

Morecambe Offshore Windfarm: Generation Assets Examination Documents

Volume 9

Draft Statement of Common Ground with Royal Society for the Protection of Birds

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Glossary of Acronyms

AfL	Agreement for Lease
CMS	Construction Method Statement
DCO	Development Consent Order
DML	Deemed Marine Licence
EPP	Evidence Plan Process
ES	Environmental Statement
ETG	Expert Topic Group
OSP	Offshore substation platform
PEIR	Preliminary Environmental Information Report
PINS	Planning Inspectorate
PEMP	Project Environmental Management Plan
RIAA	Report to Inform Appropriate Assessment
RSPB	Royal Society for the Protection of Birds
SoCG	Statement of Common Ground
UK	United Kingdom
WTG	Wind turbine generator

Glossary of Unit Terms

km ²	square kilometre
MW	Megawatt

Glossary of Terminology

Agreement for Lease (AfL)	Agreements under which seabed rights are awarded following the completion of The Crown Estate tender process.
Applicant	Morecambe Offshore Windfarm Ltd
Application	This refers to the Applicant's application for a Development Consent Order (DCO). An application consists of a series of documents and plans which are published on the Planning Inspectorate's (PINS) website.
Generation Assets (the Project)	Generation assets associated with the Morecambe Offshore Windfarm. This is infrastructure in connection with electricity production, namely the fixed foundation wind turbine generators (WTGs), inter-array cables, offshore substation platform(s) (OSP(s)) and possible platform link cables to connect OSP(s).
The Planning Inspectorate	The agency responsible for operating the planning process for Nationally Significant Infrastructure Projects
Windfarm site	The area within which the WTGs, inter-array cables, OSP(s) and platform link cables would be present.



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1 Introduction

1.1 Overview of the Project

1. The Morecambe Offshore Windfarm is a proposed offshore windfarm located in the Eastern Irish Sea, which when fully operational would have an anticipated nominal capacity of 480 megawatts (MW) and would have the potential to generate renewable power for over 500,000 homes in the United Kingdom (UK).
2. The windfarm was one of six projects selected by The Crown Estate in its Offshore Wind Leasing Round 4 in 2021. The Agreement for Lease (AfL) for the Morecambe Offshore Windfarm was received in 2023.
3. The AfL comprises an area of up to 125km² and reflects the windfarm site assessed in the Preliminary Environmental Information Report (PEIR). Following design development, surveys, assessments and consultation on the PEIR, the proposed windfarm site development area has been reduced to approximately 87km².
4. The 'Project' relates to the Generation Assets of the Morecambe Offshore Windfarm (including wind turbine generators (WTGs), inter-array cables, offshore substation platforms (OSP(s)), and possible platform link cables to connect OSP(s)).
5. A separate consent for the Transmission Assets associated with the Morecambe Offshore Windfarm and the Morgan Offshore Wind Project (another proposed windfarm to be located in the Irish Sea) is being sought.

1.2 Purpose of this document

6. This draft Statement of Common Ground (SoCG) has been prepared by Morecambe Offshore Windfarm Ltd (the Applicant) with input from the Royal Society for the Protection of Birds (RSPB). This identifies topic areas where there is agreement, areas of disagreement, and areas which remain under discussion in relation to the Development Consent Order (DCO) Application for the Morecambe Offshore Windfarm Generation Assets (hereafter 'the Project').
7. The Applicant has had regard to the Planning Act 2008: Guidance for the examination of applications for development consent (Department for Communities and Local Government, 2015) when compiling this draft SoCG.
8. This draft SOCG has been structured to reflect topics of the DCO Application which are of interest to RSPB.
9. Matters that are not yet agreed will be the subject of ongoing discussion ('In Discussion') between the Applicant and RSPB to reach agreement on each

matter wherever possible or refine the extent of disagreement between parties.

10. Throughout the draft SoCG the phrase 'Agreed' identifies any point of agreement between the Applicant and RSPB. The phrase 'Not Agreed' identifies any points not agreed between the Applicant and RSPB.
11. **Table 1.1** lists topics and documents of the Application which are of key interest to RSPB.

