

MORGAN OFFSHORE WIND PROJECT: GENERATION ASSETS

Statement of Common Ground between Morgan Offshore Wind Limited and The Royal Society for the Protection of Birds

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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).
Morgan Offshore Wind Project	The Morgan Offshore Wind Project is comprised of both the generation assets and offshore and onshore transmission assets, and associated activities.
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 Nationally Significant Infrastructure Projects.

Acronyms

Acronym	Description
CEA	Cumulative Effects Assessment
CRM	Collision Risk Modelling
DCO	Development Consent Order
EIA	Environmental Impact Assessment
EWG	Evidence Working Group
HRA	Habitat Regulation Assessment
ISAA	Information to Support Appropriate Assessment
OSP	Offshore Substation Platform
RSPB	Royal Society for the Protection of Birds
SoCG	Statement of Common Ground
SPA	Special Protection Area

1 Statement of Common Ground between Morgan Offshore Wind Project and the Royal Society for the Protection of Birds

1.1 Introduction

1.1.1 Overview

1.1.1.1 This Statement of Common Ground (SoCG) has been prepared between Morgan Offshore Wind Limited (hereafter referred to as ‘the Applicant’) and The Royal Society for the Protection of Birds (RSPB), hereafter referred to together as the parties. The SoCG sets out the areas of agreement and disagreement between the parties in relation to the proposed Development Consent Order (DCO) application for the Morgan Offshore Wind Project: Generation Assets (hereafter referred to as ‘Morgan Generation Assets’).

1.1.1.2 The need for a SoCG between the Applicant and RSPB is set out within the Rule 6 letter that was issued by the Planning Inspectorate on 5 August 2024 (PD-001).

1.1.1.3 This document is intended to provide the Examining Authority with an overview of the level of common ground between the parties. The SoCG will facilitate further discussion between the parties and will be updated during the Morgan Generation Assets Examination and submitted at the Deadlines indicated in the Rule 6 letter (PD-001).

1.1.2 Morgan Generation Assets Elements under the RSPB’s Remit

1.1.2.1 The remit of the RSPB is to protect and conserve birds and their habitats across the UK and globally. The elements of the Morgan Generation Assets which may affect the interests of the RSPB covering the offshore works. These are detailed in Schedule 1 (Authorised Project), Part 1 (Authorised Development) of the Draft DCO (Document Reference C1).

1.1.2.2 This SoCG covers the following topics of relevance to the RSPB:

- Offshore ornithology.

1.1.3 Overview of Morgan Generation Assets

1.1.3.1 Morgan Generation Assets is a proposed offshore wind farm located in the east Irish Sea. The Morgan Generation Assets will include offshore infrastructure and consists of:

- Morgan Array Area: This is where the wind turbines, Offshore Substation Platforms (OSPs), foundations (for both wind turbines and OSPs), inter-array cables and interconnector cables will be located.

1.1.4 Approach to SoCG

1.1.4.1 This SoCG has been developed during the pre-Examination phase and will be progressed during the Examination phase of the Morgan Generation Assets. In accordance with discussions between the parties, the SoCG is focused on those issues raised by RSPB within its response to Scoping, Section 42 consultation and as raised through the Evidence Plan process that has underpinned the pre-application

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consultation between the parties. This SoCG also includes those issues raised by the RSPB during the post-application phase (i.e. relevant representations and pre-examination meetings).

1.1.4.2 The structure of this SoCG is as follows:

- Section 1.1: Introduction
- Section 1.2: Summary of SoCG
- Section 1.3: Summary of consultation
- Section 1.4: Agreement Log.

1.2 Summary of SoCG

1.2.1 Overview

1.2.1.1 This SoCG outlines the consultation that has taken place between the parties during the pre-application and post-application phase of the Morgan Generation Assets. The agreement logs present the position reached on 03 October 2024 (Deadline 1).

