete mattresses, the MCA would be willing to accept a 5% reduction in surrounding depths referenced to Chart Datum. This will be particularly relevant where depths are decreasing towards shore and potential impacts on navigable water increase, such as at the HDD location.

Particular consideration will need to be given to the implications of the location of the booster station on SAR resources and Emergency Response Co-operation Plans (ERCoP). The report must recognise the level of radar surveillance, AIS and shore-based VHF radio coverage and give due consideration for appropriate mitigation such as radar, AIS receivers and in-field, Marine Band VHF radio communications aerial(s) (VHF voice with Digital Selective Calling (DSC)). A SAR checklist will also need to be completed in consultation with MCA, as per MGN 654 Annex 5 SAR requirements.

MGN 654 Annex 4 requires that hydrographic surveys should fulfil the requirements of the International Hydrographic Organisation (IHO) Order 1a standard, with the final data supplied as a digital full density data set, and survey report to the MCA Hydrography Manager. Failure to report the survey or conduct it to Order 1a might invalidate the Navigational Risk Assessment if it was deemed not fit for purpose. On the understanding that the Shipping and Navigation aspects are undertaken in accordance with MGN 654 and its annexes, along with a completed MGN checklist, MCA is likely to be content with the approach.

Yours sincerely,

[redacted]

Vaughan Jackson
Offshore Renewables Project Lead
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25 November 2022

Your reference: EN020028
Our reference: DIO10056890

Dear Sir / Madam

MOD Safeguarding

Proposal: Morgan Offshore Wind Limited and Morecambe Offshore Windfarm Limited (the Applicant) for an Order granting Development Consent for the Morgan and Morecambe Offshore Wind Farms Transmission Assets (the Proposed Development)

Thank you for consulting the Ministry of Defence (MOD) on the above proposed development which was received by this office on 28 October 2022.

Morgan Offshore Wind Limited and Morecambe Offshore Windfarm Limited have submitted an application for a scoping opinion to The Planning Inspectorate The application relates to Morgan OWL and Morecambe OWL who are seeking consent for transmission assets comprising shared offshore export cable corridors to landfall and shared onshore export cable corridors to onshore substation(s), and onward connection to the National Grid electricity transmission network at Penwortham, Lancashire.

The Defence Infrastructure Organisation (DIO) Safeguarding Team represents the Ministry of Defence (MOD) as a consultee in UK planning and energy consenting systems to ensure that development does not compromise or degrade the operation of defence sites such as aerodromes, explosives storage sites, air weapon ranges, and technical sites or training resources such as the Military Low Flying System.

For clarity, this response relates to MOD Safeguarding concerns only

Statutory consultation occurs as a result of the provisions of the Town and Country Planning (Safeguarded aerodromes, technical sites and military explosives storage areas) Direction 2002 (DfT/ODPM Circular 01/2003) and the location data and criteria set out on safeguarding maps issued to Local Planning Authorities by Ministry for Housing, Communities & Local Government (MHCLG) in accordance with the provisions of that

Direction. In addition, paragraph 97 of the National Planning Policy Framework 2019 requires that planning policies and decisions should take into account defence requirements by 'ensuring that operational sites are not affected adversely by the impact of other development proposed in the area.' To this end MOD may be involved in the planning system both as a statutory and non-statutory consultee.

The application site occupies the statutory safeguarding zones surrounding Warton Aerodrome in particular aerodrome height, technical and birdstrike safeguarding zones.

Aerodrome heights and Technical Safeguarding

The proposed development site occupies the statutory height and technical safeguarding zones that ensure air traffic approaches and the line of sight of navigational aids and transmitters/receivers are not impeded. The airspace above and around aerodromes is safeguarded to maintain an assured, obstacle free environment for aircraft manoeuvre.

Birdstrike Safeguarding

Within this zone, the principal concern of the MOD is that the creation of new habitats may attract and support populations of large and, or, flocking birds close to the aerodrome.

At this scoping stage there are insufficient details of the proposals for the MOD to perform the appropriate safeguarding assessments. Therefore, we request to be consulted for all subsequent applications in relation to this development in order for the MOD to perform the necessary safeguarding analysis.

The MOD must emphasise that the advice provided within this letter is in response to the information detailed above in the document titled EIA Scoping Report dated October 2022.

I trust this is clear however should you have any questions please do not hesitate to get in touch.

Yours faithfully

[redacted]

Jill Roberts
DIO Safeguarding

National Grid House
Warwick Technology Park
Gallows Hill, Warwick
CV34 6DA

Complex Land Rights
Ellie Laycock
Development Liaison Officer
UK Land and Property
[redacted]
Tel: [redacted]

www.nationalgrid.com

SUBMITTED ELECTRONICALLY:
MorganandMorecambeOWFTA@planninginspectorate.gov.uk

16 November 2022

Dear Sir/Madam

APPLICATION BY MORGAN OFFSHORE WIND LTD AND MORECAMBE OFFSHORE WINDFARM LTD (THE APPLICANT) FOR AN ORDER GRANTING DEVELOPMENT CONSENT FOR THE MORGAN AND MORECAMBE OFFSHORE WIND FARMS TRANSMISSION ASSETS (THE PROPOSED DEVELOPMENT)

SCOPING CONSULATION REPONSE

I refer to your letter dated 28th October 2022 in relation to the above proposed application. This is a response on behalf of National Grid Electricity Transmission PLC (NGET). Having reviewed the scoping report, I would like to make the following comments regarding NGET infrastructure within or in close proximity to the current red line boundary.

NGET has high voltage electricity overhead transmission lines, underground cables and a high voltage substation within the scoping area. The overhead lines and substation forms an essential part of the electricity transmission network in England and Wales.

Substation

- Penwortham 275kV Substation
- Penwortham 400kV Substation
- Associated overhead and underground apparatus including cables

Overhead Lines

ZQ 400kV OHL	Padiham – Penwortham
	Carrington – Daines – Penwortham
ZU 275kV OHL	Kirkby – Penwortham – Washway Farm 1
	Kirkby – Penwortham – Washway Farm 2
ZX 400kV OHL	Heysham – Hutton – Penwortham 1
	Heysham – Hutton – Penwortham 2
VF 400kV OHL	Heysham – Penwortham – Stanah 1
	Heysham – Penwortham – Stanah 2

I enclose two plans showing the location of NGET's apparatus in the scoping area.

National Grid House
Warwick Technology Park
Gallows Hill, Warwick
CV34 6DA

Specific Comments – Electricity Infrastructure:

- NGET's Overhead Line/s is protected by a Deed of Easement/Wayleave Agreement which provides full right of access to retain, maintain, repair and inspect our asset

- Statutory electrical safety clearances must be maintained at all times. Any proposed buildings must not be closer than 5.3m to the lowest conductor. NGET recommends that no permanent structures are built directly beneath overhead lines. These distances are set out in EN 43 – 8 Technical Specification for "overhead line clearances Issue 3 (2004)".

- If any changes in ground levels are proposed either beneath or in close proximity to our existing overhead lines then this would serve to reduce the safety clearances for such overhead lines. Safe clearances for existing overhead lines must be maintained in all circumstances.

- The relevant guidance in relation to working safely near to existing overhead lines is contained within the Health and Safety Executive's (www.hse.gov.uk) Guidance Note GS 6 "Avoidance of Danger from Overhead Electric Lines" and all relevant site staff should make sure that they are both aware of and understand this guidance.

- Plant, machinery, equipment, buildings or scaffolding should not encroach within 5.3 metres of any of our high voltage conductors when those conductors are under their worse conditions of maximum "sag" and "swing" and overhead line profile (maximum "sag" and "swing") drawings should be obtained using the contact details above.

- If a landscaping scheme is proposed as part of the proposal, we request that only slow and low growing species of trees and shrubs are planted beneath and adjacent to the existing overhead line to reduce the risk of growth to a height which compromises statutory safety clearances.

- Drilling or excavation works should not be undertaken if they have the potential to disturb or adversely affect the foundations or "pillars of support" of any existing tower. These foundations always extend beyond the base area of the existing tower and foundation ("pillar of support") drawings can be obtained using the contact details above.

- NGET high voltage underground cables are protected by a Deed of Grant; Easement; Wayleave Agreement or the provisions of the New Roads and Street Works Act. These provisions provide NGET full right of access to retain, maintain, repair and inspect our assets. Hence we require that no permanent / temporary structures are to be built over our cables or within the easement strip. Any such proposals should be discussed and agreed with NGET prior to any works taking place.

- Ground levels above our cables must not be altered in any way. Any alterations to the depth of our cables will subsequently alter the rating of the circuit and can compromise the reliability, efficiency and safety of our electricity network and requires consultation with National Grid prior to any such changes in both level and construction being implemented.

National Grid House
Warwick Technology Park
Gallows Hill, Warwick
CV34 6DA

To download a copy of the HSE Guidance HS(G)47, please use the following link:
http://www.hse.gov.uk/pubns/books/hsg47.htm

Further Advice

We would request that the potential impact of the proposed scheme on NGET's existing assets as set out above and including any proposed diversions is considered in any subsequent reports, including in the Environmental Statement, and as part of any subsequent application.

Where any diversion of apparatus may be required to facilitate a scheme, NGET is unable to give any certainty with the regard to diversions until such time as adequate conceptual design studies have been undertaken by NGET. Further information relating to this can be obtained by contacting the email address below.

Where the promoter intends to acquire land, extinguish rights, or interfere with any of NGET apparatus, protective provisions will be required in a form acceptable to it to be included within the DCO.

NGET requests to be consulted at the earliest stages to ensure that the most appropriate protective provisions are included within the DCO application to safeguard the integrity of our apparatus and to remove the requirement for objection. All consultations should be sent to the following email address: **box.landandacquisitions@nationalgrid.com**

I hope the above information is useful. If you require any further information, please do not hesitate to contact me.

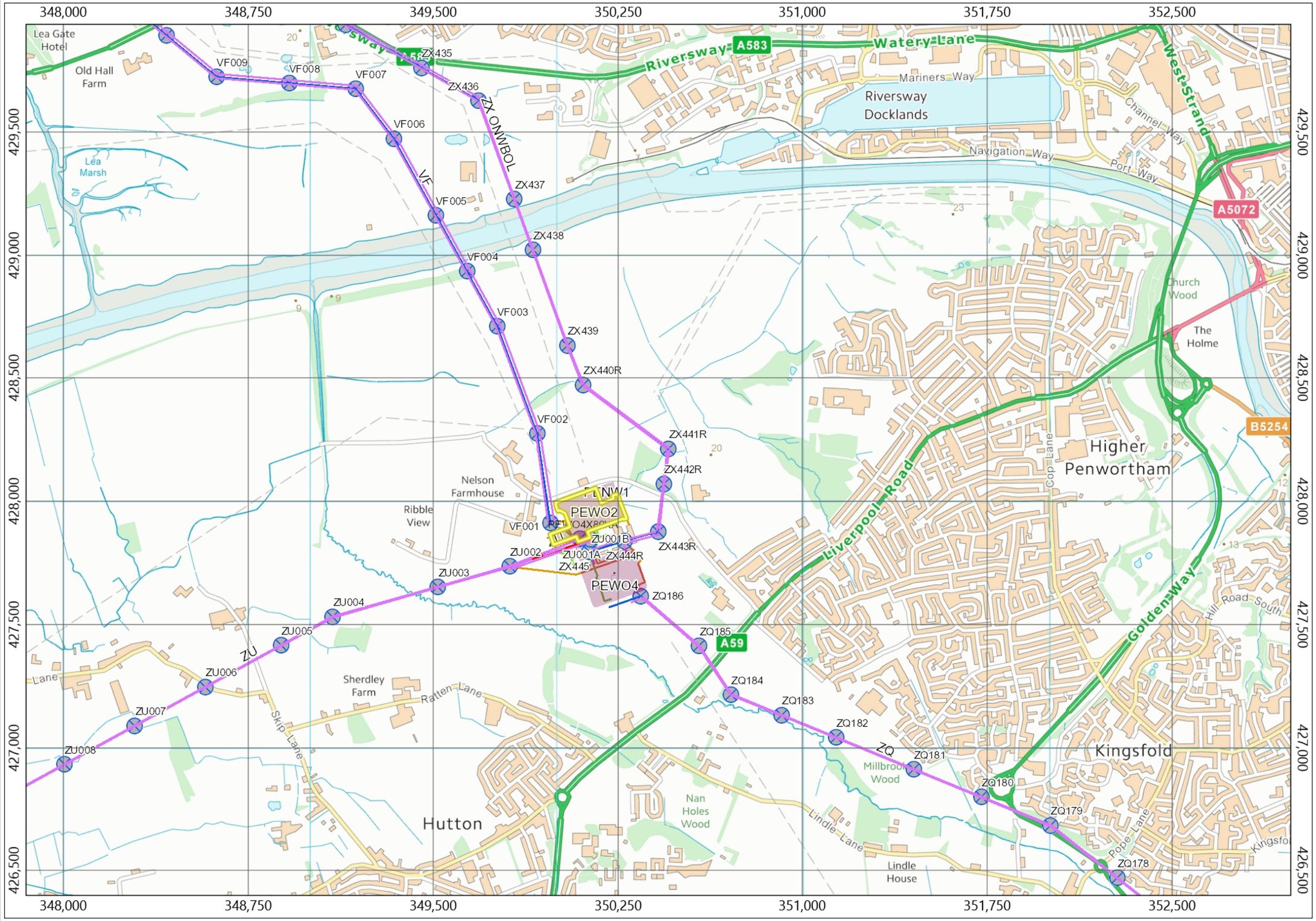
The information in this letter is provided not withstanding any discussions taking place in relation to connections with electricity customer services.

Yours faithfully

[redacted]

Ellie Laycock
Development Liaison Officer, Complex Land Rights

nationalgrid | M&M NGET ASSETS PLAN 1



Legend:

- Substations Commissioned
- Circuits
  - Commissioned
  - Decommissioned Group
  - Planned and Spares
- OHL 400Kv Commissioned
- OHL 275Kv Commissioned
- OHL 132Kv & Below Commissioned
- Towers Commissioned
- Buried Cable Commissioned
- Fibre Cable Commissioned
- Pilot Cable
- Oil Pipe
- Cooling Pipe
- Cooling Station
- RAMM
- Cable Tunnel

Notes:

M&M NGET ASSETS PLAN 1

0 0.38 0.8 Kilometers

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Print by: **Laycock, Ellie**

Scale: 1: 15,000

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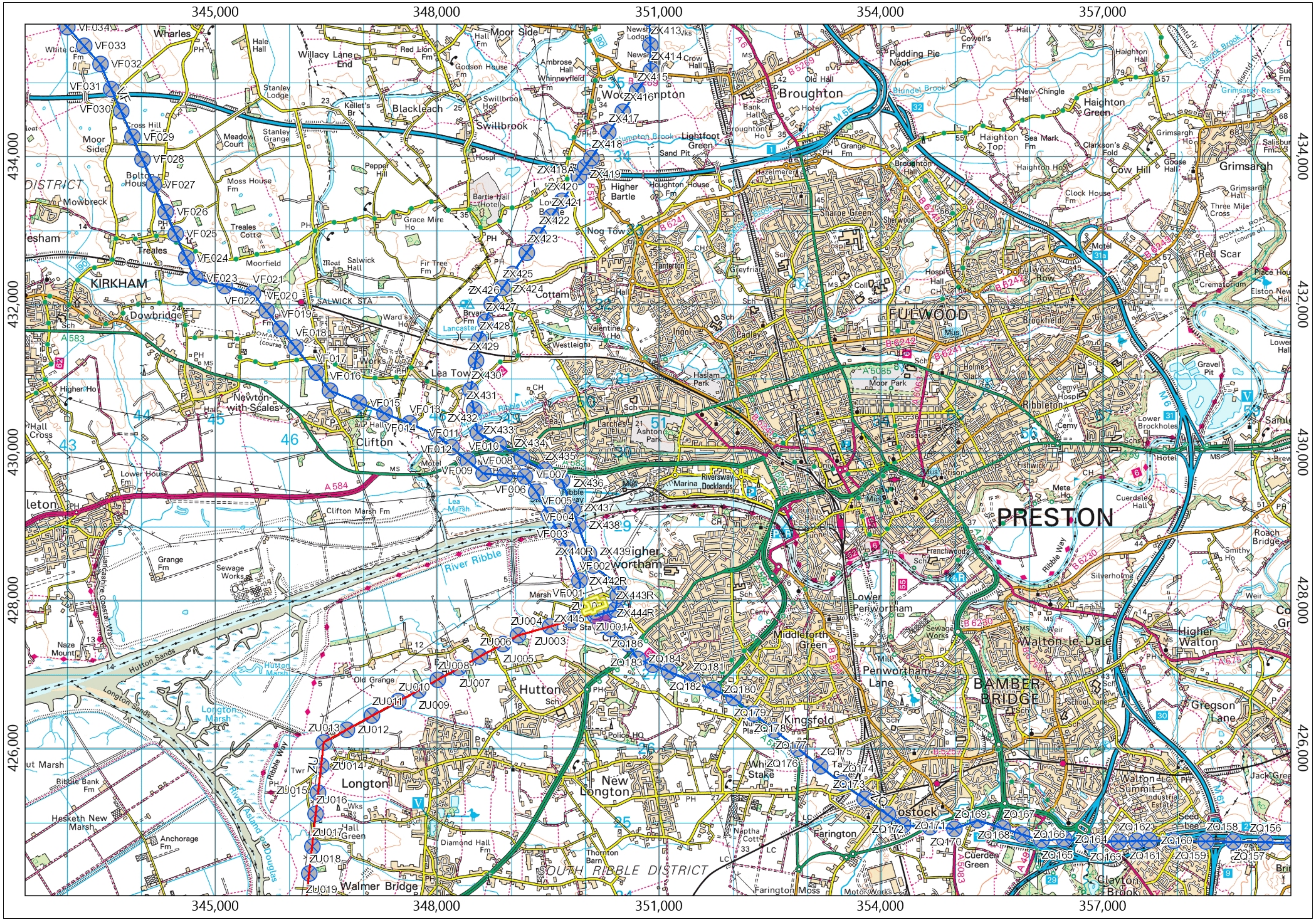
nationalgrid | M&M NGET ASSETS PLAN 2



Legend:

- Substations Commissioned
- OHL 400Kv Commissioned
- OHL 275Kv Commissioned
- OHL 132Kv & Below Commissioned
- Towers Commissioned
- Buried Cable Commissioned
- Fibre Cable Commissioned
- Pilot Cable
- Cable Tunnel

Notes:

M&M NGET ASSETS PLAN 2

0 | 1.27 | 2.5 Kilometers

Date: 16/11/2022
Time: 15:22:25
Page size: A3 Landscape
Print by: **Laycock, Ellie**
Scale: 1: 50,000

N

Note: Any sketches on the map are approximate and not captured to any particular level of precision.

Your ref: EN020028
Our ref: ID7685

Warren Hilton
Assistant Spatial Planner
9th Floor
Piccadilly Gate
Store Street
Manchester M1 2WD

Laura Feekins-Bate
EIA Advisor
Planning Inspectorate
Environmental Services
Central Operations
Temple Quay House
2 The Square
Bristo, BS1 6PN

31st October 2022

Sent Via Email

Dear Laura,

Planning Act 2008 (as amended) and The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (the EIA Regulations) – Regulations 10 and 11

Application by Morgan Offshore Wind Limited and Morecambe Offshore Windfarm Limited (the Applicant) for an Order granting Development Consent for the Morgan and Morecambe Offshore Wind Farms Transmission Assets (the Proposed Development)

Scoping consultation and notification of the Applicant's contact details and duty to make available information to the Applicant if requested

Thank you for inviting National Highways to provide EIA scoping comments regarding the above proposals.

National Highways has been appointed by the Secretary of State for Transport as strategic highway company under the provisions of the Infrastructure Act 2015 and is the highway authority, traffic authority and street authority for the Strategic Road Network (SRN). The SRN is a critical national asset and as such we work to ensure that it operates and is managed in the public interest, both in respect of current activities and needs as well as in providing effective stewardship of its long-term operation and integrity. It is an ambition to ensure that major roads are more dependable, durable, and most importantly – safe.

