

# MORGAN OFFSHORE WIND PROJECT: GENERATION ASSETS

## Statement of Common Ground between Morgan Offshore Wind Limited and Ørsted Interested Parties

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Image of an offshore wind farm

**MORGAN OFFSHORE WIND PROJECT: GENERATION ASSETS**

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## MORGAN OFFSHORE WIND PROJECT: GENERATION ASSETS

### Glossary

Term	Meaning
Applicant	Morgan Offshore Wind Limited.
Deemed Marine Licence	The Marine and Coastal Access Act 2009 requires a marine licence to be obtained for licensable marine activities. Section 149A of the Planning Act 2008 allows an applicant for a DCO to apply for a 'deemed' marine licence as part of the DCO process.
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
DCO	Development Consent Order
EIA	Environmental Impact Assessment
IPs	Interested Parties
MNEF	Marine Navigation Engagement Forum
NRA	Navigational Risk Assessment
NSIP	Nationally Significant Infrastructure Project
OSP	Offshore Substation Platform
PEIR	Preliminary Environmental Information Report
SoCG	Statement of Common Ground

### Units

Unit	Description
km	Kilometres

# **1 STATEMENT OF COMMON GROUND BETWEEN MORGAN OFFSHORE WIND LIMITED AND ØRSTED INTERESTED PARTIES**

## **1.1 Introduction**

### **1.1.1 Overview**

1.1.1.1 This initial Statement of Common Ground (SoCG) has been prepared between Morgan Offshore Wind Limited (hereafter referred to as ‘the Applicant’) and Barrow Offshore Wind Limited, Burbo Extension Ltd, Morecambe Wind Limited, Ørsted Burbo (UK) Limited, Walney Extension Limited and Walney (UK) Offshore Windfarms Ltd (hereafter referred to as the ‘Ørsted Interested Parties (IPs)’), referred together as the parties. The SoCG sets out the areas of agreement and disagreement between the parties in relation to the 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 the Ørsted IPs is set out within the Rule 6 letter that was issued by the Planning Inspectorate on 05 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 relevant to the Ørsted IPs**

1.1.2.1 The Ørsted IPs are other offshore wind farm operators in the east Irish Sea who have made Relevant Representations in relation to the Morgan Generation Assets. The elements of the Morgan Generation Assets which may affect the interests of the Ørsted IPs are detailed in Schedule 1 (Authorised Development), Part 1 (Authorised Development) of the Draft DCO (AS-003).

1.1.2.2 This SoCG covers the following topics of relevance to the Ørsted IPs:

- Assessment of effects to existing and proposed infrastructure including wake effects;
- Assessment of the effects of the Morgan Generation Assets on offshore ornithology and the cumulative impact assessment;
- The effects of the Morgan Generation Assets on shipping and navigation; and
- The effects of the Morgan Generation Assets on two of the Ørsted’s IPs’ radar mitigation for the Warton Airfield Primary Surveillance Radar

### **1.1.3 Overview of Morgan Generation Assets**

1.1.3.1 The 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:

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- 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 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 the Ørsted IPs within its response to Scoping, Section 42 consultation and as raised through the pre-application consultation that has taken place between the parties. This SoCG also includes those issues raised by the Ørsted IPs 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 phases of the Morgan Generation Assets. The agreement logs present the position reached on 22 October 2024 (Deadline 2).

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**1.3 Summary of consultation**

1.3.1.1 Table 1.1 below provides a summary of the consultation undertaken by the Applicant with the Ørsted IPs, relevant to the assessment of effects to existing and proposed infrastructure during the pre-application phase of the Morgan Generation Assets. Table 1.2 below provides a summary of the consultation undertaken by the Applicant with the Ørsted IPs during the post-application phase of the Morgan Generation Assets.

