

# MORGAN OFFSHORE WIND PROJECT: GENERATION ASSETS

Draft Development Consent Order: Explanatory Note

April 2023  
Rev01

Image of an offshore wind farm

# Morgan Offshore Wind Farm - s42 DCO explanatory note



## 1 INTRODUCTION

- 1.1 This note explains the structure and scope of the draft development consent order (“DCO”) for the proposed Morgan Offshore Wind Generation Assets project (“Morgan Generation”). It is not an explanatory memorandum which will be required to accompany the DCO submitted as part of the application, but is a high-level summary of the structure, content and scope of the draft DCO for the purposes of statutory consultation under the Planning Act 2008.
- 1.2 The draft DCO will be updated following consultation and a further draft will be submitted to the Planning Inspectorate as part of the application. The current draft includes a number of ‘to be confirmed’ (tbc) and square bracketed ([ ]) points as well as text in italics. These are indications that that work is ongoing on these points; for example in in Article 1 (interpretation) the plans which are to be confirmed are provided in italics. Cross references are also in square brackets where these are not yet able to be completed or will need to be updated later after any changes are made. There are also ‘fill in bullets’ (●) which note points of detail which would be added by the Secretary of State if they decide to make the order (such as the year of making and the date of coming into force).

## 2 DEVELOPMENT CONSENT ORDERS

- 2.1 A DCO is a statutory instrument which authorises the construction and operation of a nationally significant infrastructure project (often referred to as an “NSIP”). The descriptions of which projects are NSIPs are set out in the Planning Act 2008. This includes the construction or extension of electricity generating stations above specified capacities. If the Secretary of State grants development consent the DCO will come into force on the date specified.
- 2.2 Morgan Generation involves the construction of an offshore wind electricity generating station. As Morgan Generation will be situated in English waters, and will generate electricity from wind, with a capacity of more than 100 megawatts (“MW”) it therefore requires a DCO to be obtained to authorise its construction and operation. The DCO for Morgan Generation does not include any offshore or onshore transmission works and is only for the offshore generation assets. A separate DCO application will be made for the Morgan transmission works (both offshore and onshore) jointly with those for the Morecambe offshore wind farm.
- 2.3 The description of the development for which consent is sought is set out in Schedule 1 of the order. This is referred to throughout the order as either the ‘authorised development’ or by the individual work area listed in Schedule 1. The Morgan DCO contains an indicative work area rather than work numbers at this stage. Works plans for Morgan Generation will be included in the final draft DCO submitted with the application.
- 2.4 Schedule 1 offsets out the description of development should be read alongside the work area plans which show the location of the proposed Morgan Generation works.
- 2.5 Schedule 2 of the DCO sets out the requirements of the order. They control the elements of the development to ensure that the impacts remain acceptable and the constructed project remains within the scope as assessed in the environmental statement. As the Morgan Generation application does not include any onshore works the requirements are much more limited than for other offshore wind DCOs.

## **Deemed marine licence**

- 2.6 In addition to the DCO, other consents will be needed to construct and operate Morgan Generation, this includes a marine licence for works seaward of mean high water. The DCO includes a deemed marine licence (dML) for the generation infrastructure from the Marine Management Organisation (MMO) for works in English offshore waters.

## **Structure and scope of the DCO**

### **3 PART 1 - PRELIMINARY**

- 3.1 Part 1 of the order sets out the name of the order and, if granted, will specify the date on which it comes into force.
- 3.2 It also sets out definitions of the terms used throughout the order. Some of these definitions are important to understanding the scope of the authorised development. For example, 'wind turbine generator', 'cable' and 'cable circuit'.
- 3.3 At this stage, some definitions include multiple options; as an example 'foundation' is defined to include multiple types of foundation. This is because at this stage, the particular foundations to be used for each proposed turbine have not yet been finalised and this will not be done until after consent is granted. Where there are options, the assessment in the Preliminary Environmental Information Report (PEIR) assumes that the 'worst case' for each option has been used<sup>1</sup>. In the foundation example, that means that the project has considered which type of foundation would have the most impact of any particular category and has assumed that is used across the whole development.

### **4 PART 2 - PRINCIPAL POWERS**

- 4.1 This section sets out the principle powers granted by the proposed order. That includes development consent itself at article 3, consent to operate the generating station at article 4, and consent to maintain the development at article 6.
- 4.2 Article 7 (benefit of the order) provides that the benefit of the order only applies to the named undertaker (in this case Morgan Offshore Wind Limited). Whereas planning permissions commonly run with the land to which they relate and are not specific to one developer, development consent orders are restricted to the specific developer (called the 'undertaker') who has been granted that permission. Where any other party wishes to take on the benefit of that order, consent from the Secretary of State may be required to transfer it. This ensures that the Secretary of State can be satisfied before any transfer that the person to whom it is being transferred is a suitable person to operate a nationally significant infrastructure project.

### **5 PART 3 – MISCELLANEOUS AND GENERAL**

- 5.1 This section sets out a number of general provisions which are necessary to ensure that the development can be constructed and operated as intended.
- 5.2 Article 15 provides that arbitration will be the primary method of resolution for disputes under the DCO.

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<sup>1</sup> This is commonly referred to as the 'Rochdale envelope' approach. The Planning Inspectorate has published an advice note for NSIP developers on using this approach (advice note nine) which is available on their website at [infrastructure.planninginspectorate.gov.uk/legislation-and-advice/advice-notes/advice-note-nine-rochdale-envelope/](https://infrastructure.planninginspectorate.gov.uk/legislation-and-advice/advice-notes/advice-note-nine-rochdale-envelope/)

## 6 SCHEDULES

### Schedule 1 – Authorised Development

- 6.1 This schedule sets out the development which is authorised by the DCO. This has been identified by reference to a 'work area' and a description is provided of what the work area comprises.
- 6.2 In addition to the numbered work area, the DCO authorises a range of other associated development. The common items of associated development are listed once rather than being included in every individual work.
- 6.3 Associated development includes matters such as scour protection and cable protection which are common to many of the offshore elements.
- 6.4 Schedule 1 Part 2 also includes ancillary works. These are temporary works which typically do not constitute development but are necessary to allow the construction of the project.

### Schedule 2 – Requirements

- 6.5 The requirements set out how the development may be constructed and operated and provide for the approval of certain details after the DCO is granted.
- 6.6 The requirements include a number of important restrictions for example, the offshore elements of the project are subject to the maximum parameters as set out in table 1 in the requirements.

### Schedule 6 – Deemed Marine Licence

- 6.7 This schedule contains the deemed marine licence for MMO. The licensed activities are described at paragraph 3. The licensed project is limited by the parameters set out in paragraph 11. The plans required to be approved before commencement for the licensed activities are set out in paragraph 19.

### Other Schedules

- 6.8 In the final DCO other schedules may be included. These may include protective provisions in favour of a number of affected parties such as offshore statutory undertakers.