National Highways' approach to engaging with the planning system is governed by the advice and guidance set out in:

- The Strategic Road Network Planning for the Future - A Guide to Working with Highways England on Planning Matters (2015).

The document is written in the context of statutory responsibilities as set out in National Highways' licence, and in the light of government policy and regulation, including the:

- National Planning Policy Framework (NPPF);
- Town and Country Planning Development Management (Procedure) Order (England) 2015 (DMPO); and
- DfT Circular 02/2013 The Strategic Road Network and the Delivery of Sustainable Development ('The Circular').

The development has the potential to impact upon the safe and efficient operation the SRN by generating over 30 two-way trips at junctions that could be affected by this scheme during its construction phase. Therefore, National Highways is a relevant consultee for this screening opinion and any future planning application. Comments relating to the local road network should be sought from the appropriate local highway authority.

National Highways comments on Environmental Impact Assessment Scoping Report
Whilst it is for the Planning Inspectorate to determine the final scope of the Environmental Statement (ES), any future planning application must be supported by sufficient information within its transport assessment (TA) for National Highways to assess the potential for any traffic or other impacts on the SRN to arise.

We suggest that a Transport Assessment accompanying the planning application that may submitted includes the following information as regards to any SRN junctions that may need to be significantly utilised as part of the construction of the scheme:

- Background and Context – setting the scene within which the TA has been developed;
- Existing Conditions – describing the site within the context of the local and wider highway network (e.g. SRN), including details on local road safety conditions;
- Planning Policy Context – set out the local, regional and national planning policy context as it relates to transport and access for the site;
- Sustainable Access Appraisal – describing the accessibility of the site to sustainable public transport networks, pedestrian connectivity and cycle connectivity;
- Development Proposal – describe the development proposal, its layout and access by all modes;
- Trip Generation, Distribution and Assignment – detailing the trip generation estimates produced, and how they have been distributed and assigned to the agreed impact area;
- Baseline and Forecast Year Traffic Flows, With and Without Development – based on the agreed assessment years and the estimated trip generation from the site opening year, how future flows in the impact area have been identified for the baseline situation and the with development situation. These traffic flows will form the basis of the highway impact assessment. *National Highways will not accept traffic data gathered between March 2020 and September 2021 and also from December 2021 until March 2022 due to Covid-19 pandemic-related travel impacts. Data gathered after lifting of restrictions should be compared with recent pre-pandemic traffic flows adjusted to the current year*;
- Highway Impact Assessment – an analysis of the impact of the proposed development traffic on the agreed impact area and if appropriate include suitable mitigation measures

developed to counter any adverse impacts. The impact assessment should also examine the performance of the site access; and

- Summary and Conclusions –summarising the key findings and the conclusions.

In scoping the TA, we would expect to see the key points of access to the SRN identified, and if necessary, operationally assessed. Based upon the information provided, we are content with he proposed study area for the highway assessment set out within the Scoping Report.

It is important to note that the TA should accord with the requirements of the governing Department for Transport Circular 02/2013 (or any forthcoming version) in respect of the SRN.

We note that the Transmission Assets Scoping Boundary does not encompass the SRN, so we are not anticipating any need for works associated with crossing the network. However, any mitigation works required to the SRN as a result of the scheme must be developed in accordance with the Design Manual for Roads and Bridges.

Conclusion

These comments imply no pre-determined view as to the acceptability of the development scheme in relation to its potential traffic impact on the SRN.

Please do not hesitate to contact me if you require any more information or clarification on the advice in this letter. For any new consultations, or to provide further information on this consultation, please send your correspondence to planningnw@nationalhighways.co.uk .

We hope that you will find our observations helpful.

Yours sincerely,

[redacted]

Warren Hilton
North West Spatial Planning Team

From:	NATS Safeguarding
To:	Morgan and Morecambe OWFTA
Cc:	NATS Safeguarding
Subject:	RE: EN020028 - Morgan and Morecambe Offshore Windfarms Transmission Assets - EIA Scoping Notification and Consultation
Date:	01 November 2022 13:13:34
Attachments:	~WRD0002.jpg image001.png image003.png image004.png image005.png image006.png

Laura.
As noted in the Scoping report the NATS radar station at St Annes lies within the Transmission Area Scoping Boundary.
NATS is pleased to note that the developer has identified this as a risk and is committed to working with us to manage the construction process in particular. NATS is keen to maintain this spirit of working together as the planning process continues and the design evolves.
Regards,
Alasdair
NATS Safeguarding

NATS Internal

From: Morgan and Morecambe OWFTA <MorganandMorecambeOWFTA@planninginspectorate.gov.uk>
Sent: 28 October 2022 09:56
Cc: Morgan and Morecambe OWFTA <MorganandMorecambeOWFTA@planninginspectorate.gov.uk>
Subject: [EXTERNAL] EN020028 - Morgan and Morecambe Offshore Windfarms Transmission Assets - EIA Scoping Notification and Consultation

Dear Sir/ Madam
Please see attached correspondence on the proposed Morgan and Morecambe Offshore Windfarms Transmission Assets project.
Please note that the deadline for consultation responses is **Friday 25 November 2022**, and is a statutory requirement that cannot be extended.
Kind regards
Laura

Laura Feekins-Bate | EIA Advisor
The Planning Inspectorate

@PINSgov The Planning Inspectorate planninginspectorate.gov.uk

which can be accessed by clicking this link.

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The statements expressed in this e-mail are personal and do not necessarily reflect the opinions or policies of the Inspectorate.

DPC:76616c646f72

Date: 25 November 2022
Our ref: 21502/410990
Your ref: EN020028

Customer Services
Hornbeam House
Crewe Business Park
Electra Way
Crewe
Cheshire
CW1 6GJ

T [redacted]

Laura Feekins-Bate
Environmental Services
Central Operations
Temple Quay House
2 The Square
Bristol
BS1 6PN

BY EMAIL ONLY

Dear Ms Feekins-Bate,

Planning Act 2008 (as amended) and The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (the EIA Regulations) – Regulations 10 and 11

Application by Morgan Offshore Wind Limited and Morecambe Offshore Windfarm Limited (the Applicant) for an Order granting Development Consent for the Morgan and Morecambe Offshore Wind Farms Transmission Assets (the Proposed Development)

Scoping consultation and notification of the Applicant's contact details and duty to make available information to the Applicant if requested

Thank you for your letter dated 28 October 2022 consulting Natural England on the Morgan and Morecambe Offshore Wind Farms Transmission Assets Environmental Impact Assessment Scoping Report. The following constitutes Natural England's formal statutory response; however, this is without prejudice to any comments we may wish to make in light of further submissions or on the presentation of additional information.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

The advice contained within this letter is provided by Natural England, which is the statutory nature conservation body within English territorial waters (0-12 nautical miles). It should be noted that pursuant to an authorisation made on the 9th December 2013 by the JNCC under paragraph 17(c) of Schedule 4 to the Natural Environment and Rural Communities Act 2006, Natural England is authorised to exercise the JNCC's functions as a statutory consultee in respect of applications for offshore renewable energy installations in offshore waters (0-200 nm) adjacent to England. This application was included in that authorisation and therefore Natural England will be providing statutory advice in respect of that delegated authority.

Case law[1] and guidance[2] has stressed the need for a full set of environmental information to be available for consideration prior to a decision being taken on whether or not to grant planning permission. Annex A to this letter provides Natural England's advice on the scope of the Environmental Impact Assessment (EIA) for this development.

[1] Harrison, J in *R. v. Cornwall County Council ex parte Hardy* (2001)
[2] *Note on Environmental Impact Assessment Directive for Local Planning* Authorities Office of the Deputy Prime Minister (April 2004) available from http://webarchive.nationalarchives.gov.uk/+/http://www.communities.gov.uk/planningandbuilding/planning/sustainabilityenvironmental/environmentalimpactassessment/noteenvironmental/

Summary of Main Points

Approach to EIA scoping

Natural England notes that the project has adopted a similar approach to EIA scoping as other offshore windfarm (OWF) Nationally Significant Infrastructure Projects (NSIPs) by consulting on a large scoping boundary. The rationale for the inclusion of these large boundaries is due to substantial components of the projects remaining undetermined at the point of scoping, as well as incomplete data collection and survey detail. Thereby, the EIA scoping reports are extremely high level, especially when compared non-OWF NSIPs.

This makes it difficult to provide targeted advice on the scope of the EIA at this stage, and given the EIA scoping opinion from PINS is binding as regards the scope of the Environmental Statement (ES), this risks creating difficulties with identifying and resolving consenting issues further down the line.

Additionally, we highlight that because we are unable to confirm with a high level of confidence that the data collection proposed is sufficient to inform the ES/areas of search, we are also unable to advise on the potential scale and level of risk this project may pose to nature conservation receptors. Without having this understanding it is unclear to Natural England how this project will now progress towards submission and ensure that there is sufficient time in the pre-application phase to identify and address all of the potential environmental concerns. There is a risk with premature EIA scoping that consenting issues are identified late in the day and are not resolved in advance through pre-application discussions or data collection, and that Examinations are then unable to resolve these issues. This runs counter to the increased emphasis on 'front-loading' issues in the NSIP process, and the ambition of the British Energy Security Strategy as regards speeding up the consenting process.

We note that not all survey methods have been established within the EIA Scoping Report, this presents a risk that full data and analysis will not be presented in the ES. Natural England highlight the risk that any additional data analysis could have potential to change the conclusions of the ES from those set out in the PEIR, which could cause delays to the project. More generally, Natural England advises that 24 months of survey effort is the minimum expected evidence standard for bird and marine mammal data.

We advise that cross referencing sections where necessary is undertaken to ensure whole project assessment and clear links between impacts across sections, for example physical processes and terrestrial ecology sections when considering coastal process interactions on dune habitats.

Proposed separate DCO applications for generation and transmission assets

Whilst Natural England welcomes the proposed coordinated grid connection between Morgan and Morecambe OWF, this does raise some potential concerns regarding the consenting process. Natural England has encountered such issues previously during the separate examinations of the Triton Knoll generation and transmission assets and offers some initial advice on the matter based on these experiences. Please see the attached paper, which was also submitted with our response to the related EIA scoping consultations for the Morgan and Morecambe generation asset projects..

The advice within this letter is provided with respect to the transmission assets scoping report provided, but we consider that the generation assets are an integral part of the project and therefore the ES should, at the point of submission, be in a position to consider the project as a whole. Therefore the final ES, when considering the project as a whole, will include additional impacts and designated sites than those mentioned within the Morgan and Morecambe OWF Transmission Assets Scoping Report.

Best Practice Advice for Evidence and Data Standards

Natural England has been leading the 'Offshore Wind Marine Environmental Assessments: Best Practice Advice for Evidence and Data Standards' project, funded by Defra's Offshore Wind Enabling Actions Programme (OWEAP).

The project is providing up-front best practice advice on the way data and evidence is used to support

offshore wind farm development and consenting in English waters, focussing on the key ecological receptors which pose a consenting risk for projects, namely seabirds, marine mammals, seafloor habitats and species and fish.

The project aims to facilitate the sustainable development of low impact offshore wind by increasing clarity for industry, regulators and other stakeholders over data and evidence requirements at each stage of offshore wind development, from pre-application through to post-consent.

Natural England and JNCC have jointly developed, in collaboration with European Subsea Cable Association 'Nature conservation considerations and environmental best practice for subsea cables for English Inshore and UK offshore waters. This document provides high level advice which identifies the main pressures, sensitive habitats, and best practice during development. This is a live document which will be periodically updated.

The advice documents are currently stored on a SharePoint Online site, access to the SharePoint site needs to be requested from neoffshorewindstrategicsolutions@naturalengland.org.uk. Please allow up to three working days for requests to access the site to be granted. Natural England is currently reviewing ways of making the advice more accessible and open access.

We advise that the ES should be fully informed by the recommendations in the Best Practice Advice, and we will increasingly be appraising ESs with respect to the extent, where relevant, to which the guidance has been followed.

Physical Processes

It is vital that the marine and coastal physical processes within, and in the vicinity of, the proposed development are well understood in order to provide robust estimates of the temporal and spatial scale of changes to hydrodynamic and sediment transport regimes and to the subtidal, intertidal and supratidal environments. This should describe both contemporary conditions as well as longer-term historical change.

Little information is provided on seabed preparation activities (e.g. sandwave clearance, material disposal) and the impacts on sediment transport patterns and morphological change, due to the early stage of the project. Natural England reserve the right to make future detailed comments once further information is known, this could include scoping in of additional impacts.

Underwater noise

We seek further clarification as to whether operational and maintenance phase underwater noise impacts are scoped in or out of the assessment.

Benthic subtidal and intertidal ecology

Consideration of designated sites should also include SPAs, which have benthic habitats designated as supporting habitats for the bird features.

We disagree that accidental pollution should be scoped out on the basis of following good practice and guidelines.

Marine Mammals

We advise that the most recent evidence on foraging distances of grey and harbour seals is used[3] to establish connectivity with SACs.

Natural England advise that a Vessel Management Plan should be added to the list of measures adopted as part of the project.

[3] Carter, M.I.D., Boehme, L., Cronin, M.A., Duck, C.D., Grecian, W.J., Hastie, G.D., Jessopp, M., Matthiopoulos, J., McConnell, B.J., Miller, D.L., Morris, C.D., Moss, S.E.W., Thompson, D., Thompson, P.M. and Russell, D.J.F., 2022. Sympatric Seals, Satellite Tracking and Protected Areas: Habitat-Based Distribution Estimates for Conservation and Management. Front. Mar. Sci. 9:875869.

Geology, hydrology and ground considerations
Consideration of Lytham Coastal Changes SSSI needs to be included within this section, which should be reviewed and updated.

Terrestrial ecology and ornithology (intertidal and onshore)
Limited information is presented on survey methods for a range of species and habitats. Natural England advise that sufficient baseline data is collected for any habitats and species along the cable route, so that potential impacts can be fully assessed. We advise that all surveys are discussed and agreed through an Evidence Plan process.

We have provided guidance on EIA requirements and specific comments to sections of the Morgan and Morecambe Offshore Wind Farms Transmission Assets EIA Scoping Report in the following annexes of this letter:

Annex 1 Natural England General Advice on EIA Scoping
Annex 2 Introduction
Annex 3 Generation Assets

Further guidance is set out in Planning Practice Guidance on environmental assessment, natural environment and climate change.

In accordance with Section 4 of the Natural Environment and Rural Communities Act 2006, Natural England should be consulted again if the proposal is amended in any way which significantly affects its impact on the natural environment.

Please note that Natural England must be consulted on Environmental Statements.

Please send any new consultations or further information on this consultation to consultations@naturalengland.org.uk.

For clarification of any points in this letter, please do not hesitate to contact Natural England using the details provided below.

Yours sincerely
Aurélie Bohan-Rayson

Strategic Coastal Lead Adviser
Coast and Marine Team
Cheshire, Greater Manchester, Merseyside & Lancashire Area Team
Aurelie.Bohan@naturalengland.org.uk

Annex 1 Natural England General Advice on EIA Scoping

1. General Principles

Schedule 4 of the Town & Country Planning (Environmental Impact Assessment) Regulations 2017 / Infrastructure Planning (Environmental Impact Assessment) Regulations 2009 (Regulation 10) sets out the necessary information to assess impacts on the natural environment to be included in an ES, specifically:

- A description of the development – including physical characteristics and the full marine use requirements of the site during construction and operational phases;
- Expected residues and emissions (water, air and soil pollution, noise, vibration, light, heat, radiation, etc.) resulting from the operation of the proposed development;
- An assessment of alternatives and clear reasoning as to why the preferred option has been chosen;
- A description of the aspects of the environment likely to be significantly affected by the development, including, in particular, population, fauna, flora, soil, water, air, climatic factors, material assets, including the architectural and archaeological heritage, landscape/seascape and the interrelationship between the above factors;
- A description of the likely significant effects of the development on the environment – this should cover direct effects but also any indirect, secondary, cumulative, short, medium and long term, permanent and temporary, positive and negative effects. Effects should relate to the existence of the development, the use of natural resources and the emissions from pollutants. This should also include a description of the forecasting methods to predict the likely effects on the environment;
- A description of the measures envisaged to prevent, reduce and where possible offset any significant adverse effects on the environment;
- A non-technical summary of the information;
- An indication of any difficulties (technical deficiencies or lack of know-how) encountered by the applicant in compiling the required information.

1.2 Cumulative and in-combination effects

It will be important for any assessment to consider the potential cumulative effects of this proposal, including all supporting infrastructure, with other similar proposals and a thorough assessment of the 'in combination' effects of the proposed development with any existing developments and current applications. A full consideration of the implications of the whole scheme should be included in the ES. All supporting infrastructure and activities should be included within the assessment.

An impact assessment should identify, describe, and evaluate the effects that are likely to result from the project in combination with other projects and activities that are being, have been or will be carried out. The following types of projects should be included in such an assessment (subject to available information):

a. existing completed projects;
b. approved but uncompleted projects;
c. ongoing activities;
d. plans or projects for which an application has been made and which are under consideration by the consenting authorities; and
e. plans and projects which are reasonably foreseeable, i.e. projects for which an application has not yet been submitted, but which are likely to progress before completion of the development and for which sufficient information is available to assess the likelihood of cumulative and in-combination effects.

Natural England's advice on the scope and content of the ES is given in accordance with the National Infrastructure Planning Advice Notes:
https://infrastructure.planninginspectorate.gov.uk/legislation-and-advice/advice-notes/

1.3 Environmental data

Natural England is required to make available information it holds where requested to do so. National datasets held by Natural England are available at http://www.naturalengland.org.uk/publications/data/default.aspx.

Detailed information on the natural environment is available at www.magic.gov.uk.

Natural England's Site of Special Scientific Interest (SSSI) Impact Risk Zones are a GIS dataset which can be used to help identify the potential for the development to impact on a SSSI. The dataset and user guidance can be accessed from the Natural England Open Data Geoportal.

Natural England does not hold local information on local sites, local landscape character, priority habitats and species or protected species. Local environmental data should be obtained from the appropriate local bodies. This may include the local environmental records centre, the local wildlife trust, local geo-conservation group or other recording society.

2. Biodiversity and Geology

2.1 Ecological Aspects of an Environmental Statement

Natural England advises that the potential impact of the proposal upon features of nature conservation interest and opportunities for habitat creation/enhancement should be included within this assessment in accordance with appropriate guidance on such matters. Guidelines for Ecological Impact Assessment (EcIA) have been developed by the Chartered Institute of Ecology and Environmental Management (CIEEM) and are available on their website.

EcIA is the process of identifying, quantifying and evaluating the potential impacts of defined actions on ecosystems or their components. EcIA may be carried out as part of the EIA process or to support other forms of environmental assessment or appraisal.

The National Planning Policy Framework (NPPF) sets out guidance in paragraphs 174-175 and 179-182 on how to take account of biodiversity and geodiversity interests in planning decisions and the framework that the responsible authority should provide to assist developers. Further guidance is set out in Planning Practice Guidance on the natural environment.

2.2 Internationally Designated Sites

The ES should thoroughly assess the potential for the proposal to affect designated sites. Internationally designated sites (e.g. designated Special Areas of Conservation (SAC) and Special Protection Areas (SPA)) fall within the scope of the Conservation of Habitats and Species Regulations 2017 (as amended). In addition paragraph 181 of the National Planning Policy Framework requires that potential Special Protection Areas, possible Special Areas of Conservation, listed or proposed Ramsar sites, and any site identified as being necessary to compensate for adverse impacts on classified, potential or possible SPAs, SACs and Ramsar sites be treated in the same way as classified sites (NB. sites falling within the scope of regulation 8 of the Conservation of Habitats and Species Regulations 2017 are defined as 'habitats sites' in the NPPF).

The ES should include a full assessment of the direct and indirect effects of the development on the features of special interest within these sites, and should identify such mitigation measures as may be required in order to avoid, minimise or reduce any adverse significant effects.

Internationally designated site conservation objectives are available on our internet site http://publications.naturalengland.org.uk/category/6490068894089216.

