

MORGAN OFFSHORE WIND PROJECT: GENERATION ASSETS

Statement of Common Ground between Morgan Offshore Wind Limited and Natural Resources Wales

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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
AEoI	Adverse Effect on Integrity
DCO	Development Consent Order
EIA	Environmental Impact Assessment
HRA	Habitat Regulation Assessment
LSE	Likely Significant Effect
ISAA	Information to Support Appropriate Assessment
NRW	Natural Resources Wales
OSP	Offshore Substation Platform
SoCG	Statement of Common Ground
sCRM	Stochastic Collision Risk Model

Units

Unit	Description
kV	Kilovolts

1 Statement of Common Ground between Morgan Offshore Wind Project and Natural Resources Wales

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 Natural Resources Wales (NRW), hereafter referred 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 the ‘Morgan Generation Assets’).

1.1.1.2 The need for a SoCG between the Applicant and NRW 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 Natural Resources Wales’s Remit

1.1.2.1 The statutory purpose of NRW is set out by the Environment (Wales) Act 2016. In the exercise of its functions NRW must pursue sustainable management of natural resources in relation to all of its work in Wales and apply the principles of sustainable management of natural resources in so far as that is consistent with the proper exercise of its functions.

1.1.2.2 NRW’s duty (in common with the other public bodies covered by the Well-Being of Future Generation (Wales) Act 2015) is to carry out sustainable development. This means, in general terms, looking after air, land, water, wildlife, plants, and soil to improve Wales’ well-being, and provide a better future for everyone. NRW are also advisors to the Welsh Government on the natural heritage and resources of Wales and its coastal waters. NRW’s remit extends across the terrestrial, freshwater, and marine environments of Wales.

1.1.2.3 The elements of the Morgan Generation Assets which may affect the interests of Natural Resources Wales, covering the offshore works. These are detailed in Schedule 1 (Authorised Project), Part 1 (Authorised Development) of the Draft DCO (Document Reference C1).

1.1.2.4 This SoCG covers the following topics of relevance to Natural Resources Wales:

- Satisfaction with matters relating to marine ornithology and ecology in relation to Welsh sites, including:
 - Fish and shellfish ecology
 - Marine mammals
 - Offshore ornithology.

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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 Natural Resources Wales within its response to Scoping, Section 42 consultation and as raised through the Evidence Plan process that has underpinned the pre-application consultation between the parties. This SoCG also includes those issues raised by Natural Resources Wales 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. All other matters pertaining to development will be deferred to Natural England.

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

Topic	Agreed
Marine Mammals	Some items agreed , some ongoing points under discussion .
Offshore Ornithology	Some items agreed , some ongoing points under discussion .

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Topic	Agreed
Habitats Regulations Assessment (HRA)	Some items agreed , some 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 NRW, relevant to Physical Processes, Benthic Ecology, Fish and Shellfish Ecology, Marine Mammals, and 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 Natural Resources Wales during the post-application phases of the Morgan Generation Assets.

Table 1.2: Summary of pre-application consultation with Natural Resources Wales.

Date	Form of consultation	Statutory or non-statutory engagement	Summary of consultation
Evidence Plan steering group			
16/11/2021	Meeting	Non-statutory	<ul style="list-style-type: none"> Introduce and gain feedback on Evidence Plan Identify key contacts and roles and responsibilities Discuss establishment of EWGs and key contacts for these
14/12/2021	Meeting	Non-statutory	<ul style="list-style-type: none"> To produce high level feedback on the Offshore Wind Project cable routing process To identify red flags
29/06/2023	Meeting	Non-statutory	<ul style="list-style-type: none"> Project updates, HRA Stage 1 Screening and ISAA methodology, Section 42 responses and agreement logs
17/10/2023	Meeting	Non-statutory	<ul style="list-style-type: none"> Project updates, HRA Stage 1 Screening and ISAA methodology and approach to underwater sound impact management
Evidence Plan benthic ecology, fish and shellfish ecology and physical processes EWG			
17/02/2022	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 and any further data required Update on the progress of surveys and data analysis
01/04/2022	Meeting	Non-statutory	<ul style="list-style-type: none"> Provision of the benthic survey scope of works