**Table 1.1: Summary of pre-application consultation with Ørsted IPs.**

Date	Form of consultation	Stakeholder	Statutory or non-statutory engagement	Summary of consultation
<b>Statutory (Section 42) consultation</b>				
02/06/2023	Section 42 consultation	Barrow Offshore Wind Limited, Morecambe Wind Limited, Walney (UK) Offshore Windfarms Limited, Walney Extension Limited	Statutory	<ul style="list-style-type: none"> <li>Potential for the Morgan Generation Assets turbines to interfere with wind speed or wind direction of the existing Barrow, West of Duddon Sands, Walney 1 and 2, and Walney 3 and 4 offshore wind farms, causing a reduction in energy output.</li> </ul>
02/06/2023	Section 42 consultation	Barrow Offshore Wind Limited, Burbo Extension Ltd, Ørsted Burbo (UK) Limited, Morecambe Wind Limited, Walney (UK) Offshore Windfarms Limited, Walney Extension Limited	Statutory	<ul style="list-style-type: none"> <li>The need for continued access to the offshore wind assets for maintenance, and for any upgrading, repowering or decommissioning activities.</li> </ul>
02/06/2023	Section 42 consultation	Barrow Offshore Wind Limited, Burbo Extension Ltd, Ørsted Burbo (UK) Limited, Morecambe Wind Limited, Walney (UK) Offshore Windfarms Limited, Walney Extension Limited	Statutory	<ul style="list-style-type: none"> <li>Potential impact of helicopter usage during the construction and operation of the Morgan Generation Assets. The PEIR highlights that there may be two helicopter supports completing 365 return trips during installation works. No heliport site(s) or transit route(s) have been identified within the PEIR documentation. Requested further information to enable Ørsted to understand and respond to the potential impacts and mitigations being proposed.</li> </ul>
<b>Shipping and navigation consultation</b>				
28/09/2023	Hazard workshop	Ørsted	Non-statutory	<ul style="list-style-type: none"> <li>Cumulative NRA hazard workshop undertaken to inform the Environmental Statement.</li> </ul>
29/09/2023	Hazard workshop	Ørsted	Non-statutory	<ul style="list-style-type: none"> <li>Morgan Generation Assets NRA hazard workshop undertaken to inform the Environmental Statement.</li> </ul>

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**Table 1.2: Summary of post-application consultation with Ørsted IPs.**

<b>Date</b>	<b>Form of consultation</b>	<b>Stakeholder</b>	<b>Statutory or non-statutory engagement</b>	<b>Summary of consultation</b>
04/07/2024	Meeting	Ørsted IPs	Non-statutory	Discussion on areas of the Morgan Generation Assets application submission.
10/07/2024	Relevant representation	Ørsted IPs	Statutory	Relevant representations of Ørsted IPs.
21/10/2024	Meeting	Ørsted IPs	Non-statutory	Discussion on initial SoCG for Deadline 2.



## 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 1.3 below.

**Table 1.3: 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.

1.4.1.2 The following sections set out the level of agreement between the parties for each relevant component of the application.

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**1.4.2 Assessment of effects to existing and proposed infrastructure including wake effects**

**Table 1.4: Agreement Log between the parties on Assessment of effects to existing and proposed infrastructure including wake effects.**

