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Ref: EN010121

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1 December 2025

Dear Mr Park,

PLANNING ACT 2008

APPLICATION FOR DEVELOPMENT CONSENT FOR THE MORECAMBE OFFSHORE WINDFARM GENERATION ASSETS

This decision was made by Minister McCluskey, on behalf of the Secretary of State for Energy Security and Net Zero.

1. Introduction

- 1.1. I am directed by the Secretary of State for Energy Security and Net Zero (“the Secretary of State”) to advise you that consideration has been given to the Examining Authority’s (“ExA”) report dated 23 July 2025. The ExA consisted of three examining inspectors, Robert Jackson (Lead Member), Guy Rigby and Marc Willis. The ExA conducted an examination (“the Examination”) into the application submitted on 31 May 2024 (“the Application”) by Morecambe Offshore Windfarm Limited (“the Applicant”) for a Development Consent Order (“DCO”) (“the Order”) under section 37 of the Planning Act 2008 (“the 2008 Act”) for the Morecambe Offshore Windfarm Generation Assets (“the Proposed Development”). The Application was accepted for examination on 28 June 2024. The Examination began on 24 October 2024 and closed on 23 April 2025. The Secretary of State received the ExA’s Report on 23 July 2025.
- 1.2. On 21 August 2025 an information request letter was issued by the Secretary of State seeking information on several matters (“the first information request”), including an update on the status of the application for Marine Infrastructure Consent for the Mooir Vannin Offshore Wind Farm (“MVOWF”) development to the Isle of Man Council of Ministers (“IoM CM”).¹ On 5 September 2025, Interested Parties (“IPs”) were invited to comment on the responses received during the initial consultation (referred to in this letter as “the first all-IP consultation”, but also referred to by some IPs and the Planning Inspectorate (“PINS”) as

¹ <https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN010121/EN010121-001336-Morecambe%20Offshore%20Wind%20Farm%20-%20Information%20Request%201-%20August%202025.pdf>

“consultation 2”).² Following the acceptance of the MVOWF application by the IoM CM, on 26 July 2025 new environmental information became available with potential relevance to the Application. As a result, the Secretary of State requested the Applicant to update the Cumulative Effects Assessment (“CEA”) and/or the In-Combination Habitats Regulations Assessment (“HRA”) for the Proposed Development. This request was issued in a second information request letter dated 26 September 2025 (referred to in this letter as “the second information request”, but also referred to by some IPs and PINS as “consultation 3”).³ Subsequently, on 22 October 2025,⁴ after the Applicant provided its response to that request, all IPs were invited to comment on the newly available environmental information (referred to in this letter as “the second all-IP consultation”, but also referred to by some IPs and PINS as “consultation 4”).⁵ On 13 October 2025 the Secretary of State issued a Written Ministerial Statement announcing that the statutory deadline for the decision had been reset to 18 December 2025. A final request for information (referred to in this letter as “the third information request”, also referred to by some IPs and PINS as “consultation 5”) was issued on 31 October 2025, seeking confirmation as to whether agreement had been reached on the form of protective provisions for safeguarding the interests of oil and gas infrastructure providers.⁶

- 1.3. The Proposed Development comprises the offshore generating assets only. The Proposed Development is located entirely within the Exclusive Economic Zone of the United Kingdom.
- 1.4. The Proposed Development is located in the eastern Irish Sea and lies approximately 30 km off the Lancashire coast, 58 km from the coastline of the Isle of Man (“IoM”), and 50 km from the north coast of Wales.
- 1.5. The Proposed Development, along with the Morgan Offshore Windfarm Generation Assets (“Morgan OWF”) (Planning Inspectorate reference EN010136)⁷ were included in the Pathways to 2030 workstream under the Offshore Transmission Network Review, within which the National Grid Electricity System Operator conducted a Holistic Network Design Review (“HNDR”), concluding that the projects should work collaboratively on a coordinated grid connection at Penwortham in Lancashire, to be delivered as part of a separate application for development consent. The joint Morgan and Morecambe Offshore Wind Farms Transmission Assets (“the Transmission Assets”)⁸ application (Planning Inspectorate reference EN0200028/ EN020032) was accepted for examination on 27 June 2024. The examination commenced on 24 October 2025 and closed on 23 April 2025.
- 1.6. The Order, as applied for, would grant development consent for:

² <https://nsip-documents.planninginspectorate.gov.uk/published-documents/EN010121-001357-SoS%20all%20IP%20consultation%20Morecambe%20OWGA%20-%20205%20Sept%2025.pdf>

³ <https://nsip-documents.planninginspectorate.gov.uk/published-documents/EN010121-001370-Morecambe%20Offshore%20Wind%20Farm%20-%20Information%20Request%20-%2020Sep%2025.pdf>

⁴ <https://nsip-documents.planninginspectorate.gov.uk/published-documents/EN010121-001370-Morecambe%20Offshore%20Wind%20Farm%20-%20Information%20Request%20-%2020Sep%2025.pdf>

⁵ <https://nsip-documents.planninginspectorate.gov.uk/published-documents/EN010121-001387-Morecambe%20OWGA%20-%20All-IP%20Consultation%20-%2020Oct%2025.pdf>

⁶ <https://nsip-documents.planninginspectorate.gov.uk/published-documents/EN010121-000382-Morecambe%20Offshore%20Wind%20Farm%20-%20Information%20Request%20-%2020Oct%2025.pdf>

⁷ <https://national-infrastructure-consenting.planninginspectorate.gov.uk/projects/EN010136>

⁸ <https://national-infrastructure-consenting.planninginspectorate.gov.uk/projects/EN020032>

- up to 35 wind turbine generators (“WTG”);
- one or two offshore substation platforms (“OSP”);
- a network of subsea inter-array cables (between the WTGs and between the WTGs and the OSPs) including cable crossings and cable protection;
- a network of subsea platform link cables including cable crossings and cable protection;
- other offshore infrastructure including scour protection, cable protection measures, moorings and buoys [ER 1.3.10].

1.7. Published alongside this letter on the Planning Inspectorate’s National Infrastructure Project website⁹ is a copy of the ExA’s Report of Findings and Conclusions and Recommendation to the Secretary of State (“the ExA’s Report”). The ExA’s findings and conclusions are set out in Chapters 5 to 24 of the ExA Report, and the ExA’s summary of conclusions and recommendation is at Chapter 26. All numbered references, unless otherwise stated, are to paragraphs of the ExA’s Report [“ER *.*.”].

2. Summary of the ExA’s Report and Recommendation

2.1. The main planning issues considered during the Examination, on which the ExA has reached conclusions in relation to the case for development consent, are set out in the ExA Report under the following topic headings:

- principle of the development, including need, alternatives and design
- benthic ecology
- civil and military aviation and radar
- climate change and greenhouse gas assessment
- commercial fisheries
- fish and shellfish ecology
- human health
- marine archaeology
- marine geology, oceanography and physical processes
- marine mammals
- marine sediment and water quality
- offshore ornithology and bats
- onshore cultural heritage
- other offshore infrastructure and other sea users
- seascape, landscape and visual impacts
- shipping and navigation
- socio-economics, tourism and recreation
- traffic and transport. The ExA recommended that the Secretary of State for Energy Security and Net Zero should make an Order granting development consent for the Proposed Development [ER 26.3.1].

⁹ <https://national-infrastructure-consenting.planninginspectorate.gov.uk/projects/EN010121>

- 2.2. This letter is intended to be read alongside the ExA's Report and, except as indicated otherwise in the paragraphs below, the Secretary of State agrees with the findings, conclusions and recommendations of the ExA as set out in the ExA's Report, and the reasons for the Secretary of State's decision are those given by the ExA in support of their conclusions and recommendations.

3. Summary of the Secretary of State's Decision

- 3.1. As the Proposed Development is an offshore wind generating station with an electricity output capacity of over 100 megawatts (MW) it meets the definition of a Nationally Significant Infrastructure Project ("NSIP") set out in s14(1)(a) and s15(3) of the 2008 Act and therefore requires development consent in accordance with s31 of the 2008 Act [ER 1.3.2].
- 3.2. Section 104 of the 2008 Act provides the approach to be taken to decisions where one or more of the National Policy Statements ("NPS") have effect. NPS EN-1, EN-3 and EN-5 have effect in relation to the Proposed Development and consequently it is to be determined under the provisions of s104 of the 2008 Act. Section 104(2) of the 2008 Act requires the Secretary of State, in deciding an application, to have regard to any relevant NPSs. Subsection (3) requires that the Secretary of State must decide the application in accordance with the relevant NPSs except to the extent that one or more of subsections (4) to (8) applies.
- 3.3. The Secretary of State has considered the Application in light of the relevant NPSs and has further concluded that subsections (4) to (8) are not applicable in this case. In particular, having considered the overall planning balance he has concluded, for the reasons set out in this letter, that the public benefits associated with the Proposed Development outweigh the harms identified.
- 3.4. The Secretary of State has decided under section 114 of the 2008 Act to make, with modifications, an Order granting consent for the proposals in the Application. This letter is a statement of the reasons for the Secretary of State's decision for the purposes of section 116 of the 2008 Act and the notice and statement required by regulations 31(2)(c) and (d) of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 ("the EIA Regulations").
- 3.5. In making the decision, the Secretary of State has complied with all applicable legal duties and has not taken account of any matters which are not relevant to the decision.

4. The Secretary of State's Consideration of the Application

- 4.1. The Secretary of State has considered the ExA's Report and all other material considerations, including written representations ("WR"), relevant representations ("RR"), responses to questions and oral submissions made during the Examination and post examination submissions received after the close of the Examination, including those received in response to the Secretary of State's consultation letters referred to in paragraph 1.2 above, all of which have been considered are addressed where appropriate in this decision letter below and published on the Planning Inspectorate's National Infrastructure Planning project webpage. 93 RRs were made during the Examination in respect of the Application by statutory authorities, businesses, non-governmental organisations, and individuals.
- 4.2. Given that the Proposed Development is wholly offshore, there are no local authorities falling under the definition in s56A of the 2008 Act. Notwithstanding this, on a precautionary basis,

29 local authorities across England, Wales, Scotland and the Isle of Man were notified and invited to register as IPs and take part in the Examination of the Application but were not invited or required to submit a Local Impact Report under s60 of the 2008 Act [ER 1.4.25].

- 4.3. The Secretary of State has had regard to environmental information as defined in regulation 3(1) of the EIA Regulations and to all other matters which are considered to be important and relevant to the Secretary of State's decision as required by s104 of the 2008 Act including relevant policy set out in NPSs EN-1, EN-3 and EN-5.
- 4.4. The Secretary of State notes that the 2024 NPSs have effect for the ExA's consideration of this Application and for the Secretary of State's decision-making. On 24 April 2025, a consultation on draft revisions of NPS EN-1, EN-3 and EN-5 was launched; whilst these 2025 draft versions of the NPSs do not have effect for this Application, they are capable of being important and relevant considerations in the Secretary of State's decision-making process and have been considered accordingly.
- 4.5. The Secretary of State has also had regard to the updated National Planning Policy Framework ("NPPF") from February 2025 and the Clean Power 2030 Action Plan ("CP2030") which was published on 13 December 2024 and sets out a pathway to a clean power system. The Secretary of State finds that there is nothing contained within these publications which would lead him to reach a different decision on the Application.
- 4.6. The Secretary of State agrees with the ExA's conclusions and the weight it has ascribed in the overall planning balance in respect of the following issues:
 - Benthic Ecology – a little negative weight [ER 5.4.6];
 - Civil and Military Aviation and Radar – a little negative weight [ER 6.4.6];
 - Climate Change and Greenhouse Gas Assessment – neutral [ER 7.4.5];
 - Commercial Fisheries – a little negative weight [ER 8.4.8];
 - Fish and Shellfish Ecology – a little negative weight [ER 9.4.5];
 - Marine Archaeology – neutral [ER 12.4.4];
 - Marine Geology, Oceanography and Physical Processes – neutral [ER 13.4.3];
 - Marine Mammals – moderate negative weight [ER 14.4.2];
 - Marine Sediment and Water Quality – neutral [ER 15.4.3];
 - Offshore Ornithology and Bats (excluding Habitats Regulations Assessment) – moderate negative weight [ER 16.4.2];
 - Onshore Cultural Heritage – a little negative weight [ER 23.2.101];
 - Shipping and Navigation – a little negative weight [ER 19.4.10];
 - Socio-Economics, Tourism and Recreation – neutral [ER 20.4.6];
 - Traffic and Transport – neutral [ER 21.4.1].
- 4.7. The paragraphs below set out the matters regarding which the Secretary of State has further commentary and analysis to add beyond that set out in the ExA report, including those matters on which further information has been sought.

The Principle of the Development, Need and Alternatives

- 4.8. The ExA was satisfied that the Proposed Development would generate electricity from offshore wind in a manner that contributes meaningfully to the UK's energy objectives. These include the transition to net zero, decarbonisation of the power sector, and the delivery of a secure, reliable, and affordable energy supply, consistent with the statutory target to reduce greenhouse gas ("GHG") emissions to net zero by 2050 [ER 4.2.12].
- 4.9. The ExA was also satisfied that the Applicant had given due consideration to reasonable alternatives concerning both the location and extent of the offshore array area, within the constraints of the Crown Estate's ("TCE") leasing process. The ExA further noted that opportunities for coordination had been appropriately assessed and evaluated, and that the relevant requirements of NPSs EN-1, EN-3, and EN-5 had been met [ER 4.1.1 and 23.2.3]. The ExA concluded that there was a clear and compelling need for the Proposed Development, in accordance with paragraph 4.1.3 of NPS EN-1 [ER 23.2.2].