2.3 Habitats Regulations Assessment

If the proposal outlined within the scoping document has the potential to significantly effect features of the internationally designated sites and the activity is not directly connected to the management of any designated site it should be assessed under Regulation 63 the Conservation of Species and Habitats Regulations (2017) (as amended) and Regulation 28 of the Conservation of Offshore Species and Habitats regulations (2017) (as amended). Should a Likely Significant Effect on an internationally designated site be identified or be uncertain, the competent authority for the licence/consent (the Marine Management Organisation / Government Department) should

undertake an Appropriate Assessment of the implications for the site in view of its conservation objectives, in addition to consideration of impacts through the EIA process. Noting recent case law (People Over Wind[4]) measures intended to avoid and/or reduce the likely harmful effects on an internationally designated sites cannot be taken into account when determining whether or not a plan or project is likely to have a significant effect on a site, therefore consideration is required at Appropriate Assessment. Natural England wishes to be consulted on the scope of the Habitats Regulations Assessment and the information that will be produced to support it and should be formally consulted on any Appropriate Assessment provided for the proposal (Regulation 63).

The consideration of Likely Significant Effects should include any functionally linked habitat outside the designated site. These areas may provide important habitat for mobile species populations that are qualifying features of the site, for example birds and bats. This can also include areas which have a critical function to a habitat feature within a designated site, for example by being linked hydrologically or geomorphologically. Further guidance is set out in Planning Practice Guidance on appropriate assessment here: https://www.gov.uk/guidance/appropriate-assessment.

Further information on the special interest features, their conservation objectives, and any relevant conservation advice packages for designated sites is available on our website https://designatedsites.naturalengland.org.uk/; and the Joint Nature Conservation Committee (JNCC) website About Marine Protected Areas | JNCC - Adviser to Government on Nature Conservation.

2.4 Nationally Designated Sites

Sites of Special Scientific Interest - Sites of Special Scientific Interest are protected under the Wildlife and Countryside Act 1981 (as amended). Further information on the SSSI and its special interest features can be found at www.magic.gov.

Natural England's SSSI Impact Risk Zones can be used to help identify the potential for the development to impact on a SSSI. The dataset and user guidance can be accessed from the Natural England Open Data Geoportal.

The Environmental Statement should include a full assessment of the direct and indirect effects of the development on the features of special interest within the SSSI and identify appropriate mitigation measures to avoid, minimise or reduce any adverse significant effects.

Marine Conservation Zones - Marine Conservation Zones (MCZ) are areas that protect a range of nationally important, rare or threatened habitats and species. You can see where MCZs are located and their special interest features on www.magic.gov.uk. Factsheets that establish the purpose of designation and conservation objectives for each of the MCZ's are available at https://www.gov.uk/government/collections/marine-conservation-zone-designations-in-england.

The ES should include a full assessment of the direct and indirect effects of the development on the site and identify appropriate mitigation measures to avoid, minimise or reduce any adverse significant effects.

The ES should consider including information on the impacts of this development on MCZ interest features, to inform the assessment of impacts on habitats and species of principle importance for this location. Further information on MCZs is available via the following link: http://publications.naturalengland.org.uk/category/1723382.

Further information on the special interest features, the conservation objectives, and relevant conservation advice packages for designated sites is available on our website https://designatedsites.naturalengland.org.uk/.

2.5 Protected Species - Species protected by the Wildlife and Countryside Act 1981 (as amended) and by the Conservation of Habitats and Species Regulations 2017 (as amended)

The ES should assess the impact of all phases of the proposal on protected species (including, for

[4] People Over Wind and Sweetman vs Coillte Teoranta (ref: C 323/17).

example, pinnipeds (seals), cetaceans (including dolphins, porpoises whales), fish (including seahorses, sharks and skates), marine turtles, birds, marine invertebrates, great crested newts, reptiles, water voles, badgers and bats, etc.). Information on the relevant legislation protecting these species can be reviewed on the following link https://www.gov.uk/government/publications/protected-marine-species. Natural England does not hold comprehensive information regarding the locations of species protected by law, but advises on the procedures and legislation relevant to such species. Records of protected species should be sought from appropriate local biological record centres, nature conservation organisations, NBN Atlas, groups and individuals; and consideration should be given to the wider context of the site, for example in terms of habitat linkages and protected species populations in the wider area, to assist in the impact assessment.

The conservation of species protected by law is explained in Part IV and Annex A of Government Circular 06/2005 *Biodiversity and Geological Conservation: Statutory Obligations and their Impact within the Planning System*. The area likely to be affected by the proposal should be thoroughly surveyed by competent ecologists at appropriate times of year for relevant species and the survey results, impact assessments and appropriate accompanying mitigation strategies included as part of the ES.

In order to provide this information there may be a requirement for a survey at a particular time of year. Surveys should always be carried out in optimal survey time periods and to current guidance by suitably qualified and where necessary, licensed, consultants.

2.6 Habitats and Species of Principal Importance

The ES should thoroughly assess the impact of the proposals on habitats and/or species listed as 'Habitats and Species of Principal Importance' within the England Biodiversity List, published under the requirements of S41 of the Natural Environment and Rural Communities (NERC) Act 2006. Section 40 of the NERC Act 2006 places a general duty on all public authorities, including local planning authorities, to conserve and enhance biodiversity. Further information on this duty is available here https://www.gov.uk/guidance/biodiversity-duty-public-authority-duty-to-have-regard-to-conserving-biodiversity.

Government Circular 06/2005 states that Biodiversity Action Plan (BAP) species and habitats, 'are capable of being a material consideration…in the making of planning decisions'. Natural England therefore advises that survey, impact assessment and mitigation proposals for Habitats and Species of Principal Importance should be included in the ES. Consideration should also be given to those species and habitats included in the relevant Local BAP.

2.7 Contacts for Local Records

Natural England does not hold local information on local sites, local landscape character and local or national biodiversity priority habitats and species. We recommend that you seek further information from the appropriate bodies (which may include the local records centre, the local wildlife trust, local geoconservation group or other recording society and a local landscape characterisation document).

3. Designated Landscapes and Landscape/Seascape Character

3.1 Landscape/Seascape and visual impacts

Natural England would wish to see details of local landscape character areas mapped at a scale appropriate to the development site as well as any relevant management plans or strategies pertaining to the area. The EIA should include assessments of visual effects on the surrounding area, landscape and seascape together with any physical effects of the development, such as changes in topography.

The EIA should include a full assessment of the potential impacts of the development on local landscape character using landscape/seascape assessment methodologies. We encourage the use of Landscape and Seascape Character Assessment (LCA/SCA), based on the good practice guidelines produced jointly by the Landscape Institute and Institute of Environmental Assessment in 2013. LCA/SCA provides a sound basis for guiding, informing and understanding the ability of any location to accommodate change and to make positive proposals for conserving, enhancing or regenerating character, as detailed proposals are developed.

Natural England supports the publication *Guidelines for Landscape and Visual Impact Assessment*, produced by the Landscape Institute and the Institute of Environmental Assessment and Management in 2013 (3rd edition). The methodology set out is almost universally used for landscape and visual impact assessment. For National Parks and Areas of Outstanding Natural Beauty (AONBs), we advise that the assessment also includes effects on the 'special qualities' of the designated landscape, as set out in the statutory management plan for the area. These identify the particular landscape and related characteristics which underpin the natural beauty of the area and its designation status.

In order to foster high quality development that respects, maintains, or enhances, local landscape / seascape character and distinctiveness, Natural England encourages all new development to consider the character and distinctiveness of the area, with the siting and design of the proposed development reflecting local design characteristics and, wherever possible, using local materials. The EIA process should detail the measures to be taken to ensure the building design will be of a high standard, as well as detail of layout alternatives together with justification of the selected option in terms of landscape impact and benefit.

The assessment should also include the cumulative effect of the development with other relevant existing or proposed developments in the area. In this context Natural England advises that the cumulative impact assessment should include other proposals currently at Scoping stage. Due to the overlapping timescale of their progress through the planning system, cumulative impact of the proposed development with those proposals currently at Scoping stage would be likely to be a material consideration at the time of determination of the planning application.

The assessment should refer to the relevant National Character Areas which can be found on our website. Links for Landscape / Seascape Character Assessment at a local level are also available on the same page.
https://www.gov.uk/government/publications/seascape-assessments-for-north-east-north-west-south-east-south-west-marine-plan-areas-mmo1134

https://data.gov.uk/dataset/3fed3362-2279-4645-8aaf-c6b431c94485/mmo1037-marine-character-areas.

Where the development may have impact on St Bees Head Heritage Coast, Natural England advises that use national and local policies, together with local landscape expertise and information to determine the proposal. The policy and statutory framework to guide your decision and the role of local advice are explained below.

Your decision should be guided by paragraph 178 of the National Planning Policy Framework. It states:

178. Within areas defined as Heritage Coast (and that do not already fall within one of the designated areas mentioned in paragraph 176), planning policies and decisions should be consistent with the special character of the area and the importance of its conservation. Major development within a Heritage Coast is unlikely to be appropriate, unless it is compatible with its special character.

The NPPF continues to state in a footnote (footnote 60) that *"For the purposes of paragraph 176 and 177, whether a proposal is 'major development' is a matter for the decision maker, taking into account its nature, scale and setting, and whether it could have a significant adverse impact on the purposes for which the area has been designated or defined."*

Alongside national policy you should also apply landscape policies set out in your development plan, or appropriate saved policies.

Where available, a local Landscape Character Assessment can also be a helpful guide to the landscape's sensitivity to this type of development and its capacity to accommodate the proposed development.

4. Water Quality
Increases in suspended sediment concentrations (SSC) during construction and operation (e.g. future dredging works) have the potential to smother sensitive habitats. The ES should include information on the sediment quality and potential for any effects on water quality through suspension of contaminated sediments. The EIA should also consider whether increased SSC resulting are likely to impact upon the interest features and supporting habitats of the designated sites.

The ES should consider whether there will be an increase in the pollution risk as a result of the construction or operation of the development.

5. Air Quality
Air quality in the UK has improved over recent decades but air pollution remains a significant issue; for example over 97% of sensitive habitat area in England is predicted to exceed the critical loads for ecosystem protection from atmospheric nitrogen deposition (England Biodiversity Strategy, Defra 2011). A priority action in the England Biodiversity Strategy is to reduce air pollution impacts on biodiversity. The planning system plays a key role in determining the location of developments which may give rise to pollution, either directly or from traffic generation, and hence planning decisions can have a significant impact on the quality of air, water and land. The assessment should take account of the risks of air pollution and how these can be managed or reduced. Further information on air pollution impacts and the sensitivity of different habitats/designated sites can be found on the Air Pollution Information System (https://www.apis.ac.uk/). Further information on air pollution modelling and assessment can be found on the Environment Agency website.

6. Climate Change Adaptation
The England Biodiversity Strategy published by Defra establishes principles for the consideration of biodiversity and the effects of climate change. The ES should reflect these principles and identify how the development's effects on the natural environment will be influenced by climate change, and how ecological networks will be maintained. The NPPF requires that the planning system should contribute to the enhancement of the natural environment 'by establishing coherent ecological networks that are more resilient to current and future pressures' (NPPF Para 174), which should be demonstrated through the ES.

Further information is available from the Committee on Climate Change's (CCC) Independent Assessment of UK Climate Risk, the National Adaptation Programme (NAP), the Climate Change Impacts Report Cards (biodiversity, infrastructure, water etc.) and the UKCP18 climate projections.

Annex 2 Introduction

Section	Paragraph/Table	Comment	Recommendations
General		National Policy Statement (NPS)	The ES will need to take account of anything in the revised NPS. We advise that early consideration should be given to policies in draft NPS updates out to consultation in case these are adopted.
General		EIA guidance	Natural England would expect the guidance provided in Annex 1 to be taken into account.
General		Strategic Environmental Assessment (SEA)	We note that there is a new offshore energy SEA, the consultation period for which closed in May 2022. The OESEA may have useful information that should be taken into account by the Morgan OWF project.
3.2.1	3.2.1.10	Natural England welcomes the proposed coordinated grid connection between Morgan and Morecambe OWF following the recommendations of the Holistic Network Design Review (HNDR) but stresses that impacts resulting as a project as a whole, including generation assets for Morgan and Morecambe OWFs will need to be presented at ES submission.	To note.
4.4.7	4.4.7.1	As export cable installation is yet to be determined, we advise that survey are designed as such to ensure that impacts from trenchless methods, open cut trenching or a combination of both can be fully assessed.	To note.
5.5.3	5.5.3	Identification of receptors and the sensitivity of receptors to impact scale definitions should be discussed and agreed as part of the Evidence Plan process with the relevant EWG.	These definitions should be set out within the ES.
5.5.4	Table 5.1	A matrix for assessment of significance is provided as an example, demonstrating how the sensitivity of receptor against magnitude of impact can determine the significance of effect. As with above comments, sensitivity of receptor, magnitude of impact and the matrix of significance of effect should be discussed and agreed through the Evidence Planning process.	Discuss and agree with the relevant EWGs and definitions should be provided in the ES.
5.5.4	5.5.4.4	We understand that at the current stage this is a high level	Discussion and agreement should be sought

		definition, however, all definitions will require refining.	through the Evidence Plan process with the relevant EWG.
5.6.2	5.6.2.2	Ideally, most potential impacts could be avoided, or effects reduced at the design stage of the project, through early consideration of ecological constraints, which along with consideration of other environmental features would be used to refine scheme layout, siting and design. Further impacts could also be avoided through siting of infrastructure at the construction stage.	We advise that the ES demonstrates that the mitigation hierarchy has been followed wherever appropriate.
5.6.2	5.6.2.3	We welcome commitment to explore opportunities to develop enhancement measures and to create beneficial effects.	To note.
5.7.2	5.7.2.2	Consideration of climate change impacts over the operational period of Morgan OWF should be considered. These impacts will become important if they cause an alteration in the baseline conditions and become detectable above natural inter-annual variations.	To note.

Annex 3 Transmission assets

3.1 Physical processes

Section	Paragraph/Table	Comment	Recommendations
3.1.4	3.1.4.5	It would be beneficial to have a mapped display of the deployed metocean buoys, including both site-specific deployment as well as historic data from Ormonde OWF and the proposed Round 3 Irish Sea OWF Development Zone.	Include in ES.
3.1.4	3.1.4.8	The evidence presented set out variation in the tidal currents across the study area, further evidence on the tidal currents and current directions, for both flood and ebb currents would be beneficial. It would be beneficial to have a mapped display of this information. This would support a clear baseline of the hydrodynamics within the study area.	Include in ES.
3.1.4	3.1.4.14	We seek clarity on the presence of any sand wave features within the area. In understanding any potential impacts it would be beneficial to have a clear understanding of sand wave height, wave lengths and migratory rates.	Clarify post-scoping.
3.1.5	Table 3.3	Little information is provided on seabed preparation activities, due to the early stage of the project. Natural England reserve the right to make future detailed comments once further information is known, this could include scoping in of additional impacts.	To note. Further discussion would be welcomed through the Evidence Plan process via the EWG.

3.2 Underwater noise

Section	Paragraph/Table	Comment	Recommendations
3.2.5	3.2.5	Can the Applicant please clarify whether the underwater noise generated during the operation and maintenance phase of the project is scoped in or out of the assessment (text in section 3.2.5 indicated that it is scoped out, but Table 3.6*: Impacts proposed to be scoped into the project assessment for underwater noise (project phase refers to construction (C), operation and maintenance (O) and decommissioning (D))* have it included in the assessment).	Include clarification in the ES.

4.1 Benthic subtidal and intertidal ecology

Section	Paragraph/Table	Comment	Recommendations
4.1.3	4.1.3.2	For completeness, a summary should be provided within the EIA Scoping report of the benthic characterisation survey and analytical methods.	To note.
4.1.4	Table 4.3	Designated sites considered under benthic ecology should also include SPAs, which have benthic habitats designated as supporting habitats for bird features. Liverpool Bay SPA and Ribble and Alt Estuaries SPA should also be included in this table for their supporting habitats.	Include SPAs in the table of designated sites due to the supporting habitats for bird features.
4.1.6	Table 4.5	We would advise that the assessment takes into account the full extent of possible impact, e.g., taking the worst-case scenario for the extent of cable protection, and assessing impacts of all potential construction and cable installation methods that may be use. Preference however should be given to those methods that minimise habitat disturbance and destruction	Worst-case scenario should be presented.
4.1.6	Table 4.6	Disagree that accidental pollution should be scoped out. Whilst following good practise and guidelines will reduce the likelihood of an accident occurring, it is not guaranteed that no accidents will occur, and therefore potential impacts should be considered accordingly and scoped into the assessment.	Include accidental pollution into the impacts scoped into the assessment.
4.1.7	4.1.7.1	It would be appropriate to also include Natural England's Advice on Operations. For the designated sites within the scoping boundary, this will also provide sensitivity information for biotopes that could potentially occur within the scoping boundary, not just those that have been identified through existing data and surveys.	Include NE's Advice on Operations as a source of information for sensitivity. Site Search (naturalengland.org.uk)
4.1.7	4.1.7.3	The suggestion of grouping habitats into Important Ecological Features will help with the presentation of complex information, however, care must be taken that sufficient consideration is given to specific protected habitats and species (i.e., those listed in Table 4.4) and that the most sensitive biotopes within each grouping are considered.	Give separate consideration to habitats and species of conservation priority, and ensure most sensitive biotopes are considered in the assessment.

4.2 Fish and shellfish ecology

Natural England note that Cefas are the technical specialists and we therefore will defer to their advice on this topic.

4.3 Marine mammals

Section	Paragraph/Table	Comment	Recommendations
4.3.3	Table 4.13	Natural England agrees with the key desktop datasets and reports listed in Table 4.13, however we advise that Carter *et al.* (2022)[5] and Hammond *et al.* (2021)[6] are added to the list (especially as they have been referenced later in the main body text).	Update text and reference.
4.3.4	4.3.4	Natural England agrees with the receptors scoped in and out of the assessment.	To note.
4.3.4	Figures 4.18 and 4.19	The most recent at-sea distribution maps from Carter *et al.* (2020)[7] should be used (as referred to in the main body text).	Use Carter *et al.* (2020) at-sea distribution maps
4.3.4	Table 4.14	Natural England broadly agrees with the listed designated sites with relevant marine mammal features within the vicinity of the marine mammal study area. However, we advise the Applicant to use the most up to date information on the foraging distances of grey and harbour seals as presented in Carter *et al.* (2022) in order to establish connectivity with the SACs for these species.	Use Carter *et al.* (2022) for grey and harbour seal foraging distances.
4.3.5	Table 4.16 and Table 4.17	Natural England agrees with the impacts scoped in and out the assessment.	To note.
4.3.6	4.3.6.1	Natural England advise to add Vessel Management Plan (VMP) to the list of measures adopted as part of the project.	To note.

[5] Carter, M.I.D., Boehme, L., Cronin, M.A., Duck, C.D., Grecian, W.J., Hastie, G.D., Jessopp, M., Matthiopoulos, J., McConnell, B.J., Miller, D.L., Morris, C.D., Moss, S.E.W., Thompson, D., Thompson, P.M. and Russell, D.J.F., 2022. Sympatric Seals, Satellite Tracking and Protected Areas: Habitat-Based Distribution Estimates for Conservation and Management. Front. Mar. Sci. 9:875869.

[6] Hammond, P., Lacey, C., Gilles, A., Viquerat, S., Börjesson, P., Herr, H., Macleod, K., Ridoux, V., Santos, M., Scheidat, M., Teilmann, J., Vingada, J. and Øie. N. (2021) Estimates of cetacean abundance in European Atlantic waters in summer 2016 from the SCANS-III aerial and shipboard surveys - revised June 2021.

[7] Carter, M.I., Boehme, L., Duck, C.D., Grecian, J., Hastie, G.D., McConnell, B.J., Miller, D.L., Morris, C., Moss, S., Thompson, D. and Thompson, P., 2020. Habitat-based predictions of at-sea distribution for grey and harbour seals in the British Isles. Sea Mammal Research Unit, University of St Andrews, Report to BEIS, OESEA-16-76/OESEA-17-78.

4.3.8	4.3.8	Natural England would like to remind the Applicant that cumulative assessment needs to be done on the worst-case scenario.	To note.