1.2.2 Summary of Those Matters Agreed, Ongoing Points of Discussion and Not Agreed

1.2.2.1 Table 1.1 provides a summary of those matters agreed, an ongoing point of discussion or not agreed between the parties.

Table 1.1: Summary of areas agreed, ongoing points of discussion and not agreed between the parties.

Topic	Agreed
Offshore Ornithology	Some items agreed , some ongoing points under discussion and one point not agreed, but not material .
Habitats Regulations Assessment (HRA)	Ongoing points under discussion .

1.3 Summary of Consultation

1.3.1.1 Table 1.2 below provides a summary of the consultation undertaken by the Applicant with the RSPB, relevant to Offshore Ornithology during the pre-application phases of the Morgan Generation Assets. Table 1.3 below provides a summary of the consultation undertaken by the Applicant with the RSPB, relevant to offshore ornithology, during the post-application phases of the Morgan Generation Assets.

Table 1.2: Summary of pre-application consultation with the RSPB.

Date	Form of consultation	Statutory or non-statutory engagement	Summary of consultation
Statutory (Section 42) consultation			
06/03/2023	Email	Statutory	<ul style="list-style-type: none"> The RSPB plans to provide input on offshore ornithology through the EWG. Key seabird species of interest include Manx Shearwater, Northern Gannet, Black-legged Kittiwake, Common Guillemot, Razorbill, Red-throated Diver, and Common Scoter. The RSPB raised concerns regarding breeding populations of Lesser Black-backed Gull, particularly from the Ribble and Alt Estuary SPA, Bowland Fells SPA, and Morecambe Bay and Duddon Estuary SPA. The RSPB highlighted the importance of considering the Bowland Fells SPA's large gull colony.
Evidence Plan offshore ornithology EWG			
18/02/2022	Meeting	Non-statutory	<ul style="list-style-type: none"> Introduce and gain feedback on Evidence Plan Discuss stakeholder comments on the survey scopes to date (i.e. prior to Evidence Plan) and any further data required <p>Update on the progress of surveys and data analysis.</p>
27/05/2022	Meeting	Non-statutory	<ul style="list-style-type: none"> Provision of technical notes outlining the Applicants approach to the offshore ornithology baseline characterisation, displacement and Collision Risk Modelling (CRM) technical reports.
13/07/2022	Meeting	Non-statutory	<ul style="list-style-type: none"> Agree the approach to baseline characterisation, cumulative study area to agree the approach to EIA, including impact scoping Presentation of the interim baseline characterisation and discuss and agree the approach to data analyses, including relevant modelling techniques and parameters.
30/11/2022	Meeting	Non-statutory	<ul style="list-style-type: none"> To agree key receptor species and to present the interim assessment of impacts and discuss and agree the relevant regional populations and protected sites/qualifying interests for assessment and approach to HRA Stage 1 screening.

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Date	Form of consultation	Statutory or non-statutory engagement	Summary of consultation
23/02/2023	Meeting	Non-statutory	<ul style="list-style-type: none"> To agree key receptor species and to present the interim assessment of impacts and discuss and agree the relevant regional populations and protected sites/qualifying interests for assessment and approach to HRA Stage 1 screening Discuss and agree scope of cumulative impact assessment and transboundary considerations To discuss and agree population assessment approaches and thresholds for LSE and integrity.
05/05/2023	Meeting	Non-statutory	<ul style="list-style-type: none"> Provision of the updated methodology for offshore ornithology HRA Stage 1 screening and the ISAA.
30/06/2023	Meeting	Non-statutory	<ul style="list-style-type: none"> Update to baseline characterisation for complete baseline data set and discuss and agree any amendments to previously agreed approaches. Statutory consultation responses.
10/07/2023	Meeting	Non-statutory	<ul style="list-style-type: none"> Provision of the technical note presenting the power analysis undertaken at the request of the EWG.
19/10/2023	Meeting	Non-statutory	<ul style="list-style-type: none"> Presentation of updated baseline characterisation and impact assessment for the Environmental Statement.
08/12/2023	Meeting	Non-statutory	<ul style="list-style-type: none"> Presentation of final impact assessment, comments on draft Environmental Statement, final mitigation and monitoring requirements.
08/03/2024	Meeting	Non-statutory	<ul style="list-style-type: none"> Presentation of final impact assessment and HRA. Discussion on remaining outstanding agreements.

