

MORGAN OFFSHORE WIND PROJECT: GENERATION ASSETS

Annex 3.8 to the Applicant's response to Relevant Representations from Natural England (RR-026)

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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 a Nationally Significant Infrastructure Project (NSIP).
Morgan Array Area	The area within which the wind turbines, foundations, inter-array cables, interconnector cables, scour protection, cable protection and offshore substation platforms (OSPs) forming part of the Morgan Offshore Wind Project: Generation Assets will be located.
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).
The Planning Inspectorate	The agency responsible for operating the planning process for applications for development consent under the Planning Act 2008.

Acronyms

Acronym	Description
DCO	Development Consent Order
dML	Deemed Marine License
EIA	Environmental Impact Assessment
ExA	Examining Authorities
HRA	Habitats Regulations Assessment
NSIP	Nationally Significant Infrastructure Project
OTNR	Offshore Transmission Network Review

1 Annex 3.8 to the Applicant's response to Relevant Representations from Natural England

1.1 Introduction

1.1.1.1 This document has been prepared in response to Natural England Relevant Representations Annex 1 addressed to the Applicant. The Relevant Representation is as follows:

1.1.1.2 Annex 1: Consenting Approach

Natural England's without prejudice advice in relation to taking into account all aspects of the of an offshore windfarm project which may be subject to determination across separate Nationally Significant Infrastructure Projects (NSIPs) with joint/shared infrastructure which may have cumulative impacts to nature conservation features.

Natural England notes that having separate NSIP/consents for assets relating to the same project introduces considerable potential for complexity and duplication in all phases of the projects. Natural England observe such a scenario could arise in the case of Morgan given the potential for up to three Development Consent Orders (DCOs) with overlapping requirements i.e. Morgan Generation Assets DCO/Deemed Marine Licences (dML), Morecambe Generation Assets DCO/dML and Morgan and Morecambe Transmission Assets DCO/dML.

Therefore, Natural England advise that prompt consideration is required by the relevant parties to consider how conditions including mitigation measures (and potential compensation measures) can be implemented and consented to ensure that impacts can be considered holistically; the risk of stranded assets can be avoided; and ultimately that energy projects can be delivered in a timely manner, given the potential for confusion to perpetuate into the post-consent phase.

This without prejudice advice draws from Natural England's experiences of the consenting process for both the Triton Knoll offshore windfarm 'array' NSIP and the Triton Knoll Electrical System NSIP. It is provided to help address the challenges that may be faced by projects where multiple NSIPs/consents are required, but timeframes may not align, the merits of the applications are unlikely to be considered by the same Examining Authority and there are subsequent implications for DCO requirement and marine licences discharge.

1.1.1.3 Annex 1: Consenting Approach

Generic advice on the consideration of indirect, secondary and cumulative impacts

For any one of the Examining/Competent Authorities to assess the direct, indirect, secondary and cumulative impacts from multiple linked NSIPs/consents, there will need to be sufficient information submitted on the indirect, secondary and cumulative impacts of the grid connection works within the initial applications. And throughout the examination the merits of the Applicant's approach to addressing this issue will need to be evaluated. Natural England draw the Examining Authorities attention to National Policy Statements for Energy (EN-1 (Section 4.10, 4.11), EN-3 (Section 2.8) and EN-5 (Section 2.7)) which require projects to ensure they provide sufficient information on the indirect, secondary and cumulative effects. The competent authorities must be satisfied that there are no obvious reasons why the necessary approvals for the other element are likely to be refused.

1.1.1.4 Annex 1: Consenting Approach

Generic advice on the consideration of indirect, secondary and cumulative impacts

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 beyond resulting in a stranded asset - be that the generation or transmission element.

1.1.1.5 Annex 1: Consenting Approach

Experience of consenting process for associated NSIPs

Natural England highlights their experience during the Triton Knoll generation array Examination where Natural England found it difficult to advise the ExA on whether there were, or were not, any obvious reasons why the necessary approvals would be likely to be refused for the transmission assets. Natural England believe depending on the submission and Examination timeframes for the Morgan and Morecambe transmission DCO and the nature conservation risk posed by the transmission assets a similar situation has the potential to arise for both Morgan and Morecambe Generation Array NSIP HRAs.