4.4 Offshore ornithology

Natural England has no further comments to make on the offshore ornithology for the Morgan and Morecambe Transmission EIA Scoping Report.

6.1 Geology, hydrogeology and ground conditions

Section	Paragraph/Table	Comment	Recommendations
6.1.4	6.1.4.8	Lytham Coastal Changes SSSI is located within and adjacent to the Transmission Assets Scoping Boundary. This site consists of geological features preserved in sediments beneath top soil and sand dunes, providing a record of sea-level changes which occurred during the Holocene.	Consideration and inclusion of Lytham Coastal Changes SSSI.
6.1.5	Table 6.2	Lytham Coastal Changes SSSI needs to be considered against the impacts and project phases.	Update table and scope in.

7.1 Terrestrial ecology and ornithology (intertidal and onshore)

Section	Paragraph/Table	Comment	Recommendations
7.1.3	7.1.3.4	There is a lack of detail on survey methodology for many of the survey set out. Details of survey methodology and timings are vague at this stage and for some no approach to survey is stated, it is not possible to confirm if the surveys will follow good practice guidelines. Natural England advise that sufficient baseline data is collected for any habitats and species along the cable route, so that potential impacts can be fully assessed. Typically this would involve undertaking surveys on habitats to National Vegetation Classification level; bird use (breeding, passage and winter, and	Natural England advise that all surveys are discussed and agreed through an Evidence Plan process via an EWG.

		consideration of functionally linked land[8]); and invertebrates. The baseline data needs to be undertaken at the relevant time of year and of sufficiently long enough period to determine trends.	
7.1.3	7.1.3.4	Surveys should be sufficient to ensure that any impacts to Lytham St Annes Dunes SSSI as well as non-designates areas can be assessed, for example as a precautionary approach to ensure that any impacts resulting from coastal processes to the SSSI. This should consider all features listed for the SSSI.	To note.
7.1.3	7.1.3.4	We advise that consideration of lower plants, mosses and lichens, species such as scrambled egg lichen have been found along the north-west coast, as well as invertebrates such as dune tiger beetle.	Desk based study should consider records of species within the area.
7.1.3	7.1.3.4	Natural England welcomes the recording of Invasive Non-Native Species, and also flags that consideration of Rosa rugosa should also be considered which is present within the area.	To note.
7.1.3	7.1.3.4	Natural England expects GCN surveys, which may inform a future GCN licence application, to include ponds up to 250m or 500m from development sites. Factors such as scale of the development, habitat connectivity, barriers to dispersal, etc. should be considered when determining the survey area. These factors can also be considered when excluding specific ponds from a survey (e.g. significant barriers to dispersal between a pond and the development site). If ponds are excluded from the survey effort and/or if only ponds within 250m of the development are surveyed, NE would suggest the ecologist retains evidence of their justification for their own records. If there is clear habitat connectivity between ponds within 250m to 500m and the development site, it may be necessary to extend the survey area. eDNA surveys are suitable only for determining presence/absence. Should European Protected Species Licence be required, population assessments will be required. There will take longer to conduct and are limited to specific months of the year. District Level Licensing (DLL) may be an alternative option to	

[8] Identification of Functionally Linked Land supporting Special Protection Areas (SPAs) waterbirds in the North West of England (NECR361)

		consider, instead of a standard EPS Mitigation Licence approach. DLL is available in Lancashire and would mean that no further survey effort would be required on your part. The scheme has the option to pursue a DLL licence, or a non-DLL licence. Please note that much of the above comments apply more to a non-DLL licence approach, although they may help in weighing up this decision. Once the impact areas have been finalised, District Level Licensing can be consulted and provide you with a quote to show the overall costs associated with the route. Please be mindful that areas Designated for GCN are likely to fall within Red Zones and would not be possible to be supported through DLL. For further information please see the gov.uk guidance.	
7.1.3	7.1.3.7	Natural England welcomes the commitment stated that detailed scope, methodologies, and extents of the site-specific surveys stated within section will be discussed and agreed with Natural England prior to commencement. We advise that this should take place at the earliest opportunity to ensure that sufficient data is collected to inform the ES.	Discussions with Natural England to occur at earliest opportunity.
7.1.4	Table 7.2	The Ribble Estuary MCZ, which falls within the red line boundary has not been included in the list of designated sites. We advise that for completeness this should be included as well as assessment of impacts, with cross reference to other sections where relevant (for example, physical processes, or geomorphology. The following national and internationally designated sites within the onshore study area and 5km, and 10km buffers have not been included: • Marton Mere, Blackpool SSSI; • Fylde MCZ; • Liverpool Bay SPA; • Morecambe Bay and Duddon Estuary SPA; • Morecambe Bay Ramsar.	Update table and scope in.
7.1.4	7.1.4.4	The following priority habitats listed on Priority Habitat Inventory (England) as section 41 habitats of principal importance under the Natural Environment and Rural Communities Act 2006 are	Update text and scope in.

		missing from the list; • Lowland fens; • Coastal saltmarsh; • Mudflats.	
7.1.6	7.1.7.1	Biodiversity Metric 3.1[9] has been published (April 2022), we advise that the latest version of the Biodiversity Metric should be used.	Update reference and consider for further assessment.

[9] The Biodiversity Metric 3.1 (JP039)

Natural England initial draft advice in relation to taking into account all aspects of offshore windfarm projects which may be subject to determination across multiple separate NSIPs with different owners for the array ('generation assets'), cable ('transmission assets') or other offshore windfarm NSIP where there are joint/shared infrastructure which may have cumulative impacts to nature conservation features.

Natural England welcomes the potential progression of an 'coordinated' approach to grid connection. In reducing the number of cables required for energy transmission, we recognise the potential for significantly reducing the area of impact created from multiple projects, thereby increasing options available to the projects to avoid, reduce and mitigate impacts to designated site features and the wider marine environment.

However, Natural England notes the potential consenting challenges this new approach is likely to have for offshore windfarms where there is likely to be separate NSIP applicants for the generations assets (offshore windfarm arrays), but also for the transmission asset. Should there be a requirement to sell the cable linking the array to the transmission asset to an Offshore Transmission Owner (OFTO) post-construction, this could present additional complexities. We observe such a scenario could potentially result in up to three Development Consent Orders (DCOs) and five deemed Marine licences being intrinsically linked.

Therefore, we advise that prompt consideration is required by the relevant parties to consider how the National Grid 'Coordinated Approach' can be implemented and robustly consented to ensure that OWF projects impacts can be considered and consented holistically (rather than 'salami sliced'), the risk of stranded assets can be avoided, and that offshore windfarm energy can be delivered in a timely manner.

Drawing from our experiences of the consenting process for both the Triton Knoll offshore windfarm 'array' NSIP and the Triton Knoll Electrical System NSIP, we provide the following advice on a without prejudice basis. This is with a view to identifying and helping to address the challenges that may be faced by offshore windfarm projects where i) multiple NSIPs are required but timeframes are unlikely to align, ii) the merits of the applications are unlikely to be considered by the same examining authority and iii) there are subsequent implications for DCO requirement and marine licence discharge.

Consideration of indirect, secondary and cumulative impacts

Natural England advises that in order for any one of the examining authorities to assess the direct, indirect, secondary and cumulative impacts from multiple NSIPs there will need to be sufficient information submitted on the indirect, secondary and cumulative impacts of the grid connection works. We draw your attention to paragraph 4.9.3 of the overarching National Policy Statement for Energy EN-1 ("EN-1") which provides that Applicants:

> *"must ensure they provide sufficient information to comply with the EIA Directive including the indirect, secondary and cumulative effects, which will encompass information on grid connections. The IPC must be satisfied that there are no obvious reasons why the necessary approvals for the other element are likely to be refused."*

Natural England accepts that EN-1 provides for a scenario where the grid connection and offshore array consents do not come forward in the same consenting process – that is clear from para. 4.9.1. However, it is Natural England's case that EN-1 envisages a situation where the Applicant has a detailed grid connection scheme worked up, but for administrative or other reasons does not join the two consents and progress them through the same process, but instead brings them forward via separate consenting processes.

However, unless the transmission assets consent is progressed in advance of the generation assets, it is anticipated in such cases that the Applicant will have a fully worked up scheme for the grid connection works, with complete assessments of its individual impacts and those cumulative impacts with the offshore array/s. Natural England draws support for this reading of EN-1 from the fact that para. 4.9.1 states that:

> *"it may be the case that the applicant has not received or accepted a formal offer of a grid connection from the relevant network operator at the time of the application, although it is likely to have applied for one and discussed it with them."* (emphasis added).

Nevertheless it remains unclear to Natural England how this would work in practice when the generation asset applicant is not the same as the transmission asset applicant. There is a risk that due to timeframes the coordinated approach may well result in a detailed offshore array scheme, but may not have detailed proposals relating to the transmission assets. This would not comply with EN-1.

Natural England advises that it cannot be reasonably contended that a cumulative assessment does not need to be carried out of a project that is not only intrinsically linked to the proposed development but is necessarily required to come forward for the proposed development to have any meaningful existence, resulting in a stranded asset - be that the generation asset or the transmission asset. This aligns with para. 4.9.3. of EN-1.

Consenting of associated NSIPs

In relation to the second requirement in para. 4.9.3 of EN-1 (where it must be satisfied that there are no obvious reasons why the necessary approvals for the other elements are likely to be refused), we highlight is that it is difficult for stakeholders such asNatural England to advise the ExA whether there were, or were not, any obvious reasons why the necessary approvals would be likely to be refused. This was certainly our experience at Triton Knoll OWF.

For Triton Knoll OWF, Natural England also advised that a condition was required that prevented the offshore works associated with the generation asset commencing until the necessary grid connection consents had been obtained. Such an approach could ensure that any significant indirect, secondary, and cumulative impacts that were identified during the consideration of the grid connections works effectively prevent the authorised development coming forward, as they would result in the necessary grid connection consents being refused.

Natural England considers that without such a condition being included in the relevant DCOs, it is very difficult to see how decision-makers could robustly consent the generation asset applications. This is because the ExA/decision-maker wouldn't have before it sufficient information on the indirect, secondary and cumulative effects of the proposed development with the grid connection works which the ExA is required to have under the EIA Regulations and EN-1. In addition, without the suggested condition, we are concerned it would theoretically allow the offshore works to be built without any means of connecting them to the grid.

Natural England highlights the risk that such a situation may pose to the ExA/decision-maker, as the rationality of the decision could be questioned were it to allow the Applicant to construct an offshore array that had no meaningful existence

because it could not be connected to the national grid. The proposed condition for Triton Knoll therefore ensured that such a perverse situation could not result.

Cyfoeth Naturiol Cymru
Natural Resources Wales

Ein cyf/Our Ref: AOS-22129-0001
Eich cyf/Your ref: EN020028

Ebost/Email:
marine.area.advice@cyfoethnaturiolcymru.gov.uk

FAO: Laura Feekins-Bate, EIA Advisor obo Secretary of State
Environmental Services,
Central Operations,
Temple Quay House,
2 The Square,
Bristol, BS1 6PN

MorganandMorecambeOWFTA@planninginspectorate.gov.uk

Dyddiad/Date: 29 November 2022

Annwyl / Dear Laura,

Planning Act 2008 (as amended) and The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (the EIA Regulations) – Regulations 10 and 11

Application by Morgan Offshore Wind Limited and Morecambe Offshore Windfarm Limited (the Applicant) for an Order granting Development Consent for the Morgan and Morecambe Offshore Wind Farms Transmission Assets (the Proposed Development)

Thank you for consulting Cyfoeth Naturiol Cymru / Natural Resources Wales (NRW) on the Morgan and Morecambe Offshore Windfarm Scoping Consultation received on 01/11/22. NRW Advisory (A) have reviewed the information provided in the following documentation: *Morgan and Morecambe Offshore Wind Farms: Transmission Assets Environmental Impact Assessment Scoping Report, October 2022*.

NRW Advisory (A) comments provided in this response necessarily focus on those matters that we consider need to be taken into account and applied to the EIA and the resulting Environmental Statement (ES). With respect to the advice contained within this document relating to nature conservation within Welsh inshore waters, reference to Welsh Offshore waters and English Onshore / Offshore waters may be made in view of mobile species and potential cross-border and cumulative impacts on the Welsh inshore marine area and protected sites. Where potential impacts are wholly within Welsh offshore waters or English Onshore / Offshore waters, NRW (A) defer to comments provided by JNCC and Natural England respectively.

Please note that the comments provided herein are made without prejudice to any (further) advice NRW may need to give, or decisions NRW may need to take, in a project specific

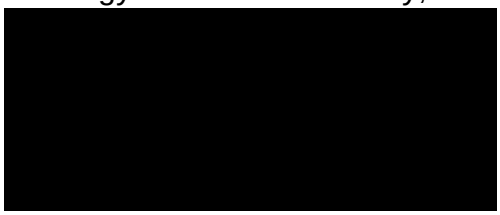
context should different circumstances or new information emerge that NRW will need to take into account.

NRW (A) welcome the opportunity to comment on the Morgan and Morecambe Offshore Wind Farms: Transmission Assets Environmental Impact Assessment Scoping Report.

Whilst NRW (A) have limited comments to make at this stage of the Morgan and Morecambe Transmissions Assets process, we would like to remain a consultee for later stages of the project primarily in view of Physical Processes, Mobile Species and the potential for cumulative and in-combination impacts.

Please do not hesitate to contact us if you require any further information or clarification with respect to our comments.

Yn gywir / Yours sincerely,



Dr. Leonie Richardson
Uwch Gynghorydd Morol – Rhaglen Ynni Adnewyddadwy ar y Môr) /
Senior Marine Advisor – Offshore Renewable Energy Programme
Cyfoeth Naturiol Cymru / Natural Resources Wales

1 General Comments

1. NRW Advisory (A) welcome the opportunity to comment on the Morgan and Morecambe Offshore Wind Farms: Transmission Assets Environmental Impact Assessment Scoping Report.

2. NRW (A) advise that cross-border designations are taken into consideration in relation to the Environmental Impact Assessment (EIA) and Habitats Regulations Assessment (HRA).

3. Whilst NRW (A) have limited comments to make at this stage of the Morgan and Morecambe Transmissions Assets process, we would like to remain a consultee for later stages of the project primarily in view of physical processes, mobile species and the potential for cumulative and in-combination impacts.

2 Physical Processes

2.1 Detailed Comments

4. With reference to *Figure 3.1: The Transmission Assets physical processes study area*, NRW (A) agree that the zone of influence has been correctly determined using the maximum tidal excursion ellipse, to account for the maximum distance suspended sediments would travel from the Transmission Assets scoping boundary in one tidal cycle, prior to deposition or slack water. Whilst NRW (A) do not have any further comments to make with respect to Physical Processes at this stage, we would like to be consulted at later stages of the process due to the potential for Suspended Sediment Concentration (SSC) plumes to advect into Welsh waters, which may therefore impact sensitive receptors as a result of the cable laying activities.

3 Benthic Subtidal and Intertidal Ecology

3.1 Detailed Comments

5. NRW (A) note that the physical processes study area and thus the zone of influence for benthic subtidal habitats for the transmission assets, falls party within Welsh waters, as outlined in *Figure 4.1: The Transmission Assets benthic subtidal and intertidal ecology study areas*. Whilst NRW (A) do not have any comments to make with respect to Benthic Subtidal Ecology at this stage of the process, we would like to be consulted on the EIA and HRA once the Export Cable Route has been further refined.

4 Marine Mammals

4.1 Key Issues

6. NRW (A) request clarification on which management units (MUs) are being proposed for grey seal and harbour seal.

7. NRW (A) recommends using the OSPAR Region III area as a management unit for grey seal, in line with our position statement (NRW, 2022).

8. NRW (A) recommend scoping in accidental pollution and suspended sediment concentrations during the construction phase.

4.2 Detailed Comments

9. With reference to *Section 4.3.2.1 Study Area,* NRW (A) request clarification on which MU is being proposed for grey seal and harbour seal. NRW presently utilise the large OSPAR Region III area (west coast of UK + Ireland) as an interim MU for grey seal – this MU was used in recent marine development applications and is the basis for reporting under OSPAR and MSFD. NRW (A) advise the use of this MU as it adequately captures the connectivity between seal colonies and the range of grey seal movement. There is strong evidence (through photo-ID and tagging studies) that grey seals range among the three Welsh SACs and beyond throughout the regional seas (OSPAR Region III area: western coast of Great Britain and neighbouring areas) (Baines *et al*. 1995; Carter *et al*. 2020; Carter and Russell 2018; Jones *et al*. 2013; Keily *et al*. 2000; Langley *et al*. 2018, 2020; Pomeroy *et al*. 2014; Russell *et al*. 2017; Thompson 2011; Vincent *et al*. 2005, 2017).

10. Regarding Tables 4.17 and 12.1: Summary of potential impacts of the Transmission Assets, Section 4: Offshore biological environment > Marine Mammals, NRW (A) recommends scoping in accidental pollution and suspended sediment concentrations during the construction phase. This impact pathway has been scoped out based on the Environmental Management Plan, Pollution Prevention Guidelines and Marine Pollution Contingency Plans. However, a contingency plan is not enough to rule out the potential likely effect, thus the impact pathway should be scoped into the EIA. NRW (A) disagree with the statement that turbid conditions in tidal areas are equivalent to sediment plumes generated by cable burial. Given the length of the transmission assets, NRW (A) recommend either scoping it in, or providing further detail on how the impact range is expected to be localised and dissipated over one tidal excursion.

11. With reference to the broad questions outlined in *Section 12.7 Next Steps*, NRW (A) advise the use of densities taken from the newest version of the Marine Mammal Atlas (Evans & Waggitt, in prep), which will be published shortly, and are based on 30 years of sightings data. These update the maps that formed an earlier Marine Mammal Atlas for Wales published in 2012. Although publication is pending, the density maps have been finalised and will not be changed further.

    Whilst the relevant shapefiles will only be made available once the data products have been quality assured and published, NRW (A) are able to provide the relevant densities derived from the maps in the interim, although this would require agreement on a defined Area of Search, prior to NRW (A) carrying out GIS queries on the data.

    Whilst NRW (A) agree that the methods described should be sufficient to inform a robust impact assessment, for underwater noise, this will depend on the specific methods selected. NRW (A) recommend including Tougaard (2021) in the assessment methodology, as it contains useful suggestions for thresholds to use when assessing behavioural disturbance in various marine mammal species.

5 Fish and Shellfish Ecology

5.1 Detailed Comments

12. NRW (A) note that although fish spawning and nursery grounds are included in *Table 3.2 Key Constraints Considered*, migration routes for Annex II diadromous fish are not. NRW (A) advise that, similar to Annex II habitat features outside SACs, diadromous fish migration routes are also included.

13. With reference to *Table 4.7 Summary of key desktop datasets and reports – fish and shellfish ecology*, NRW (A) advise that the Cefas report 'Spawning and nursery grounds of forage fish in Welsh and surrounding waters' (CP017-04-F5 Cefas Report Template (waleslink.org), is included in the baseline.

14. Regarding *Section 4.2.4.11 Diadromous fish species*, please note that Sea lamprey are recorded every year in the NRW operated fish trap on Chester weir on the Dee.

15. With reference to Section 4.2.4.13 *Diadromous fish species*, NRW (A) note that due to the extensive migration periods of various life stages of migratory fish and inshore foraging of sea trout and eel, determining key migration windows robustly is difficult. NRW (A) therefore advise that diadromous fish are assumed to be present in the study area throughout the year.

16. NRW (A) note, in relation to *Section 4.2.4.20 Spawning and nursery grounds*, that cod also have high intensity spawning grounds within the Transmission Asset scoping boundary. Cod, like herring, have well developed hearing capabilities and use vocalisation during courtship and mating behaviour. As such, they should also be considered vulnerable to underwater noise impacts.

17. Please note from *Table 4.9: Summary of designated sites with relevant fish and shellfish ecology features within the fish and shellfish ecology study area*, that Brook lamprey (an Annex II feature of the River Dee and Bala Lake SAC) are a wholly freshwater species, therefore, there is no impact pathway for the species.