Table 1.1 Topics included in the draft SoCG

Topic/chapter	PINS reference
Draft Development Consent Order	APP-012
Chapter 12 Offshore Ornithology	APP-049
Appendix 12.1 Offshore Ornithology Technical Report	APP-070
Habitats Regulation Assessment Screening Report and Report to Inform Appropriate Assessment	APP-028 APP-027
Habitats Regulations Assessment Without Prejudice Derogation Case and Outline Compensation Implementation and Monitoring Plan	APP-029 APP-030
Schedule of Mitigation	APP-144

1.2.1 Consultation with the RSPB

1.2.1.1 Pre-Application

12. The Applicant has engaged with RSPB on the Project during the pre-Application process, both in terms of informal non-statutory consultation and statutory consultation carried out pursuant to Section 42 of the Planning Act 2008 held between 19th April and 4th June 2023.
13. Numerous meetings were held with the RSPB through the Evidence Plan Process (EPP). These are detailed throughout the SoCG as described in **Table 2.1**, and minutes of the Expert Topic Group (ETG) meetings are provided as an Appendix to the Consultation Report (APP-016). Further information on the consultation process is provided in the Consultation Report (APP-015).

1.2.1.2 Post-Application

14. The Applicant is committed to further engagement with RSPB and meetings to date are detailed in **Table 2.1**.

15. The RSPB submitted a Relevant Representation (RR-073) in August 2024 that has been used to populate this draft SoCG.

1.2.2 Summary of ‘Agreed’, ‘Not Agreed’ and ‘In Discussion’ matters

16. In order to easily identify whether a matter is ‘agreed’, ‘not agreed’ or ‘in discussion’, the colour coding system set out in **Table 1.2** has been used.
17. Details on specific matters that are ‘Agreed’, ‘Not Agreed’ or ‘In Discussion’ are presented in **Table 2.2**.

Table 1.2 Summary of ‘Agreed’, ‘Not Agreed’ and ‘In Discussion’ matters

Position status	Position colour coding
Agreed The matter is considered to be agreed between the parties.	Agreed
Not Agreed – no material impact The matter is not agreed between the parties; however, the outcome of the approach taken by either the Applicant or the Royal Society for the Protection of Birds (RSPB) is not considered to result in a material impact to the assessment conclusions and the matter is considered to be closed for the purposes of this Statement of Common Ground (SoCG).	Not Agreed – no material impact
Not Agreed – material impact The matter is not agreed between the parties and the outcome of the approach taken by either the Applicant or the RSPB is considered to result in a materially different impact to the assessment conclusions. Discussions on these matters have concluded.	Not Agreed – material impact
In Discussion The matter is neither ‘agreed’ nor ‘not agreed’ and is a matter where further discussion is required between the parties	In Discussion

2 Statement of Common Ground

18. A summary of the consultation undertaken to date with the RSPB and the matters agreed, in discussion, or not agreed (based on discussions and information exchanged between the Applicant and the RSPB) are set out below for each of the draft SoCG topic areas.

2.1 Offshore Ornithology

19. **Table 2.1** provides a summary of the consultation undertaken to date with the RSPB regarding ornithology. Thereafter, **Table 2.2** sets out the topics agreed, in discussion or not agreed with the RSPB as informed by the consultation

and information exchanged between the Applicant and the RSPB during the pre-application and examination phases of the Application.

Table 2.1 Summary of consultation with the RSPB

Date	Contact type	Owner	Topic
Pre-application			
February 2022	Meeting	Applicant	Introductory meeting about the projects overview, site selection, methodology, Environmental Impact Assessment (EIA) scoping approach, Evidence Plan Process (EPP) and bird surveys.
March 2022	Written submission	Applicant	Provision of a draft Generation Assets Scoping Report (FLO-MOR-REP-0002) by Applicant to Expert Topic Group (ETG) members for review/comment.
May 2022	Written submission	Applicant	Offshore Ornithology Environmental Impact Assessment (EIA) Method Statement (FLO-MOR-MS-0001) issued by the Applicant to ETG members which outlined the approach to characterising the baseline, the EIA methodology, collision risk modelling approach and potential impacts.
June 2022	Report	Applicant	Request for formal Scoping Opinion, through the submission of the Morecambe Offshore Windfarm Generation Assets Scoping Report (APP-143) by the Applicant. The Scoping Report outlined the existing environment, the impacts to be assessed in the Environmental Statement (ES), data gathering and key aspects of the assessment.
7 September 2022	Meeting	Applicant	Offshore Ornithology ETG 2
16 November 2022	Meeting	Applicant	Offshore Ornithology ETG 3
5 June 2023	Letter	RSPB	RSPB response to the Preliminary Environmental Information Report (PEIR)
7 June 2023	Meeting	Applicant	Offshore Ornithology ETG 4
12 October 2023	Meeting	Applicant	Offshore Ornithology ETG 5
25 January 2024	Meeting	Applicant	Offshore Ornithology ETG 6
Post-Application			
11 September 2024	Meeting	Applicant	Meeting to discuss Relevant Representations.