Reference Number	Discussion point	Applicant's Position	Ørsted IPs' Position	Status
<b>Proximity and co-existence</b>				
OIP.OWF.1	Proximity	<p>The Ørsted IPs represent the following operational offshore wind farms in the east Irish Sea which are presented together with distance from the Morgan Array Area (as set out in Table 9.8 of Volume 2, Chapter 9: Other sea users (APP-027)):</p> <ul style="list-style-type: none"> <li>• Walney Extension offshore wind farm (8.1 km)</li> <li>• Walney 1 and 2 offshore wind farms (13.3 km)</li> <li>• West of Duddon Sands (15.4 km)</li> <li>• Barrow offshore wind farm (30.1 km)</li> <li>• Burbo Bank Extension (56.0 km)</li> <li>• Burbo Bank offshore wind farm (61.6 km).</li> </ul>	Agreed.	Agreed
<b>Offshore ornithology and cumulative impact assessment</b>				
OIP.OO.1	Offshore ornithology and cumulative impact assessment (raised by Barrow Offshore Wind Limited, Burbo Extension Ltd, Morecambe Wind Limited, Ørsted Burbo (UK) Limited, Walney Extension Limited and Walney (UK) Offshore Windfarms Ltd)	<p>The Applicant has undertaken a robust assessment of all potential impacts on offshore ornithology informed by appropriate data sources from site-specific surveys and detailed desktop studies, in accordance with relevant guidance. The assessment of potential impacts to offshore ornithology is presented in Volume 2, Chapter 5: Offshore ornithology (APP-023) and HRA Stage 2 information to support an appropriate assessment Part Three: Special Protection Areas and Ramsar Sites assessments (APP-098).</p> <p>The Applicant has noted that Ørsted IPs will defer to Natural England on this going forward.</p>	<p>Following review of the ES, the Ørsted IPs seek engagement with Morgan Offshore Wind Limited (MOWL) to discuss a number of environmental concerns relating to ornithology and the cumulative impact assessment. The Ørsted IPs are not convinced that the assessments are robust and require to analyse this further and engage with MOWL.</p> <p>For the sake of avoiding duplication with other participants, Ørsted defers this point of objection to Natural England.</p>	Not agreed but not material

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Reference Number	Discussion point	Applicant's Position	Ørsted IPs' Position	Status
<b>Wake effects</b>				
OIP.WE.1	Wake effects (raised by Barrow Offshore Wind Limited, Burbo Extension Ltd, Morecambe Wind Limited, Ørsted Burbo (UK) Limited, Walney Extension Limited and Walney (UK) Offshore Windfarms Ltd)	<p>There is a fundamental disagreement between the Parties on wake loss and the ExA should refer to each Parties' latest written submission for the most up to date position.</p> <p>In summary the key points of disagreement are:</p> <ul style="list-style-type: none"> <li>The Application documents include sufficient information for an assessment of the Morgan Generation Assets against the policies in NPS EN1 and EN3. The correct interpretation of the NPS and the application of relevant policy to the Morgan Generation Assets application does not require any further 'wake assessment' to be undertaken or submitted. (see (S_D1_4.11 Applicants response to wake loss (REP1-016)).</li> <li>The Applicant has followed EIA legislation and undertaken its baseline characterisation and assessment appropriately (APP-027).</li> <li>There is no policy stating an assessment of wakes is required at any distance.</li> <li>If an assessment was required, there is not a robust or recognised approach to undertake it.</li> <li>The Applicant has reduced the boundary closest to the Orsted IPs following statutory pre-application consultation (APP-011), increasing the distance between the projects. The reduction in the boundary follows the mitigation hierarchy.</li> </ul>	<p>The Ørsted IPs believe that the Morgan Generation Assets will adversely affect the energy yield of their developments.</p> <p>Due to proximity, the Ørsted IPs believe that the Morgan Generation Assets will interfere with wind speed or direction at their developments causing reduction in energy output.</p> <p>The Ørsted IPs have stated that this requires to be properly assessed by the Applicant and appropriately mitigated/compensated.</p> <p>The applicant sees the terms of NPS EN-3 as unambiguous in its requirement to carry out the assessment. NPS EN-3, in particular paragraph 2.8.197-2.9.198, requires that, where a potential offshore wind farm is proposed close to existing operational offshore infrastructure or has the potential to affect activities for which a licence has been issued by government, the Applicant should undertake an assessment of the potential effects of the proposed development on such existing or permitted infrastructure or activities. The Orsted IPs are not satisfied that such assessment has been properly undertaken here. The Orsted IPs do not consider the Applicant can rely on compliance with the boundary requirements in TCE's Round 4 Leasing Information Memorandum to justify not carrying out this detailed assessment. The necessary data and modelling tools to undertake such an analysis is available to the Applicant.</p>	Not agreed
<b>Aviation and radar</b>				
OIP.A&R.1	Aviation and radar (raised by Burbo Extension Ltd and Walney Extension Limited)	The Applicant has received an objection from the MOD Defence Infrastructure Organisation (DIO) dated 09 August 2024 in relation to the Air Traffic Control (ATC) radar at BAE Warton. The	Burbo Extension Ltd and Walney Extension Limited are implementing appropriate mitigation in relation to potential impacts on the Warton Airfield Primary Surveillance Radar. Burbo Extension Ltd and Walney	Ongoing point of discussion