The Secretary of State's Conclusion on the Principle of the Development, Need and Alternatives

- 4.10. The Secretary of State agrees with the ExA and considers that the need for the Proposed Development is clearly established and notes the contribution the Proposed Development would make to the established need and targets for renewable electricity generation. The Secretary of State considers that the impact of the Proposed Development on climate change and the reduction in GHG emissions is an intrinsic part of the need case. He has therefore considered the Applicant's GHG emissions assessment and the ExA's findings in this regard in this context, and does not ascribe separate weighting to benefits relating to climate change. In accordance with paragraph 5.3.8 of NPS EN-1, the Secretary of State is satisfied that the Applicant has, as far as reasonably practicable, assessed the GHG emissions associated with all stages of the Proposed Development. Furthermore, in line with paragraph 5.3.9 of NPS EN-1, the Secretary of State is content that the Applicant has taken all reasonable steps to minimise GHG emissions during the construction and decommissioning phases. The Secretary of State finds the Applicant's assessment of lifecycle GHG emissions to be appropriate. The Applicant's GHG analysis included the comparative calculation of avoided emissions using two methodologies: (i) assuming that electricity from the Proposed Development displaces non-renewable generation in line with RenewableUK's 2022 offshore wind guidance (36,441,151 tonnes of carbon dioxide equivalent ("tCO₂e") avoided), and (ii) assuming displacement across the full future UK grid mix, using long-run marginal emission factors set out in the Green Book supplementary guidance published by the Department for Energy Security and Net Zero (1,428,906 tCO₂e avoided). The ExA noted that in scenario (i) the emissions arising would be significantly outweighed by avoided emissions and in scenario (ii) there would not be net avoided emissions [ER 7.2.47]. At ER 7.2.48, the ExA set out the Applicant's analysis of scenario (ii) and why this does not represent a true comparison. The table at ER 7.2.49 shows the Applicant's estimate of the amount of carbon dioxide ("CO₂") emitted for each kilowatt hour of electricity produced by the Proposed Development, comparing this with fossil fuel generation. The Applicant contended that the Proposed Development would positively progress the UK towards meeting its net zero targets.
- 4.11. The Secretary of State agrees with the ExA that the Proposed Development will deliver a low-carbon alternative to the production of energy from fossil fuels, and that the comparison of GHG emissions across different electricity generation technologies provides compelling justification for the Proposed Development. This applies both to the Proposed

Development's contribution to addressing climate change and its role in supporting a secure and reliable energy system, in accordance with paragraph 4.1.2 of NPS EN-1. Electricity generated by the Proposed Development is estimated to result in more than ten times lower emissions of CO₂e per kilowatt hour than other forms of generation; specifically, 22.9 gCO₂e/kWh compared to approximately 380–500 gCO₂e/kWh for electricity produced by unabated combined cycle gas turbines [ER 7.2.49].

- 4.12. The Secretary of State further notes the impact of wake effects on other offshore wind farms and the potential impact on cumulative GHG emission reductions, as discussed further at paragraphs 4.6262 - 4.77 of this Decision Letter. The Secretary of State agrees that the yield of some projects may be slightly reduced due to wake effects, and he further notes that there would be increases in GHG emissions from additional journeys around the application site rather than through it, particularly for ferries [ER 7.4.3]. However, he finds that overall there is a greater capacity of overall GHG emission reductions with the Proposed Development. The Secretary of State, therefore, concludes that these impacts do not affect his overall conclusion that the Proposed Development would result in significant benefits in terms of reductions in GHG emissions.
- 4.13. The Secretary of State notes the policy in NPS EN-1 (in particular, paragraphs 3.2.6-3.2.7) stating that substantial weight should be given to need for the types of infrastructure covered by the NPS on the basis that the Government has demonstrated that there is an urgent need for these types of infrastructure. As the Proposed Development is considered low carbon infrastructure, and accords with NPS EN-1 in principle, it would assist in achieving the target to cut GHG emissions to net zero by 2050, and clearly meets the need case, this matter should be given substantial positive weight in the planning balance.

Cumulative Effects Assessment

- 4.14. After the close of the Examination, the application for Marine Infrastructure Consent for the MVOWF was accepted by the Isle of Man Council of Ministers for examination and the full application, including the Environmental Impact Statement, was made publicly available. Therefore, to ensure compliance with regulation 21(2) of the EIA Regulations, in the second information request the Secretary of State requested that the Applicant update its cumulative effects assessment ("CEA") and/or in-combination HRA and/or Report on Interrelationships with Other Infrastructure Projects in light of this new information to ensure the Applicant's EIA and HRA was up to date at the point of decision.
- 4.15. In response, the Applicant provided a sensitivity analysis of the MVOWF in relation to the Proposed Development's CEA, screening seven technical topics into the assessment. The Applicant concluded that there would likely be no change to any conclusions presented in the Proposed Development's CEA or in-combination assessments, with both assessments remaining current and robust [C3-003B].
- 4.16. In the same information request the Applicant was asked to consider whether the Scoping Report for the East Irish Sea Transmission Project ("EISTP") contains sufficient information to enable a meaningful assessment of cumulative effects, and to update the CEA for the Proposed Development and other relevant documents as necessary.
- 4.17. In response, the Applicant reviewed the EISTP Scoping Report and highlighted that the description of the EISTP, particularly the inclusion of two landfall options and broad offshore export cable corridors, introduces substantial uncertainty regarding the final design and

associated impacts. Consequently, the Applicant concluded that a meaningful CEA is not possible at this stage and that detailed assessments will be addressed within the EISTP EIA at both the Preliminary Environmental Information Report ("PEIR") and environmental statement ("ES") stages, with appropriate mitigation applied [C3-003B].

- 4.18. In response to the second all-IP consultation, Natural England ("NE") agreed that the non-overlapping construction schedules of the Proposed Development and MVOWF reduce the potential for any cumulative effects on fish, shellfish and marine mammal receptors [C4-007]. NE also noted that the Underwater Sound Management Strategy [REP5-042] commits to using noise reduction and/or abatement during piling and could be updated post-consent to account for any changes in construction schedules that may result in concurrent piling. NE agreed that given the level of information currently available for the EISTP, it is not possible to make meaningful cumulative or in-combination conclusions at this stage.

The Secretary of State's Conclusion on the Cumulative Effects Assessment

- 4.19. The Secretary of State is satisfied that the Applicant's updated assessment and reasoning is accurate and robust and therefore agrees that neither the new information in relation to the MVOWF nor EIST projects alter the conclusions of the Proposed Development's original CEA or in-combination assessments. Accordingly, the EIA and HRA remain up to date and sufficient at the time of this decision.

Civil and Military Aviation and Radar

Warton aerodrome

- 4.20. At Warton aerodrome, effects were identified on Primary Surveillance Radar ("PSR") and Air Traffic Systems ("ATS"). Concerns in this regard were raised by BAE Systems (Operations) Limited ("BAE Ops"), which undertakes operations from Warton aerodrome. In the final Statement of Common Ground ("SoCG") between BAE Ops and the Applicant, all matters had been agreed except in relation to the proposed radar mitigation solution and impacts to VHF, UHF and DF radio communications [ER 6.3.11].
- 4.21. In the SoCG [REP6-024], BAE Ops agreed that the Applicant's proposed radar mitigation solution has been technically assessed and considered a viable option, however, BAE Ops needed to carry out an operational assessment to confirm this solution was acceptable [ER 6.3.12]. Until such time as this assessment was completed, the Defence Infrastructure Organisation ("DIO") would maintain a holding objection to the Proposed Development on behalf of the Ministry of Defence ("MoD") [ER 6.3.5].
- 4.22. BAE Ops and the Applicant agreed the drafting of Requirement 8 of the Applicant's draft Development Consent Order ("dDCO"), securing mitigation for the PSR, aside from one drafting point [ER 6.3.12]. BAE Ops requested a clause requiring the WTGs to cease operating if the approved radar mitigation scheme fails at any point after implementation [ER 6.3.12]. The Applicant stated that this was unnecessary and the SoCG recorded that further engagement between BAE Ops and the Applicant would be necessary post-examination [REP6-024].
- 4.23. Regarding VHF, UHF and DF communications, a partial mitigation solution was identified and the wording of Requirement 7 of the Applicant's dDCO would secure this mitigation [ER 6.3.12]. While the wording of Requirement 7 was agreed, the SoCG still recorded this issue as being 'under discussion' [REP6-024].

- 4.24. With regard to PSR, the ExA considered the version of Requirement 8 in the dDCO suitable in that it secures that the Proposed Development cannot proceed until the proposed radar mitigation scheme has been demonstrated and agreed to be effective [ER 6.3.29]. In respect of the cessation-of-operations clause requested by BAE Ops, the ExA concluded that the amendment sought by BAE Ops would not be reasonable, concurring with the Applicant that it would not be precise or reasonable for the Proposed Development to cease should the approved radar mitigation fail due to reasons entirely within BAE Ops' control, such as negligence [REP6-040]. It was further noted that requiring the Proposed Development to cease for a potentially indeterminate period would be disproportionate and unjustified in those circumstances [ER 6.3.30]. The ExA further concluded the clause would not strike a reasonable balance between ensuring the renewable energy benefits of the Proposed Development alongside protecting the aims and interests of BAE Ops [ER 6.3.30]. Overall, the ExA was content the drafting of Requirement 8 of the dDCO secured appropriate mitigation and noted that the Secretary of State could be satisfied that the impacts of the Proposed Development do not present a risk to national security and physical safety and so comply with NPS EN-1 [ER 6.3.31].
- 4.25. With regard to VHF, UHF and DF communications, the ExA noted that there was general agreement from relevant IPs that the mitigation solution identified was achievable [ER 6.3.36]. It was satisfied that there is a realistic and achievable mitigation solution to address potential effects and considered Requirement 7 appropriately secures this mitigation [ER 6.3.37].
- 4.26. In the Secretary of State's first consultation letter, the Applicant, BAE Ops and DIO were requested to provide an update on the status of their commercial agreements and the wording of Requirement 8, and DIO was asked if it could now withdraw its objection. The Applicant provided a response that had been jointly agreed with BAE Ops including agreed wording of Requirement 8 relating to PSR, and providing updated wording for Requirement 7 relating to ATS, amended to better mirror the drafting in respect of the Mona Offshore Wind Farm Order 2025 and submissions made with respect to the Morgan Offshore Wind Project: Generation Assets [C1-011].
- 4.27. BAE Ops and DIO confirmed that their objections must remain in place until such time as the proposed mitigation solution is operationally viable or an alternative mitigation solution is confirmed as operationally viable. In the meantime, the parties agreed that there is a suitable requirement to secure submission, approval and implementation of a radar mitigation scheme and enables discussions to continue post-consent.

Walney aerodrome

- 4.28. At Walney aerodrome, effects were identified on ATS, with the final SoCG between BAE Systems Marine Limited ("BAESML") and the Applicant recording an outstanding concern in relation to the proposed mitigation for impacts on VHF radio communications [ER 6.3.15]. A partial mitigation solution was identified and the wording of Requirement 6 of the Applicant's dDCO would secure this mitigation [ER 6.3.15]. While the wording of Requirement 6 was agreed, the SoCG still recorded this issue as being 'under discussion' [REP6-027].
- 4.29. With regard to VHF, UHF and DF communications, the ExA was satisfied that there is a realistic and achievable mitigation solution to address potential effects and considered Requirement 6 appropriately secures this mitigation [ER 6.3.37].

- 4.30. In response to the Secretary of State's first information request, the Applicant and BAESML provided updated wording for Requirement 6 relating to ATS, amended to better mirror the drafting in respect of the Mona Offshore Wind Farm Order 2025 and submissions made with respect to the Morgan Generation Project [C1-011].

The ExA's Overall Conclusion on Civil and Military Aviation and Radar

- 4.31. The ExA was satisfied that the Applicant had carried out an adequate assessment of the Proposed Development and concurred with the conclusions of the Applicant's ES [ER 6.4.1 et seq.]. The ExA concluded that the effects of the Proposed Development on civil and military aviation and radar as a whole should be afforded little negative weight in the planning balance [ER 6.4.6].

The Secretary of State's Conclusion on Civil and Military Aviation and Radar

- 4.32. The Secretary of State notes that Requirements are agreed to secure mitigation for impacts on Great Dun Fell, Lowther Hill and St Anne's PSR (Requirement 4), and the operation of Blackpool Airport (Requirement 5) and the Isle of Man Airport (Requirement 9). The Secretary of State also notes the letter from National Air Traffic Service ("NATS") Safeguarding of 25 September 2025 withdrawing its objection to the Proposed Development subject to the imposition of the agreed Requirement 4 which secures identification and development of a suitable mitigation solution.¹⁰
- 4.33. The Secretary of State notes the late agreement of the drafting for Requirement 8 relating to Warton PSR and is satisfied that the draft requirement, without the cessation of operations provision, is wide enough to allow the approved radar mitigation scheme to cover issues in relation to mitigation failure and the circumstances in which any shutdown may be required. The radar mitigation scheme is subject to post consent approval by the Secretary of State, in consultation with BAE Ops and the MoD. The Secretary of State is content that the requirement is therefore sufficient to ensure the mitigation of impacts on the Warton PSR.
- 4.34. The Secretary of State notes the updated agreed wording of Requirements 6 and 7 in relation to ATS at Walney and Warton, respectively, and is content with this drafting.
- 4.35. With all the relevant civil and military ATS, PSR and VHF/UHF requirements in place, the Secretary of State is satisfied that mitigation is appropriately secured. Given that the mitigation reduces impacts from significant to not significant, the Secretary of State ascribes the matter of civil and military aviation and radar a little negative weight in the overall planning balance.

Human Health

The ExA's Overall Conclusion on Human Health

- 4.36. The ExA attributed a little positive weight to the human health impacts of the Proposed Development in the planning balance [ER 10.4.7]. A key consideration in this regard was the assessment of wider societal benefits, including the provision of electricity from a renewable

¹⁰ <https://nsip-documents.planninginspectorate.gov.uk/published-documents/EN010121-001369-C2-003%20-%20NATS.pdf>

source, which was considered to result in 'moderate beneficial' public health effects [ER 10.4.6].

- 4.37. The ExA considered that, aside from the wider societal benefit of providing renewable electricity, the Proposed Development's individual and cumulative impacts comprised a mix of negligible to minor beneficial and adverse effects which were not significant in EIA terms. Accordingly, the ExA afforded these effects (excluding wider societal benefits) neutral weight in the planning balance.

The Secretary of State's Conclusion on Human Health

- 4.38. The Secretary of State notes that the need case for new energy infrastructure, as established in EN-1, carries clear and material public health implications. EN-1 expressly recognises that access to secure, reliable and affordable energy is "beneficial to society and to our health as a whole" (4.4.1) The Secretary of State agrees with the ExA that the Proposed Development would result in wider societal public health benefits [ER 10.3.14]. However, the Secretary of State considers that these benefits are already taken into consideration as part of the need case for new energy infrastructure, for which 'substantial positive' weight is already ascribed.
- 4.39. For the reasons set out above, the Secretary of State does not agree with the positive weight ascribed by the Examining Authority to the wider societal benefits of the Proposed Development and instead attributes a neutral weight to these impacts in the planning balance. With respect to the Proposed Development's individual and cumulative impacts on human health, assessed as negligible to minor and not significant in EIA terms, the Secretary of State agrees with the ExA and assigns neutral weight to these effects. Accordingly, the impacts on human health carry neutral weight in the overall planning balance.