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Date	Form of consultation	Statutory or non-statutory engagement	Summary of consultation
29/11/2022	Meeting	Non-statutory	<ul style="list-style-type: none"> • Key project updates • Presentation of the baseline characterisation and modelling approach • Initial outputs of impact assessment
14/03/2023	Meeting	Non-statutory	<ul style="list-style-type: none"> • To present the updated baseline characterisation for the Morgan Generation Assets • Cumulative assessment approach and initial impact assessment approach to agreement
11/07/2023	Meeting	Non-statutory	<ul style="list-style-type: none"> • Discussion of statutory consultation responses • Updates baselines • Agreement log
14/08/2023	Meeting	Non-statutory	<ul style="list-style-type: none"> • Provision of a technical note presenting the approach to physical processes modelling for the application
12/10/2023	Meeting	Non-statutory	<ul style="list-style-type: none"> • To present the updates to the benthic ecology baseline characterisation to address statutory consultation responses. Physical processes and fish and shellfish ecology were not discussed
07/12/2023	Meeting	Non-statutory	<ul style="list-style-type: none"> • Presentation of the final impact assessment, final mitigation and monitoring requirements and progress to agreement

Evidence Plan marine mammal EWG

19/07/2022	Meeting	Non-statutory	<ul style="list-style-type: none"> • To agree the marine mammal study areas, approach to baseline characterisation and approach to the EIA, including impact scoping
17/11/2022	Meeting	Non-statutory	<ul style="list-style-type: none"> • To present the baseline characterisation and discuss and agree the approach to the underwater sound assessment and population modelling approach
09/02/2023	Meeting	Non-statutory	<ul style="list-style-type: none"> • To present the updated baseline characterisation, underwater sound modelling outputs, and cumulative assessment
29/06/2023	Meeting	Non-statutory	<ul style="list-style-type: none"> • To present the updated assessment and to discuss statutory consultation responses
10/10/2023	Meeting	Non-statutory	<ul style="list-style-type: none"> • Provision of technical note with approach to addressing outstanding items for agreement
05/12/2023	Meeting	Non-statutory	<ul style="list-style-type: none"> • Final impact assessment, final mitigation and monitoring requirements, and progress to agreement
23/04/2024	Meeting	Non-statutory	<ul style="list-style-type: none"> • To discuss the outline Underwater Sound Management Strategy (APP-068)

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Date	Form of consultation	Statutory or non-statutory engagement	Summary of consultation
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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 • Update on the progress of surveys and data analysis
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
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
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

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Date	Form of consultation	Statutory or non-statutory engagement	Summary of consultation
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 Natural Resources Wales.

Date	Form of consultation	Statutory or non-statutory engagement	Summary of consultation
09/07/2024	Relevant representations	Statutory	Relevant representations of NRW
19/09/24	Meeting	Statutory	Initial discussion on SoCG content and scope.

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.
Not agreed, but not material	The matter is not considered to be agreed between the parties, but is not deemed material
Not agreed	The matter is not considered to be agreed between the parties.

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1.5 Marine Mammals

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 Marine Mammals.

Table 1.5: Agreement Log between the parties on Marine Mammals.

Reference Number	Discussion point	Applicant's Position	Natural Resources Wales Position	Status
EIA				
NRW.MM.1	Consultation	The Applicant has undertaken adequate consultation with NRW Advisory on potential impacts on marine mammals.	NRW Advisory agrees that the applicant has undertaken adequate consultation with NRW Advisory on potential impacts on marine mammals.	Agreed
NRW.MM.2	Consultation	The EIA has had due regard to matters raised by NRW Advisory through statutory and non-statutory consultation on potential impacts on marine mammals.	NRW Advisory agrees that the EIA has had due regard to matters raised by NRW Advisory.	Agreed
NRW.MM.3	Surveys	Agreement on approach to aerial surveys with respect to marine mammals.	NRW Advisory agrees with the data collected through surveys and literature including the data sources used to characterise the baseline, as well as the management unit approach adopted.	Agreed
NRW.MM.2	Baseline environment	Agreement on the baseline characterisation for marine mammals.	NRW Advisory agrees with the data collected through surveys and literature including the data sources used to characterise the baseline, as well as the management unit approach adopted.	Agreed
NRW.MM.3	Baseline environment	Agreement on approach to the baseline characterisation.	NRW Advisory can confirm that we agree with the approach to the baseline characterisation approach following discussions during EWG 06.	Agreed
NRW.MM.4	Scoping	Agreement to the scoping of impacts for the EIA for marine mammals.	NRW Advisory agrees with the scoping of impacts for the EIA for marine mammals.	Agreed
NRW.MM.5	Study area	The EIA study area for marine mammals is appropriate for the receptors and impacts assessed.	NRW Advisory agrees with the data collected through surveys and literature including the data sources used to characterise the baseline, as well as the management unit approach adopted.	Agreed

