

MORGAN OFFSHORE WIND PROJECT: GENERATION ASSETS

Statutory nuisance statement

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Image of an offshore wind farm

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Glossary

Term	Meaning
Applicant	Morgan Offshore Wind Limited.
Development Consent Order (DCO)	An order made under the Planning Act 2008 granting development consent for one or more Nationally Significant Infrastructure Project (NSIP).
Effect	The term used to express the consequence of an impact. The significance of effect is determined by correlating magnitude of the impact with the importance, or sensitivity, of the receptor or resource in accordance with defined significance criteria.
Environmental Statement	The document presenting the results of the Environmental Impact Assessment (EIA) process for the Morgan Generation Assets.
Inter-array cables	Cables which connect the wind turbines to each other and to the offshore substation platforms. Inter-array cables will carry the electrical current produced by the wind turbines to the offshore substation platforms.
Interconnector cables	Cables that may be required to interconnect the Offshore Substation Platforms in order to provide redundancy in the case of cable failure elsewhere.
Morgan Offshore Wind Project: Generation Assets	This is the name given to the Morgan Generation Assets project as a whole (includes all infrastructure and activities associated with the project construction, operations and maintenance, and decommissioning).
Nationally Significant Infrastructure Project (NSIP)	Large scale development including power generating stations which requires development consent under the Planning Act 2008. An offshore wind farm with a capacity of more than 100 MW constitutes an NSIP.
Offshore Substation Platform (OSP)	A fixed structure located within the wind farm sites, containing electrical equipment to aggregate the power from the wind turbine generators and convert it into a more suitable form for export to shore.
Wind turbines	The wind turbines including the tower, nacelle and rotor.

Acronyms

Acronym	Description
DCO	Development Consent Order
NSIP	Nationally Significant Infrastructure Project
OSP	Offshore Substation Platform

Units

Unit	Description
km	Kilometres
MW	Megawatt

1 Statutory nuisance statement

1.1 Introduction

1.1.1.1 This Statutory Nuisance Statement (the Statement) has been prepared on behalf of Morgan Offshore Wind Limited (the Applicant), a joint venture of bp Alternative Energy Investments Ltd (bp), and Energie Baden-Württemberg AG (EnBW). It forms part of the application (the Application) for a Development Consent Order (DCO), submitted to the Secretary of State pursuant to the Planning Act 2008 (the 2008 Act).

1.1.1.2 The Applicant is seeking development consent for the construction, operation, maintenance and decommissioning of an offshore wind project (the Morgan Offshore Wind Project: Generation Assets (hereafter referred to as the Morgan Generation Assets)). The Morgan Generation Assets fall within the definition of a Nationally Significant Infrastructure Project (NSIP) under Section 15(3) of the 2008 Act, as it is an offshore generating station located wholly in English waters with a generating capacity greater than 100 MW. As such, a DCO is required to authorise the Morgan Generation Assets in accordance with Section 31 of the 2008 Act.

1.1.1.3 The purpose of this Statement is to comply with Regulation 5(2)(f) of The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (APFP Regulations) which states that any application for a DCO should be accompanied by a statement setting out whether the development proposed could cause a statutory nuisance pursuant to Section 79(1) of the Environmental Protection Act 1990 (EPA 1990).

1.1.1.4 It is not expected that the construction and subsequent continued operation of the Morgan Generation Assets would cause a statutory nuisance under section 79 of the EPA 1990. The Draft DCO (Document Reference C1) does not include a provision that would provide a defence to proceedings for statutory nuisance should they be initiated against the Applicant, as undertaker.

1.2 Proposed development and key components of the Morgan Generation Assets

1.2.1.1 The Morgan Generation Assets will be located in the east Irish Sea and will include up to 96 wind turbines.

1.2.1.2 The Morgan Generation Assets includes the following infrastructure:

- Wind turbines and their associated foundations
- Offshore Substation Platforms (OSP) and associated foundations
- Subsea inter-array and interconnector cables.

1.2.1.3 Further details of the key components of the Morgan Generation Assets can be found in Volume 1, Chapter 3: Project description of the Environmental Statement (Document Reference F1.3) with further information as to the Morgan Generation Assets contained within the Draft DCO and Works Plans (Document References C1 and B3).

1.3 The purpose and structure of this statement

1.3.1.1 The purpose of this Statement is to comply with Regulation 5(2)(f) of The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (APFP Regulations) which states that any application for a DCO should be accompanied by

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a statement setting out whether the development proposed could cause a statutory nuisance pursuant to Section 79(1) of the EPA 1990. If such a nuisance could occur, the Statement must set out how the applicant proposes to mitigate or limit the effects.

- 1.3.1.2 This Statement explains that it is not expected that the construction, operation, maintenance or decommissioning of the Morgan Generation Assets would engage Section 79(1) by causing a statutory nuisance, and there is therefore no provision in the Draft DCO (Document Reference C1) providing a defence to proceedings for statutory nuisance should they be initiated against the undertaker, as is permitted by section 158 of the 2008 Act.

1.4 Identification and Assessment of Statutory Nuisance

1.4.1 Legislative Framework

- 1.4.1.1 Section 79(1) of the EPA 1990 identifies the matters which are considered to be statutory nuisance as follows:

- (a) *any premises in such a state as to be prejudicial to health or a nuisance*
- (b) *smoke emitted from premises so as to be prejudicial to health or a nuisance*
- (c) *fumes or gases emitted from premises so as to be prejudicial to health or a nuisance*
- (d) *any dust, steam, smell or other effluvia arising on industrial, trade or business premises and being prejudicial to health or a nuisance*
- (e) *any accumulation or deposit which is prejudicial to health or a nuisance*
- (f) *any animal kept in such a place or manner as to be prejudicial to health or a nuisance*
- (fa) *any insects emanating from relevant industrial, trade or business premises and being prejudicial to health or a nuisance*
- (fb) *artificial light emitted from premises so as to be prejudicial to health or a nuisance*
- (g) *noise emitted from premises so as to be prejudicial to health or a nuisance*
- (ga) *noise that is prejudicial to health or a nuisance and is emitted from or caused by a vehicle, machinery or equipment in a street or in Scotland, road and*
- (h) *any other matter declared by any enactment to be statutory nuisance.'*

1.5 Assessment of significance

1.5.1 Overview

- 1.5.1.1 The Applicant considers that none of the matters specified in Section 79(1) are engaged by the Morgan Generation Assets, principally because the Morgan Generation Assets are located in the Irish sea approximately 22.22 km from the Isle of Man, 37.13 km from the northwest coast of England, and 58.5 km from the north coast of Wales. The application does not include either export cables to shore or any onshore development, which will be the subject of a separate consent application. As such, the Morgan Generation Assets do not engage section 79(1) of the EPA 1990.

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- 1.5.1.2 Whilst the construction and operation of the Morgan Generation Assets do not engage section 79(1) of the EPA 1990, in developing its proposals the Applicant has designed the Morgan Generation Assets in such a way as to minimise the environmental effects of the scheme and included a variety of measures to mitigate any remaining impacts. These measures are described in the relevant parts of the Environmental Statement and other project documentation and are secured by the requirements contained in the Draft DCO (Document Reference C1) and conditions of the deemed marine licenses.