1.1.1.6 Annex 1: Consenting Approach

Experience of consenting process for associated NSIPs

Whilst Natural England recognised that the transmission NSIP for Triton Knoll would have to consider the project in-combination, Natural England remained concerned in relation to the potential building out of a stranded asset. Therefore, Natural England also advised that a condition preventing the offshore works associated with the generation asset commencing until the necessary grid connection consents had been obtained was included within the generation DCO/dML. Such an approach would ensure that any secondary, indirect and cumulative impacts that were identified as arising during the course of any assessments into the grid connections works would prevent the authorised development coming forward, as they would result in the necessary grid connection consents being refused. Natural England believe a similar approach could be appropriate for Morgan Generation DCO/dML.

1.2 Response

1.2.1.1

As set out within Environmental Statement - Volume 1, Chapter 3 Project description (APP-010) and Environmental Statement - Volume 1, Chapter 5 Environmental impact assessment (EIA) methodology (APP-012), The Morgan Generation Assets has been scoped into the Pathways to 2030 workstream under the Offshore Transmission Network Review (OTNR). The OTNR aims to consider, simplify and wherever possible facilitate a collaborative approach to offshore wind projects connecting to the UK National Grid. In July 2022, the UK Government published the 'Pathway to 2030 Holistic Network Design' documents, which set out the approach to connecting 50 GW of offshore wind to the National Grid (NGESO, 2022). A key output of the Holistic Network Design Review process was the conclusion that the Morgan Generation Assets and the Morecambe Offshore Windfarm should work collaboratively in connecting their two wind farms to the National Grid electricity transmission network at Penwortham in Lancashire.

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- 1.2.1.2 As the projects are being developed by separate companies, it is not feasible for all aspects of both projects to be consented under a single application. In order to comply with the conclusion of the Holistic Network Design Review, the Applicant intends to deliver a coordinated grid connection with the Morecambe Offshore Windfarm, including the sharing of offshore and onshore export cable corridors and the grid connection location at Penwortham.
- 1.2.1.3 The Applicant has submitted a stand-alone DCO application (this application) to consent the construction, operations and maintenance, and decommissioning of the generation assets of the Morgan Offshore Wind Project and a separate application to consent the construction, operations and maintenance and decommissioning of the transmission assets required to enable the export of electricity from both the Morgan Generation Assets and the Morecambe Offshore Windfarm to the National Grid entry point at Penwortham.
- 1.2.1.4 NPS EN-1, EN-3 and EN-5 recognise this approach, with it stated in Section 4.10 of EN-1 that: *“To support the achievement of the transition to net zero, government is accelerating the co-ordination of the development of the grid network to facilitate the UK’s net zero energy generation development and transmission.”*, within Section 3.8.50 of EN-3 that: *“As part of the transition to more co-ordinated transmission, it is anticipated that some proposals for transmission could be consented separately to those for the windfarm (array) application.”* and within Section 2.12 of EN-5 that: *“As part of the transition to a more coordinated approach, it is anticipated that some proposals for transmission may be consented separately to those for the windfarm (array) application.”*
- 1.2.1.5 As part of the EIA process for this application, the Applicant has adopted an approach to cumulative effects assessment that ensures that all likely significant effects of the Morgan Offshore Wind Project as a whole are identified. As set out in Environmental Statement - Volume 1, Chapter 5 Environmental impact assessment methodology (APP-012), each topic of the Environmental Statement has undertaken a three stage process considering the following scenarios:
1. Assessment of the Morgan Generation Assets, together with the Transmission Assets: presenting a full project assessment for the Morgan Offshore Wind Project which includes both the generation and transmission assets
 2. Assessment of the Morgan Generation Assets, together with the Transmission Assets and the Morecambe Generation Assets: presenting a full project assessment for all infrastructure associated with the Morgan Offshore Wind Project, the Morecambe Offshore Windfarm and the Transmission Assets
 3. Assessment of the Morgan Generation Assets, together with the Transmission Assets with all other relevant projects: presenting the cumulative assessment scenario of the Morgan Generation Assets and Transmission Assets together with all relevant screened-in projects from the cumulative effects assessment long list. This stage follows the tiered approach to cumulative assessment as set out within Advice Note 17.
- 1.2.1.6 The cumulative effects assessment undertaken and reported on within the Environmental Statement is robust and provides the Examining Authority and Secretary of State with full information to properly understand the potential effects of the Morgan Offshore Wind Project as a whole.
- 1.2.1.7 The Applicant notes that the DCO application for the Transmission Assets will also require an EIA including a full cumulative effects assessment.