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Reference Number	Discussion point	Applicant's Position	Ørsted IPs' Position	Status
		<p>Applicant has progressed a SoCG with DIO on this matter. The Applicant is in discussion with BAE Systems and the DIO regarding mitigation, which will be agreed with BAE Systems and the DIO where necessary to ensure significant effects are avoided. Therefore, the Applicant has no reason to believe that the Morgan Generation Assets might adversely affect or increase the cost of the mitigation put in place by Burbo Extension Ltd or Walney Extension Limited related to Warton Aerodrome PSR. Any agreement which may be required with BAE Systems related to the funding of mitigation will be made exclusively between the Morgan Generation Assets and BAE Systems.</p> <p>At this time the nature of the Orsted IP's mitigation deployed at BAE Warton, and whether its application would extend to the Morgan Generation Assets, is unknown to the Applicant. Morgan Generation Assets is also unaware as to whether such mitigation is contractually underpinned between BAE Systems and Orsted IPs by cost sharing principles or similar. As noted above, any agreement which may be required with BAE Systems related to the funding of mitigation will be made exclusively between the Morgan Generation Assets and BAE Systems. The Applicant would welcome further clarity to enable resolution of any residual concern on this matter.</p>	<p>Extension Limited require assurance that the Morgan Generation Assets will not adversely affect or increase the cost of such mitigation and that, in the event that MOWL makes use of this mitigation, MOWL will contribute to the purchase, installation and maintenance costs.</p> <p>It is widely acknowledged that PSR CAPEX cost sharing is standard practice in addressing aviation concerns, in both the defence and civil aviation sector.</p>	
<b>Shipping and navigation</b>				
OPI.S&N.1	Marine Navigation Engagement Forum (MNEF) pre-application	The Applicant established a MNEF to engage stakeholders in the pre-application process. This included hosting a Hazard Workshop to discuss findings of the NRA and CRNRA. Ørsted IPs were invited to attend the Hazard Workshop and MNEF meeting in September 2023 and February 2024.	Ørsted IPs confirm that engagement with the MNEF by the Ørsted IPs started from September 2023 and is in progress.	Agreed

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Reference Number	Discussion point	Applicant's Position	Ørsted IPs' Position	Status
OPI.S&N.2	MNEF post-consent	The Applicant has committed to ongoing engagement with stakeholders (including the Orsted IPs) via the MNEF. Details of this are set out in the Outline Vessel Traffic Management Plan. An updated version of this outline plan has been submitted at Deadline 2 (S_D2_11).	Ørsted IPs confirm that engagement with the MNEF by the Ørsted IPs started from September 2023 and is in progress.	Agreed
OPI.S&N.3	Shipping and navigation	The Applicant notes that the Orsted IPs shipping and navigation concerns are only for West of Duddon Sands (Morecambe Wind Limited) and Walney Extension and therefore shipping and navigation is not a concern for the other Ørsted IP projects.	Ørsted IPs noted that the shipping and navigation concerns were primarily for West of Duddon Sands (Morecambe Wind Limited) and Walney Extension. Based on the information available, Ørsted IPs consider that the allision and collision risk on other windfarms within Ørsted IPs is within tolerance.	Agreed
OPI.S&N.4	Shipping and navigation (raised by Morecambe Wind Limited)	<p>The Applicant notes that West of Duddon Sands is located 8.3 nm to the east of the Morgan Generation Assets.</p> <p>The Applicant has committed within Volume 2, Chapter 7: Shipping and navigation (APP-025) to continue engagement with all stakeholders through the Marine Navigation Engagement Forum (MNEF) post-consent, which includes offshore wind energy developers. This will include the post-consent documentation as appropriate.</p> <p>The Applicant understands through ongoing discussion with Ørsted IPs, there is concern that engagement with shipping operators could result in an increased collision/allision risk to Ørsted assets. The Applicant has assessed the potential impacts of the Morgan Generation Assets on navigational risk for all marine users, including collision and allision risk with existing operational windfarms within the shipping and navigation study area presented in Volume 4, Annex 7.1: Cumulative Regional Navigational risk assessment (APP-060). It was concluded that all hazards had been reduced to As Low As Reasonably Practicable or Broadly Acceptable (as</p>	The ES highlights extensive impacts on shipping and navigation and commits to stakeholder engagement (F2.7 at 7.14.1.1). Morecambe Wind Limited requires to be directly engaged with to ensure that its consents, agreements, and operations are not adversely affected by the Morgan Generation Assets. Morecambe Wind Limited seeks that it is engaged with in respect of the Marine Pollution Contingency Plan, ERCOP and any Navigational Safety Plan.	Ongoing point of discussion