18. With reference to *Section 4.2.8 Potential cumulative effects*, NRW (A) advise that when assessing potential impacts to spawning fish from underwater noise, the assessment considers the potential for disturbance/displacement/disruption of spawning fish over sequential spawning seasons. Whilst there may be no direct temporal or spatial overlap between projects, the cumulative effects over several spawning seasons should be assessed.

6 Marine Ornithology

6.1 Detailed Comments

19. NRW (A) do not have any comments to make with regards to Marine Ornithology at this stage of the process and defer to Natural England regarding Liverpool Bay SPA as the scoping area is largely within the English side of the SPA. However, given the potential for connectivity with Welsh designated sites for seabirds, NRW (A) would like

to be consulted at later stages of the project when practicable, for example, the HRA screening.

7 References

- Baines ME, Earl SJ, Pierpoint CJL, Poole J (1995) The west Wales grey seal census. CCW Contract Science Report No. 131. Countryside Council for Wales, Bangor
- Campanella F, van der Kooij, J (2021) Spawning and nursery grounds of forage fish in Welsh and surrounding waters – Distribution of adult and juvenile forage fish species during autumn and winter. Cefas Project Report for RSPB, 65 pp. Online: CP017-04-F5 Cefas Report Template (waleslink.org)
- Carter MID, Boehme L, Duck CD, Grecian WJ, Hastie GD, McConnell BJ, Miller DL, Morris CD, Moss SEW, Thompson D, Thompson PM, Russell DJF. 2020. Habitat-base predictions of at-sea distribution for grey and harbour seals in the British Isles. Sea Mammal Research Unit, University of St Andrews, Report to BEIS, OESEA-16-76/OESEA-17-78
- Carter MID, Russell DJF (2018) Seal habitat preference and distribution on the west and north UK coasts; interim report. Sea Mammal Research Unit, University of St Andrews, Report to BEIS, OESEA-16-76/OESEA-16-78
- Evans, PGH and Waggitt JJ (in prep). Modelled Distribution and Abundance of Cetaceans and Seabirds in Wales and Surrounding Waters. 505pp.
- Jones E, McConnell B, Sparling C, Matthiopoulous J (2013). Grey and harbour seal density maps. SMRU report to Scottish Government under Marine Mammal Scientific Support Research Programme MMSS/001/11, Task MR 5 (part), Version 1500
- Keily O, Lidgard D, McKibben M, Connolly N, Baines ME (2000) Grey seals: Status and monitoring in the Irish and Celtic Seas. Maritime Ireland/Wales INTERREG Report No. 3
- Langley I, Rosas da Costa Oliver T, Hiby L, Morris CW, Stringell TB, Pomeroy P (2018). EIRPHOT: A critical assessment of Wales' grey seal (Halichoerus grypus) photo-identification database. NRW Evidence Report Series Report No: 280, 94pp, Natural Resources Wales, Bangor.
- Langley I, Rosas da Costa Oliver T, Hiby L, Stringell TB, Morris CW, O'Cadhla O, Morgan L, Lock K, Perry S, Westcott S, Boyle D, Beuche B, Stubbings EM, Boys RM, Self H, Lindenbaum C, Strong P, Baines M, Pomeroy P (2020). Site-use and connectivity of female grey seals (*Halichoerus grypus*) around Wales. Marine Biology 167, 86 (2020)
- NRW. 2022. NRW's position on the use of Marine Mammal Management Units for screening and assessment in Habitats Regulations Assessments for Special Areas of Conservation with marine mammal features. Report PS006.
- Pomeroy, P, Rosas Da Costa, O & Stringell, TB, (2014). Grey seal movements – photoID. SCOS Briefing Paper. In SCOS 2014. Scientific Advice on Matters Related to the Management of Seal Populations: 2014

- Russell, D J F, Jones E L and Morris, C D (2017) Updated Seal Usage Maps: The Estimated at-sea Distribution of Grey and Harbour Seals. Scottish Marine and Freshwater Science Vol 8 No 25, 25pp. doi: 10.7489/2027-1
- Thompson D (2011) Grey Seal Telemetry Study. In: Anon (ed) Assessment of Risk to Marine Mammals from Underwater Marine Renewable Devices in Welsh waters Phase 2 - Studies of Marine Mammals in Welsh High Tidal Waters. RPS for Welsh Government
- Tougaard J. 2021. Thresholds for behavioural responses to noise in marine mammals. and no.: Technical Report from DCE–Danish Centre for Environment and Energy, (225).
- Vincent C, Fedak MA, McConnell BJ, Meynier L, Saint-Jean C, Ridoux V (2005). Status and conservation of the grey seal, Halichoerus grypus, in France. Biological Conservation 126: 62-73.
- Vincent C, Huon M, Caurant F, Dabin W, Deniau A, Dixneuf S, Dupuis L, Elder JF, Fremau MH, Hassani S, Hemon A, Karpouzopoulos J, Lefeuvre C, McConnell BJ, Moss SEW, Provost P, Spitz J, Turpin Y and Ridoux V (2017). Grey and harbour seals in France: Distribution at sea, connectivity and trends in abundance at haulout sites. Deep Sea Research Part II 141:294-305. doi: 10.1016/j.dsr2.2017.04.004.

From:	Before You Dig
To:	Morgan and Morecambe OWFTA; Before You Dig
Subject:	RE; EN020028 - Morgan and Morecambe Offshore Windfarms Transmission Assets - EIA Scoping Notification and Consultation
Date:	31 October 2022 09:37:21
Attachments:	image001.png image002.png image007.png image008.png image009.png image010.png

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Hi Laura,

Thank you for your reply. We would have no comment to make on this one as it's not within the area that we cover.

Kind regards,

Jennie Adams

Administration Assistant

Before You Dig

Northern Gas Networks

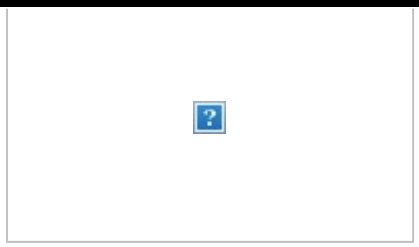
1st Floor, 1 Emperor Way

Doxford Park

Sunderland

SR3 3XR

Before You Dig: [redacted]



From: Morgan and Morecambe OWFTA <MorganandMorecambeOWFTA@planninginspectorate.gov.uk>

Sent: 31 October 2022 09:25

To: Before You Dig <BeforeYouDig@northerngas.co.uk>

Cc: Morgan and Morecambe OWFTA <MorganandMorecambeOWFTA@planninginspectorate.gov.uk>

Subject: RE: EXT:EN020028 - Morgan and Morecambe Offshore Windfarms Transmission Assets - EIA Scoping Notification and Consultation

> important

Hi Jennie
Thanks for your email.
We notify and consult Northern Gas Networks on a precautionary basis as your licence covers Great Britain, and there is therefore potential for the Proposed Development to affect your functions as statutory undertaker.
Please could you confirm whether your response therefore means that you do not wish to make any comments on the scoping report?
Kind regards
Laura

From: Before You Dig <BeforeYouDig@northerngas.co.uk>
Sent: 31 October 2022 07:42
To: Morgan and Morecambe OWFTA <MorganandMorecambeOWFTA@planninginspectorate.gov.uk>
Cc: Before You Dig <BeforeYouDig@northerngas.co.uk>
Subject: RE: EXT:EN020028 - Morgan and Morecambe Offshore Windfarms Transmission Assets - EIA Scoping Notification and Consultation
Northern Gas Networks do not cover this area.
Please use this online tool to find out which gas distribution network you need to contact:
https://www.energynetworks.org/operating-the-networks/whos-my-network-operator
Kind regards,

Jennie Adams
Administration Assistant
Before You Dig
Northern Gas Networks
1st Floor, 1 Emperor Way
Doxford Park
Sunderland
SR3 3XR
Before You Dig: [redacted]

[redacted]

From: Morgan and Morecambe OWFTA <MorganandMorecambeOWFTA@planninginspectorate.gov.uk>
Sent: 28 October 2022 09:56
Cc: Morgan and Morecambe OWFTA <MorganandMorecambeOWFTA@planninginspectorate.gov.uk>
Subject: EXT:EN020028 - Morgan and Morecambe Offshore Windfarms Transmission Assets - EIA Scoping Notification and Consultation

Dear Sir/ Madam
Please see attached correspondence on the proposed Morgan and Morecambe Offshore Windfarms Transmission Assets project.
Please note that the deadline for consultation responses is **Friday 25 November 2022**, and is a statutory requirement that cannot be extended.
Kind regards
Laura

Laura Feekins-Bate | EIA Advisor
The Planning Inspectorate

@PINSgov The Planning Inspectorate planninginspectorate.gov.uk
Ensuring fairness, openness and impartiality across all our services

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DPC:76616c646f72

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From:	ONR Land Use Planning
To:	Morgan and Morecambe OWFTA
Subject:	ONR Land Use Planning - Application EN020028
Date:	22 November 2022 14:55:47
Attachments:	image007.png image001.png image006.png image004.png image002.png image001.png image002.png image006.png EN020028 - Statutory consultation letter.pdf image007.png image004.png

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Dear Sir/Madam,

You requested that ONR inform you of the information we consider should be provided in the environmental statement for application EN020028. Our response is as follows:

- The Transmission Assets Scoping Boundary enters the Detailed Emergency Planning Zone (an ONR consultation zone) of the Springfields Works nuclear licensed site;
- The applicant should take due cognizance of the Springfield Works nuclear licensed site, operated by Springfields Fuels Limited;
- The applicant should liaise with Springfields Fuels Limited in relation to the potential external hazards the proposed development poses to Springfield Works; and
- The applicant should liaise with Lancashire County Council in relation to the whether the proposed development can be accommodated in the Off-Site Emergency Plan for Springfield Works.

Regards,

Land Use Planning
Office for Nuclear Regulation
ONR-Land.Use-planning@onr.gov.uk

----Original Message----
From: Morgan and Morecambe OWFTA <MorganandMorecambeOWFTA@planninginspectorate.gov.uk >
To:
Cc: MorganandMorecambeOWFTA@planninginspectorate.gov.uk
Sent: 28/10/2022 09:57
Subject: EN020028 - Morgan and Morecambe Offshore Windfarms Transmission Assets - EIA Scoping Notification and Consultation

Dear Sir/ Madam

Please see attached correspondence on the proposed Morgan and Morecambe Offshore Windfarms Transmission Assets project.

Please note that the deadline for consultation responses is **Friday 25 November 2022**, and is a statutory requirement that cannot be extended.

Kind regards

Laura

Laura Feekins-Bate | EIA Advisor

The Planning Inspectorate

@PINSgov The Planning Inspectorate planninginspectorate.gov.uk

Ensuring fairness, openness and impartiality across all our services

Date:	21 November 2022
Your ref:	Our ref: EN0200028
Please ask for:	Debbie Roberts
Extension:	Direct Dial Tel: [redacted]
Fax:	email: [redacted]

Civic Centre
West Paddock
Leyland
Lancashire
PR25 1DH

[redacted]
southribble.gov.uk

Ms Laura Feekins- Bate
By e mail morganandmorecambeOWFTA@planninginspectorate.gov.uk

Dear Ms Feekins-Bate

Re: Application by Morgan Offshore Wind Limited and Morecambe Offshore Windfarm Limited for an Order granting Development Consent for the Morgan and Morecambe Offshore Wind Farms Transmission Assets

Thank you for your letter of the 28th October 2022 in respect of the above proposal

I can confirm that in principle this Council has **no objection** to the proposal, however I have spoken to our consultant ecologist from Greater Manchester Ecology Unit who whilst not particularly qualified to comment on the Marine elements of the scheme, has asked me to pass on the following comments which he feels are relevant in terms of the development work within the South Ribble area

'*The Marine Management Organisation, RSPB and Natural England are better placed to consider the Marine environment. As regards the Terrestrial impacts of the proposals, I would broadly agree with the Scope of proposed Ecology surveys and assessments as detailed in the EIA Scoping Report, but I would particularly emphasise the following requirements –*

- *Habitat Regulations Assessment (HRA) will be required for potential impacts of the development on European designated sites, including the Ribble and Alt Estuaries SPA and Ramsar site. An important element of the HRA should be consideration of functionally linked land.*
- *The development should closely follow the mitigation hierarchy; avoidance of harm should be the preferred approach at all times, before seeking to mitigate or compensate for any ecological impacts.*
- *The proposals cross inter-tidal and terrestrial areas of very high value to overwintering birds. Assessments should not rely on available desk-top data to appraise the use of sites by overwintering birds; primary field-based survey will also be required to inform the Assessment.*
- *The District Level Licensing scheme for great crested newts now operates in Lancashire. Entry into the scheme will negate the need for comprehensive great crested newt surveys and/or on-site mitigation and compensation for newts*
- *The scheme should be required to deliver an overall net gain in biodiversity, as measured using the Defra Metric 3.1. There may be opportunities to create and improve habitats over buried cables which could make a valuable contribution to net gain, and these opportunities must be fully explored*

I hope this is of assistance, but should you wish to discuss any of the above, please do not hesitate to contact me directly

Yours faithfully

[redacted]

Debbie Roberts
Development Management Team Leader

Jonathan Noad MRTPI AssocRICS
Director of Planning & Property

St.Helens Council

Town Planning
Town Hall
Victoria Square
St.Helens
Merseyside
WA10 1HP

Case Officer: Ms Gila Middleton
Tel: 0[redacted]
Email: [redacted]
Website: www.sthelens.gov.uk

24th November 2022

Dear Ms Laura Feekins-Bate,

TOWN AND COUNTRY PLANNING ACT 1990

Our Reference:	EIA/2022/0125/SCOPE
Your Reference:	EN020028
Proposal:	Morgan Offshore Wind Project (located 22.3km (12 Nautical Miles From The Isle Of Man And 36.3km (19.6nm) From The Northwest Coast Of England),

Thank you for giving St. Helens Borough Council the opportunity to comment on the above application.

The information submitted in terms of the scoping of the EIA appears to be comprehensive. One of the key aspects that may indirectly impact St.Helens relates to wintering species such as pink footed geese, that will use the Ribble Estuary as well as the mossland areas of North St.Helens. It is therefore asked that this is considered within the application process.

Subject to the above, given the distance of the proposed development from the Borough boarder of St. Helens, it is not expected that there would be any significant impact within the St. Helens.

[redacted]

Ms Gila Middleton
Senior Planning Officer

From: [redacted] OWFTA
Cc: [redacted]
Subject: RE: EN020028 - Morgan and Morecambe Offshore Windfarms Transmission Assets - EIA Scoping Notification and Consultation
Date: 25 November 2022 14:35:57
Attachments: image005.png
image002.jpg
image004.png
image006.jpg
image007.png
image014.png
EN020028 - Statutory consultation letter.pdf

Good afternoon Laura,
I can confirm Trinity House is content with the Morgan and Morecambe Offshore Windfarms Transmission Assets EIA Scoping Report and have no further comments to make at this stage.
Kind regards,

Stephen Vanstone
Navigation Services Manager | Navigation Directorate | Trinity House
[redacted]
www.trinityhouse.co.uk

From: Morgan and Morecambe OWFTA <MorganandMorecambeOWFTA@planninginspectorate.gov.uk>
Sent: 28 October 2022 10:18
To: Navigation <navigation@trinityhouse.co.uk>
Cc: Thomas Arculus <[redacted]>; Morgan and Morecambe OWFTA <MorganandMorecambeOWFTA@planninginspectorate.gov.uk>
Subject: EN020028 - Morgan and Morecambe Offshore Windfarms Transmission Assets - EIA Scoping Notification and Consultation
Dear Sir/ Madam
Please see attached correspondence on the proposed Morgan and Morecambe Offshore Windfarms Transmission Assets project.
Please note that the deadline for consultation responses is **Friday 25 November 2022**, and is a statutory requirement that cannot be extended.
Kind regards
Laura

Laura Feekins-Bate | EIA Advisor
The Planning Inspectorate

@PINSgov The Planning Inspectorate planninginspectorate.gov.uk
Ensuring fairness, openness and impartiality across all our services

for any loss or damage caused as a result of any virus being passed on. It is the responsibility of the recipient to perform all necessary checks.

The statements expressed in this e-mail are personal and do not necessarily reflect the opinions or policies of the Inspectorate.

DPC:76616c646f72

UK Health Security Agency

Environmental Hazards and Emergencies Department
Seaton House, City Link
London Road
Nottingham, NG2 4LA

nsipconsultations@ukhsa.gov.uk
www.gov.uk/ukhsa

Your Ref: EN020028
Our Ref: 60505CIRIS

Ms Laura Feekins-Bate,
EIA Advisor
Environmental Services Central Operations
The Planning Inspectorate
Temple Quay House
2 The Square
Bristol BS1 6PN

24th November 2022

Dear Ms Feekins-Bate,

Nationally Significant Infrastructure Project
Morgan and Morecambe Offshore Wind Farms Transmission Assets EN020028
Scoping Consultation Stage

Thank you for including the UK Health Security Agency (UKHSA) in the scoping consultation phase of the above application. ***Please note that we request views from the Office for Health Improvement and Disparities (OHID) and the response provided below is sent on behalf of both UKHSA and OHID.*** The response is impartial and independent.

The health of an individual or a population is the result of a complex interaction of a wide range of different determinants of health, from an individual's genetic make-up, to lifestyles and behaviours, and the communities, local economy, built and natural environments to global ecosystem trends. All developments will have some effect on the determinants of health, which in turn will influence the health and wellbeing of the general population, vulnerable groups and individual people. Although assessing impacts on health beyond direct effects from for example emissions to air or road traffic incidents is complex, there is a need to ensure a proportionate assessment focused on an application's significant effects.

Having considered the submitted scoping report we wish to make the following specific comments and recommendations:

Environmental Public Health
We understand that the promoter will wish to avoid unnecessary duplication and that many issues including air quality, emissions to water, waste, contaminated land etc. will be

covered elsewhere in the Environmental Statement (ES). We believe the summation of relevant issues into a specific section of the report provides a focus which ensures that public health is given adequate consideration. The section should summarise key information, risk assessments, proposed mitigation measures, conclusions and residual impacts, relating to human health. Compliance with the requirements of National Policy Statements and relevant guidance and standards should also be highlighted.

In terms of the level of detail to be included in an ES, we recognise that the differing nature of projects is such that their impacts will vary. UKHSA and OHID's predecessor organisation Public Health England produced an advice document *Advice on the content of Environmental Statements accompanying an application under the NSIP Regime*', setting out aspects to be addressed within the Environmental Statement[1]. This advice document and its recommendations are still valid and should be considered when preparing an ES. Please note that where impacts relating to health and/or further assessments are scoped out, promoters should fully explain and justify this within the submitted documentation.

Recommendation

Our position is that pollutants associated with road traffic or combustion, particularly particulate matter and oxides of nitrogen are non-threshold; i.e, an exposed population is likely to be subject to potential harm at any level and that reducing public exposure to non-threshold pollutants (such as particulate matter and nitrogen dioxide) below air quality standards will have potential public health benefits. We support approaches which minimise or mitigate public exposure to non-threshold air pollutants, address inequalities (in exposure) and maximise co-benefits (such as physical exercise). We encourage their consideration during development design, environmental and health impact assessment, and development consent.

Electromagnetic Fields (EMFs)

The applicant should assess the potential public health impact of EMFs arising from any electrical equipment associated with the development. Alternatively, a statement should be provided explaining why EMFs can be scoped out. For more information on how to carry out the assessment, please see the accompanying reference for details.

Yours sincerely,

On behalf of UK Health Security Agency
nsipconsultations@ukhsa.gov.uk

Please mark any correspondence for the attention of National Infrastructure Planning Administration.

---

1 https://khub.net/documents/135939561/390856715/Advice+on+the+content+of+environmental+statements+accompanying+an+application+under+the+Nationally+Significant+Infrastructure+Planning+Regime.pdf/a86b5521-46cc-98e4-4cad-f81a6c58f2e2?t=1615998516658

United Utilities Water Limited
Grasmere House
Lingley Mere Business Park
Lingley Green Avenue
Great Sankey
Warrington WA5 3LP

unitedutilities.com

Planning.Liaison@uuplc.co.uk

By email to:
MorganandMorecambeOWFTA@planninginspectorate.gov.uk

Your ref: EN020028
Our ref: DC/22/3718
Date: 25-NOV-2022

Dear Sir / Madam

Proposal: Application by Morgan Offshore Wind Limited and Morecambe Offshore Windfarm Limited (the Applicant) for an Order granting Development Consent for the Morgan and Morecambe Offshore Wind Farms Transmission Assets (the Proposed Development)

Thank you for allowing United Utilities (UU) the opportunity to comment on the EIA Scoping Opinion Request for the proposal to build an off shore wind farm with associated onshore development.