Marine Mammals

- 4.40. The main issues of concern raised during the Examination related to piling and clearance of unexploded ordnance ("UXO"), including the adequacy of information submitted with the original application, the assessment methodology (particularly regarding UXO clearance), the proposed mitigation measures (particularly disturbance monitoring and the use of a noise abatement system ("NAS")), as well as the proposals for monitoring of responses to noisy activities [ER 14.3.74].
- 4.41. Most of these issues were addressed during the Examination. However, in its closing position statement [REP5a-071; REP6-047], NE:
- Acknowledged the proposed use of Passive Acoustic Monitoring ("PAM") and Marine Mammal Observers ("MMObs") as outlined in the Marine Mammal Mitigation Protocol ("MMMP") [REP5-028]. It advised that the reporting requirements in the MMMP should include the recording of observed behavioural responses of marine mammals to active noise sources from various construction activities such as piling, Acoustic Deterrent Device activation, and the use of any noise abatement or reduction systems. NE considered that these measures would provide sufficient data to monitor marine mammal responses to underwater noise and to help validate the assumptions made in the ES and the Report to Inform Appropriate Assessment ("RIAA").
 - Noted that the Applicant considered that these measures were not required (Table 2.3 of the In-Principle Monitoring Plan ("IPMP") [REP5-026]), but NE maintained that such monitoring is necessary and should be undertaken during construction and post-construction.

- Advised that acquiring marine mammal records during post-construction monitoring for red-throated diver will result in only a partial dataset on harbour porpoise distribution, as the proposed surveys are limited to the overwintering period. NE requested that the Applicant should aim to collect a dataset comparable with the pre-application baseline, enabling meaningful detection of any changes.

- 4.42. The ExA was satisfied that the Applicant had identified all potential adverse effects, and that the mechanisms exist to mitigate all outstanding significant effects to ensure that residual effects would be no more than minor adverse and not significant in EIA terms [ER 14.3.76]. The ExA concluded that there would be some minor adverse residual effects on marine mammals related primarily to piling and UXO clearance, some of which would be addressed in more detail post-consent. Due to the importance of marine mammals, the ExA concluded that overall effects when taken together would carry moderate negative weight in the planning balance [ER 14.4.2].
- 4.43. In response to the second all-IP consultation, Joint Nature Conservation Committee (“JNCC”) noted that it had been contacted by the Applicant to review the additional information provided in the latest versions of the MMMP and Underwater Sound Management Strategy (“USMS”). These updates demonstrated the Applicant’s commitments to utilising best endeavours to deliver noise reductions through the use of primary and/or secondary noise reduction methods in the first instance in line with Defra’s noise policy¹¹. JNCC confirmed it was content with the additional text in the USMS and MMMP [C4-008].

The Secretary of State’s Conclusion on Marine Mammals

- 4.44. The Secretary of State has reviewed the latest versions of the IPMP and MMMP [REP6-018; REP6-020] and considers that the Applicant has adequately addressed NE’s first two concerns regarding the monitoring of marine mammal responses [REP5a-071]. With respect to the post-construction monitoring for harbour porpoise, the Secretary of State notes that such monitoring would only be undertaken if aerial surveys are carried out to test the conclusions of the RIAA in relation to red-throated diver. The Secretary of State considers that the Applicant promoted this as an opportunistic measure rather than one considered essential to the conclusions reached in the ES. As set out in the HRA in Section 5.6, the Secretary of State considers that monitoring of red-throated diver is not necessary, and he further concludes that post-construction monitoring for harbour porpoise is also not required. The Secretary of State also notes that in the IPMP [REP6-018], the Applicant did not consider it necessary to monitor the behavioural response of marine mammals to long-range disturbance i.e. the ranges or distances to which mammals are disturbed. This matter was not raised by any IP or discussed by the ExA. The Secretary of State agrees with the Applicant that the existing monitoring commitments are proportionate to the residual effects identified in the ES. Therefore, monitoring the behavioural response of marine mammals to long-range disturbance is not required for the Proposed Development alone as such an approach is more appropriately undertaken at a regional level. Overall, the Secretary of State agrees with the ExA and ascribes moderate negative weight to impacts on marine mammals.

¹¹ <https://www.gov.uk/government/publications/reducing-marine-noise/reducing-marine-noise>

Offshore Ornithology and Bats

Post-construction Monitoring for Lesser Black Backed Gull and Red Throated Diver

- 4.45. The Applicant considered that it is not required to undertake post-construction collision monitoring to address key uncertainties in the HRA and EIA [REP3-045]. NE disagreed, noting that predicted ornithological impacts are likely to have been underestimated by the time the Proposed Development becomes operational, as baseline bird surveys coincided with years when colonies were beginning to recover following repeated breeding failures [REP4-066]. However, at Deadline 6, NE acknowledged that collision monitoring for species at this site would likely be difficult and yield limited useful information. NE therefore supported the Applicant contributing to strategic work that could enhance industry-wide understanding of effects [REP6-052].
- 4.46. The Applicant confirmed that it had contacted the North West England Gull Project to discuss a potential contribution towards monitoring and had also explored whether other suitable schemes, to which the Proposed Development could contribute, are being undertaken or proposed. NE confirmed it will update the Applicant should such schemes become available. At this stage, the Applicant cannot provide further detail on these measures but noted it had agreed with NE that the approach can be refined post-consent [REP6-039].
- 4.47. NE's final Risk and Issues Log identified the absence of post-consent ornithological collision monitoring as an outstanding yellow issue, noting that it is 'unlikely to make a material difference to decision making' [REP6-052].
- 4.48. The ExA noted that by the close of the Examination, all outstanding issues between the Applicant, NE and Natural Resources Wales (Advisory) ("NRW(A)") relating to mitigation and monitoring had been resolved, and the ExA was satisfied with the mitigation and monitoring proposed [ER 16.3.48].

The Secretary of State's consideration of monitoring

- 4.49. The Secretary of State notes the practical difficulties of undertaking collision monitoring at the Proposed Development and the low likelihood of generating useful information. Accordingly, it would be unnecessary and unreasonable to impose such a requirement in this instance. However, the Secretary of State recognises the value of strategic monitoring in addressing evidence gaps and informing future impact assessments and is supportive of the Applicant's commitment to ongoing participation in strategic evidence-gathering programmes post-consent [REP6-038].

Cumulative Effects for Great Black-Backed Gull and Kittiwake

- 4.50. In its ES, the Applicant calculated that the Proposed Development would result in approximately 1.75 great black-backed gull mortalities ("GBBG") per annum, representing 1.1% of the total cumulative mortality. This was assessed as 'moderate adverse', leading the Applicant to conclude that there would be a significant residual cumulative effect due to collision risk [REP6-009]. NE agreed with the Applicant's assessment but noted that all available mitigation options had been exhausted, highlighting the Applicant's commitment to raise turbine draught height from 22 m to 25 m above Highest Astronomical Tide ("HAT") [REP5a-071]. NE also observed that some benefits to GBBG may arise at Steep Holm if the Applicant proceeds with its proposed HRA compensatory measures for lesser black-backed gull at that location ("LBBG") [REP5a-069].

- 4.51. Similarly, the Applicant estimated that the Proposed Development would result in <0.8 kittiwake mortalities per year associated with the Pen y Gogarth / Great Orme's Head Site of Special Scientific Interest ("SSSI") due to collision risk. This was assessed as a significant residual cumulative effect at the EIA level [REP6-040]. NRW(A) [REP6-053] considered the mitigation measures proposed by the Applicant, as outlined above, to be proportionate to the impact and that no further measures were necessary.
- 4.52. The ExA agreed with NE that there was a significant effect from collision risk to GBBG but was satisfied that the Applicant had provided mitigation as far as feasibly possible [ER16.3.53]. While the ExA did not reach a direct conclusion regarding the significant effect on kittiwake at the Pen y Gogarth / Great Orme's Head SSSI, it was generally satisfied with the Applicant's assessment and concluded that any remaining residual significant effects have been mitigated as far as possible [ER 16.4.1].
- 4.53. By the end of Examination, Statutory Nature Conservation Bodies ("SNCB") agreed with the EIA conclusions in respect of minor adverse residual effects on ornithological receptors and bats, as well as significant cumulative residual effect on GBBG. The ExA considered that these combined impacts taken together would carry moderate negative weight in the planning balance [ER 16.3.54 and ER 16.4.2].

The Secretary of State's Consideration of Cumulative Effects for Great Black-Backed Gull and Kittiwake

- 4.54. Through questions asked in the first and second information requests, the Secretary of State invited the Applicant to demonstrate how the mitigation hierarchy had been complied with in respect of significant effects to GBBG and kittiwake. In addition, the Applicant was requested to provide draft 'without prejudice' wording for a requirement to secure the provision of compensation for both species. In respect of GBBG, the Applicant responded by reiterating that it had proposed sufficient embedded mitigation measures by increasing the turbine draught height from 22 m to 25 m above HAT [repeated in C1-011]. Given the very small contribution of the Proposed Development to the significant cumulative collision risk effect on GBBG, and noting the approach taken in other comparable DCOs, the Applicant considered compensation to be disproportionate. However, without prejudice, the Applicant proposed wording for an amendment to Article 18 of the draft DCO that would allow consideration of the applicability of the LBBG compensation activity to GBBG and, as far as possible, seek to maximise its benefit to GBBG should the Secretary of State deem it necessary.
- 4.55. Similarly, the Applicant stated that compensation for significant effects on kittiwake at the Pen y Gogarth / Great Orme's Head SSSI is not necessary, citing the use of air draught height mitigation to avoid, reduce, and manage the impact. The Applicant again noted approaches taken in other DCOs and highlighted that NPS EN-1 does not mandate compensation for all residual effects, but rather that such effects should be compensated for "as far as possible." Given the low level of impact on kittiwake from the Proposed Development, and the satisfaction expressed by the SNCBs regarding the proposed mitigation measures, the Applicant considers that compensation is not necessary. Nonetheless, the Applicant provided two drafting options for DCO requirements, on a without prejudice basis, should the Secretary of State determine that compensation should be provided for [C3-003A].

- 4.56. In response to the first all-IP consultation, NE advised that it was supportive of the inclusion of the Applicant's 'without prejudice' suggested DCO wording which would require the Applicant to consider and seek to maximise the benefit of LBBG compensation measures for GBBG [C2-008]. In its response to the second all-IP consultation NE also confirmed that, with the inclusion of MVOWF, the cumulative effect on GBBG would remain moderate adverse and significant [C4-007].
- 4.57. In response to the second all-IP consultations, NRW(A) advised that the Applicant's estimate of <0.8 kittiwake mortalities per year associated with the Pen y Gogarth / Great Orme's Head SSSI is likely to be overly precautionary. It noted that given this very small number of kittiwake collisions, there would be very little benefit of considering further mitigation, especially in the context of cumulative impacts. On this basis, NRW(A) considered that requiring compensation for the precautionary impact on the SSSI kittiwake population would be disproportionate [C4-009].
- 4.58. With regard to both species, the Secretary of State agrees with the ExA, NE and NRW(A)'s views on the Applicant's mitigation proposals, and that no further measures to mitigate in respect of cumulative collision risk are feasible [ER 16.3.53]. With regard to paragraph 5.4.42 of NPS EN-1, the Secretary of State finds that the Applicant has demonstrated a proportionate application of the mitigation hierarchy, supported by consultation and agreement with the appropriate SNCBs.
- 4.59. The Secretary of State notes NE's advice that the compensation measures implemented for LBBG at Steep Holm, as detailed in Section 9.1.1 of the HRA, may also deliver additional benefits for GBBG [REP5a-069 and C2-008]. Therefore, noting paragraph 5.4.42 of NPS EN-1, the Secretary of State considers it is reasonable and proportionate to include the Applicant's proposed without prejudice amendment to Article 18 of the draft DCO as it offers an opportunity to deliver compensation for residual impacts to GBBG. Following DCO drafting changes, the proposed addition has been included in Schedule 7.
- 4.60. Regarding kittiwake, the Secretary of State agrees with the Applicant that NPS EN-1 does not require all residual effects to be fully compensated. He also notes the very small contribution of the Proposed Development to the overall effect on kittiwake and, in line with advice from NRW(A), concludes that the proposed mitigation measures are sufficient, and to require the implementation of compensation measures would not be proportionate to address this impact. Therefore, no compensation is required for this species.

The Secretary of State's conclusion on Offshore Ornithology and Bats

- 4.61. The Secretary of State considers that despite the steps taken to minimise impacts in respect of GBBG and kittiwake as far as possible, at the point of consent, there is a significant residual cumulative effect for both species. The Secretary of State has considered these effects in the context of NPS EN-1 5.4.43 and the requirement that, if significant harm cannot be fully avoided, mitigated, or as a last resort compensated, then significant weight will be attributed to any residual harm. Therefore, noting the very small contribution of the Proposed Development to cumulative impacts for both species, the steps taken to compensate for GBBG and that requiring compensation for kittiwake would be disproportionate, the Secretary of State agrees with the ExA and ascribes moderate negative weight to offshore ornithology and bats in the overall planning balance.