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Reference Number	Discussion point	Applicant's Position	Natural Resources Wales Position	Status
NRW.MM.6	Project design envelope	The EIA chapter has identified, described and assessed the maximum design scenario for the EIA.	NRW Advisory agrees that the maximum design scenario has been identified, described, and assessed for the EIA.	Agreed
NRW.MM.7	Assessment methodology	The sensitivity of marine mammal receptors has been correctly identified and sufficiently described within the EIA.	NRW Advisory agrees that the sensitivity of marine mammal receptors has been correctly identified and sufficiently described within the EIA.	Agreed
NRW.MM.8	Assessment methodology	Agreement on approach to underwater sound modelling and approach to assessment of underwater sound impacts on marine mammals.	NRW Advisory agree with the outlined approach to noise modelling and mostly agree with the approach to underwater sound assessment of impacts. We welcome the clarifications provided in the EWG and the proposal to use a hybrid finite element / parabolic equation model to determine the source level of the newer, larger piles intended for use in this project.	Ongoing point of discussion
NRW.MM.9	Assessment methodology	Agreement on approach to densities and reference populations.	NRW Advisory agree with the approach to densities and reference populations.	Agreed
NRW.MM.10	Assessment methodology	The list of projects screened into the CEA in the EIA is appropriate.	NRW Advisory agrees with the list of projects screened into the CEA in the EIA.	Agreed
NRW.MM.11	Assessment of the effects from the project alone	Other than piling and UXO impacts, there will be no significant effects on marine mammal receptors in EIA terms for the Morgan Generation Assets alone.	NRW Advisory agrees with the overall conclusions presented in the EIA, notwithstanding any issues raised through our written representations specifically regarding the issues raised on vessel traffic assessment. NRW Advisory considers that inadequate justification has been provided to support the assigned magnitude score of low when assessing the cumulative effects of injury and disturbance to marine mammals from elevated underwater sound due to vessel use, traffic and other non-piling sound producing activities.	Ongoing point of discussion

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Reference Number	Discussion point	Applicant's Position	Natural Resources Wales Position	Status
			<p>NRW(A) acknowledges and welcomes the information provided regarding vessel traffic data, as well as the information provided with respect to Navigational Risk Assessment (NRA). We advise however, that there is inadequate justification for a conclusion of low magnitude, due to the estimated numbers of animals disturbed by vessels having been based on static impact radii. Given that vessels would be expected to move location, we consider that estimating numbers in this way may lead to both underestimates of daily numbers disturbed, and an underestimate of the overall daily area ensonified; which is required to compare against the time area thresholds for an adverse effect for harbour porpoise Special Areas of Conservation (SACs).</p> <p>In our PEIR response, NRW(A) acknowledged that it is unrealistic to assess injury and disturbance from vessel use by presenting a sum of the impact ranges of all vessels. This is because the level of detail necessary to assess the trips of over 2000 vessels of different size and function for the project alone would be impractical and disproportionate. While we still hold to this opinion, this does not preclude the need to propose an alternative method to gauge the number of animals affected by this impact pathway.</p> <p>We have provided further detail regarding the approach we would recommend in our written representations, noting as a point of clarification, that similar advice had been previously given in our PEIR response, and in a response to an action following EWG05.</p>	
NRW.MM.12	Assessment of the effects from the project cumulatively	Other than piling and UXO impacts, there will be no significant effects on marine mammal receptors in EIA terms for the Morgan Generation Assets cumulatively.	NRW are currently unable to confirm agreement with the cumulative impacts assessment until the points raised in NRW.MM.11 are addressed by the Applicant.	Ongoing point of discussion