Table 1.3: Summary of post-application consultation with the RSPB.

Date	Form of consultation	Statutory or non-statutory engagement	Summary of consultation
10/07/2024	Relevant representations	Statutory	Relevant representations of the RSPB.
18/09/2024	Meeting	Non-statutory	Meeting to discuss SoCG template.

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1.4 Agreement log

1.4.1 Overview

1.4.1.1 This section of the SoCG sets out the level of agreement between the parties. For each matter the status is identified as being either agreed, not agreed or an ongoing point of discussion, according to the criteria set out in Table 1.4 below.

Table 1.4: Position definitions and colour coding.

Position and colour coding	Definition of position
Agreed	The matter is considered to be agreed between the parties.
Ongoing point of discussion	The matter is neither agreed or not agreed, and is a matter where further discussion is required between the parties. For example, where additional clarification is being sought from either party, or where relevant information is being prepared / reviewed.
Not agreed, but not material	The matter is not considered to be agreed between the parties, but is not deemed material. For example, the matter is not agreed however, the outcome of the approach taken by either party does not result in a material impact on the assessment or assessment conclusions in either EIA or HRA terms.
Not agreed	The matter is not considered to be agreed between the parties. The outcome of the approach taken by either party is considered to result in a materially different outcome to the assessment conclusions.

1.4.2 Offshore Ornithology

1.4.2.1 Table 1.5 sets out the level of agreement between the parties for each relevant component of the application (as identified in section 1.1.1.3) in relation to Offshore Ornithology.

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Table 1.5: Agreement Log between the parties on offshore ornithology.

Reference Number	Discussion point	Applicant's Position	RSPB's Position	Status
EIA				
RSPB.OO.1	Consultation	The Applicant has undertaken adequate consultation with the RSPB on potential impacts on offshore ornithology.	We are grateful for the constructive pre application discussions that have taken place with Morgan Offshore Wind Farm in respect of this proposal, particularly through the Evidence Plan process.	Agreed
RSPB.OO.2	Consultation	The EIA has had due regard to matters raised by the RSPB through statutory and non-statutory consultation on potential impacts on offshore ornithology.	RSPB noted that while methodological concerns remain, progress towards resolving a number of issues was made during pre-application discussions. RSPB continue to have significant concerns relating to the project's in-combination and cumulative collision risk and displacement impacts including their assessment.	Ongoing point of discussion
RSPB.OO.3	Baseline environment	The baseline for offshore ornithology has been appropriately characterised and appropriate data, (including aerial surveys) has been used to inform assessment.	In their Relevant Representation (RR-035), RSPB expressed outstanding concerns that the Manx shearwater baseline characterisation using digital aerial surveys (DAS) does not adequately capture the activity of the species. Their position was that the diel variation in Manx shearwater activity means that the somewhat limited amount of time DAS were carried out is unlikely to properly characterise the activity of Manx shearwater at the Application site. RSPB also expressed concerns regarding whether the size and flight characteristics of the species make them harder to detect in the surveys. As a result, RSPB do not have confidence in the baseline densities of Manx Shearwater presented in the assessment. RSPB will review the Applicant's response to their relevant representation on this matter (PD1-017, paragraph RR-035.12).	Ongoing point of discussion