Wake Effects

- 4.62. Ørsted operates a number of OWFs in the Irish Sea and raised concerns that the Proposed Development would interfere with wind speed and/or direction, arguing that these wake effects would have a material impact on the energy yield of the Ørsted IP's assets¹² which would, if unmitigated, affect the future viability of those assets [ER 11.3.3].
- 4.63. Throughout the Examination the Applicant maintained that the Proposed Development was not "close" to Ørsted's assets, so NPS EN-3 paragraph 2.8.197 did not apply and no wake-effect assessment was needed [ER 11.3.26]. They noted the nearest operational OWF was 12.9 km away – beyond TCE's 7.5 km Round 4 criterion – and referenced a study (Frazer-Nash, 2023) showing interaction losses level off beyond 10 km [ER 11.2.36]. Ørsted contended that a bespoke wake-loss assessment was still required and that the Applicant failed to meet requirements in NPS EN-3 and the North West Marine Plan ("NWMP") to collaborate with other developers and sea users. Ørsted also argued that by not considering wake-loss impacts, the Applicant's EIA did not present a realistic worst-case scenario for net GHG emissions [ER 11.3.28].
- 4.64. Ørsted IPs submitted their own wake loss assessment into the Examination (the Wood Thilsted Report) [REP3-112] and insisted that mitigation for wake loss should be incorporated into the final design and a requirement imposed on the face of the DCO to require the Applicant to address wake loss [ER 11.3.5]. The Wood Thilsted Report indicated that project-alone effects of the Proposed Development would result in a reduction of energy yield ranging from 0.32% (at the least impacted development) to 1.37% (at the most impacted development) while cumulative effects would result in a reduction of between 1.63% and 5.21% [REP3-112 and ER11.3.29]. The Applicant confirmed at ISH3 that it did not argue with the substantive content of the Wood Thilsted Report nor did it consider any assessment it might carry out would be significantly different [ER 11.3.30]. The Applicant also updated its GHG assessment [REP4-062] in line with the identified wake loss effects in the Wood Thilsted Report [ER 11.3.30].
- 4.65. The ExA noted the Applicant's position that the Proposed Development adhered to the TCE's siting criteria for new OWF development but also noted the Applicant accepted that wake effects could occur and did not disagree with the levels identified in the Wood Thilsted Report [ER 11.3.31]. The ExA considered that the Applicant should have carried out its own wake effects assessment and by failing to do so it has not complied fully with the requirements of paragraph 2.8.197 of NPS EN-3 [ER 11.3.31].
- 4.66. The ExA noted that the Wood Thilsted Report had been reviewed and commented upon by all parties and was satisfied that, while the figures are indicative only, the Wood Thilsted Report is a reasonable proxy upon which the potential effects of wake loss can be assessed [ER 11.3.33]. When balancing the potential reduction in energy production at existing developments against the total energy that could be produced by the Proposed Development both alone and cumulatively, the ExA was satisfied that the overall benefits in terms of renewable energy production significantly outweigh any negative impacts [ER 11.3.34].

¹² The Ørsted IPs represent the views of a group of six owners of offshore windfarms on the west coast of the UK, within the East Irish Sea.

4.67. The ExA noted that although the Applicant had not demonstrated best efforts to minimise negative effects through engagement, it had sought to minimise effects to other users through its site selection process and had complied with NPS EN-3 paragraph 2.8.345 in this regard [ER 11.3.35]. The ExA considered that not all effects can be fully mitigated, particularly those related to wake effects and determined there is no need to require the Applicant to consider further mitigation or impose a requirement such as that in the Awel y Môr DCO [ER 11.3.35]. Overall, the ExA considered the Applicant had not demonstrated that best efforts had been taken to resolve wake effect loss through proper assessment or engagement with IPs and therefore did not fully comply with NPS EN-1, NPS EN-3 and North West Marine Plan Co-existence Policy 1 (“NW-CO”) of the NWMP [ER 11.3.38]. The ExA considered this non-compliance should be afforded little negative weight in the planning balance [ER 11.3.38].

The ExA’s Overall Conclusion on Effects on other operational offshore wind farm projects

4.68. The ExA’s acknowledged that the Applicant has had regard to the NWMP and engaged with relevant stakeholders to identify existing, known, and potential activities and infrastructure. Through this engagement, the ExA were satisfied that the Applicant sought to minimise impacts on some, but not all, offshore infrastructure and activities. However, the ExA noted that despite concerns raised by the Orsted IPs in relation to wake effects, the Applicant did not carry out its own assessment or demonstrate best efforts to resolve and minimise the effects on all activities [ER 11.4.1 - 11.4.2].

4.69. The ExA was satisfied that the Applicant had updated its GHG assessment to account for wake loss effects, based on assessments provided by other IPs, and therefore concluded that they had adequately assessed the environmental effects in accordance with regulations [ER 11.4.3].

The Secretary of State’s Conclusion on Effects on other operational offshore wind farm projects

4.70. The Secretary of State considers the existing policy in NPS EN-3 to be clear that applicants are required to take account of wake effects and to engage early with affected parties. Although he has consulted on amendments to further reinforce this position, that consultation reflects concerns raised by stakeholders, not any uncertainty around the intent or expectation set by the current policy. As paragraph 2.8.176 of the draft EN-3 reiterates, “as with any new development, applicants should consider the impact of their proposal on other activities and make reasonable endeavours to address these.” The Secretary of State notes the draft EN-3 as an important and relevant consideration alongside the existing NPS which has effect in relation to this application.

4.71. Although the ExA and the Secretary of State would have expected the Applicant to provide an assessment in accordance with EN-3, the Secretary of State accepts the Wood Thilsted report as an acceptable alternative in its absence. However, it should be put beyond doubt that the Secretary of State expects a wake-effects assessment to be carried out early in the process and in a way that fully engages with, and responds to, impacts on affected parties.

4.72. In his first information request, the Secretary of State requested the Applicant to either provide its own wake effects assessment or confirm its agreement with the assessment contained in the Wood Thilsted Report, and to set out further consideration of means to minimise any assessed impacts. The Secretary of State notes the responses from the Ørsted IPs and the Applicant to that information request in which they explained that they had

addressed the outstanding matters relating to wake effects, including the approach to assessment, the application of relevant policy in NPS EN-3, and the form of an appropriate requirement [C1-009 and C1-011]. The parties confirmed that this engagement resulted in a jointly agreed position on the steps needed to secure appropriate mitigation of any wake-related impacts on the Ørsted IPs' operational assets.

- 4.73. The Secretary of State further notes that the Applicant accepts the substantive findings of the Wood Thilsted Report [REP3-112] and recognises that it provides a precautionary, high-level assessment of cumulative wake losses. The Applicant confirmed during Examination and in its response to the first information request that it does not dispute the core findings of the Wood Thilsted Report, notwithstanding that it did not undertake its own independent wake modelling.
- 4.74. The Ørsted IPs [C1-009] and the Applicant [C1-011] have jointly proposed revised wording for a wake-effect requirement to be included in any DCO granted for the Proposed Development. The parties state that this proposed requirement is intended to improve on Requirement 29 of the previously consented Mona Offshore Wind Farm Order, providing a clearer, more precise and more enforceable framework while maintaining the need for reasonable and proportionate mitigation. The Ørsted IPs confirmed that they consider this jointly proposed requirement to be acceptable and appropriate to secure the mitigation they consider necessary.
- 4.75. The Secretary of State notes that the Ørsted IPs consider that the Applicant has taken reasonable steps to minimise wake-related impacts, has worked collaboratively with them both prior to and following the close of Examination, and has met the relevant policy requirements, including those contained in the current and draft NPS EN-3. The Ørsted IPs therefore confirmed that, subject to inclusion of the jointly proposed requirement, they are satisfied that no additional provisions are required in the DCO in respect of wake effects. It is noted that the Ørsted IPs' objection to the Proposed Development remains in place given that the actual extent of the impacts cannot yet be modelled pending detailed design.
- 4.76. The Secretary of State agrees with both the Applicant and Ørsted IPs that the assessment of wake effects is an emerging process, with considerable levels of uncertainty. However, the Secretary of State notes that all parties agree the Proposed Development will affect the Ørsted IPs' existing wind farms. While the Wood Thilsted report should not be relied upon to provide an exact baseline, the impact levels it identifies are at least indicative. The Secretary of State is satisfied that the Applicant has taken steps to minimise effects, including to work with relevant interested parties, albeit later in the process than is expected. The Secretary of State agrees that the jointly agreed requirement provides an appropriate mechanism to address and minimise wake effects, and has included this at Requirement 13 of the DCO.
- 4.77. In light of the acknowledged wake effects impact that the Proposed Development will have on existing operational offshore infrastructure and the Secretary of State's clear finding that the Applicant's approach to this issue, as noted above, has not been consistent with NPS policy, the Secretary of State concludes that effects on other offshore infrastructure and activities should be ascribed moderate negative weight in the planning balance instead of little negative weight as ascribed by the ExA.

Existing Oil and Gas Infrastructure

- 4.78. The order limits of the Proposed Development overlaps with the existing South Morecambe gas field and is in close proximity to existing platforms, pipelines, cables and wells. The nearest active platforms to the site are the Calder CA1 platform (“the Calder platform”) and the three platforms that form the South Morecambe gas field Central Processing Complex, accommodation platform (“AP-1”), drilling platform (“DP-1”) and central production platform (“CPP-1”) (collectively referred to as the “CPC” platforms, the Central Processing Complex) [ER 1.3.29]. The Calder platform is owned by Chrysaor Resources (Irish Sea) Limited, a subsidiary of Harbour Energy, and operated by Spirit Energy. The CPC platforms are owned and operated by Spirit Energy. The ExA acknowledged that the Proposed Development would place restrictions on the operations of the oil and gas infrastructure [ER 23.3.43]
- 4.79. The Applicant laid out its assessment of impacts on infrastructure and other users in Chapter 17 of its ES [REP1-038].
- 4.80. During construction, oil and gas operations may be affected by access restrictions and increased vessel and helicopter activity and the Applicant concluded, with embedded mitigation measures, this would be a moderate adverse effect and therefore significant in EIA terms [ER 11.2.21]. The Applicant proposed additional mitigation in the form of Protective Provisions (“PPs”) in favour of infrastructure owners/operators, to include exclusion/buffer zones: initially comprising a 1.5 nautical mile (nm) buffer around the Calder platform and AP-1 and DP-1 platforms (later amended to include the CPC as a whole [ER11.2.24], 500 m buffers either side of existing subsea cable/pipelines and a 100 m buffer around each of the legacy and relief well tophole locations [ER 11.2.22]. With the additional mitigation, the Applicant concluded the residual effect would be reduced to minor adverse and therefore not significant in EIA terms [ER 11.2.23].
- 4.81. During operation and maintenance, the Applicant concluded that moderate adverse, and therefore significant effects in EIA terms, would occur on existing oil and gas infrastructure and operations but that following the implementation of additional mitigation in the form of PPs, the residual effects would be reduced to minor adverse and therefore not significant in EIA terms [ER 11.2.38].
- 4.82. The Applicant updated its proposed PPs in response to representations from both Spirit Energy and Harbour Energy both during the Examination.
- 4.83. At the end of the Examination the key buffers in the Applicant’s updated PPs can be summarised as follows [ER11.2.26]:
- 3.76 nm interim aviation buffer zone, free of WTGs and OSPs, around the CPC and Calder platforms until either the cessation of production (“COP”) at those platforms or 1 January 2029, whichever is sooner;
 - 1.5 nm enduring aviation buffer around the CPC and Calder platforms.
 - 1.5 nm marine buffer around the CPC;
 - 1 nm marine buffer around the Calder platform.
- 4.84. The Applicant acknowledged that these arrangements would impact the oil and gas infrastructure operations, and further detail on their position in this regard is set out at [ER 11.2.28] to [ER 11.2.31].

- 4.85. Spirit Energy expressed concerns about the Applicant's updated PPs due to safety and operational impacts. It stated that its primary concern was the proposed 1.5 nm aviation buffer around the CPC and Calder platforms, which it considered inadequate for safety reasons. More specifically, it raised concerns that reduced access and flight restrictions could lead to shorter maintenance windows, require extra trips to complete work, and hinder the safe downmanning and evacuation of personnel by helicopter in both emergency and non-emergency situations. [ER 11.3.8]. Spirit Energy considered the buffer distance would need to be increased to enable helicopters to operate safely in all conditions [ER 11.3.9 and 11.3.10]. In the final SoCG, Spirit Energy maintained that the Proposed Development poses an intolerable risk to safety and adverse effects on viability and safety of offshore infrastructure and therefore does not comply with NPS EN-3 [ER 11.3.14]. Spirit Energy required, amongst other things, an enduring aviation buffer of 3.76 nm around both the AP-1 and DP-1 platforms (forming part of the CPC), a marine buffer of 1.5 nm around the AP-1 and DP-1 platforms, and a marine corridor of 1 nm between the AP-1 platform and the Calder platform. Spirit Energy did not agree to the implementation of an interim buffer which would reduce after 1 January 2029 as it considered that such a reduction would affect current operations, decommissioning activities and the future proposals for the Morecambe Net Zero ("MNZ") carbon capture and storage ("CCS") project, which is proposed for the area of the existing oil and gas infrastructure [ER 11.3.14] (and which is discussed further at paragraphs 4.90, 4.99, and 4.100 below).
- 4.86. Harbour Energy was similarly concerned about helicopter access to the Calder platform [ER 11.3.15] and noted that it expected production from the Calder gas fields to continue during the construction and operational phases of the Proposed Development [ER 11.3.16]. In the final SoCG, Harbour Energy agreed that an interim aviation buffer of 3.76 nm was required around Calder and CPC until cessation of production at which point it could reduce to 1.9 nm, but Harbour also disagreed with the backstop date of 1 January 2029 on the grounds of a significant adverse impact on safety if the Calder field were still in production [ER 11.3.18]. Harbour was content with a 1 nm marine buffer zone around the Calder platform and 1 nm corridor between the Calder and CPC platforms [ER 11.3.18].
- 4.87. At Deadline 6, eight days before the close of the Examination, Spirit Energy submitted a written submission [REP6-058] restating its plans to repurpose existing infrastructure and associated buffer zones for the MNZ project, claiming these buffers would support CO₂ storage on a scale greater than the CO₂ that would be displaced over the life of the Proposed Development [REP6-058]. It also introduced new information on potential safety and regulatory impacts at the Morecambe Hub to justify permanent buffer zones extending into much of the area within the Order limits. The ExA noted that both the Applicant and the ExA had limited time to assess this late material and suggested the Secretary of State may wish to seek views from the Applicant and other relevant parties [ER 11.3.46].

The ExA's Overall Conclusion on Effects on Existing Oil and Gas Infrastructure

- 4.88. The ExA noted that while Spirit Energy sought to extend the life of its existing oil and gas infrastructure into the 2030s, there was no evidence of additional reserves, any ability to continue production beyond 2029, or – given the early stage of the MNZ proposals – whether the ageing platforms would be required for or capable of supporting that project. The ExA therefore assumed that cessation of production would take place in 2029 and after this point any priority in terms of restrictions imposed through PPs should move in favour of the Proposed Development rather than the oil and gas industry [ER 11.3.40].