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Reference Number	Discussion point	Applicant's Position	Natural Resources Wales Position	Status
NRW.MM.13	Mitigation	For UXO impacts, although a significant effect (injury) on harbour porpoise is predicted any such effects will be managed and avoided through measures set out in the MMMP, which will be agreed with stakeholders post consent.	<p>NRW Advisory would in principle expect to agree that impacts to harbour porpoise will be managed and avoided through measures set-up post consent, following discussion with stakeholders.</p> <p>NRW Advisory agree, in principle, with the commitment to develop an UWSMS and that it should identify all potential noise sources associated with the project with further detail provided in associated mitigation plans. Whilst we acknowledge that further significant detail cannot be populated at this time, we consider it likely that the UWSMS could potentially reduce the magnitude of impacts to an acceptable level. We welcome the commitment of the Applicant to continue to engage with NRW to develop the USWMS pre and post-consent.</p>	Ongoing point of discussion
NRW.MM.14	Mitigation	For piling impacts, although a significant cumulative effect (in EIA terms) / in-combination adverse effect on integrity (AEOI) (in HRA terms) is predicted on bottlenose dolphin, any such effects will be managed and avoided through measures set out in the Underwater Sound Management Strategy (Piling Strategy), which will be agreed with stakeholders post consent.	<p>NRW Advisory would in principle expect to agree that impacts to bottlenose dolphin will be managed and avoided through measures set-up post consent, following discussion with stakeholders.</p> <p>NRW Advisory agree, in principle, with the commitment to develop an UWSMS and that it should identify all potential noise sources associated with the project with further detail provided in associated mitigation plans. Whilst we acknowledge that further significant detail cannot be populated at this time, we consider it likely that the UWSMS could potentially reduce the magnitude of impacts to an acceptable level. We welcome the commitment of the Applicant to continue to engage with NRW to develop the USWMS pre and post-consent.</p>	Ongoing point of discussion

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Reference Number	Discussion point	Applicant's Position	Natural Resources Wales Position	Status
NRW.MM.15	Mitigation and monitoring	The mitigation measures and conditions outlined in Volume 2, Chapter 4: Marine mammals (AS-010) and the Mitigation and Monitoring schedule (APP-076) are appropriate and will ensure significant effects are avoided.	NRW Advisory would in principle agree that the mitigation measures and conditions outlined in AS-010 and APP-076 are appropriate, noting our current comments on the draft outline UWSMS. We welcome post consent discussions and review of the final UWSMS.	Ongoing point of discussion
NRW.MM.16	Assessment of interrelated effects	Agreement on the approach and conclusion of the inter-related effects assessment in Volume 2, Chapter 15: Inter-related Effects (APP-019) and Volume 2, Chapter 4: Marine mammals (APP-022).	NRW Advisory suggest that the inter-related effects assessment could be made more robust. However, we have reviewed the Applicant's response in the PDA S_PD_3.4 interrelated effects. On balance, given the mitigation measures planned, including development of the MMMP, and being conscious of the challenges inherent in quantifying such effects, we anticipate being able to agree with the overall conclusion in the ES [APP-022] following discussion and provided agreement is reached on mitigation measures post-consent.	Ongoing point of discussion

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1.6 Offshore Ornithology

Table 1.6 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.

Table 1.6: Agreement Log between the parties on Offshore Ornithology.