Date	Contact type	Owner	Topic
5 November 2024	Meeting	Applicant	Meeting to discuss Statement of Common Ground (SoCG).
10 December 2024	Meeting	Applicant	Meeting to discuss SoCG.
10 February 2025	Meeting	Applicant	Meeting to discuss SoCG

Table 2.2 Topics agreed, in discussion or not agreed with RSPB in relation to offshore ornithology

Topic	Applicant's position	RSPB position	Position summary
EIA – Policy and Planning			
RSPB 1 RSPB 2 (unused)	The RSPB have been adequately consulted by the Applicant regarding offshore ornithology.	Agreed	Agreed
EIA – Assessment methodology			
RSPB 3	The study areas and baseline information used for the EIA assessment are appropriate.	Agreed	Agreed
RSPB 4	The buffer areas used for collision risk modelling and displacement assessments are appropriate based on the revised site boundary between PEIR and the ES.	Agreed	Agreed
RSPB 5	The impact assessment methodologies and definitions used for the EIA (APP-049) provide an appropriate approach to assessing potential effects of the Project.	In discussion while documents are further reviewed	Agreed
RSPB 6	The appropriate species are considered for collision risk modelling (APP-049 and APP-070) (CRM) (gannet, kittiwake, little gull, common gull, herring gull, lesser black-backed gull and great black-backed gull) and the species input parameters (including avoidance rates) for CRM are appropriate (with the exception of the application of macro-avoidance for gannet; refer to RSPB 12 below and Manx Shearwater; refer to RSPB 11 below).	In discussion while documents are further reviewed	Agreed
RSPB 7	The appropriate impacts are scoped in and out for construction, operation and maintenance and decommissioning phases.	Agreed	Agreed

Topic	Applicant's position	RSPB position	Position summary
RSPB 8	A 4km buffer for red throated diver displacement is appropriately used for the EIA and a 10km buffer is appropriately used for the RIAA (for Liverpool Bay SPA).	Agreed	Agreed
RSPB 9	The worst-case scenario presented in the assessment is appropriate.	Agreed	Agreed
RSPB 10	For the EIA assessment, the largest Biologically Defined Minimum Population Scales (BDMPS) (breeding or non-breeding) for each species is used as the reference population for assessment.	Agreed	Agreed
RSPB 11	Consideration of effects to Manx Shearwater are appropriate. Responses to comments made by RSPB are made in the Applicant's Response to Relevant Representations (PD1-011)	<p>The RSPB has concerns regarding the baseline characterisation for Manx shearwater, specifically in respect of the absence of night-time survey information and the potential that the species may be under-recorded by digital aerial surveys.</p> <p>The RSPB also disagrees with the conclusion of the EIA assessment that there would be no adverse effect on Manx shearwaters as a result of collision. The RSPB considers that the species may be vulnerable to disorientation by artificial lighting at night, which could increase collision risk.</p> <p>The RSPB's concerns regarding baseline characterisation and impact assessment for Manx shearwater relate to wider industry limitations on these matters and are therefore wider than a project specific issue.</p>	In discussion – positions by each party to be developed following review of recent examination submissions but given the information available across the industry there is unlikely to be a resolution within the examination timeframe

Topic	Applicant's position	RSPB position	Position summary
		Therefore, the RSPB is unlikely to agree with the Applicant and will confirm whether this is material or non-material following review of the Applicant's submitted information.	
RSPB 12	The Applicant was made aware that RSPB did not support the use of macro-avoidance for gannet during the Evidence Plan process, and in response provided estimates of collision mortality both with and without macro-avoidance applied. This would not result in changes to the assessment conclusions.	The RSPB does not agree with the application of a 70% macro-avoidance for gannet recommended by Natural England for the collision risk assessment. However, it acknowledges that the Applicant has presented values both with and without application of macro-avoidance, and also that due to the low numbers of gannets recorded it is unlikely that an adverse effect would occur.	Agreed
RSPB 13	Ecosystem effects have been appropriately addressed within the assessment. Responses to comments made by RSPB are made in the Applicant's Response to Relevant Representations (PD1-011)	<p>The RSPB has stated that it would welcome the inclusion of consideration of the potential wider ecosystem impacts that may arise through the construction and operation of the wind farm.</p> <p>Therefore, the RSPB is unlikely to agree with the Applicant and will confirm whether this is material or non-material following review of the Applicant's submitted information.</p>	In discussion – positions by each party to be developed following review of recent examination submissions but given the information available across the industry there is unlikely to be a resolution within the examination timeframe
RSPB 14	Consideration of the effects of Highly Pathogenic Avian Influenza (HPAI) and its relevance to the assessment are presented in the ES, with acknowledgement the uncertainty of long-term impacts of HPAI on seabird populations.	<p>The RSPB considers that the impacts of HPAI have not been properly addressed within the assessment.</p> <p>The RSPB has identified three consequences of the HPAI outbreak that it considers needs to be explicitly considered by offshore wind farm applicants:</p>	In discussion – positions by each party to be developed following review of recent examination submissions but given the information available