- 4.89. On the duty to maximise the economic recovery of UK petroleum under section 9A of the Petroleum Act 1998 and the Oil and Gas Authority Strategy (2021) – which Spirit Energy argued conflicted with the Proposed Development – the ExA noted that the same strategy also requires operators to support the Secretary of State in meeting the net zero target, including by reducing emissions as far as reasonably practicable [ER 11.3.50].
- 4.90. The ExA considered the potential effects of the Proposed Development on future CCS proposals, specifically MNZ. The ExA concluded that the project is too early-stage to justify restricting the Proposed Development and agreed with the Applicant that Spirit Energy can design its future CCS facilities to avoid undue impacts, making PPs in favour of the MNZ licensee unnecessary [ER 11.3.57].
- 4.91. In respect of the oil and gas platforms, the ExA recommended revised PPs balancing the interests of both parties ensuring that there are adequate safeguards in place to allow for continued and safe operations of the existing oil and gas operations and infrastructure while facilitating the Proposed Development [ER 11.3.54 and 11.4.4], specifically providing for a 3.76 nm interim aviation buffer to the oil and gas platforms until either COP or 1 January 2029, and a 1.9 nm aviation buffer following that date, which the ExA considered would reduce residual negative effects to as low as is reasonably practicable [ER 11.3.52]. The ExA was satisfied that the proposals comply with the requirements of paragraphs 2.5.2, 2.8.48, 2.8.203, 2.8.344 and 2.8.345 of NPS EN-3 and policies North West Marine Plan Oil and Gas Policy (“NW-OG”) 1 and NW-OG-2 of the NWMP and, insofar as it relates to co-existence with oil and gas infrastructure, policy NW-CO-1 of the NWMP. Nevertheless, the ExA acknowledged that the presence of the Proposed Development would place restrictions on the current operations compared with the pre-development situation and afford those effects a little negative weight in the overall planning balance [ER 11.4.5], a weighting which it carried over to apply to overall effects on other offshore infrastructure and other users.

Oil and Gas Infrastructure Post Examination Negotiations

- 4.92. In response to the first information request dated 21 August 2025, the Applicant referred the Secretary of State to the written submission submitted by Spirit Energy at Deadline 6 [REP6-040], reiterating its view that there is no reason to believe an updated safety case from Spirit Energy would not be accepted by the relevant authorities. It further stated that Spirit Energy “could find a way to continue safe operation if they were inclined to do so” [ERM REP5-068 in C1-011].
- 4.93. In a joint response to the first information request, the Applicant and Harbour Energy confirmed that they had reached an agreed position on PPs which would protect the interests of Harbour Energy with regard to the Calder platform. In light of this agreement, Harbour Energy withdrew its objection to the Proposed Development. This agreement includes the establishment of an aviation buffer zone extending 3.76 nm from the nearest outer extremity of both the Calder and CPC platforms, within which no WTG or OSP shall be erected prior to 1 January 2029 (unless confirmation has been given that the Calder field facilities have been decommissioned) [C1-011 and C1-012]. The agreed PPs have been included in the DCO at Schedule 3, Part 2.
- 4.94. In response to the second information request dated 26 September 2025, both the Applicant and Spirit Energy confirmed that substantive progress had been made, including engagement in detailed drafting discussions for PPs. On 31 October, the Secretary of State made a further request to parties to reach agreement as soon as possible. On 4 November,

in response to the third information request, the Applicant confirmed that they and Spirit Energy had reached agreement on the form of Protective Provisions suitable for the protection of Spirit Energy's interests, including in respect of MNZ [C5-002a/C5-003].

- 4.95. The Secretary of State notes and welcomes the parties' commitments to working together to ensure the Proposed Development can deliver on its objectives as soon as possible, including a requirement in the PPs to work together to agree arrangements in a co-existence agreement. The Secretary of State has adopted the proposed drafting approach and included the agreed PPs for Spirit Energy in the DCO at Schedule 3, Parts 3, 4 and 5. Spirit Energy has confirmed that, in light of the agreement reached, they withdraw their objection to the Proposed Development.

The Secretary of State's Conclusion on Effects on Existing Oil and Gas Infrastructure

- 4.96. The Secretary of State has considered further information provided by IPs in response to his information requests, including material on safety, buffer zones and the co-location of different energy infrastructure, and welcomes the agreements that have been reached on these matters.
- 4.97. The Secretary of State agrees with the ExA that the application complies with the relevant requirements under the Petroleum Act 1998 and the relevant provisions of NPS EN-3 and the NWMP concerning the protection of existing oil and gas infrastructure and the facilitation of co-existence [ER 11.4.6]. The Secretary of State considers that the Proposed Development, incorporating the agreements now reached with Harbour Energy and Spirit Energy, strikes an appropriate balance between enabling renewable energy generation and safeguarding existing oil and gas operations.
- 4.98. In respect of the Calder and CPC platforms, Secretary of State is satisfied that the agreed PPs [C5-002a and C5-003] provide adequate safeguards to support continued safe operation of this infrastructure along with the oil and gas installations, whilst enabling the Proposed Development to deliver on its objectives, and he further considers that the policy objectives relating to access, transport, and operational compatibility have been appropriately addressed (as referred to in paragraph 4.94 of this letter). The PPs agreed between the Applicant and Spirit Energy provide for a series of buffer zones providing protections which will fall away at specified stages in the decommissioning process. In respect of the CPC platform, this includes a WTG and OSP aviation interim buffer zone of 3.72 nm which transitions to a 1.9 nm enduring aviation buffer zone when the CPC is hydrocarbon free or on 1 April 2031, whichever is earlier. In respect of the Calder Platform, this also includes a WTG and OSP aviation interim (Calder) buffer zone of 3.72 nm and an enduring aviation buffer zone of 1.5 nm which would transition on the date that the duty holder (Spirit Energy) ceases to provide operations and services to the licensee (Harbour Energy) as agreed or on 1 January 2031, whichever is earlier. The Secretary of State notes that, under this agreement, the dates referred to as "interim to enduring aviation buffer zone change date" are in 2031 rather than 2029 as proposed by the ExA and that, prior to this date, the Applicant will not be able to erect WTGs, temporary surface infrastructure or OSPs in these zones without Spirit Energy's agreement. It is considered that the terms of the agreement may cause delays to the Proposed Development's timeline [REP1-086, Figure 3.1 and 3.2], making it less likely that it will be operational within the timeframes set out in the Clean Power 2030 Action Plan. In that scenario, the Proposed Development would still make an important contribution to the Government's longer term strategic decarbonisation goals.

- 4.99. In respect of MNZ, the Secretary of State notes the ExA's conclusion that including PPs to safeguard Spirit Energy's interests during the early stages of the MNZ project would impose an unreasonable and unnecessary restriction on the Proposed Development. However, the Secretary of State notes that agreement has been reached in this regard between the Applicant and Spirit Energy which allow for successful co-existence and considers it appropriate to include the agreed PPs relating to MNZ in the DCO.
- 4.100. In respect of MNZ, the Secretary of State notes the ExA's conclusion that including PPs to safeguard Spirit Energy's interests during the early stages of the MNZ project would impose an unreasonable and unnecessary restriction on the Proposed Development. However, the Secretary of State notes that agreement has been reached in this regard between the Applicant and Spirit Energy which allow for successful co-existence and considers it appropriate to include the agreed PPs relating to MNZ in the DCO.
- 4.101. The Secretary of State acknowledges that the presence of the Proposed Development would impose certain restrictions on existing oil and gas operations when compared to the pre-development baseline. Having regard to the safeguards proposed and the overall policy compliance, the Secretary of State concludes that the associated effects should be afforded a little negative weight in the planning balance.

Constraints on the Layout of the Proposed Development

- 4.102. To accommodate changing conditions during the development process, the Applicant adopted a Project Design Envelope for the site of the Proposed Development. This envelope includes two WTG scenarios (larger and smaller turbines) and considers a range of foundation options for both, providing flexibility in the final design and layout [ER 4.3.7].
- 4.103. There are two major constraints to the layout of the Proposed Development arising from requests for buffer zones within which WTGs cannot be installed. These are the existing oil and gas infrastructure to the west and north (regarding which representations were made by Harbour Energy and Spirit Energy as noted above), as well as the Liverpool Bay / Bae Lerpwl Special Protection Area ("SPA") to the east (regarding which representations were made by NE as noted in Section 5.6 of the HRA). The ExA noted that approving the buffer zones which had been requested in all above scenarios would result in reducing the number of WTGs to less than a third of those originally proposed, resulting in the Proposed Development not meeting its project objectives [23.4.5 et seq.].
- 4.104. Regarding the buffer zone in the east requested in order to avoid an adverse effect on integrity ("AEol") of the Liverpool Bay SPA, the ExA suggested the Secretary of State consider the potential relocation of four WTGs from the east to the western part of the Order limits in the general area of the oil and gas infrastructure. The ExA considered this could allow for a 7.5km buffer zone between the SPA boundary and the location of WTGs, capable of ruling out AEol. The ExA's proposed new location for these WTGs is currently constrained by oil and gas infrastructure. The co-existence between this infrastructure and the Proposed Development requires both aviation and marine buffer zones, the size of which has been debated extensively, as set out in the paragraphs above. The ExA suggested that, to protect the interests of Harbour Energy and Spirit Energy and accommodate the additional WTGs, a 1.9 nm enduring aviation buffer zone could be applied in respect of the Calder and CPC platforms from 1 January 2029 onwards (with a larger interim buffer in place prior to date) [ER 23.4.14]. The ExA considered 1 January 2029 an appropriate date on which priority in

terms of restrictions should move in favour of the Proposed Development, taking into account the likely dates for cessation of production at the oil and gas platforms.

- 4.105. In the first information request, the Secretary of State asked the Applicant to comment on the potential for relocation of WTGs away from the eastern part of the site to accommodate two different potential SPA-related buffer zones on the east of the site. In response, the Applicant emphasised the need to retain maximum design flexibility regarding available space for WTG installation in order to meet the Proposed Development's objectives [C1-011].
- 4.106. The Applicant stated that the site is already subject to a number of technical and environmental constraints and the ability to maximise the remaining site is therefore critical. The Applicant explained that, under NE's requested SPA buffer zones combined with suggested oil and gas infrastructure buffers, the number of viable turbine locations would be reduced to 30-32 at best, making it impossible to deliver the full maximum design scenario of 35 turbines. Even with 30-32 WTGs, the absence of spare locations would leave the Proposed Development vulnerable to unforeseen constraints. The Applicant also highlighted that site investigations indicate that eastern areas, where the SPA buffer is proposed, offer the most reliable ground conditions for foundation installation compared to the southern and western areas where there is greater uncertainty. Therefore, the Applicant considered that with a buffer on the eastern area of the site it is unknown whether sufficient locations for even 30 WTGs exist, and the imposition of such a buffer would therefore risk the achievement of the project objectives, and would not be technically, legally or financially feasible [C1-011].
- 4.107. Following the agreement reached between the Applicant and Harbour Energy (see paragraph 4.93 above), the Secretary of State, in his second information request, asked the Applicant to confirm whether the terms of the agreement with Harbour Energy (which included a 3.76 nm aviation buffer zone around the Calder and CPC platforms until 1 January 2029 only, with no enduring buffer beyond this date) enabled any additional WTG positions to be released. The Applicant confirmed at paragraph 28 of their response [C3-003A] that the position remained the same, due to constraints relating to required WTG spacings and lines of orientation.
- 4.108. In response to the Secretary of State's third information request dated 31 October 2025, the Applicant and Spirit Energy confirmed the terms of the agreement reached between them, which are set out at paragraph 4.98 above and include a 1.9 nm enduring aviation buffer zone around the CPC and a 1.5 nm enduring aviation buffer zone around Calder. The Applicant confirmed in its response to that request that the constraints posted by the oil and gas infrastructure are manageable and reiterated that "the whole of the remaining site is needed to ensure delivery of the Project objectives".
- 4.109. The Secretary of State is satisfied that the Applicant has sufficiently explored alternative design scenarios. Considering the reliability of ground conditions in the east and the need to maintain the maximum design scenario at this stage, the Secretary of State concludes that accommodating a buffer zone on the eastern part of the Order limits which is capable of ruling out AEol on the Liverpool Bay SPA does not constitute a viable alternative solution in accordance with the Conservation of Habitats and Species Regulations 2017 ("Habitats Regulations"), as this could jeopardise achievement of the Proposed Development's objectives. In light of this, he agrees with the Applicant that no turbines can be relocated from the east to the west, and this conclusion would apply in any of the potential buffer zone

scenarios which have been put forward and considered. Further detail on this is outlined in Section 5.6 of the HRA. The Secretary of State notes and welcomes the agreements reached between the Applicant, Harbour Energy and Spirit Energy, as set out above.

Protected Landscapes

- 4.110. In relation to the overarching issue of seascape, landscape and visual effects, the Secretary of State agrees with the ExA that these effects should carry moderate negative weight in the planning balance. This section provides additional analysis with respect to his statutory obligations under the Levelling Up and Regeneration Act 2023 (“LURA”) only.
- 4.111. The Secretary of State has considered the impact of the Proposed Development on protected landscapes. In particular, he has considered the statutory obligation on decision-makers to “seek to further” the relevant purposes of designated landscapes (found in section 11A of the National Parks and Access to the Countryside Act 1949 and section 85 of the Countryside and Rights of Way Act 2000 (“CROW 2000”), as amended by LURA. For National Parks, these purposes include conserving and enhancing natural beauty, wildlife, and cultural heritage, and promoting public understanding and enjoyment of their special qualities. Where these purposes conflict, greater weight must be given to conservation and enhancement. For National Landscapes (“NLs” formerly Areas of Outstanding Natural Beauty), the statutory purpose is to conserve and enhance natural beauty [ER 18.3.16–18.3.17].
- 4.112. In this regard, for the Proposed Development the following landscapes in England are relevant [ER 18.2.15]:
- a. Lake District National Park (“LDNP”) – approximately 43.3 kilometres (km) from the application site;
 - b. National Landscapes:
 - Arnside and Silverdale – greater than 50 km from the application site;
 - Forest of Bowland – greater than 50 km from the application site.
- 4.113. Two Welsh landscapes are potentially impacted by the Proposed Development – the Isle of Anglesey, and the Clwydian Range and Dee Valley, both more than 47 km from the application site. The amendments made by the LURA do not apply to Wales. Rather, in respect of the Welsh landscapes, the duty is to ‘have regard’ to the relevant purposes of conserving and enhancing the natural beauty of the landscape area. NRW agreed that effects on the Welsh landscapes would not be significant [ER 18.2.42]. The Secretary of State has had regard to the relevant duty in considering the Application.
- 4.114. The Applicant set out its position in respect of the LDNP in [REP3-068]. It referred to NPS EN-1 which states that “[t]he Secretary of State should be satisfied that measures which seek to further the purposes of the designation are sufficient, appropriate and proportionate to the type and scale of the development” (EN1 5.10.8). It also set out the steps taken to minimise impacts, including siting the Proposed Development at long distance from the LDNP (over 43 km), largely behind existing wind farms; reducing the spatial extent of the windfarm site to limit the eastward spread/extent of WTGs; and reducing the maximum height of the WTGs that can be installed under the dDCO. It states that, as a result, although there will be effects on the special qualities of the LDNP, these are likely to be minor at worst and are not significantly adverse. The Applicant stated that it would not be proportionate for the minor harm to be offset by specific enhancement measures, and that current measures

are sufficient and appropriate. It stated that any offshore windfarm NSIP will give rise to some degree of friction with the duty to seek to enhance natural beauty and is unlikely to be entirely consistent with objectives that seek to enhance natural beauty.