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- 1.2.1.8 Natural England has made reference to its position on the Triton Knoll project. By reference to this, it has suggested that a condition be included in the consent for the array area that prevents works commencing until the consent for the grid connection is granted. The Applicant considers that such a condition is unnecessary. The Applicant is not going to construct the offshore wind farm array without certainty that it will be able to export electricity to the UK grid. Natural England's suggestion that the Project could be constructed and become a stranded asset is unrealistic.
- 1.2.1.9 Natural England has referenced their advice on Triton Knoll wind farm but have omitted that the Secretary of State, when determining that application, disagreed with the advice and did not follow it. In their recommendation on the Triton Knoll Offshore Wind Farm Order 2013, the Panel that considered the application recommended that a requirement be included that no works on the offshore generating station shall commence until the Secretary of State has confirmed in writing that all the necessary consents for the connection and transmission works have been obtained. The Secretary of State disagreed with that recommendation, stating in his decision letter:
- 1.2.1.10 *"3.17. The Secretary of State does not consider that EN -1 requires that a Grampian -style requirement of the kind recommended by the Panel is imposed simply because the application envisages further onshore development. Rather, EN1 envisages that any impacts of such further development will normally be dealt with in the consenting procedure for that development.*
- 1.2.1.11 *3.18. In the Secretary of State's view, the consenting procedures in place in relation to the onshore infrastructure are sufficiently robust to ensure that the impacts of the infrastructure Viking CCS Pipeline EN070 008/EXAM/9.9 Applicant's Response to the Examining Authority's - First Written Questions 8 Ex A - Q. 1.1 Question to Question Applicant response are appropriately mitigated. In particular, the Secretary of State notes that any subsequent supporting EIA assessment for grid connection infrastructure would also need to consider cumulative impact with the offshore wind farm development.*
- 1.2.1.12 *3.19. The Secretary of State is also not convinced that it is necessary to link the offshore and onshore elements of the development in order to ensure that any financial contributions made under a future s.106 agreement relate to the project as a whole rather than only the subsequent grid connection infrastructure applications. In the case of the Triton Knoll project, the offshore generating element would be located 33km off the coast of Lincolnshire and 48km off the coast of North Norfolk. The Panel found that the visual impacts of the offshore development are very limited [ER 5.5.41], and that to the extent that a judgment can be made, the limited onshore effects of construction in the DCO area, due to its distance from the shoreline, will significantly limit cumulative effects as observed from the same coastal locations [ER R.5.42]. The Secretary of State therefore considers that the potential cumulative impact of the offshore element of the overall project is not likely to be a significant component of the impact of the onshore element of the project. He does not consider therefore that it is appropriate to impose a Grampian -style requirement in order to ensure that such cumulative impacts are taken into account when assessing the scale of contributions under a section 106 agreement. Nor is it clear how a Grampian -style requirement of the type suggested would achieve such a linkage.*
- 1.2.1.13 *3.20. For the reasons set out above, the Secretary of State has decided therefore that it is not necessary to include the Grampian -style requirement recommended by the Panel."*

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- 1.2.1.14 The Applicant submits that this was the correct approach, which is further reinforced by the policy in EN-3 and EN-5. The Applicant therefore considers it unnecessary to include any condition/requirement in the draft DCO (AS-003) that would restrict the commencement of development under that DCO before the consent for the grid connection is granted.
- 1.2.1.15 The approach taken by the Applicant in the EIA (and associated Habitats Regulations Assessment) is a precautionary one, that ensures that all potential significant cumulative effects on the environment have been identified in the Environmental Statement.
- 1.2.1.16 The Applicant considers Natural England's concerns to be misplaced.