Reference Number	Discussion point	Applicant's Position	Natural Resources Wales Position	Status
EIA				
NRW.OO.1	Consultation	The Applicant has undertaken adequate consultation with NRW on potential impacts on Offshore Ornithology.	<p>Good progress was made through the EWG during the pre-application process, with broad agreement on most areas. However, some approaches to assessments presented in the application differed to those agreed through the EWG process or had not been discussed with the EWG before the submission, specifically, the method taken to kittiwake age class apportioning during the breeding season using the Hornsea 2 approach (see comments in our Relevant and Written Representations).</p> <p>We note that as the Morgan Generation Assets project is located wholly in English waters, NRW's primary area of interest for offshore ornithology for this project is on impacts to Welsh designated sites.</p>	Ongoing point of discussion
NRW.OO.2	Consultation	The EIA has had due regard to matters raised by NRW Advisory through statutory and non-statutory consultation on potential impacts on offshore ornithology.	See comments on NRW.OO.1 above.	Ongoing point of discussion
NRW.OO.3	Surveys	Agreement on broad approach to aerial surveys.	NRW Advisory agree with the broad approach to aerial surveys.	Agreed
NRW.OO.4	Scoping	Agreement to the scoping of impacts for the EIA for offshore ornithology.	NRW Advisory Agree on this point.	Agreed

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Reference Number	Discussion point	Applicant's Position	Natural Resources Wales Position	Status
NRW.OO.5	Baseline environment	Agreement on the baseline characterisation for offshore ornithology.	NRW Advisory Agree on this point. Power analysis report has been reviewed by NRW Advisory and the work undertaken does provide NRW Advisory with some confidence that the digital aerial surveys conducted are fit for purpose in terms of baseline characterisation for consideration in EIA and HRA.	Agreed
NRW.OO.6	Project design envelope	The EIA chapter has identified, described and assessed the maximum design scenario for the EIA.	NRW Advisory agree that the application sets out the Maximum Design Scenario and that this scenario is assessed.	Agreed
NRW.OO.7	Assessment methodology	The sensitivity of offshore ornithology receptors has been correctly identified and sufficiently described within the EIA.	NRW Advisory agree that the sensitivity of offshore ornithology receptors has been correctly identified and sufficiently described.	Agreed
NRW.OO.8	Assessment methodology	Agreement on the approach to displacement assessment methodology.	<p>As a range of % displacement and % mortality rates have been considered and assessed, as advised by NRW Advisory, NRW Advisory agree with the approach to displacement assessment methodology.</p> <p>As advised in our Relevant Representations [RR-027], we advise that the displacement assessments of the guillemot and razorbill features of the Pen y Gogarth / Great Orme's Head SSSI should consider the apportioned impacts across the range of % displacement and % mortality rates as well as the Applicant's preferred rates. We understand the Applicant will be submitting a clarification note, detailing responses to our comments regarding this aspect at Deadline 1. We will provide further advice on this aspect following review of this document..</p>	Ongoing point of discussion

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Reference Number	Discussion point	Applicant's Position	Natural Resources Wales Position	Status
NRW.OO.9	Assessment methodology	Agreement on the approach to collision risk assessment methodology.	<p>NRW Advisory understand that the collision risk modelling has been undertaken using the stochastic collision risk model (sCRM) 'Shiny App'. Clarification is required as to how the Applicant has entered the bird density data into the sCRM. NRW Advisory also repeat our advice provided on the Preliminary Environmental Information Report that the log .csv files (input and output) the sCRM produces should be provided in order for the sCRM to be verified and for the correct data to be available for use by future projects if required for cumulative/in-combination assessments. See our Relevant and Written Representations for details.</p> <p>It should also be noted that NRW (A) advise the use of the species-group avoidance rates rather than the species-specific avoidance rates (as was advised during the EWG) and use of flight speeds from Alerstam et al. (2007) or Pennycuick (1997). We welcome that the Applicant has presented predicted collision impacts for each relevant species using the various flight speeds they have considered, including the SNCB advised speeds, and both the species group and species-specific avoidance rates. However, we note that we will base our advice on the predicted impacts using the Statutory Nature Conservation Body (SNCB) advised flight speeds and species-group avoidance rates and therefore, impacts from the project alone (including apportioned impacts to designated sites) should be clearly presented.</p>	Ongoing point of discussion