- 4.115. In respect of the two English NLs, the Applicant again considered that the measures embedded within the design of the Proposed Development ensure that it avoids harm to the statutory purposes and contributes to the conservation of the natural beauty/special qualities [REP3-068]. In ES Chapter 18 [APP-055] the Applicant states that “regard has been had to the purpose of conserving and enhancing the natural beauty of the NLs in the SLVIA (*Author’s note: Seascape, Landscape and Visual Impact Assessment*) study area through the siting and design of the Project, which is located a long distance offshore, with no NLs located within 48 km of the windfarm site meaning that the statutory purpose of NL designations within the study area would not be compromised as a result of the Project.”

The ExA’s conclusion on protected landscapes

- 4.116. The ExA considered the implications of the legislative changes, consulting NE and the Marine Management Organisation (“MMO”) regarding the visual impacts of the Proposed Development on the LDNP. Initially, the ExA recommended amending the dDCO to extend the list of consultees under condition 9(1) of the draft Deemed Marine Licence (“dDML”) to include the Lake District National Park Authority, the Arnside and Silverdale National Landscape Partnership, the Forest of Bowland National Landscape Joint Advisory Committee, Trinity House, and the Maritime and Coastguard Agency (“MCA”) [ER 18.3.26].
- 4.117. However, the ExA later withdrew this recommendation, citing reassurance from the High Court’s judgment in *New Forest National Park Authority v Secretary of State for Housing, Communities and Local Government and another* [2025] EWHC 726 (Admin) (“the NFNPA decision”), which addressed similar issues [ER 18.3.27 and 18.3.36].
- 4.118. The ExA concluded that provided the layout of WTGs was agreed on the basis of both marine considerations and the effects on protected landscapes, the special qualities of the LDNP and National Landscapes would be preserved [ER 18.3.33]. The ExA also found that the relevant duties under the Natural Park and Access to Countryside Act 1949 and CROW 2000 would be complied with when NE approves the layout of WTGs (as required by condition 9(1) of the DML), in light of the duty on NE under the Natural Environment and Rural Communities Act 2006 to conserve and enhance the landscape [ER 18.3.36]. The ExA concludes [ER 18.4.3] that subject to an appropriate layout, the Proposed Development would have a neutral effect on protected landscapes.

The Secretary of State’s conclusion on protected landscapes

- 4.119. The Secretary of State notes the *Wadhurst Parish Council v SoSHCLG* [2025] EWHC 1735 case, which clarified that the statutory duty to “conserve and enhance” does not require both elements to be fulfilled in order for the duty to be discharged.
- 4.120. The Secretary of State has carefully considered the evidence presented, including the Applicant’s assessment, the findings of the Examining Authority (ExA), and the relevant statutory and policy framework.
- 4.121. The Secretary of State accepts the Applicant’s conclusion and ExA’s recommendation, that impacts on protected landscapes would be neutral, and that the embedded design measures are sufficient to address any potential for adverse effects.

- 4.122. In forming this view, the Secretary of State has had regard to relevant case law and to Defra's guidance on the discharge of the statutory duty to conserve. The Secretary of State agrees that this duty may be met through conservation secured by embedded mitigation. In this case, the offshore siting of the proposal limits visibility from the coastal areas of the LDNP to rare occasions of exceptional clarity, and views from the southern fells are already influenced by existing operational offshore windfarms. On this basis, the Secretary of State considers that the embedded mitigation adequately constrains the degree of landscape change. The Secretary of State considers that the duty to conserve and enhance does not require minor adverse effects to be offset by enhancement measures and he is satisfied that enhancement measures are not necessary in this case.
- 4.123. The Secretary of State is therefore satisfied that there is sufficient evidence to conclude that the proposal conserves the special qualities and key characteristics of the relevant designated landscapes in accordance with statutory requirements. Having considered Defra's guidance, the Secretary of State is also content that this approach accords with the principle that relevant authorities should act proportionately when discharging their conservation duties. The Secretary of State does not consider that additional evidence is necessary or reasonably obtainable.
- 4.124. The Secretary of State notes the limited recent engagement from Natural England and the absence of further representations from other parties, including the LDNP Authority and Lancashire. While these circumstances are acknowledged, the Secretary of State is satisfied that the Applicant's assessment provides a robust basis on which to reach a conclusion.
- 4.125. For clarity, the Secretary of State relies on the embedded mitigation measures themselves as the basis for concluding that the statutory duty has been met, rather than on any prospect of subsequent intervention by Natural England.
- 4.126. As previously noted, overall, the Secretary of State agrees with the ExA that issues relating to seascape, landscape and visual effects should carry moderate negative weight in the planning balance.

Shipping and Navigation

Radar Early Warning Systems and Allision Risk

- 4.127. Spirit Energy raised concerns about the increased risk of vessels striking existing oil and gas platforms ("allision") and stated that the Applicant had not provided sufficient Individual Risk Per Annum data to understand potential consequences [ER 19.3.37]. Spirit Energy also contended that the Proposed Development could compromise Radar Early Warning Systems ("REWS"), leading to more frequent precautionary down-manning or evacuations and diversion of emergency response resources [ER 19.3.50]. These issues were examined by the ExA alongside the Applicant's updated REWS assessment, which identified minor detection gaps due to turbine shadowing but concluded these would be addressed through advanced tracking within the REWS and accompanying Automatic Identification System ("AIS") data [ER 19.3.52]. The ExA noted the Applicant's agreement to a 1.5 nm buffer zone from the outer extremity edge of the CPC until the CPC has been decommissioned, which would constitute a partial mitigation measure against increased risk of allision occasioned by the Proposed Development [ER 19.3.58]. The Secretary of State notes the final agreement between the Applicant and Spirit Energy, which provides for a 1.9 nm enduring buffer from the CPC. The ExA also considered whether a Vessel Collision Risk Assessment ("VCRA")

was required and concluded it was not reasonable to place that obligation on the Applicant [ER 19.3.60].

Ferry Routing

- 4.128. For the project alone there would be an impact on the Liverpool to Belfast route operated by Stena Lines Limited (“Stena”) and the Liverpool to Douglas route operated by the Isle of Man Steam Packet Company (“IoMSPC”), primarily in adverse weather conditions when vessels using diversion routes would have to divert further in order to avoid the Proposed Development [ER 19.3.67]. Stena and IoMSPC raised concerns about route diversions, increased fuel use, reduced searoom, and risks from vessels emerging undetected from within the array [ER 19.3.67, 19.3.71]. The ExA noted that cumulative diversion during normal weather would amount to less than five minutes on an eight-hour journey, with longer deviations on the Stena route due to zig-zagging between offshore wind farms [ER 19.3.70].
- 4.129. The ExA recorded Stena’s position that, while operational costs and navigational risks would increase, these risks had been reduced to as low as reasonably practicable (“ALARP”) [ER 19.3.72]. The ExA agreed with the Applicant’s assessment that, in the project-alone scenario, the Proposed Development would remain policy-compliant, with the residual impacts amounting to a ‘minor’ adverse effect [ER 19.3.74].
- 4.130. In considering the wider cumulative situation, with the exception of the Stena Liverpool to Belfast route, the ExA concluded that the additional distance required for vessel routing would arise principally as a consequence of other proposed offshore wind farms, rather than from the Proposed Development itself. Accordingly, the ExA advised that no additional weight should be applied against the Proposed Development in respect of these cumulative effects [ER 19.3.78].
- 4.131. The Applicant included Protective Provisions in the dDCO for Stena’s benefit, and the SoCG with Stena [REP4-033] – although unsigned by Stena – records that both parties were continuing to engage on a commercial agreement to address mitigation for residual operational impacts. Stena confirmed on 3 October 2025 that the Applicant and Stena had entered into a commercial agreement and its objection was therefore withdrawn. In the absence of any requests to the contrary, the agreed PPs [C2-004] have been retained in the made DCO.

The ExA’s Overall Conclusion on Shipping and Navigation

- 4.132. The ExA concluded that there would be risks of allision which updates to REWS would only partially mitigate, however these risks would remain low and ALARP [ER 19.4.3]. Given the reduced sea room and risk of vessels exiting the Proposed Development not being identified due to masking, the Proposed Development would also increase the risk of collision, however the ExA concluded it would remain low in absolute terms [ER 19.4.4]. The ExA noted the higher risk of utilising search and rescue to respond to incidents but also noted that there would be more vessels in the vicinity possibly able to assist in an emergency, concluding that risk to those using the area would not change overall [ER 19.4.5].
- 4.133. The ExA concluded that the Proposed Development would not adversely affect major commercial navigation routes by causing appreciably longer transit times but would affect less strategically important shipping routes. The ExA also noted that, in accordance with

paragraph 2.8.330 of NPS EN-3, the Secretary of State should take a pragmatic approach to considering proposals to minimise negative impacts [ER 19.4.6].

4.134. Regarding fishing gear snagging, the ExA noted an increased risk during construction periods, but only for a short period of time which would therefore only be a low risk and reduced to very low during operation once users can identify locations from records [ER 19.4.7]. The ExA considered that the Proposed Development would not affect any recognised sea lanes essential to international navigation [ER 19.4.1], would not interfere with microwave communication equipment [ER 19.4.8] and, through appropriate PPs, it would be possible to ensure appropriate sea room was provided for the decommissioning of existing oil and gas installations [ER 19.4.9].

4.135. Overall, the ExA ascribed little negative weight against the granting of the DCO due to the limited residual negative effect on shipping and navigation [ER 19.4.10].

The Secretary of State's Conclusion on Shipping and Navigation

4.136. The Secretary of State notes the Applicant's assessment that for the Proposed Development alone and cumulatively, all risks would be ALARP. The Secretary of State agrees with the ExA that an increased risk of allision due to the Proposed Development could be mitigated by the use of REWS in the short period before the oil and gas facilities are decommissioned. The Secretary of State agrees with the ExA that it is not reasonable for the Applicant to complete a VCRA and further notes that some of the allision risks appeared to reduce, based on Spirit's Deadline 6 submission [REP6-058]. Noting the ExA's consideration of the issues, the Secretary of State concludes the Proposed Development would not present unacceptable risk to navigational safety offshore.

4.137. The Secretary of State notes paragraph 2.8.330 of NPS EN-3, that he should take a pragmatic approach to considering proposals to minimise negative impacts. However, the Secretary of State does not consider that completion of commercial agreements should change the overall weighting for shipping and navigation: noting that such agreements would not alter the navigational effects or the impacts on ferry users, including longer journey times, and that it is uncertain whether they would address the risks of service delays or cancellations. Therefore, while the Secretary of State welcomes the agreement and is satisfied that the Proposed Development, both alone and cumulatively, does not put the ferry services at risk of being unviable, he recognises that there will be moderate adverse effects arising cumulatively on the Liverpool to Belfast ferry route.

4.138. The Secretary of State also notes that, unlike other offshore wind farm proposals in the Irish Sea which are located within more constrained navigational contexts, the size and location of the Proposed Development mean that it makes only a limited contribution to cumulative sea-room compression or to the more extensive adverse-weather routing effects arising from other offshore windfarms. The Secretary of State notes evidence submitted during the Examination that the principal drivers of appreciable route deviation and increased journey times in the wider Irish Sea are associated with other projects. The Secretary of State agrees with the ExA that the Proposed Development would not adversely affect major commercial navigation routes by causing appreciably longer transit times [ER 19.4.6].

4.139. Overall, considering the limited contribution of the Proposed Development to the effects to shipping routes and that navigational safety risks have been demonstrated to be acceptable

and ALARP, the Secretary of State considers that navigation and shipping should be ascribed little negative weight in the overall planning balance.

5. HRA

- 5.1. The Secretary of State has undertaken a Habitats Regulations Assessment and has carefully considered the information presented during the Examination, including the Screening Report [REP3-006], RIAA [REP5a-009] as submitted by the Applicant, Report on the Implications for European Sites ("RIES") [PD-017] as produced by the ExA, the ES, representations made by IPs, responses received to the Secretary of State's information requests, and the ExA's Report.
- 5.2. The Secretary of State considers that the Proposed Development has the potential to have a Likely Significant Effect ("LSE") from fourteen impact pathways on eighty-six protected sites when considered alone and in-combination with other plans or projects.
- 5.3. The Secretary of State has undertaken an Appropriate Assessment ("AA") in respect of the Conservation Objectives of the protected sites to determine whether the Proposed Development, either alone or in-combination with other plans or projects, will result in an AEoI of the identified protected sites. Based on the information available to him, the Secretary of State is satisfied that, given the relative scale and magnitude of the identified effects on the qualifying features of the protected sites and, where relevant, the measures secured in the DCO and DML to avoid or reduce potential adverse effects, there would not be any implications for the achievement of site conservation objectives and therefore AEoI can be excluded from eighty-three protected sites. The full reasoning for the conclusions is set out in the HRA for the Proposed Development, which has been published alongside this decision letter.
- 5.4. However, the Secretary of State considers that an AEoI cannot be ruled out beyond reasonable scientific doubt in relation to:
 - Displacement and disturbance of red-throated diver ("RTD") of the Liverpool Bay / Bae Lerpwl SPA in-combination with other plans and projects.
 - Collision mortality of LBBG of the Morecambe Bay and Duddon Estuary ("MBDE") SPA and Ramsar site, in-combination with other plans or projects.
 - Collision mortality of LBBG of the Ribble and Alt Estuaries ("RAE") SPA and Ramsar site, in-combination with other plans or projects.
- 5.5. The Secretary of State has not identified any further mitigation measures that could reasonably be imposed which would avoid or mitigate the potential AEoI identified and has therefore proceeded to consider the derogation provisions of the Habitats Regulations.