Topic	Applicant's position	RSPB position	Position summary
		<ul style="list-style-type: none"> Consideration of how the HPAI outbreak will influence the representativeness of the baseline characterisation. This should include the direct influence of population size and through changes in space use; Alterations of the extent of interactions with wind farms, potentially related to physiological changes, and in the lethal and sub-lethal consequences of those interactions; and Consequences in changes in the robustness of protected population to additional mortality arising through the presence of wind farms. <p>The RSPB understands from the Applicant that representativeness has been considered in its submissions. The RSPB will seek to review that information.</p> <p>However, this is likely to remain a material disagreement.</p>	across the industry there is unlikely to be a resolution within the examination timeframe
EIA – Cumulative effects assessment (CEA) methodology			
RSPB 15	The inclusion of wind farm projects on the western seaboard of the UK to be included in the cumulative assessment is appropriate.	Agreed	Agreed
RSPB 16	The final list of projects used in the CEA is suitable.	Agreed	Agreed
RSPB 17	The approach to the CEA for historical projects where displacement and collision risk values are not	RSPB considers that the Project should present CEA/in-combination values to	In discussion – methods agreed however

Topic	Applicant's position	RSPB position	Position summary
	publicly available is suitable, however for some species a gap analysis was provided at Deadline 1 (REP1-080).	<p>include historic projects, in accordance with the advice provided by Natural England.</p> <p>The RSPB is content with the revised approach to the treatment of historic projects.</p> <p>The RSPB disagrees with the approach to the treatment of de minimis thresholds and the contribution of measurable impacts to in-combination assessment. The RSPB acknowledges that Natural England supports the use of the 1% threshold in this approach to impact assessments (and the related issue of Population Viability Analysis), but the RSPB supports the NatureScot guidance which advises use of a lower threshold for in this context.</p>	disagreement remains on 'de minimis' thresholds and measurable impacts
EIA – Assessment conclusions			
RSPB 18	The conclusions of the Project alone assessment of effects for construction, operation and maintenance and decommissioning are agreed.	<p>The RSPB has raised specific concerns regarding the assessment for Manx shearwater (see Relevant Representation RSPB 11).</p> <p>The RSPB's concerns regarding baseline characterisation and impact assessment for Manx shearwater relate to wider industry limitations on these matters and are therefore wider than a project specific issue.</p>	In discussion – positions by each party to be developed but given the information available across the industry there is unlikely to be a resolution within the examination timeframe

Topic	Applicant's position	RSPB position	Position summary
		Therefore, the RSPB is unlikely to agree with the Applicant and will confirm whether this is material or non-material following review of the Applicant's submitted information.	
RSPB 19	The conclusions of the cumulative assessment of effects for construction, operation and maintenance and decommissioning are agreed. A gap analysis was provided at Deadline 1 (REP1-080).	<p>The RSPB has raised specific concerns regarding the approach to the cumulative assessment in respect of historic projects (see Relevant Representation RSPB 17).</p> <p>The RSPB is content with the revised approach to the treatment of historic projects.</p> <p>The RSPB disagrees with the approach to the treatment of de minimis thresholds and the contribution of measurable impacts to in-combination assessment. The RSPB acknowledges that Natural England supports the use of the 1% threshold in this approach to impact assessments (and the related issue of Population Viability Analysis), but the RSPB supports the NatureScot guidance which advises use of a lower threshold for in this context.</p>	In discussion – methods agreed however disagreement remains on 'de minimis' thresholds and measurable impacts
Mitigation			
RSPB 20	Given the effects of the Project, the proposed mitigation outlined for offshore ornithology within the Schedule of Mitigation (APP-144) is appropriate.	The RSPB has not raised any specific comments in relation to proposed mitigation for the Project.	In discussion - documents to be further reviewed by the RSPB