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Reference Number	Discussion point	Applicant's Position	Natural Resources Wales Position	Status
NRW.OO.10	Assessment methodology	Use of the latest species-specific avoidance rates from Ozsanlav-Harris et al. (2023) in the non-migratory CRM.	<p>The use of species-specific versus species-group avoidance rates was discussed with the Expert Working Group (EWG) and the SNCBs (NE/NRW/JNCC) advised that due to the paucity of offshore, species-specific data that undermines the confidence we can place in species-specific rates at this stage, we currently advise that the species group avoidance rates are used in assessments.</p> <p>We note that in Section 5.7.5 of Volume 2, Chapter 5: Offshore ornithology (APP057) the Applicant has presented potential impacts from the project alone for using both the species-specific and species-group avoidance rates. Therefore, NRW (A) are content with this approach. However, we note that we will base our advice on the predicted impacts using the Statutory Nature Conservation Body (SNCB) advised species-group avoidance rates and other input parameters (e.g. flight speeds).</p>	Ongoing point of discussion
NRW.OO.11	Assessment methodology	Agreement on the approach to migratory bird collision risk assessment methodology.	NRW Advisory confirms agreement to the approach set out by the Applicant in EWG05 during that meeting as set out in EWG05 meeting minutes.	Agreed
NRW.OO.12	Assessment methodology	The list of projects screened into the CEA in the EIA is appropriate.	NRW (A) agrees with the projects screened into the EIA cumulative assessment. However, we have concerns regarding inconsistencies in the numbers included for other projects between the Morgan application and the Mona application and with the lack of data for the projects screened into the CEA and that the assessments cannot be considered comprehensive (see our Relevant and Written Representations for details). This issue feeds through to the HRA in-combination assessments (see response to NRW.HRA.OO.5 below).	Ongoing point of discussion

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Reference Number	Discussion point	Applicant's Position	Natural Resources Wales Position	Status
NRW.OO.13	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.	See our response to NRW.OO.15 above regarding gaps in the CEA. However, following the SNCB meeting on 30/08/2024 NRW Advisory understand that the Applicant will be providing into the examination at Deadline 1 an update on the response to the advice from Natural England (which NRW agreed with) regarding how to incorporate historic offshore wind projects into the cumulative and in-combination assessments. NRW (A) will provide further advice into the examination following full review of the Applicant's document that will be submitted into the examination.	Ongoing point under discussion
NRW.OO.14	Mitigation and monitoring	The mitigation measures and conditions outlined in Volume 2, Chapter 5: Offshore ornithology (APP-023) and the Mitigation and Monitoring schedule (APP-076) are appropriate and will ensure significant effects are avoided.	See comments to point NRW.HRA.OO.4 below.	Ongoing point of discussion

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1.7 Habitats Regulations Assessment

Table 1.7 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 Habitats Regulations Assessment.

Table 1.7: Agreement Log between the parties on Habitats Regulations Assessment.

Reference Number	Discussion point	Applicant's Position	Natural Resources Wales Position	Status
Marine mammals				
NRW.HRA.MM.1	Assessment methodology	Agreement on approach to LSE Screening for Marine Mammals.	NRW Advisory agree on this point.	Agreed
NRW.HRA.MM.2	Assessment Methodology	All European sites within Welsh waters with marine mammal features that have the potential for LSE have been identified within the HRA Stage 1 screening and considered in the Stage 2 ISAA.	NRW Advisory agree on this point.	Agreed
NRW.HRA.MM.3	Assessment Methodology	The list of projects screened into the in-combination assessment in the HRA is appropriate.	NRW Advisory agree on this point.	Agreed
NRW.HRA.MM.4	Assessment of the effects from the project cumulatively with other projects	There will be no adverse effects on integrity on SACs with marine mammal features for the project alone and in-combination with other plans and projects.	NRW Advisory can confirm that we agree with the overall conclusions of the ISAA alone and in combination with other plans and projects notwithstanding any written representations raised that are currently ongoing points of discussion.	Agreed
Offshore ornithology				
NRW.HRA.OO.1	Screening	Agreement to the screening of impacts for the HRA for offshore ornithology.	NRW (A) agrees with the screened impacts	Agreed