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Reference Number	Discussion point	Applicant's Position	RSPB's Position	Status
RSPB.OO.4	Assessment methodology	The potential effects identified within the chapter represent a comprehensive list of potential effects on offshore ornithology from the Morgan Generation Assets.	RSPB consider that the Assessment has not fully considered indirect ecosystem impacts (e.g. displacement from foraging areas, additional energy expenditure, potential impacts on forage fish and wider ecosystem impacts such as changes in stratification). RSPB would welcome consideration of the potential wider ecosystem impacts.	Ongoing point of discussion
RSPB.OO.5	Assessment methodology	The assessment methodology for offshore ornithology is appropriate (including interpretation of impact and levels of significance).	In addition to concerns raised about the Manx Shearwater baseline characterisation (RSPB.OO.3), the RSPB relevant representation (RR-035) flagged concerns with the impact assessment methodology relating to: <ul style="list-style-type: none"> • Flight speeds used as parameters in collision risk modelling (see RSPB.OO.6) • Methodology for assessment of cumulative/in-combination impacts (see RSPB OO.10 and OO.14) • Ecosystem impacts • A lack of consideration of impacts compounded by Highly Pathogenic Avian Influenza. 	Ongoing point of discussion

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Reference Number	Discussion point	Applicant's Position	RSPB's Position	Status
RSPB OO.6	Assessment methodology	<p>The assessment methodology for offshore ornithology is appropriate in respect of Gannet macro-avoidance correction factor to baseline densities for collision risk modelling.</p> <p>The application of a 70% correction factor to the densities of gannet used in collision risk modelling follows guidance from UK SNCBs (Natural England 2023; Natural England have provided interim guidance on collision risk modelling avoidance rates when responding on offshore wind project applications, such as Hornsea Four in March 2023). The Applicant has also presented uncorrected density values for gannet in Volume 4, Annex 5.3: Offshore ornithology collision risk modelling technical report (APP-055).</p>	<p>For the reasons set out in its Relevant Representation (RR-035), the RSPB does not agree with Natural England's advice in respect of the application of a reduction of 70% to the baseline densities inputted into the gannet collision risk modelling in order to account for macro-avoidance.</p> <p>The RSPB notes that the advice referred to by the Applicant is Natural England advice and not "UK SNCB" advice. It is not NatureScot's advice in relation to Gannet macro-avoidance.</p> <p>Therefore, while we recognise that the Applicant has followed Natural England's advice, we do not agree with this approach, are concerned that the predicted Gannet mortalities arising from collision are not robust and therefore cannot come to any conclusions with regard to any adverse effects on site integrity.</p>	Not Agreed - material
RSPB.OO.7	Assessment methodology	To account for uncertainty, a range of parameter values have been incorporated into the collision risk modelling conducted for the assessments provided for the Morgan Generation Assets (APP-055).	In the assessment of impacts arising from direct mortality through collision with the rotating turbine blades, the Applicant has gone against the advice of Natural England, as well as other SNCBs and the RSPB, and parameterised the collision risk model with flight speeds obtained from Skov et al. (2018). The RSPB will review the Applicant's response to their relevant representation on this matter (PD1-017, paragraphs RR-035.25-RR.035.30).	Ongoing point of discussion
RSPB.OO.8	Project design envelope	Volume 2, Chapter 5: Offshore ornithology (APP-023) has identified, described and assessed the maximum design scenario for the EIA.	RSPB is in agreement that the maximum design scenario has been adequately identified and described.	Agreed