Topic	Applicant's position	RSPB position	Position summary
		In discussion while documents are further reviewed.	
RIAA – Assessment methodology and conclusions			
RSPB 21	The appropriate designated features have been screened into the assessment for ornithology.	Agreed	Agreed
RSPB 22	The conclusions of the assessment of Project alone effects are agreed.	<p>RSPB is largely in agreement with the conclusions in respect of Project-alone effects. However, it maintains concerns regarding the effects on Manx shearwater SPA populations (see RSPB 11 and 23).</p> <p>The RSPB is content with the revised approach to the treatment of historic projects.</p> <p>The RSPB disagrees with the approach to the treatment of de minimis thresholds and the contribution of measurable impacts to in-combination assessment. The RSPB acknowledges that Natural England supports the use of the 1% threshold in this approach to impact assessments (and the related issue of Population Viability Analysis), but the RSPB supports the NatureScot guidance which advises use of a lower threshold for in this context.</p>	In discussion - positions by each party to be developed following review of recent examination submissions but given the information available across the industry there is unlikely to be a resolution within the examination timeframe
RSPB 23 (RSPB 24 unused)	The conclusions of the assessment of in-combination effects are agreed.	RSPB's current view is that adverse effect on integrity (AEol) cannot be ruled out for:	In discussion – positions by each party to be developed following

Topic	Applicant's position	RSPB position	Position summary
		<ul style="list-style-type: none"> Manx shearwater (Irish Sea Front SPA, Copeland Islands SPA, Aberdaron Coast and Bardsey Island SPA, Skomer, Skokholm and the Seas off Pembrokeshire SPA, Rum SPA, Isles of Scilly SPA, St Kilda SPA) Lesser black-backed gull (Morecambe Bay and Duddon Estuary SPA and the Ribble and Alt Estuaries SPA) Red-throated diver (Liverpool Bay SPA) Great black-backed gull (Isles of Scilly SPA) 	review of recent examination submissions but given the information available across the industry there is unlikely to be a resolution within the examination timeframe
Other matters as required			
RSPB 25	Compensation measures for lesser black-backed gull provided are adequate.	<p>RSPB acknowledges the without prejudice compensation measures submitted with the DCO application, but is seeking clarity/additional information on a number of points:</p> <ul style="list-style-type: none"> Specific objectives for compensation need to be established and the approach to estimating the scale of provided compensation should be reviewed. The RSPB agrees that predator exclusion and habitat management can be suitable measures to increase LBBG populations subject to provision of relevant evidence. The Applicant's assumptions around breeding density need to be reviewed. 	In discussion – RSPB position to be updated following review of recent examination submissions.

Topic	Applicant's position	RSPB position	Position summary
		<ul style="list-style-type: none"> The RSPB considers additional details of the proposed compensatory measures remain to be presented in order to assess their suitability. <p>The RSPB has reviewed the Applicant's submissions at Deadline 1 which relate to the predicted impacts on LBBG and potential compensation measures (REP1-093).</p> <p>The RSPB welcomes the updates on the different compensation options being considered and the progress with each.</p> <p>Consistent with RSPB 23 above, the RSPB remains of the view that an AEOL cannot be ruled out for LBBG at both the Morecambe Bay and Duddon Estuary SPA and the Ribble and Alt Estuaries SPA. Therefore the RSPB will continue discussion with the Applicant in relation to specific compensation objectives for LBBG and further details on the proposed compensation measures to assess their suitability.</p>	

3 Signatures

20. The above draft SoCG is agreed between the RSPB and the Applicant on the day specified below.

Signed:	
Print Name:	
Job Title:	
Date:	
Duly authorised for and on behalf of the RSPB	
Signed:	
Print Name:	
Job Title:	
Date:	
Duly authorised for an on behalf of the Applicant	

4 References

DESNZ (2024) Overarching National Policy Statement for Energy (EN-1)

DESNZ (2024) Overarching National Policy Statement for Renewable Energy Infrastructure (EN-3)

Morecambe Offshore Windfarm Ltd (2024) Consultation Report (APP-015)

Morecambe Offshore Windfarm Ltd (2024) Draft DCO (APP-012)

Morecambe Offshore Windfarm Ltd (2024) Chapter 12 Offshore Ornithology (APP-049)

Morecambe Offshore Windfarm Ltd (2024) Appendix 12.1 Offshore Ornithology Technical Report (APP-070)

Morecambe Offshore Windfarm Ltd (2024) Habitats Regulation Assessment Screening Report and Report to Inform Appropriate Assessment (APP-029 and APP-030)

Morecambe Offshore Windfarm Ltd (2024) Schedule of Mitigation (APP-144)