United Utilities wishes to make the following comments at this early stage regarding the expectations for any future proposals and the scope of any Development Consent Order. We request continued engagement to ensure any of our concerns are adequately addressed and to ensure appropriate protective provisions are agreed. In the interim, we wish to provide the following initial comments for your consideration.

It is important that we highlight that the costs for assessing the impact on our assets will be recoverable. We request that you engage with us as soon as possible so that we can discuss further.

1. Our Assets and Property

United Utilities will not allow building over or in close proximity to a water main and we will not normally allow building over or in close proximity to a public sewer.

We would expect to see plans showing the proposals in relation to any existing United Utilities' assets and infrastructure as part of the planning application. We would be grateful if you can provide the latest information of the proposed route of the cables and location of the substation and any associated development in a shp file format.

Water and Wastewater Assets

We would like to draw the applicant's attention to the various water and wastewater assets that lie within and near to the proposed scoping boundary. It is important to highlight that these assets include critical assets. For any development proposal these would need to be given careful consideration.

Our water mains include large diameter trunk mains, high pressure water supply mains and raw water mains. There are also a range of public sewers crossing the site including large diameter rising main sewers and gravity sewers and outfalls including major wastewater interconnector tunnels and tanks. Preston Wastewater Treatment Works (WwTW) also sits within the proposed site boundary. We would need to be afforded rights to access, repair and maintain these assets in accordance with our statutory powers.

The review of assets will need to include any sea outfalls, including long sea outfalls, which may not be visible on the map of public water mains and sewers and may be affected by your development proposal.

Please note that within our wider asset base there are a number of assets, which may not be visible on the public sewer and water main map. For example, various pumping stations and tanks as well as assets transferred under private sewers legislation and assets associated with our treatment works. All such assets need to be considered and protected in the delivery of your project.

Further dialogue and agreement in respect of all these assets is required.

We require access as detailed in our '*Standard Conditions for Works Adjacent to Pipelines*' (a copy is enclosed). You must comply with this document and it should be taken into account in the final proposals, or a diversion may be necessary.

It is the applicant's responsibility to demonstrate the exact relationship between any United Utilities' assets and the proposed development. You should investigate the existence and the precise location of water and wastewater pipelines as soon as possible as this could significantly impact the preferred site layout and/or diversion of the asset(s) may be required. Where United Utilities' assets cross the proposed site boundary, you must contact United Utilities prior to commencing any works on site, including trial holes, groundworks or demolition.

If considering a diversion, the applicant should contact United Utilities at their earliest opportunity as they may find that a diversion is not possible. In some circumstances, usually related to the size and nature of the assets impacted by proposals, developers may discover that the cost of a diversion is prohibitive in the context of their development scheme. Unless there is specific provision within the title of the property or an associated easement, any necessary disconnection or diversion of assets to accommodate development, will be at the applicant's/developer's expense.

Where United Utilities' assets exist, the level of cover to our pipelines and apparatus must not be compromised either during or after construction and there should be no additional load

bearing capacity on our assets without prior agreement with United Utilities. This would include earth movement and the transport and position of construction equipment and vehicles. The applicant should therefore give careful consideration to the implications of any changes in proposed land levels. Any such changes will need to be agreed with United Utilities.

Our Standard Conditions document includes details of trees and shrubbery suitable for planting in the vicinity of our assets. Deep rooted shrubs and trees should not be planted near to our apparatus.

Consideration should also be applied to United Utilities' assets which may be located outside the site boundary. Any construction activities in the vicinity of our assets must comply with our '*Standard Conditions for Works Adjacent to Pipelines*' and national building standards.

You must contact United Utilities for advice if your proposal is in the vicinity of water or wastewater pipelines and apparatus. It is your responsibility to ensure that United Utilities' required access is provided within your layout and that our infrastructure is appropriately protected. **You would be liable for the cost of any damage to United Utilities' assets resulting from your activity.** See 'Contacts' section below.

Vibration, Loading and Settlement

United Utilities requests that the impact of the proposed development includes an assessment of any potential settlement and vibration on United Utilities' assets. Similarly, any loading on United Utilities' assets during operation or during construction requires further consideration with United Utilities.

Storage of Equipment and Materials within Easements / Offset Areas for Access and Maintenance

United Utilities has not undertaken a detailed assessment of where equipment and/or materials are proposed to be stored within a United Utilities' easement / area required for access and maintenance. As a general requirement, United Utilities does not usually allow the easement area, easement width or the necessary offset distance from our assets to be obstructed or impeded in any way. This is due to, but not limited to:

- loading implications of the asset and probability of asset failure;
- implications on access and maintenance of the asset, especially for critical assets;
- security of supply; and
- health and safety implications.

United Utilities reserves the right to instruct the removal of the equipment and materials located within the easement / access and maintenance offset area. United Utilities requires further consultation and supplementary information to discuss any affected assets.

Construction Compounds / Construction Traffic

We wish to emphasise that construction compounds should not be located on top of our apparatus. This is because we require unrestricted access for maintenance, repair and replacement to discharge our statutory duties. Similarly, detailed consideration will need to be given to any proposed construction traffic routes to assess the impact on our assets. It will be necessary to ensure that any approach to construction is the subject of a construction management plan to address a range of issues including the protection of our assets as well as any wider impact on our operations.

Ecological Mitigation and Biodiversity Net Gain

We wish to emphasise that ecological mitigation and the delivery of areas for biodiversity net gain should not be located on top of our apparatus. This is because we require unrestricted access for maintenance, repair and replacement to discharge our statutory duties.

Property Interests

Within the scoping area boundary, we have a range of property interests which include land in the ownership of United Utilities, easements, rights of way. We wish to discuss with you the implications for our land interests.

Please note that the any easement associated with our apparatus is in addition to our statutory rights for inspection, maintenance and repair under the Water Industry Act 1991. The easements have restrictive covenants that must be adhered to. It is the responsibility of the developer to obtain a copy of the document, available from United Utilities Legal Services or Land Registry and to comply with the provisions stated within the document. Under no circumstances should anything be stored, planted or erected on the easement width. Nor should anything occur that may affect the integrity of the pipes or the legal right of United Utilities to 24 hour access. The applicant should contact our Property team to discuss how the proposals affect our land interests and to ensure no detrimental impact. United Utilities Property Services can be contacted at PropertyGeneralEnquiries@uuplc.co.uk.

We also wish to note that within our wider asset base there are a number of assets, which although owned and operated by United Utilities, are not always in our land ownership. For example, assets transferred under private sewers legislation.

2. Flood Risk

Existing drainage systems are often dominated by combined sewers. This method of sewer infrastructure is a result of the time it was constructed, with combined sewers taking both foul and surface water. If there is a consistent approach to surface water management, it will help to manage and reduce surface water entering the sewer network, decreasing the likelihood of flooding from sewers, the impact on residents and businesses, and the impact on the environment.

Whilst we do all that we can to reduce the risk of sewer flooding, there remains a residual risk, which is a source of flooding that should be considered in your Environmental Statement (ES). National policy is clear that flood risk from all sources, including sewers, must be considered in

the delivery of new development. As such, it is important to ensure that the assessment of flood risk includes sewer flood risk. It should be ensured that your proposed development does not result in an increase in flood risk from the public sewer as a result of:

i) any proposed new drainage connections to the public sewer. This is considered in further detail below;

ii) by altering any existing exceedance flood paths of losses from the public sewer;

iii) by locating any above ground elements of your proposal in areas where there is an existing risk of sewer flooding. There are a number of locations within the scoping boundary where our modelling data indicates flood water exceedance paths from the public sewer and we would need to liaise with you to assess your proposals in relation to this point and point ii);

iv) as a result of any diversions / works to watercourses or existing sewers which could materially affect hydraulic performance and therefore change / increase any risk of flooding;

v) as a result of any changes in ground levels which could materially change existing sewer flood risk; or

vi) as a result of any changes to land or property currently affected by existing hydraulic sewer flooding incidents.

We therefore request that the Environmental Statement considers flood risk from the public sewerage system in liaison with United Utilities so that the above matters are fully considered.

You should also consider the risk of flooding from reservoirs. You should seek to ensure that reservoir flood paths are avoided in the location of your development. United Utilities manages a large portfolio of statutory and non-statutory reservoirs in the north west of England. It is essential that the ES adequately presents the impact of the development upon dam breach flood inundation mapping, which may affect the statutory dam safety designation of our reservoir assets. UK reservoir safety is regulated by the EA / DEFRA, and consultation with the EA, our Dam safety management team, and any relevant local authorities is required to ensure that any changes to dam safety risk is fully understood, is appropriate and is approved by the regulator and ourselves as reservoir operator.

Impact on Watercourses

United Utilities wishes to liaise with you to confirm the impact on any watercourses that interact with our assets to ensure that there are no detrimental consequences of these works in terms of asset operation, flood risk and changes to fluvial geomorphological processes.

3. Drainage - Foul and Surface Water

We would be grateful if you can provide details of any drainage proposals in respect of both foul and surface water. This should include rates of discharge, volumes of discharge, points of connection, the nature and extent of any contaminants, and details of any necessary pre-treatment prior to connection to the public sewer. We request that you provide details of drainage during operation of the windfarm and during the construction period. We request further details of any approach for the storage and disposal of any hazardous fluids. We wish to understand whether there is any intention to connect such flows to our public sewerage network and to ensure any potential impact on water supply assets, including the groundwater environment, is fully considered and mitigated.

Surface Water Management Hierarchy

We wish to emphasise that consistent with the principles of the hierarchy for the management of surface water in national planning policy and the obligations of the Environment Act 2021, no surface water will be allowed to discharge to the existing public sewerage system. Surface water should instead discharge to more sustainable alternatives as outlined in the surface water management hierarchy. This will ensure the impact of development on public wastewater infrastructure, both in terms of the wastewater network and wastewater treatment works, is minimised. We adopt this position as surface water flows are very large when compared with foul flows. By ensuring that no surface water enters the public sewerage system, the impact on customers, watercourses and the environment will be minimised.

Please note, United Utilities is not responsible for advising on rates of discharge to the local watercourse system. This is a matter for discussion with the Lead Local Flood Authority and / or the Environment Agency (if the watercourse is classified as main river).

There should be no land drainage, including dewatering proposals, discharged to the public sewer.

Rights to Discharge to Watercourse or Other Receiving Water Body

Given the importance of surface water discharging to an alternative to the public sewer, we request that all land that is necessary to facilitate a discharge to a watercourse is fully identified within the limits of the DCO. This will ensure the site benefits from the requisite rights to discharge to more sustainable alternatives than the public sewer for the management of surface water, e.g., a right to discharge to a watercourse or other water body. For clarity, the extent of land should be sufficient to facilitate a surface water discharge to a watercourse / water body for all elements of your proposal. Ensuring that the extent of land within the site and the supporting ES is sufficient for the purposes of the discharge of surface water is important as a sewerage company has limited powers to acquire the right to discharge surface water to a water body under the Water Industry Act.

Multi-functional Sustainable Drainage Systems

We request that surface water is only managed via sustainable drainage systems which are multi-functional and at the surface level in preference to conventional underground piped and tanked storage systems.

Wherever practicable, Sustainable Drainage Systems (SuDS) should be implemented in accordance with the CIRIA SuDS manual. Managing surface water through the use of SuDS can provide benefits in water quantity, water quality, amenity and biodiversity.

If the applicant intends to offer wastewater assets forward for adoption by United Utilities, their proposed detailed design will be subject to a technical appraisal by our Developer Services team and must meet the requirements outlined in '*Sewers for Adoption and United Utilities' Asset Standards*'. This is important as drainage design can be a key determining factor of site levels and layout.

Acceptance of a drainage strategy does not infer that a detailed drainage design will meet the requirements for a successful adoption application. We strongly recommend that no construction commences until the detailed drainage design, has been assessed and accepted in writing by United Utilities. Any work carried out prior to the technical assessment being approved is done entirely at the developer's own risk and could be subject to change.

Management and Maintenance of Sustainable Drainage Systems

Without effective management and maintenance, sustainable drainage systems can fail or become ineffective. As a provider of wastewater services, we believe we have a duty to advise the determining authority of this potential risk to ensure the longevity of the surface water drainage system and the service it provides to people. We also wish to minimise the risk of a sustainable drainage system having a detrimental impact on the public sewer network should the two systems interact. We therefore recommend that you include details of a management and maintenance regime for any sustainable drainage system that is included as part of the proposed development.

Please note that United Utilities cannot provide comment on the management and maintenance of an asset that is owned by a third party management and maintenance company. We would not be involved in the approval of the management and maintenance arrangements in these circumstances.

4. Geo Environmental / Geotechnical

Groundwater Environment and Water Resources

The boundary for the EIA scoping opinion extends to include sandstone rock, designated as a groundwater source protection zone (SPZ 3). These are used for the abstraction of water for public water supply purposes. We request that the approach to the assessment of the impact on the groundwater environment is considered and agreed with United Utilities.

We have concerns that the SPZ is incorrectly shown on Figure 6.1 on page 216 of *Morgan & Morecambe Offshore Wind Farms: Transmission Assets – Environmental Impact Assessment Scoping Report – Part 2:Transmission Assets*. The aquifer extends 5km further south and east than shown, underlying a greater proportion of the scheme. Please see attached Sketch Plan of SPZ in the Fylde and Preston.

As a nationally and regionally significant scheme, the applicant should follow '*The Environment Agency's approach to groundwater protection*'[1] (hereafter referred to as '*the Environment Agency's approach*') in relation to protection of drinking water supply from United Utilities' groundwater abstractions.

At the current time we do not have sufficient information in order to be able to assess the impact of the proposed development and associated proposals where these lie within a groundwater source protection zone, or directly overlie an abstracted aquifer, to ensure the proposals '*do not have the potential to cause pollution or harmful disturbance to groundwater flow*' and to ensure '*these risks can be reduced to an acceptable level*'.

We wish to draw attention to Position Statements C1 and C2 of '*The Environment Agency's approach'* which state:

> ***'C1 - Nationally or regionally significant schemes***
>
> *The Environment Agency requires the promoters of schemes of national or regional significance to protect groundwater when choosing the location for their activity or development. In the cases where this is not possible due to national or regional interests, the Environment Agency expects to be fully involved in the scheme development to mitigate groundwater risks via EPR where applicable. Promoters are expected (via the environmental impact assessment process) to identify all the potential pollution linkages and apply best available techniques to mitigate the risks.*
>
> ***C2 - Non-nationally significant infrastructure schemes***
>
> *In SPZ1 and SPZ2, the Environment Agency will only agree to proposals for infrastructure developments of non-national significance where they do not have the potential to cause pollution or harmful disturbance to groundwater flow or where these risks can be reduced to an acceptable level via EPR if applicable.*

Where the proposed development impacts on a sensitive location within a SPZ, relating to a drinking water abstraction resource (including those not currently in use for public water supply purposes but may need to be activated in the future), United Utilities may require a '*Hydrogeological Risk Assessment*' for the specific borehole abstraction and intersection with the cable route. This risk assessment should form part of the Environmental Statement and identify the pollution and ground disturbance impacts on the SPZ and set out pollution prevention mitigation measures that will be needed, both during construction and during the operational life of the proposed development. The risk assessment should fully consider any related development activities and mitigation.

The need for a risk assessment reflects the Environment Agency Position Statement N7 of the aforementioned groundwater protection document. This states:

> ***'N7 - Hydrogeological risk assessment***

[1] *The Environment Agency's approach to groundwater protection'*, February 2018 Version 1.2'. The document is available at: https://www.gov.uk/government/publications/groundwater-protection-position-statements

Developers proposing schemes that present a hazard to groundwater resources, quality or abstractions must provide an acceptable hydrogeological risk assessment (HRA) to the Environment Agency and the planning authority. Any activities that can adversely affect groundwater must be considered, including physical disturbance of the aquifer. If the HRA identifies unacceptable risks then the developer must provide appropriate mitigation. If this is not done or is not possible the Environment Agency will recommend that the planning permission is conditioned, or it will object to the proposal.'

Sustainable Drainage Systems

The on-shore drainage from the proposed scheme should also be assessed within the Environmental Statement for the risk to groundwater abstractions (G11).

G11 - Discharges from areas subject to contamination

Discharges of surface water run-off to ground at sites affected by land contamination, or from sites used for the storage of potential pollutants are likely to require an environmental permit.

This applies especially to sites where storage, handling or use of hazardous substances occurs (for example, garage forecourts, coach and lorry parks/turning areas and metal recycling/vehicle dismantling facilities). These sites will need to be subject to risk assessment with acceptable effluent treatment provided.'

Storage of Hazardous Substances

The risks posed by storage and distribution of fuels, chemicals and wastes from the proposed development, should also be assessed for the risk to groundwater abstractions (Environment Agency Position Statement Section D). Confirmation is sought that no storage facilities are proposed within the Groundwater SPZs.

Following confirmation from the applicant as to whether the high voltage cables will be filled with fluid, we will require an assessment of the hazards these substances pose to the environment, during installation and maintenance, and following any chemical alteration due high-voltage use.

The above Position Statements highlight the importance of including drainage information as part of the ES.

Significant earthworks and excavations

The risks posed within a SPZ, by removing Made Ground/ Topsoil and Superficial Deposits from an area up to 120m wide during cable laying operations piling towards Rockhead, or by the tunnelling of the River Ribble should be considered. If these create significant new pathways to the aquifer, a Hydrogeological Risk Assessment may be required for the relevant section of the cable route.

Groundwater Control

Short term dewatering or longer term Groundwater Control may pose a risk of contaminant movement towards aquifer Rockhead, particularly where superficial deposits are shallow, or

granular. A desk study should be targeted on proposed areas of tunnelling and the crossings of soft and compressible deposits, sensitive to changes in groundwater levels. Assurance is sought that granular and permeable Artificial and Superficial Deposits do not provide pollutant pathways to the aquifer, for surface contamination. In particular, that Ground Investigation data indicates that Glacial Clay provides adequate protective cover over the abstracted aquifers.

Construction Environmental Management Plan

The applicant should follow best practise in their use and storage of fuels, oils, chemicals and other wastes, to remove the risk of causing pollution during construction and operation of the scheme. This should be included in a Construction Environmental Management Plan (CEMP). This will need to be specific to the environmental setting of the area and should fully reflect the implications of a location within a SPZ.

Contaminated Land

United Utilities requests that the assessment of potential environmental impact from contamination fully considers the impact on our assets, water resources and water quality as a result of construction of the proposed development.

5. Water Supply Requirements

We request that you provide details of any water supply requirements for both construction and during operation as soon as possible. This should include details on rates of water supply required in litres per second and anticipated points of connection to the public water supply network. The details of water supply required should include details for any fire response purposes that may be necessary. For temporary related activities, such as construction compounds and workers accommodation, early consideration of any water supply requirements will also be required. If reinforcement of the water network is required to meet potential demand, this could be a significant project and the design and construction period should be accounted for.

You will need to ensure that your Environmental Statement fully considers any environmental impact of your water supply requirements.

6. General Advice

If you intend to request water and/or wastewater services from United Utilities, you should visit our website for advice. This includes seeking confirmation of the required metering arrangements for the proposed development.

If any part of the proposed development site benefits from existing water and wastewater connections, you should not assume that the arrangements will be suitable for the new proposal.

In some circumstances we may require a compulsory meter is fitted. For detailed guidance on whether the development will require a compulsory meter please visit https://www.unitedutilities.com/my-account/your-bill/our-household-charges-20212022/ and go to section 7.7 for compulsory metering.

To avoid any unnecessary costs and delays being incurred by the applicant or any subsequent developer, we strongly recommend the applicant seeks advice regarding water and wastewater services, and metering arrangements, at the earliest opportunity. Please see 'Contacts' section below.