Derogation Provisions

- 5.6. Regulation 64 allows for the consenting of a project even though it would cause an AEoI of a protected site if there are no alternative solutions which would meet the project objectives with a lesser impact on protected sites and the project is required for Imperative Reasons of Overriding Public Interest ("IROPI"). Regulation 68 of the Habitats Regulations requires the appropriate authority to secure any necessary compensatory measures to ensure that the overall coherence of the UK National Site Network ("NSN") is protected.

- 5.7. In accordance with relevant guidance, the Secretary of State has reviewed the Proposed Development following a sequential process, considering:
- Feasible alternative solutions to the Proposed Development that have been considered;
 - whether there are IROPI for the Proposed Development to proceed; and
 - compensation measures proposed by the Applicant for ensuring that the overall coherence of the UK NSN is protected.

Alternative Solutions

- 5.8. The objectives for the Proposed Development as set out by the Applicant, are:
- Decarbonisation: Generate around 480 MW of low carbon electricity from an offshore windfarm, in support of the Net Zero by 2050 target and UK Government ambition to deliver 50 GW of offshore wind by 2030
 - Security of supply: Provide significant electricity generation capacity within the UK to support commitments for offshore wind generation and security of supply
 - Affordability: Maximise generation capacity at low cost to the consumer from viable developable seabed within the constraints of available sites and grid infrastructure
 - Coordination: Coordinate and coexist with other activities, developers and operators to use previously developed seabed to deliver the Proposed Development and its skills, employment and investment benefits in the Local Economic Area.
- 5.9. As set out in the HRA, the Secretary of State does not consider that the development of alternative forms of energy generation would meet the objectives for the Proposed Development. Alternatives to the Proposed Development considered by the Secretary of State are consequently limited to either “do nothing” or alternative offshore windfarm projects (including alternative layouts for the Proposed Development).
- 5.10. Following a review of the information submitted by the Applicant and the recommendation of the ExA, and having identified the objectives of the Proposed Development and considered all alternative solutions to fulfil these objectives, the Secretary of State is satisfied that no feasible alternative solutions are available that would meet the Project objectives with an appreciable reduction in predicted impacts on protected sites.

Imperative Reasons of Overriding Public Interest

- 5.11. A development having an AEoI on a protected site may only proceed (subject to a positive conclusion on alternatives and provision of any necessary compensation) if the project must be carried out for IROPI. The Secretary of State has therefore considered whether the Proposed Development is required for IROPI. The parameters of IROPI are:
- **Imperative** – urgency and importance: There would usually be urgency to the objectives, and it must be considered “indispensable” or “essential” (i.e. imperative). In practical terms, this can be evidenced where the objective falls within a framework for one or more of the following;
 - (i) actions or policies aiming to protect fundamental values for citizens’ life (health, safety, environment);
 - (ii) fundamental policies for the State and the Society; or

(iii) activities of an economic or social nature, fulfilling specific obligations of public service.

- **Public Interest:** The interest must be a public rather than a solely private interest (although a private interest can coincide with delivery of a public objectives).
- **Long-Term:** The interest would generally be long-term; short-term interests are unlikely to be regarded as overriding because the conservation objectives of protected sites are long-term interests.
- **Overriding:** The imperative need in the public interest of the development must outweigh the harm, or risk of harm, to the integrity of the protected site which is predicted by the AA.

5.12. The absence of priority habitats and species allows the Secretary of State to consider benefits of a social and economic nature.

5.13. The Secretary of State agrees with the ExA and the Applicant that imperative reasons of overriding public interest for the Proposed Development to proceed are clearly established, especially the contribution it would make towards renewable electricity generation and ensuring the security of electricity supply from a domestically generated source. The Secretary of State also considers that such imperative and long-term need in the public interest for the Proposed Development clearly outweighs the predicted harm to the integrity of the protected sites.

Compensatory Measures

5.14. In relation to LBBG, the Applicant proposed a unified compensation strategy for MBDE and RAE SPA and Ramsar, selecting one of three refined measures: predator exclusion via fencing, nesting habitat management, or contribution to the Marine Recovery Fund. The Applicant has secured formal agreement that the delivery of nesting habitat management would be undertaken through scrub clearance at Steep Holm Island. These measures are secured through Part 1 of Schedule 7 to the Order.

5.15. The Secretary of State is satisfied that the necessary compensatory measures are secured and can be delivered to protect the coherence of the UK NSN for LBBG as required by regulation 36 of the Offshore Habitats Regulations and regulation 68 of the Habitats Regulations. Having made amendments, he considers that Part 1 of Schedule 7 adequately secures the further work required to progress the proposed compensatory measures.

5.16. In relation to RTD, the Applicant submitted a compensation strategy for Liverpool Bay SPA, selecting one of two measures: breeding habitat enhancement or a contribution to a strategic compensation fund. The Applicant has demonstrated landowner support for the delivery of breeding habitat enhancement by implementing artificial nesting rafts. These measures are secured through Part 2 of Schedule 7 to the Order.

5.17. The Secretary of State is satisfied that the necessary compensatory measures can be secured and delivered to protect the coherence of the UK NSN for RTD as required. Having made amendments, he considers that Part 2 of Schedule 7 adequately secures the further work required to progress the proposed compensatory measures.

The Secretary of State's Conclusion on the HRA

- 5.18. An AEoI on the Liverpool Bay SPA, and the MBDE and RAE SPA and Ramsar sites cannot be excluded beyond reasonable scientific doubt. There are no feasible alternative solutions that would meet the objectives of the Proposed Development with an appreciable reduction in impacts on the protected sites. There are clearly IROPI for the Proposed Development to proceed despite the predicted harm to the UK NSN. The Secretary of State is satisfied that a package of compensatory measures to ensure that the overall coherence of the UK NSN is maintained can be secured and delivered with regards to RTD and LBBG of the respective protected sites.

6. Secretary of State's Consideration of the Planning Balance and Conclusions

- 6.1. The Secretary of State acknowledges the ExA's recommendation that he should make the Order granting development consent for the Proposed Development as applied for, subject to the amendments to the Applicant's preferred development consent order and as set out in Appendix E of the ExA's Report [ER 26.3.1].
- 6.2. The Secretary of State agrees with the ExA's conclusions and the weight it has ascribed in the overall planning balance in respect of the following issues:
- The Secretary of State has ascribed substantial positive weight to the need for the Proposed Development, consistent with the policy in NPS EN-1.
 - Benthic Ecology – a little negative weight [ER 5.4.6];
 - Civil and Military Aviation and Radar – a little negative weight [ER 6.4.6]
 - Climate Change and Greenhouse Gas Assessment – neutral [ER 7.4.5];
 - Commercial Fisheries – a little negative weight [ER 8.4.8];
 - Fish and Shellfish Ecology – a little negative weight [ER 9.4.5];
 - Marine Archaeology – neutral [ER 12.4.4];
 - Marine Geology, Oceanography and Physical Processes – neutral [ER 13.4.3];
 - Marine Mammals – moderate negative weight [ER 14.4.2];
 - Marine Sediment and Water Quality – neutral [ER 15.4.3];
 - Offshore Ornithology and Bats (Excluding Habitats Regulations Assessment) – moderate negative weight [ER 16.4.2]
 - Onshore Cultural Heritage – a little negative weight [ER 23.2.101];
 - Seascape, Landscape and Visual Receptors – moderate negative weight [ER 18.4.6]
 - Shipping and Navigation – a little negative weight [ER 19.4.10]
 - Socio-Economics, Tourism and Recreation – neutral [ER 20.4.6];
 - Traffic and Transport – neutral [ER 21.4.1].
- 6.3. The Secretary of State disagrees with the ExA's conclusions and/or the weight it has ascribed in the overall planning balance in respect of the following issues:
- Human Health – a little positive weight ascribed by the ExA [ER 10.4.7], neutral weight ascribed by the Secretary of State. The ExA attributed the Proposed Development a little positive weight due to wider societal benefits from renewable energy. The Secretary of State considers these benefits are already captured within the overall “need” case, to which substantial positive weight is applied.

- Infrastructure and Other Users – a little negative weight ascribed by ExA [ER 11.4.7], moderate negative weight ascribed by the Secretary of State to wake effects and neutral weight to existing oil and gas infrastructure. The Secretary of State considers that a more granular weighting is appropriate to reflect both the predicted effects and the Applicant's failure to provide its own wake-effects assessment, as required by NPS EN-3.

- 6.4. All NSIPs will have some potential adverse impacts which need to be carefully considered and weighed against the benefits of the development in question. In the case of the Proposed Development, most of the potential impacts have been assessed by the ExA as having not breached NPS EN-1, NPS EN-3 and NPS EN-5, subject in some cases to suitable mitigation measures being put in place to minimise or avoid them completely as required by NPS policy. The Secretary of State considers that these mitigation measures have been appropriately secured.
- 6.5. The Secretary of State, as set out above, gives substantial positive weight to the need for the Proposed Development, noting its contribution to increasing the national supply of renewable energy and towards meeting the urgent national need for low-carbon infrastructure, as set out in NPS EN-1. He agrees with the ExA's conclusion [ER 23.2.100] that the need for and benefits of the Proposed Development would outweigh, in each case, the less than substantial harm to the settings of the relevant designated heritage assets, as required by NPS EN-1 5.9.32. He is satisfied that the harm identified in respect of landscape and visual impacts is offset by the overall benefits of the Proposed Development as required by NPS EN-1 5.10.35. The Secretary of State notes that several planning issues carry no weight either for or against the Proposed Development, and he has carefully considered and acknowledges the issues which attract either a little negative or moderate negative weight in the planning balance. Taking everything into account, the Secretary of State concludes that the national need for the Proposed Development outweighs the Proposed Development's potential adverse impacts, as mitigated by the proposed terms of the Order. He therefore concludes that development consent should be granted for the Proposed Development.
- 6.6. In reaching this decision, the Secretary of State confirms that regard has been given to the ExA's Report, the NPSs, draft NPSs, the UK Marine Policy Statement (2011), other relevant national policies and to all other matters which are considered important and relevant to the Secretary of State's decision as required by section 104 of the Planning Act 2008. The Secretary of State confirms for the purposes of regulation 4(2) of the EIA Regulations that the environmental information as defined in regulation 3(1) of those Regulations has been taken into consideration.
- 6.7. The Secretary of State has therefore decided to accept the ExA's recommendation to make the Order granting development consent, including the modifications set out in section 8 of this document.

7. Other Matters

Equality Act 2010

- 7.1. The Equality Act 2010 includes a "public sector equality duty" ("PSED"). This requires public authorities to have due regard in the exercise of their functions to the need to eliminate unlawful discrimination, harassment and victimisation and any other conduct prohibited under the Equality Act 2010; advance equality of opportunity between people who share a

protected characteristic and those who do not; and foster good relations between people who share a protected characteristic and those who do not in respect of the following “protected characteristics”: age; gender reassignment; disability; marriage and civil partnerships¹³; pregnancy and maternity; religion and belief; race; sex and sexual orientation.

- 7.2. In considering this matter, the Secretary of State (as decision-maker) must pay due regard to the aims of the PSED. This must include consideration of all potential equality impacts highlighted during the Examination. There can be detriment to affected parties but, if there is, it must be acknowledged and the impacts on equality must be considered.
- 7.3. The Secretary of State has had due regard to this duty and has not identified any parties with a protected characteristic that might be disadvantaged as a result of the decision to grant consent for the Proposed Development in a manner connected to that protected characteristic.
- 7.4. The Secretary of State is confident that, in taking the recommended decision, the Secretary of State has paid due regard to the above aims when considering the potential impacts of granting or refusing consent and can conclude that the Proposed Development will not result in any differential impacts on people sharing any of the protected characteristics. The Secretary of State concludes, therefore, that granting consent is not likely to result in a substantial impact on equality of opportunity or relations between those who share a protected characteristic and others or unlawfully discriminate against any particular protected characteristics.

Natural Environment and Rural Communities Act 2006

- 7.5. The Secretary of State notes the “general biodiversity objective” to conserve and enhance biodiversity in England, section 40(A1) of the Natural Environment and Rural Communities Act 2006 and considers the application consistent with furthering that objective, having also had regard to the United Nations Environmental Programme Convention on Biological Diversity of 1992, when making this decision.
- 7.6. The Secretary of State is of the view that the ExA’s Report, together with the Environmental Impact Assessment considers biodiversity sufficiently to inform the Secretary of State in this respect. In reaching the decision to give consent to the Proposed Development, the Secretary of State has had due regard to conserving biodiversity.

Benefit of the Order (Article 7)

- 7.7. Article 7 of the DCO gives the Secretary of State the power to permanently transfer the benefits of the DCO, including the deemed marine licence (“DML”) in Schedule 6, to a third-party (following consultation with the MMO where a DML is to be transferred). The MMO, in its written submission at Deadline 2 [ER. 25.4.12], confirmed that it does not consider that the 2008 Act allows the Secretary of State to make a provision to transfer the benefit of the DML in the way that is proposed. The MMO considers Article 7 unclear and states that the statutory process set out in section 72(7) of the Marine and Coastal Access Act 2009 (“MCAA”) should be followed with the MMO as the licensing authority. The MMO reaffirmed its position in response to the ExA’s Rule 17 letter [ER. 25.4.18] and added that, “[...] the

¹³ In respect of the first statutory objective (eliminating unlawful discrimination etc.) only.

SoS has no power to vary the DML once consented therefore a variation would still have to take place and potentially cause enforcement issues”.