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Reference Number	Discussion point	Applicant's Position	Natural Resources Wales Position	Status
NRW.HRA.OO.2	Screening	Agreement on the approach to identifying sites and features in the HRA Stage 1 Screening.	This is agreed, with caveats. As noted in our Relevant Representations (RR-027), the approach taken by the Applicant in this assessment may be considered appropriate regarding the project alone assessment for this particular project, where there is potential connectivity to a very large number of sites, but the likelihood of substantial impacts is generally low. It should be acknowledged however (this is where the caveat should be considered), that this approach will not necessarily be appropriate for all offshore wind cases.	Agreed
NRW.HRA.OO.3	Screening	Agreement on approach to HRA Stage 1 Screening using outputs for CRM, displacement assessment and associated apportioning.	This is agreed, with caveats. As was noted during the EWG, NRW consider LSE is a coarse screening filter, should be simple, and if further evidence is brought in, then effectively this should be part of the Appropriate Assessment (AA). This provides a transparent approach that can be followed through the ISAA. NRW (A) would therefore expect all sites where a qualifying feature has been recorded on the development site and where there is potential connectivity (e.g. within foraging range) and a potential impact pathway (e.g. displacement or collision) and hence the potential to undermine the conservation objectives for the feature, to be carried through to the AA phase. Any additional work looking at e.g. apportioning impacts and assessments of predicted impacts against baseline mortality etc. should be included in the AA. However, following discussions with the Applicant during the EWG, a compromise solution was reached, which is the approach taken in the assessment. As noted on point NRW.HRA.OO.2 above, the approach taken by the Applicant may be considered appropriate for this project alone. It should be acknowledged however (this is where the caveat should be considered), that this approach will not necessarily be appropriate for all offshore wind cases.	Agreed

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Reference Number	Discussion point	Applicant's Position	Natural Resources Wales Position	Status
NRW.HRA.OO.4	Assessment methodology	All European sites with offshore ornithology features with the potential for LSE have been identified within the HRA Stage 1 screening and considered in the Stage 2 ISAA.	<p>As noted in our Relevant Representations (RR-027) as the port location is not yet decided, we consider that there is the potential for operations and maintenance vessel movements through the Liverpool SPA for such vessels transiting from port to the array area. No consideration has been given in the HRA Stage 1 Screening Report [APP-099] to the potential impacts from such activities on the qualifying features of this SPA, particularly the red-throated diver and common scoter features. Given that these features are particularly sensitive to disturbance / displacement from vessel movements, we would consider that an LSE cannot be ruled out for these features and hence should be taken through to the HRA Stage 2 ISAA. The Applicant therefore should consider screening this SPA in for LSE and taking through to the HRA Stage 2 ISAA.</p> <p>Additionally, as noted in our comments on point NRW.OO.14 above, we do not agree with some aspects/methods used in the apportionment of impacts to designated sites, which may have impacts on the results of the HRA Stage 1 screening and Stage 2 ISAA.</p>	Ongoing point of discussion
NRW.HRA.OO.5	Assessment methodology	Agreement on the approach to apportioning assessment methodology.	NRW Advisory disagrees with the approach to age-class apportionment for kittiwake in the breeding season. We note this largely applies to apportionment of impacts to SPAs for HRA, although is also relevant to apportionment of impacts to the Pen y Gogarth / Great Orme's Head SSSI. See NRW Relevant Representations (RR-027) and Written Representations for full details.	Ongoing point under discussion

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Reference Number	Discussion point	Applicant's Position	Natural Resources Wales Position	Status
NRW.HRA.OO.6	Assessment methodology	The list of projects screened into the in-combination assessment in the HRA are appropriate.	<p>NRW (A) agrees with the projects screened into the EIA in-combination assessment. However, as noted above on points NRW.OO.15 and NRW.OO.17, we have concerns regarding the lack of data for the projects screened into the assessment.</p> <p>However, following the SNCB meeting on 30/08/2024 NRW Advisory understand that the Applicant will be providing into the examination at Deadline 1 an update on the response to the advice from Natural England (which NRW agreed with) regarding how to incorporate historic offshore wind projects into the cumulative and in-combination assessments. NRW (A) will provide further advice into the examination following full review of the Applicant's document.</p>	Ongoing point under discussion