Contacts

Website

For detailed guidance on water and wastewater services, including application forms and the opportunity to talk to the Developer Services team using the **'Live Chat'** function, please visit:

http://www.unitedutilities.com/builders-developers.aspx

Property Searches (for asset maps):

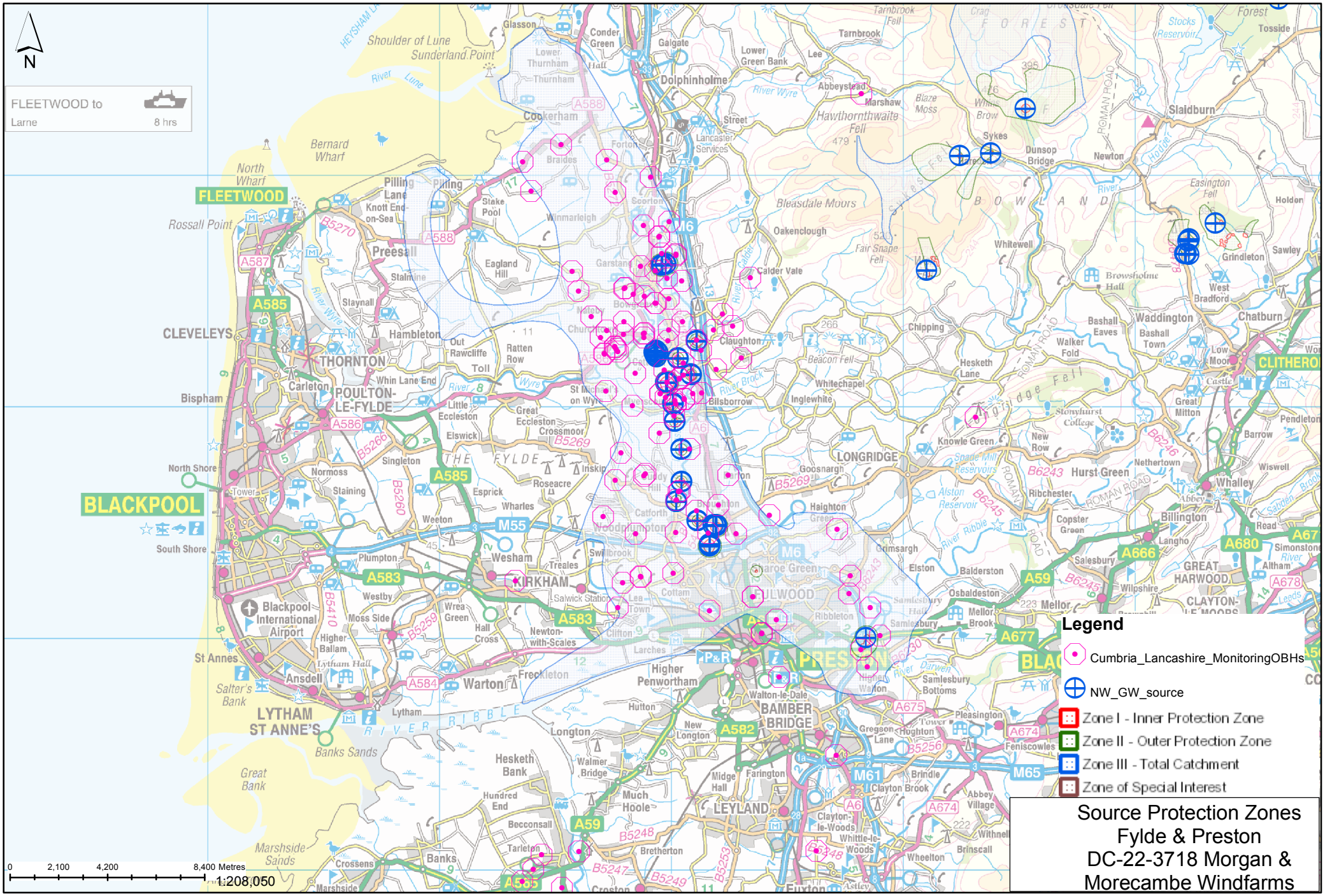
A number of providers offer a paid for mapping service including United Utilities. For more information, or to purchase a sewer and water plan from United Utilities, please visit https://www.unitedutilities.com/property-searches/

Water and sewer records can be viewed for free at our Warrington Head Office by calling 0370 751 0101. Appointments must be made in advance. Public sewer records can be viewed at local authority offices. Arrangements should be made directly with the local authority. The position of the underground apparatus shown on asset maps is approximate only and is given in accordance with the best information currently available. United Utilities Water will not accept liability for any loss or damage caused by the actual position being different from those shown on the map.

If you wish to discuss the detail of this letter further, please do not hesitate to contact planning.liaison@uuplc.co.uk.

Yours faithfully

Planning, Landscape and Ecology Team
United Utilities Water Limited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NW_GW_source
Zone I - Inner Protection Zone
Zone II - Outer Protection Zone
Zone III - Total Catchment
Zone of Special Interest
Source Protection Zones
Fylde & Preston
DC-22-3718 Morgan &
Morecambe Windfarms
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2,100
4,200
8,400 Metres
1:208,050

Standard Conditions for Works Adjacent to Pipelines

Document Ref. 90048

Issue 3.1 July 2015

AMENDMENT SUMMARY

Amendment No. Date	Brief Description and Amending Action	Owner	Verifier
3.1 July 2015	'Easement Area' defined and legal clarifications made.	Neil Sixsmith	Jim Tresnan
3.0 March 2015	Full review and update	Neil Sixsmith	Jim Tresnan
2.0 May 2014	Full review and update. Appendix 1 incorporated to provide guidance on tree roots and planting. Improvements to document around vibration monitoring and discolouration	Peter Tucker	Nick Preston
1.2 October 2007	Alterations into Distribution Manual	Richard Duckett	
1.1 August 2007	Alteration to Guideline number 12	Paul Gough	Tony Conway
1 July 2003	First issue in standard format	Phil Hayden / Ian Skilling	Peter Womersley

HISTORY OF THE DOCUMENT

The following table details the task team involved in the full review of the Standard Conditions:

Date and Issue Number	Task Team members
3.0 March 2015	Peter Tucker – UU Engineering Nick Preston – UU Engineering Jim Tresnan – UU Engineering Neil Sixsmith – UU Water Services (Network) Owen Newton - UU Engineering Mike Taylor – UU Water Services (Network)

CONTENTS

AMENDMENT SUMMARY **2**

HISTORY OF THE DOCUMENT **2**

CONTENTS **3**

1. SCOPE **4**

2. DEFINITIONS **4**

3. GUIDELINES **5**

3.1. General Guidelines 5

4 ISSUES AFFECTING A PIPELINE DURING CONSTRUCTION ACTIVITIES **6**

4.1. Temporary Access 6

4.2. Temporary Fencing 7

4.3. Excavations within an Easement Area or Easement Width 7

4.4. Ground Vibration 8

5 ISSUES PERMANENTLY AFFECTING A PIPELINE OR EASEMENT **8**

5.1. Permanent Access 8

5.2. Permanent Fences and Boundaries 9

5.3. Installation of New Services within the Easement 9

5.4. Cathodic Protection of Pipelines 9

5.5 Mains Adjacent to Buildings in Streets 10

5.6. New Roads, Communal Parking and Driveways 10

6 PLANTING NEAR TO PIPELINES **10**

7 EASEMENT INFRINGEMENTS **11**

8 STOPPING UP ORDERS **12**

9 DRAWINGS **13**

Figure 1: Easement Widths for Single Pipes 13

Figure 2: Service Crossing Restrictions in relation to Pipeline Sockets 14

APPENDIX 1: PLANTING NEAR TO PIPELINES **15**

1. SCOPE

This document sets out United Utilities Ltd (UU) standard conditions for work carried out over, under or adjacent to a UU Pipeline which can include multiple UU Pipelines laid adjacent to each other.

It is UU company policy not to allow any building over UU Pipelines or water mains. Any such building / structure would compromise UU's obligation to maintain a constant water supply and, in particular, would obstruct UU's ability to respond in the event of a failure of the Pipeline. Building over mains also has potential risks to the health and safety of anyone who might be affected by a failure, including the occupants of the building.

2. DEFINITIONS

Term	Definition
Pipeline	Means any aqueduct, trunk main, water distribution main, multiple pipes laid adjacent to each other or non-potable main vested in UU as water undertaker.
Easement Area	Means the easement specified in any relevant document, e.g. conveyance, transfer or deed of grant with such widths as specified therein.
Easement Width	Means the Easement Width for any Pipeline laid under statutory powers. For large diameter Pipelines, unless otherwise specified, the Easement Width shall extend 5 metres to each side of the Pipeline from its centreline (10 metres total width). For small single Pipelines of up to and including 300mm diameter, unless otherwise specified, the Easement Width shall extend 3 metres to each side of the Pipeline from its centreline (6 metres total width) Contact UU for specific Easement Width limits and conditions.
Street	The whole or part of any highway, any road, lane, footway, alley or passage, square or court, whether or not a thoroughfare. A Street can therefore be a footpath, cycle track, bridleway or full vehicular highway. Where a Street passes over a bridge or through a tunnel these are included as part of the Street.
PPV	Peak Particle Velocity
Shall or Must	Mandatory requirements are adopted through the use of 'shall' or 'must' or are otherwise specifically stated. The document also contains information and guidance that is not mandatory but is provided for consideration.
Stopping up Order	An order authorising the stopping up (removal of public rights of way) of any highway, if the Secretary of State is satisfied to do so, to allow development to be carried out in accordance to a valid and relevant planning permission granted under the Town and Country Planning Act 2008 as amended or re-enacted from time to time.
Promoter	Any utility company, self-lay organisation, developer, Highway Authority, Local Authority or any other organisation wishing to work adjacent to or cross over or under a UU Pipeline.

3. GUIDELINES

3.1. General Guidelines

3.1.1. The Standard Conditions are issued for the guidance of Promoters and others to reduce the risk of damage to the Pipeline and the consequent liability for such damage. They do not replace or alter any powers or rights exercisable by, or protection afforded to UU by virtue of: -

a) Its ownership of the Pipeline or any rights or privileges in relation thereto;

b) Any conveyance, lease, deed or grant, easement (see Figure 1 Easement Widths), licence, wayleave or other legal document relating to the Pipeline;

c) Any statutory provision (including any provision in subordinate legislation) including but not limited to: -

i. The Water Industry Act 1991 as amended or re-enacted from time to time, will also apply.

ii. Any local statutory provision relating to a Pipeline and to any work of any other body or person which regulate, either generally or in relation to any specific crossing or work, the relations between UU and such other body or person, including any agreement or other document referred to in or incorporated with any such statutory provision.

In the event of any inconsistency between the provisions of these Standard Conditions and those of any document or statutory provision mentioned above, the latter shall prevail unless capable of variation by agreement and the substitution of the relevant provisions of these Standard Conditions is expressly agreed.

3.1.2. The Standard Conditions apply to all Pipeline(s). In the case of Pipeline(s) located in streets, the provisions of the New Roads and Street Works Act 1991 and the Traffic Management Act 2004, as amended or re-enacted from time to time, will also apply.

3.1.3. No work of any description shall take place on or within the Easement Area or Easement Width before full agreement has been reached with UU regarding the manner in which the work shall be carried out and consent to the same has been given in writing. At least 28 days' notice shall be given of any intention to carry out works in the Easement Area or Easement Width.

3.1.4. No vehicle, plant or machinery is to stand, operate or travel within the Easement Area or Easement Width of the Pipeline except as agreed by United Utilities.

3.1.5. UU reserves the right to supervise any work carried out on or within the Easement Area or Easement Width and to recover the costs incurred.

3.1.6. No buildings / structures of any description shall be erected within the Easement Area or the Easement Width.

3.1.7. No service shall cross the Pipeline at less than 1 metre in front of a socket face or at less than 300mm behind it. (See Figure 2)

3.1.8. No materials including spoil shall be placed on or stored within the Easement Area or Easement Width.

3.1.9. Access to and along the Easement Area or Easement Width shall be kept clear and unrestricted at all times. See Section 7, 'Easement Infringements'.

3.1.10. Sanitary arrangements approved by UU shall be provided for persons working on or within the Easement Area or Easement Width. Precautions shall be taken to avoid spillage of fuels, oils, paints, solvents or any other substance, which may damage the Pipeline or its protection.

3.1.11. Where construction of a new structure / building is proposed within 1m of the edge of the Easement Area or Easement Width, its foundations shall be designed to ensure that load from the structure / building is not transferred onto the Pipeline. The design shall also ensure that UU has full access to the lowest point of the bedding of the Pipeline for maintenance or construction purposes

3.1.12. No alteration to the existing ground levels or surface use of the Easement Area or Easement Width shall be made without prior written consent from UU. At least 28 days notice shall also be given of any proposal to alter ground levels or the surface of land adjoining the Easement Area or Easement Width. This includes increasing the ground level above the Pipeline by placing material to form a landscaping bund or road (or other) embankment, as this has the potential to cause settlement to the Pipeline that could damage it.

3.1.13. Persons or their Promoters working on or within the Easement Area or Easement Width shall be required to indemnify UU for the full cost of any damage caused to its Pipelines and for any costs, charges and expenses resulting from these operations.

3.1.14. In an emergency, contact shall be made immediately using the following telephone number:

The UU Response Manager is available on-
07713887302 and this number shall be used for EMERGENCIES ONLY
e.g. if the UU Pipeline is damaged / burst the UU response Manager must be contacted immediately.

Please supply the UU Response Manager with the following information:

Who you are (name and company)?

What is your contact number?

Exactly where you are (in order to quickly identify which main is damaged and potential risks to UU)?

What is the damage?

Is it causing flooding?

Is flood water entering a watercourse?

4 ISSUES AFFECTING A PIPELINE DURING CONSTRUCTION ACTIVITIES

4.1. Temporary Access

4.1.1. Movement of vehicles and plant with a total weight exceeding 6 tonnes across the unprotected Pipeline is forbidden. The repetitive movement of vehicles or plant of any weight over the unprotected Pipeline in the same position is forbidden. Where temporary or permanent access is required, the Promoter must consult with UU prior to gaining access.

4.1.2. Each proposed temporary crossing point of a Pipeline shall be considered on an individual basis. The Promoter shall submit the design of the proposed crossing point

to UU for acceptance. Work to construct the temporary crossing point shall not commence without prior written consent from UU.

4.1.3. The Promoter shall design any temporary crossing point such that the load from any vehicle or any item of construction plant that will use the crossing point creates a suitably factored bearing pressure of not more than 8.5kN/m2 at the crown of the UU Pipeline. (N.B. *This load is approximately equivalent to the loading on a Pipeline with 900mm of cover when a 6 tonne excavator crosses above it.*) In order to achieve this, the Promoter may use substantial timber baulks, reinforced concrete slabs or proprietary ground protection systems (e.g. Eve Trakway). Where it is not possible to distribute the surcharge load from the plant to less than 8.5kN/m2 at the crown of the Pipeline, then the design of the temporary crossing point shall consist of a suspended crossing which bridges over the Pipeline.

4.1.4. Temporary crossing points shall only be used to allow vehicles and plant to traverse across a Pipeline. Temporary crossing points are not to be used as working platforms for construction plant. Plant shall not be allowed to operate above a UU Pipeline unless specific written consent is given by UU. Any request by a Promoter for them to site working plant above a UU Pipeline must demonstrate that the platform which their plant is to be sited on has been designed as a working platform and will ensure that the maximum surcharge load from that plant is distributed to less than 8.5kN/m2 at the crown of the Pipeline, or bridges over the Pipeline.

4.1.5. All parts of a temporary crossing point must be removed when the work is complete, unless written consent is obtained from UU for the crossing to be left in place. The design and construction of the temporary crossing point shall be such that it permits for its removal (and the reinstatement of the ground beneath it) without exposing the Pipeline to undue loading, vibration or risk.

4.2. Temporary Fencing

4.2.1. Fencing shall be erected by the Promoter when they are working in and around the Easement Area or the Easement Width to demarcate its location, to regulate vehicle movements and to confine the crossing of the Pipeline only to approved crossing points. The fencing shall be of substantial construction. It shall be adequately maintained at all times to the satisfaction of United Utilities.

4.3. Excavations within an Easement Area or Easement Width

4.3.1. Prior to general excavation, trial holes shall be dug by hand to determine the precise location of the Pipeline. UU reserves the right to carry out such excavations. The cost of all such excavations shall be borne by the Promoter.

4.3.2. Excavations shall be fully supported and shall be backfilled to the satisfaction of UU. All work shall be carried out during normal working hours, which shall have been previously agreed with UU. UU reserves the right to stop all work on or within the Easement Area or Easement Width which, in the opinion of its officers, places the Pipeline at risk. As a consequence of such action, UU shall not accept any claims for financial loss.

4.3.3. All excavations within the Easement Area or Easement Width shall be carried out by hand or may be carried out by mechanical excavator if under the supervision of UU personnel. Excavation within 1 metre of the Pipeline(s) must be carried out by hand and great care must be exercised to ensure that any protective wrapping is not damaged.

4.3.4. If a thrust block is discovered within any excavation adjacent to a Pipeline(s), then work shall be stopped and the excavation backfilled as soon as possible.

4.4. Ground Vibration

4.4.1. No blasting shall be carried out within 300 metres of the Pipeline(s) without prior written consent from UU, unless it can be demonstrated that ground vibration from such activities shall not exceed a peak particle velocity (PPV) of 5mm/s in any plane at the closest point of the Pipeline(s) to the blast.

4.4.2. Demolition, piling, tunneling or any other construction technique which induces significant vibration (not exceeding a peak particle velocity of 5mm/s) shall be permitted up to 10 metres away from the Pipeline(s). Permission will be granted by UU provided that the Promoter has accurately established the position of the Pipeline(s) and this has been verified by UU and a written statement of the precautions to be taken to ensure the safety of the Pipeline(s) has been submitted by the Promoter and received and consented to by UU prior to works being undertaken.

4.4.3. Should demolition, piling, tunneling or any other construction technique which induces significant vibration be proposed within 3.5 - 10 metres of the Pipeline(s) this shall be subject to seismic monitoring in order to prevent damage to the Pipeline(s). The Promoter shall accurately establish the position of the Pipeline(s). Seismograph readings shall be taken by the Promoter's specialist organisation on the line of the Pipeline at locations to be agreed with UU. Vibration monitoring shall be done under the supervision of a specialist organisation which has significant experience of similar monitoring work. The identity of the specialist organisation shall be proposed by the Promoter and approved by UU. This approval should not be unreasonably withheld or delayed. The cost of the seismic monitoring shall be borne by the Promoter. Vibration shall be measured in terms of peak particle velocity (PPV) and the Promoter shall employ suitable methods of construction in carrying out its works such that the PPV does not exceed 5mm/s. If the measured PPV does exceed 5mm/s then work shall cease immediately and a review of the monitoring data shall be undertaken between the Promoter and UU Engineering staff. If necessary UU shall notify the Promoter of any reasonable mitigation measures to protect the Pipeline(s) that it requires the Promoter to carry out. The Promoter shall comply with these reasonable mitigation measures in carrying out its works. A written statement of the precautions to be taken to ensure the safety of the Pipeline(s) shall be submitted by the Promoter and received and approved by UU prior to works being undertaken.

4.4.4. If UU identify that there is a risk of discolouration of the potable water supply the Promoter shall not excavate within 1m of the Pipeline(s) in any plane. Given the fact that there shall be significant excavation by hand, it may be more economical for the Promoter to consider directional drilling or another form of trenchless technique. UU would prefer this as an alternative construction technique.

4.4.5. Where practical, and when requested by UU due to the risk of discolouration, downstream turbidity monitoring should be undertaken for potable water Pipelines irrespective of Pipeline diameter. If UU reports to the Promoter that the turbidity levels measured in the main are very close to or exceeding the regulatory standards then work shall cease immediately and a review of the monitoring data shall be undertaken between the Promoter and UU Engineering staff. If necessary UU shall notify the Promoter of any reasonable mitigation measures to protect the Pipeline(s) that it requires the Promoter to carry out. The Promoter shall comply with these reasonable mitigation measures in carrying out its works.