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Reference Number	Discussion point	Applicant's Position	Ørsted IPs' Position	Status
		<p>per section 1.9.8 of Volume 4, Annex 7.1: Navigational risk assessment (APP-060)).</p> <p>Ongoing engagement with vessel operators relating to residual concerns do not relate to navigational safety and therefore would not result in any changes in risk to the Ørsted IPs' developments.</p> <p>The Applicant is committed to continuing the MNEF post consent and this will include engagement on the relevant shipping and navigation documentation once agreed with the relevant statutory authority.</p>		
OPI.S&N.5	Shipping and navigation (raised by Walney Extension Limited)	<p>The Applicant notes that 'accidental pollution during all phases of the development' was scoped out of the Morgan Generation Assets EIA as agreed with the Planning Inspectorate in the Scoping Opinion, on the basis that this will be mitigated through management practices including an Offshore Environmental Management Plan (OEMP) and a Marine Pollution Contingency Plan (MPCP) (section 2.2, APP-030). The Applicant has committed to preparing an Offshore EMP, which includes a MPCP, to minimise and manage the risk of marine pollution events. The Offshore EMP is secured as a condition of the deemed Marine Licences within the draft Development Consent Order (AS-003).</p> <p>The Applicant has committed within Volume 2, Chapter 7: Shipping and navigation (APP-025) to continue engagement with all stakeholders through the Marine Navigation Engagement Forum (MNEF) post-consent, which includes offshore wind energy developers. This will include the post-consent documentation as appropriate.</p> <p>The Applicant understands through ongoing discussion with Ørsted IPs, there is concern that engagement with shipping operators could result</p>	<p>The ES (F4.7.1/F2.7) conveys a change in risk to Walney Extension Limited relating, for instance, to increased risk of a pollution event between the respective array areas. The ES commits to stakeholder engagement (F2.7 at 7.14.1.1). Walney Extension Limited require to be directly engaged with to ensure that the risk is appropriately mitigated and its consents, agreements, and operations are not adversely affected by the Morgan Generation Assets. Walney Extension Limited seeks that it is engaged with in respect of the Marine Pollution Contingency Plan, ERCOP and any Navigational Safety Plan.</p>	Ongoing point of discussion

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Reference Number	Discussion point	Applicant's Position	Ørsted IPs' Position	Status
		<p>in an increased collision/allision risk to Ørsted IP assets. The Applicant has assessed the potential impacts of the Morgan Generation Assets on navigational risk for all marine users, including collision and allision risk with existing operational windfarms within the shipping and navigation study area presented in Volume 4, Annex 7.1: Cumulative Regional Navigational risk assessment (APP-060). It was concluded that all hazards had been reduced to As Low As Reasonably Practicable or Broadly Acceptable (as per section 1.9.8 of Volume 4, Annex 7.1: Navigational risk assessment (APP-060)).</p> <p>Ongoing engagement with vessel operators relating to residual concerns do not relate to navigational safety and therefore would not result in any changes in risk to the Ørsted IPs' developments.</p> <p>The Applicant is committed to continuing the MNEF post consent and this will include engagement on the relevant shipping and navigation documentation once agreed with the relevant statutory authority.</p>		