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Reference Number	Discussion point	Applicant's Position	RSPB's Position	Status
RSPB.OO.9	Assessment of the effects from the project cumulatively with other projects	There will be no significant effects on ornithology receptors in EIA terms for the project alone.	As a result of methodological concerns, RSPB do not agree with the Applicant's conclusions on significance of effects.	Ongoing point of discussion
RSPB.OO.10	Assessment of the effects from the project cumulatively with other projects	There will be no significant effects on ornithology receptors in EIA terms for the project cumulatively with other plans and projects. The Applicant will produce a technical note regarding the 'gap-filling' exercise in accordance with the SNCB CEA historic projects Advice Note at Deadline 1.	<p>The RSPB are particularly concerned in regard to in combination impacts in relation to Great Black-backed Gull at the Isles of Scilly SPA.</p> <p>The RSPB recognise the difficulties with carrying out a full in combination assessment for a number of species SPA combinations because of the difficulties in obtaining historical data and the limitations in how it was collected and analyses.</p> <p>RSPB advise that such an assessment is carried out with in line with Natural England advice which RSPB consider to be a practical and pragmatic solution. RSPB expressed significant concerns relating to the project's in-combination and cumulative collision risk and displacement impacts including their assessment.</p> <p>RSPB welcomes the Applicant's engagement with the SNCBs on this matter.</p> <p>RSPB will review the Applicant's technical note on the 'gap filling' exercise when it becomes available to the examination at Deadline 1.</p>	Ongoing point of discussion
RSPB.OO.11	Mitigation	The measures adopted as part of the Morgan Offshore Wind Project are sufficient and no additional measures are necessary as a result of the assessment conclusions.	<p>Ongoing point of discussion.</p> <p>The RSPB will review the mitigation measures listed in Section 5.8 of the Offshore Ornithology Chapter (APP-023) and update its position at the next iteration.</p>	Ongoing point of discussion

HRA

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Reference Number	Discussion point	Applicant's Position	RSPB's Position	Status
RSPB.OO.12	Screening	The approach to HRA Stage 1 Screening using outputs for CRM, displacement assessment and associated apportioning is appropriate.	RSPB have concerns of the HRA Screening due to methodological concerns regarding the baseline (detailed in RSPB.OO.3). RSPB agree regarding connectivity and is pleased that the Foraging Ranges Screening Tool developed for NatureScot has been used in the methods for screening.	Ongoing point of discussion
RSPB.OO.13	Outcomes of the Information to Support Appropriate Assessment (ISAA)	There will be no adverse effects on integrity on SPAs with ornithology features for the project alone.	RSPB is unable to reach conclusions with regard to Adverse Effect on Integrity (AEOI) on Manx shearwater in relation to the following Special Protection Areas: <ul style="list-style-type: none"> • Irish Sea Front SPA • Copeland Islands SPA • Glannau Aberdaron ac Ynys Enlli/Aberdaron Coast and Bardsey Island SPA • Skomer, Skokholm and the Seas off Pembrokeshire/Sgomer, Sgogwm a Moroedd Penfro SPA • Rum SPA • Isles of Scilly SPA • St Kilda SPA. 	Ongoing point of discussion

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Reference Number	Discussion point	Applicant's Position	RSPB's Position	Status
RSPB.OO.14	Outcomes of the ISAA	There will be no adverse effects on integrity on SPAs with ornithology features for the project in-combination with other plans and projects. The Applicant will produce a technical note regarding the 'gap-filling' exercise in accordance with the SNCB CEA historic projects Advice Note at Deadline 1.	<p>RSPB expressed significant concerns relating to the project's in-combination and cumulative collision risk and displacement impacts including their assessment.</p> <p>RSPB conclude that there will be an adverse effect on site integrity on the following features of the Isles of Scilly SPA:</p> <ul style="list-style-type: none"> The impact of collision mortality on the Great Black-backed Gull (GBBG) population AEOI cannot be ruled out beyond reasonable scientific doubt for impacts arising through collision and distributional change arising through the project in combination with other projects on a range of species/SPA combinations due to methodological concerns as to how historical data were incorporated into these. <p>The RSPB will review the Applicant's response to its Relevant Representation (PD1-017, RR.035.9 and RR.035.35) and the technical note regarding the 'gap filling' exercise when it becomes available at Deadline 1.</p>	Ongoing point of discussion
RSPB.OO.15	Mitigation	The mitigation and management measures presented in Section 5.8 of Volume 2, Chapter 5 Offshore Ornithology (APP-023) are appropriate to ensure significant effects and AEOI are avoided for marine ornithological receptors.	<p>Ongoing point of discussion.</p> <p>The RSPB will review the mitigation measures listed in Section 5.8 of the Offshore Ornithology Chapter (APP-023) and update its position at the next iteration.</p>	Ongoing point of discussion