5 ISSUES PERMANENTLY AFFECTING A PIPELINE OR EASEMENT

5.1. Permanent Access

5.1.1. Any proposed crossing of the Pipeline shall be considered on an individual basis. Any permanent access crossing the Easement Area or Easement Width shall be designed

and constructed by the Promoter to prevent any damage to the Pipeline. This may typically consist of mass concrete filled trenches constructed on either side of the Pipeline(s) with reinforced concrete slabs spanning between them. The Promoter shall submit the design of the proposed crossing point to UU for acceptance. Work to construct the permanent crossing point shall not commence without prior express written consent from UU.

5.2. Permanent Fences and Boundaries

5.2.1. Fences or other boundaries structures crossing the Easement Area or Easement Width shall be as near as possible perpendicular to the line of Pipeline and in no case shall be made at an angle of less than 45 degrees. Proposals for any new fences or other boundary structures shall be submitted to UU for approval. Where necessary a lockable gate shall be provided for UU for their sole use.

5.3. Installation of New Services within the Easement

5.3.1. Any pipes, drains, electricity cables or sewers crossing unmade ground over or under the Pipeline shall be laid in steel conduit or ductile iron pipe ideally unjointed (or similar UU approved material) and adequately supported so as to be self-supporting over any subsequent excavation which may have to be carried out i.e. they should extend well into the undisturbed ground at each side of the Pipeline trench and shall cross as near as possible to 90 degrees to the Pipeline.

5.3.2. In no case shall any crossing be made at an angle of less than 45 degrees.

5.3.3. Provided that ground conditions are suitable, pipes crossing below the Pipeline shall be constructed by an approved tunneling method, and agreed by UU. The Promoter shall demonstrate that the predicted - and actual - ground settlement at the level of the invert of the Pipeline as a result of their pipes crossing below the Pipeline is not more than 20mm.

5.3.4. For UU Pipelines up to and including 300mm diameter, any pipes drains, electricity cables or sewers laid adjacent to the Pipeline must have a minimum clearance of 300mm from it. For UU potable water Pipelines over 300mm diameter (or for smaller diameter Pipelines where UU network operations have highlighted a risk of discoloration), there shall be a clearance between the pipes, drains, electricity cables or sewers and the Pipeline that is greater than or equal to the diameter of the Pipeline (ideally at least 1m clearance if possible to reduce the risk of discoloration). These clearances shall apply to crossings above or below the Pipeline, and include pipes, drains, electricity cables or sewers laid adjacent to the Pipeline.

5.3.5. The Promoter shall exercise suitable care when selecting and placing backfill material for any excavation dug within the Pipeline Easement to ensure that it is adequately compacted, provides sufficient support to the Pipeline and will not cause damage to the Pipeline. Reference should be made to the current version of 'Civil Engineering Specification for the Water Industry' (CESWI).

5.4. Cathodic Protection of Pipelines

5.4.1. Where cathodic protection is proposed for the Promoter's works, or where it exists in connection with UU's Pipeline, the Promoter shall take all necessary steps to ensure that the integrity of the system is maintained during the construction of the works. Where cathodic protection exists on UU's Pipeline, or is to be installed by the Promoter on his apparatus, interference tests shall be carried out on completion of the works at the Promoter's expense. Where such tests indicate that UU's Pipeline may be at risk, then the Promoter, at his own expense, must install suitable remedial measures, to be agreed by UU. UU must be consulted in the case of installation of electric tramways over Pipelines.

5.5 Mains Adjacent to Buildings in Streets

5.5.1 Water mains may be laid in a Street or an Easement Area
Sometimes this is immediately adjacent to a building. In the case of an Easement Area, new buildings and their foundations may not be built within 2.5m of an existing water main (5m for mains > 300mm). This is to facilitate repair and maintenance.

5.6. New Roads, Communal Parking and Driveways

No alteration to the surface use of the Easement Area or Easement Width for the purpose of constructing a road, communal parking or private driveways (except for vehicular crossings at >45degrees) shall be made without prior written consent being obtained from UU.

6 PLANTING NEAR TO PIPELINES

6.1 Written consent must be obtained from UU before any tree or shrub planting is carried out. Any consent is subject to UU retaining the right to remove, at any time, all trees or shrubs that in its opinion becomes a danger or nuisance to the pipeline or asset.

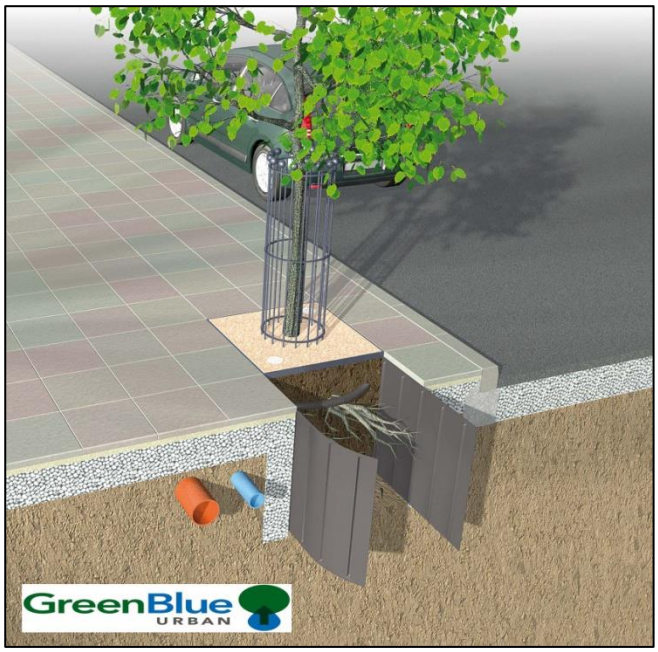
6.2 Selection and planting of tree species should be in accordance with BS8545:2014 Trees: from nursery to independence in the landscape. Recommendation.

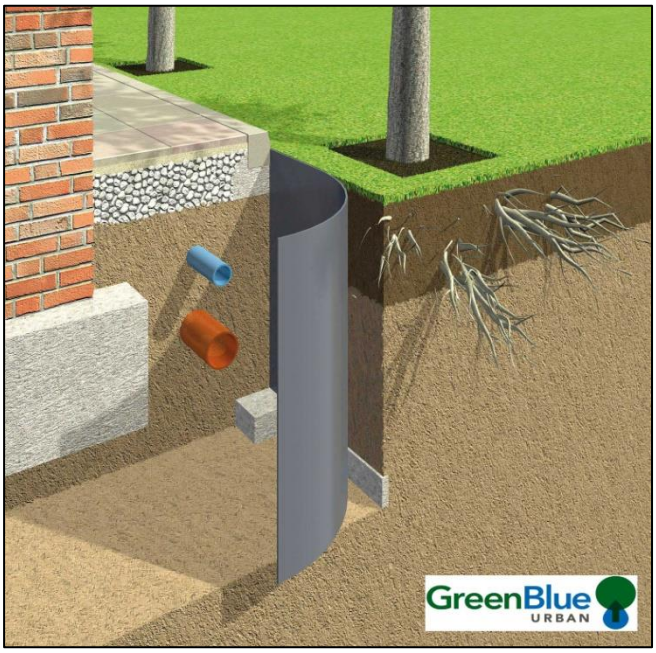
6.3 Planting of shallow rooted hedge plants, domestic soft fruiting bushes and ornamental shrubs shall be permitted however these shall not be permitted to develop as shrub trees and shall be maintained by the Promoter / Owner to a maximum height of 1.5m.

6.4 There shall be strictly no planting of Poplus ssp. or Salix ssp. within 10 metres of a Pipeline.

6.5 Restrictions apply to all Easement Areas and Easement Widths see Appendix 1 for details. This includes a non-exhaustive list of trees and recommended planting distances.

6.6 United Utilities will consider the provision of specific tree root barriers where there is a need to establish trees closer to Pipeline(s) than would normally be acceptable best practice. Vertical or horizontal barriers can be effective and acceptable so long as they are professionally specified and installed following manufacturer's instructions and a suitable distance from the tree trunk to ensure tree stability at maturity. See the figures below for typical examples of these methods. These barriers shall be 1 – 2mm thick semi rigid type and be fitted by either a specialist installer or by very closely following the manufacturer's guidance. Further advice about root barriers can be found in BS8545.





Images supplied by GreenBlue Urban

6.7 A useful publication that can assist with planting near to utilities is *"NJUG Guidelines for the Planting, Installation and Maintenance of Utility Apparatus in Proximity to Trees"*

7 EASEMENT INFRINGEMENTS

7.1 UU acknowledges that there are situations where structures have been erected either directly above the Pipeline, or within an Easement Area or Easement Width. These encroachments should be assessed and recorded and appropriate actions taken. The assessment shall consider the potential risks to both UU's asset and the structure upon it.

7.2 The options available to UU are:-

a) Notify owner of risks

b) Notify owner and consider mains diversion at owners cost with any required legal documentation to entered into

c) UU may take legal action to obtain a court order to instruct removal of the structure at the owners cost.

The key factors to be considered when selecting one of these options are:-

a) Security of supply

b) Health and safety

c) Cost benefit

d) Company reputation

e) Probability of Pipeline failure and likely consequences. These will vary with the Pipeline material, diameter, depth below foundation, ground conditions and the operating regime of the Pipeline

7.3 The notification given to the owner of the building shall state that, notwithstanding our Statutory Rights and those contained in any deed, UU shall not be liable for any costs whatsoever if damage is occasioned to the structure whilst carrying out our works.

7.4 In the case of structures of a temporary or easily removable character consent to such structures may after consideration be given by UU strictly on a case by case basis and the decision of UU being final. UU's access to any Easement Area or Easement Width should not be obstructed or impeded in any way

8 STOPPING UP ORDERS

8.1 UU has no objection to a Stopping up Order, provided that access remains for repair and maintenance of the network within the area affected.

8.2 If the proposed development will impede clear access, then the water main must be abandoned or diverted at the applicants cost.

8.3 Typically, there would be no objection if the water main remains within a Street to which there is vehicular access sufficient for UU to perform its statutory duties. It is not necessarily a problem if the Street is within a gated enclosure, e.g. alley gates are not a problem.

8.4 If the main does not remain within a Street, the developer must provide an easement according to UU standard conditions. Detailed information is available from the United Utilities Website

8.5 The following is specifically not permitted in relation to easements.

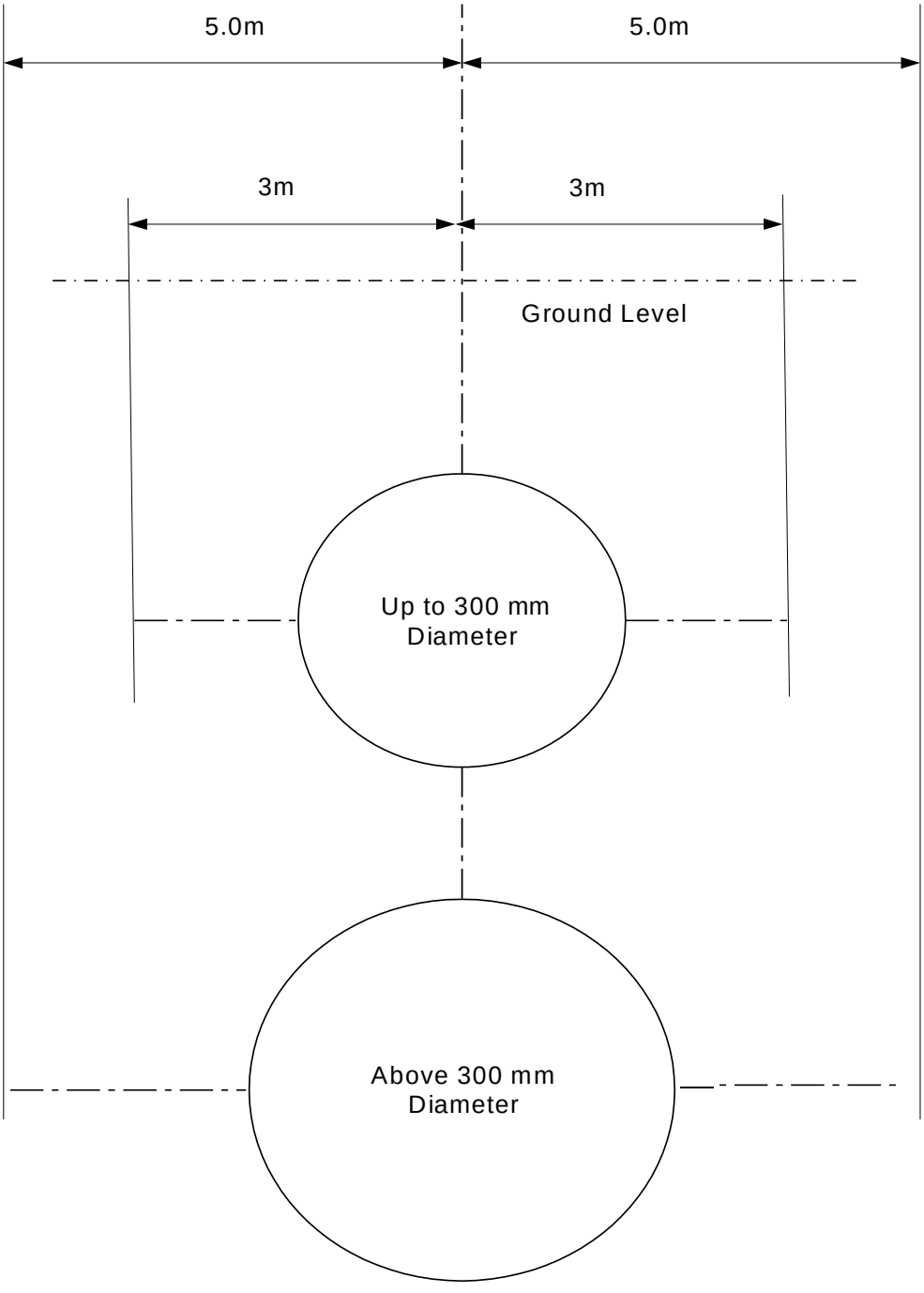
a) Any alteration to ground level which leaves the water main at a depth less than 900mm (750mm for PE pipes), or more than 1200mm.

b) Any building over the main, or within the Easement Area or Easement Width, such that an excavation of the main would threaten the stability of the building.

c) Planting of large trees (detailed information available in Appendix 1). This shows the distances that various trees and shrubs can be planted away from Pipelines and water mains. Root barriers can be used when planting closer to the mains; however trees root barriers need to be deep enough to stop roots from penetrating under the barrier.

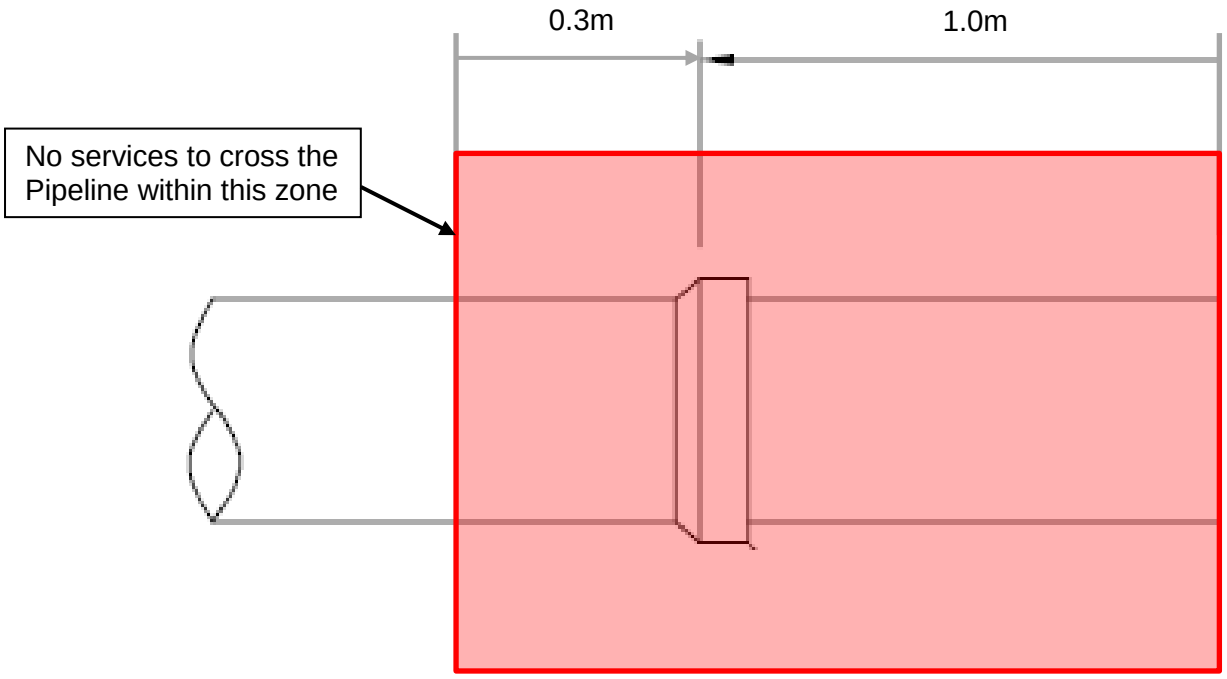
9 DRAWINGS

Figure 1: Easement Widths for Single Pipes



Note: This sketch is issued for guidance only (not to scale)

Figure 2: Service Crossing Restrictions in relation to Pipeline Sockets



APPENDIX 1: PLANTING NEAR TO PIPELINES

Latin Name	Common Name	Tree or shrub planting maintained as hedge (no higher than 1.5m height)	Individual trees planted from 3 metres of underground asset or pipe	Individual trees planted from 6 metres of underground asset or pipe	Group trees planted from 10 metres of underground asset or pipe
Acer campestre	Field Maple	Yes	Yes	Yes	Yes
Aesculus hippocastanum	Horse chestnut	✗	✗	✗	Yes
Carpinus betulus	Hornbeam	Yes	✗	✗	Yes
Castanea sativa	Sweet Chestnut	✗	✗	✗	Yes
Corylus avellana	Hazel	Yes	Yes	Yes	Yes
Crateagus monogyna	Hawthorn	Yes	Yes	Yes	Yes
Fagus sylvatica	Beech	Yes	✗	✗	Yes
Ilex aquifolium	Holly	Yes	Yes	Yes	Yes
Larix decidua	Larch	✗	✗	✗	Yes
Ligustrum vulgare	Privet	Yes	Yes	Yes	Yes
Malus domestica	Apple	✗	Yes	Yes	Yes
Malus sylvestris	Crab Apple	✗	Yes	Yes	Yes
Pinus nigra	Black pine	✗	✗	✗	Yes
Pinus sylvatica	Scots Pine	✗	✗	✗	Yes
Platanus acerifolia	London Plane	✗	✗	✗	Yes
Prunus avium	Wild Cherry	✗	Yes	Yes	Yes
Prunus cerasifera	Plum	✗	Yes	Yes	Yes
Prunus lusitanica	Laurel	Yes	Yes	Yes	Yes
Prunus padus	Bird Cherry	✗	Yes	Yes	Yes
Prunus spinosa	Blackthorn	Yes	Yes	Yes	Yes
Pyrus communis	Pear	✗	Yes	Yes	Yes

Latin Name	Common Name	Tree or shrub planting maintained as hedge (no higher than 1.5m height)	Individual trees planted from 3 metres of underground asset or pipe	Individual trees planted from 6 metres of underground asset or pipe	Group trees planted from 10 metres of underground asset or pipe
Sambucus nigra	**Elder**	**Yes**	**Yes**	**Yes**	**Yes**
Sorbus aria	**Whitebeam**	**✕**	**✕**	**✕**	**Yes**
Sorbus aucuparia	**Rowan**	**✕**	**✕**	**Yes**	**Yes**
Taxus baccata	**Yew**	**Yes**	**✕**	**✕**	**Yes**
Tilia cordata	**Lime**	**✕**	**✕**	**✕**	**Yes**
Ulmus glabra	**Wych Elm**	**✕**	**✕**	**Yes**	**Yes**