- 7.8. The ExA sets out its assessment in detail [from ER. 25.4.16] and the Secretary of State has considered the MMO’s position and ExA’s views. The Secretary of State agrees with the ExA that the power to transfer the benefit of the DCO, including the DMLs, should remain in any DCO granted. The Secretary of State considers the rationale applied in previous cases to be sound. Namely, that the DCO process under the 2008 Act is specifically designed to provide a ‘one-stop shop’ for obtaining consent with one legal instrument as its control. The legislation would not achieve its purpose if different parts of the DCO required approval from different bodies. The Secretary of State agrees that the power to vary DMLs lies with the MMO. However, the Secretary of State does not consider that this frustrates the transfer of benefit process under Article 7. Paragraph (11) disapplies sections 72(7) and (8) MCAA to allow the Secretary of State to carry out the bespoke transfer process set out therein. The power to amend the DML upon transfer to change the name of the undertaker is expressly retained in paragraph (11) and only the MMO is authorised to effect that change. Should any substantive amendments be required, then an application would need to be made to the MMO under section 72 of the MCAA in the usual way. Article 7 does not cut across the variation process under the MCAA, and it is unclear to the Secretary of State what enforcement issues would arise given that Article 7 does not affect or impede on the MMO’s power to revoke or suspend a DML under sections 72(1) or (2) MCAA. The power to disapply a statutory provision which relates to any matter for which provision may be made in the order is secured under section 120(5)(a) of the 2008 Act. The Secretary of State therefore disagrees with the MMO and considers that it is acting within the parameters of its powers under the PA 2008 by including Article 7 in the DCO.

Force Majeure

- 7.9. The Secretary of State notes the MMO’s objection to the ‘force majeure’ clause at Condition 8 of Part 2 of the DML, on the basis that it duplicates section 86 of the Marine and Coastal Access Act 2009. The Secretary of State disagrees. Section 86 (action taken in an emergency) sets out defences which are available to a person charged with an offence under section 85 (breach of requirement for, or conditions of, a licence). Condition 8 puts in place requirements for notification and removal where a force majeure event results in unauthorised deposits.

8. Modifications to the draft Order

- 8.1. Following consideration of the recommended Order provided by the ExA, the Secretary of State has made the following modifications to the recommended Order:
- Amendments to the definitions in Article 2(1) (Interpretation):
 - Amendment to definition of “MMO” to align with the Secretary of States preferred defined term;
 - Deletion of definition of “operation”; inclusion considered unnecessary, and some uses in the Order would be inconsistent with the proposed definition;
 - Amendment to definition of “requirements” to align with the Secretary of States preferred defined term; and
 - Amendment to definition of “working day” to remove unnecessary wording.
 - Amendments to Article 7 (benefit of the order):

- Deletion of cross references to remove duplication and correct errors.
- Amendment to sub-paragraph (8) to clarify that the notification requirements are to be read conjunctively.
- Amendment to sub-paragraph (9) to align with Secretary of States preferred timeframe for any transfers to take effect and for consistency with timeframes in other DCOs.
- Removal of wording which infers an ability to transfer the DML in part. It is the Secretary of State's interpretation of the relevant legislation that any transfer should only be of the whole of the DML.
- Amendments to Article 8 (abatement of works abandoned or decayed) to include requirement for restoration to safe and proper condition because this is considered appropriate and is consistent with other DCOs.
- Amendment to Article 14 for consistency with wording in Schedule 4.
- Article 17 (modifications of the 2016 order) deleted as considered unnecessary in light of amendments made to requirement 3 (see below).
- Amendments to (New) Article 17 (compensation measures) to move sub-paragraph (2) to Schedule 7 for more suitable placement. Please also refer to paragraph 4.56 of decision letter.
- Amendments to Article 18 (guarantees in respect of payment of compensation) to align with updated protective provisions.
- Amendment to Schedule 1, Part 1 (authorised development) to delete wording considered by the Secretary of State to be unnecessary and to improve structure.
- Amendment to Schedule 1, Part 2 (ancillary works) to clarify that the authorised project is the "authorised development" plus the ancillary works.
- Amendments to schedule 2 (requirements):
 - Requirement 1 (time limits): time limits for commencement amended to seven years for the reasons put forward by the Applicant and to align with the timeframe allowed for in the Morgan Offshore Wind Farm DCO;
 - Requirement 2 (design parameters): sub-paragraph (2) deleted as the ExA's proposed buffer zone is not being implemented;
 - Requirement 3 (aviation safety): amendments to ensure the 2016 Order applies to the authorised development notwithstanding its location outside the territorial sea, to clarify when the requirement is triggered, and for consistency of wording;
 - Requirement 5 (operation of Blackpool Airport): amendments for greater certainty of requirement and to remove duplication;
 - Requirement 6 (operation of Walney Aerodrome (air traffic services)): amendments throughout to reflect wording agreed and confirmed through first information request and to remove duplication;
 - Requirement 7 (operation of Warton Aerodrome (Air Traffic Services)): amendments throughout to reflect wording agreed and confirmed through first information request and to remove duplication;
 - Requirement 8 (Warton Aerodrome primary surveillance radar): amendments throughout to reflect wording agreed and confirmed through first information request.

- Requirement 9 (air traffic services at Isle of Man Airport): amendments for greater certainty and to include requirement for an agreed, as well as submitted, scheme. Original wording was passive and unclear as to whom the obligations apply;
- Requirement 10 (decommissioning): amendments to include requirement for an agreed, as well as submitted, scheme – as above;
- Requirement 11 (port access and transport plan): amendments made for clarity and consistency with ES chapter on traffic and transport;
- Requirement 12 (skills and employment plan): amendments to account for use of undefined terms and to link with base port location defined in requirement 11; and
- Requirement 13 (wake effects): added as agreed between the Applicant and the Orsted IPs, with amendments to sub-paragraph (4) to remove any ambiguity as to the offshore wind farms the requirement shall apply to and to remove unnecessary wording.
- Amendments to Schedule 3 (protective provisions):
 - Part 2 (Harbour Energy), part 3 (Spirit Energy Production), part 4 (Calder duty holder) and part 5 (MNZ licence holder): new protective provisions agreed, provided in response to information requests;
 - Part 6 (Stena Line Limited): deletion of definition of “licensing authority”; considered unnecessary;
- Amendments to Schedule 4 (approval of matters specified in requirements) to include new definition of “requirement consultee” and inclusion of the same terminology throughout including to account for requirement consultees ability to request further information under Schedule 4 paragraph 3(3). Amendments to include references to “working” day for clarity.
- Amendments to Schedule 5 (arbitration) to align with the Secretary of State’s standard approach of requiring such hearings to be public by default with the option to apply for elements to be private where necessary.
- Amendments to schedule 6 (deemed marine licence under 2009 Act: Morecambe Offshore Windfarm Generation Assets):
 - Part 1 (licenced marine activities):
 - amendments to definition of “maintain” to remove duplication;
 - amendments to “MMO” to align with the Secretary of States preferred defined term;
 - amendments to definition of “undertaker” to account for potential transfers of benefit under Article 7;
 - amendments to definition of “working day” to remove reference to “other public holiday”; considered unnecessary;
 - amendments to paragraph 3 Work No. 2 (b) to remove wording considered by the Secretary of State to be unnecessary;
 - Part 2 (conditions): amendments to delete requirement for unimplemented buffer zonr, remove unnecessary wording, to clarify appropriate trigger for notification, for accuracy of terminology and to align with the Secretary of States preferred wording including the inclusion of regional fisheries contacts and mariners for notification purposes which is consistent with the approach in other DCOs.
- Amendments to Schedule 7 (compensation measures):
 - Part 1 (Morecambe Bay and Duddon Estuary Special Protection Area and Ribble and Alt Estuaries Special Protection Area): Conditions have been amended in the

DCO to secure the provision of compensation for impacts on the Morecambe Bay and Duddon Estuary Special Protection Area and the Ribble and Alt Estuaries Special Protection Area in respect of Lesser Black-backed Gull.;

- Part 2 (Liverpool Bay / Ba Lerpwl Special Protection): Conditions have been included in the DCO to secure the provision of compensation for impacts on the Liverpool Bay Special Protection Area in respect of Red-throated Diver.

- 8.2. In addition to the above, the Secretary of State has made various changes to the draft Order which do not materially alter its effect, including changes to conform with the current practice for statutory instruments and changes in the interests of clarity and consistency, changes made for the purposes of standardised grammar and spelling, and changes to ensure that the Order has its intended effect. The Order, including the modifications referred to above, is being published with this letter.

9. Challenge to decision

- 9.1. The circumstances in which the Secretary of State's decision may be challenged are set out in Annex A to this letter.

10. Publicity for decision

- 10.1. The Secretary of State's decision on this Application is being publicised as required by section 116 of the Planning Act 2008 and regulation 31 of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017.

Yours sincerely,

David Wagstaff OBE

Head of Energy Infrastructure Planning

ANNEX A: LEGAL CHALLENGES RELATING TO APPLICATIONS FOR DEVELOPMENT CONSENT ORDERS

Under section 118 of the Planning Act 2008, an Order granting development consent, or anything done, or omitted to be done, by the Secretary of State in relation to an application for such an Order, can be challenged only by means of a claim for judicial review. A claim for judicial review must be made to the Planning Court during the period of six weeks beginning with the day after the day on which either the Order or reasons for making the decision is published. The decision documents are being published on the date of this letter on the Planning Inspectorate website at the following address:

<https://national-infrastructure-consenting.planninginspectorate.gov.uk/projects/EN010121>

These notes are provided for guidance only. A person who thinks they may have grounds for challenging the decision to make the Order referred to in this letter is advised to seek legal advice before taking any action. If you require advice on the process for making any challenge you should contact the Administrative Court Office at the Royal Courts of Justice, Strand, London, WC2A 2LL (0207 947 6655).

ANNEX B: LIST OF ABBREVIATIONS

Abbreviation	Reference
AA	Appropriate Assessment
AEoI	Adverse Effects on Integrity
AIS	Automatic Identification System
ALARP	As Low As Reasonably Practicable
AP-1	Accommodation platform (South Morecambe Central Processing Complex)
ATS	Air Traffic System
BAE Ops	British Aerospace (Operations) Limited
BAESML	BAE Systems Marine Limited
CA	Compulsory Acquisition
CCS	Carbon Capture and Storage
CEA	Cumulative effects assessment
CO ₂	Carbon Dioxide
COP	Cessation of Production
CP2030	Clean Power 2030 Action Plan
CPC	Central Processing Complex
CPP-1	Central Production Platform (South Morecambe Central Processing Complex)
CROW 2000	Countryside and Rights of Way Act 2000
dDCO	Draft Development Consent Order
DCO	Development Consent Order
DF	Direct Frequency
DIO	Defence Infrastructure Organisation
DML	Deemed Marine Licence
dDML	Draft Deemed Marine Licence
DP-1	Drilling platform (South Morecambe Central Processing Complex)
EEM	Embedded Environmental Measures
EIA	Environmental Impact Assessment
EIST	East Irish Sea Transmission
ES	Environmental Statement
ExA	The Examining Authority
EISTP	East Irish Sea Transmission Project
GBBG	Great Black-Backed Gull
GHG	Greenhouse Gas
Harbour Energy	Chrysaor Resources (Irish Sea) Limited
HAT	Highest Astronomical Tide
HE	Historic England
HNDR	Holistic Network Design Review
HRA	Habitats Regulations Assessment
IoM CM	Isle of Man Council of Ministers
IoMSPC	Isle of Man Steam Packet Company
IP	Interested Party
IPMP	In-Principle Monitoring Plan

IROPI	Imperative Reasons of Overriding Public Interest
JNCC	Joint Nature Conservation Committee
LBBG	Lesser Black-backed Gull
LDNP	Lake District National Park
LSE	Likely Significant Effect
LURA	Levelling Up and Regeneration Act 2023
MBDE	Morecambe Bay and Duddon Estuary
MCA	Maritime and Coastguard Agency
MCAA	Marine and Coastal Access Act 2009
MMO	Marine Management Organisation
MMObs	Marine Mammal Observers
MMMP	Marine Mammals Mitigation Protocol
MNZ	Morecambe Net Zero
MoD	Ministry of Defence
MRF	Marine Recovery Fund
MVOWF	Moor Vannin Offshore Wind Farm
MW	Megawatt
NAS	Noise Abatement System
NATS	National Air Traffic Service
NE	Natural England
NL	National Landscapes formerly Areas of Outstanding Natural Beauty
nm	nautical miles
NPPF	National Planning Policy Framework
NPS	National Policy Statement
NPS EN-1	National Policy Statement for Energy
NPS EN-3	National Policy Statement for Renewable Energy Infrastructure
NRW(A)	Natural Resources Wales (Advisory)
NSN	National Site Network
NSIP	Nationally Significant Infrastructure Project
NW-CO	North West Marine Plan Co-existence Policy
NWMP	North West Marine Plan
NW-OG	North West Marine Plan Oil and Gas Policy
OWF	Offshore Wind Farm
OSP	Offshore Substation Platform
PA2008 / the 2008 Act	The Planning Act 2008
PAM	Passive Acoustic Monitoring
PEIR	Preliminary Environmental Information Report
PINS	Planning Inspectorate
PP	Protective Provisions
PSED	Public Sector Equality Duty
PSR	Primary Surveillance Radar
RIAA	Report to Inform Appropriate Assessment
RAE	Ribble and Alt Estuaries
REWS	Radar Early Warning Signs

RIES	Report on the Implications for European Sites
RR	Relevant Representation
RTD	Red-throated Diver
SAC	Special Area of Conservation
SNCB	Statutory Nature Conservation Body
SoCG	Statement of Common Ground
SPA	Special Protection Area
SSSI	Site of Special Scientific Interest
tCO ₂ e	tonnes of carbon dioxide equivalent
The EIA Regulations	The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017
The Habitats Regulations	The Conservation of Habitats and Species Regulations 2017
The NFNPA decision	New Forest National Park Authority v Secretary of State for Housing, Communities and Local Government and another [2025] EWHC 726 (Admin)
The Ramsar Convention	The Convention on Wetlands of International Importance 1972
TCE	The Crown Estates
TP	Temporary Possession
UHF	Ultra High Frequency
UKNSN	UK Natural Site Network
USMS	Underwater Sound Management Strategy
UXO	Unexploded Ordnance
VCRA	Vessel Collision Risk Assessment
VHF	Very High Frequency
WMS	Written Ministerial Statement
WR	Written Representation
WTG	Wind Turbine Generator