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Reference Number	Discussion point	Applicant's Position	Natural Resources Wales Position	Status
NRW.HRA.OO.7	Assessment of the effects from the project alone	There will be no adverse effects on integrity on SPAs with ornithology features for the project alone.	<p>NRW (A) cannot currently agree with this. Whilst NRW Advisory consider that the predicted impacts from the Morgan Generation Assets project alone to Welsh designated sites are likely to be small and result in no adverse effects, the assessment and process of reaching the predicted impacts in the submission documents is currently unclear in places (e.g. how bird density data has been input to the sCRM, uncertainty over the CRM input parameters the CRM predictions in the HRA Stage 2 ISAA part 3 are based on). Therefore, we advise clarification and/or updates are required to the assessment to add clarity and confidence in the predicted levels of impact.</p> <p>In addition, as noted in our Relevant Representations (RR-027) the Applicant has not presented assessments of displacement impacts to designated site features for the range of SNCB advised % displacement and % mortality rates. Further information on the reasoning for why assessment covering a range of rates is required is set out in our Written Representations. We will be unable to reach definite conclusions on whether AEOI can be ruled out from the project alone for Welsh designated sites until these issues are suitably addressed by the Applicant.</p> <p>We understand that the Applicant intends to submit a clarification note at Deadline 1, detailing responses to the comments regarding our recommendations that apportioned impacts and associated increases in baseline mortality across the range of SNCB advised % displacement and % mortality are also presented and considered in the assessments. NRW (A) will provide further advice into the examination following review of the submitted document.</p>	Ongoing point under discussion

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Reference Number	Discussion point	Applicant's Position	Natural Resources Wales Position	Status
NRW.HRA.OO.8	Assessment of the effects from the project in-combination with other projects	There will be no adverse effects on integrity on SPAs with ornithology features for the project in-combination with other plans and projects.	<p>As noted in our Relevant Representations (RR-027), the Applicant has taken an approach where if the predicted impact from the project alone equates to less than 0.05% of baseline mortality of a designated site then it is deemed non-material and within natural fluctuations of the population and is therefore screened out of in-combination assessment. This has resulted in all Welsh SPAs being screened out of in-combination assessment. Whilst this approach may be appropriate for this project where predicted impacts from the project alone are likely very small, it may not be appropriate in other situations. However, we are not in a position a present to make any comment/agreement on the level of significance of in-combination effects for the reasons set out in our comments to points NRW.OO.17 and NRW.HRA.OO.6 above. These issues need to be addressed and assessments updated before we can make any conclusions/provide any advice regarding whether AEOSI can be ruled out for the project in combination with other plans and projects for any Welsh designated sites.</p> <p>However, following the SNCB meeting on 30/08/2024 NRW (A) understand that the Applicant will be providing into the examination at Deadline 1 an update on the response to the advice from Natural England (which NRW agreed with) regarding how to incorporate historic offshore wind projects into the cumulative and in-combination assessments. NRW (A) will provide further advice into the examination following full review of the Applicant's document.</p> <p>The apportioned collision predictions based on the full SNCB input parameters should be provided.</p>	Ongoing point under discussion

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Reference Number	Discussion point	Applicant's Position	Natural Resources Wales Position	Status
NRW.HRA.OO.9	Mitigation	<p>The mitigation and management measures are appropriate to ensure significant effects and AEOI are avoided for marine ornithological receptors.</p>	<p>We note the measures listed in Table 5.26 of Volume 2, Chapter 5 [APP-023] of adherence to an offshore Environmental Management Plan (EMP) that will include measures to minimise disturbance to rafting birds from transiting vessels (as set out in APP-070) and include a Marine Pollution Contingency Plan (MPCP). We note and agree that the offshore EMP is secured within the dML in Schedule 3 Part 2 of the draft DCO [APP-005]. Therefore, based on the adoption of best practice vessel operations to minimise disturbance it is likely that an AEOI from operation and maintenance vessel movements can be ruled out for these features of the SPA.</p> <p>However, we note our comment to point NRW.HRA.OO.4 above regarding the need for the Applicant to consider the Liverpool Bay SPA in both the HRA Stage 1 Screening and HRA Stage 2 ISAA with regard to LSE and hence assessment of impacts from vessel transit movements through the SPA on the red-throated diver and common scoter features.</p>	Ongoing point under discussion