



Morecambe Offshore Wind Assets Project

The Examining Authority's (ExA) Consultation draft Development Consent Order (dDCO)

Schedule of ExA's recommended amendments to the applicant's dDCO submitted at Deadline 5 [REP5-002]

Note to Interested Parties:

The following table sets out the ExA's recommended amendments to the applicant's draft dDCO that was submitted at deadline 5 [\[REP5-002\]](#).

Regardless of the ExA's recommendation to the Secretary of State, the ExA is required to provide a recommended DCO with its recommendation report. Therefore, this document has been produced on a without prejudice basis and should not be taken as an indication that the ExA has already made up its mind on the proposed development.

Interested parties' (IPs) participation and written responses will be treated as being given without prejudice to any position or view they hold in relation to the scheme. IPs are invited to identify any outstanding concerns previously raised that are not addressed below.

Please note that some aspects of the dDCO, such as the agreement of protective provisions, are still the subject of examination, active discussion or disagreement between parties. As such, the non-inclusion of any recommended changes on these matters should not be taken to indicate what the ExA's recommendation might be on those matters.

Where the applicant has indicated at D5 that it will amend the dDCO for the next submission, this has not been included unless the ExA considers the proposed amendment would need further alteration.

Recommended amendments are set out in the same order that they appear in the DCO as currently drafted. Column 3 of the table indicates the current drafting as suggested by the applicant. Column 4 provides the ExA's recommended amendment with drafting that has been suggested to be added being shown in **bold** and where drafting has been suggested to be deleted, the relevant text is shown as a ~~strike through~~. An explanation for the change or insertion is provided in column 5.

Responses to this document are due at **Deadline 6, Tuesday 15 April 2025**

No.	Article/ Schedule	Text as set out in dDCO [REP4-002]	ExA's recommended amendment	Reasoning
1.	Schedule 2, Requirement 12(1)	No part of the authorised development may commence until, after consultation with the relevant authorities, a skills and employment plan has been notified in writing to the relevant authorities.	No part of the authorised development may commence until, after consultation with the relevant authorities, a skills and employment plan has been notified submitted to and approved in writing to by the relevant authorities.	To ensure that the skills and employment plan is sufficiently robust given the location of the marshalling port. The ExA does not accept, on the basis of the evidence currently in front of it, the applicant's argument that it should not be approved given the current form of the outline skills and employment plan and the need to ensure it is appropriate to the relevant port. If the relevant authority were to refuse the submission the applicant has a right of appeal under Schedule 4.
2.	Schedule 2, Requirement 12(2)	The skills and employment plan must be substantially in accordance with the outline skills and employment plan and must be implemented as notified for the lifetime of the authorised development.	The skills and employment plan must be substantially in accordance with the outline skills and employment plan and must be implemented as notified approved for the lifetime of the authorised development.	The word 'substantial' has two different meanings, both large and minute, resulting in ambiguity. The ExA considers the word to be nugatory, not adding to the requirement. The second change is consequential on the change 1.

No.	Article/ Schedule	Text as set out in dDCO [REP4-002]	ExA's recommended amendment	Reasoning
3.	Schedule 2, Requirements 13 and 14	Approvals and amendments	See text at bottom of table.	See text at bottom of table.
4.	Schedule 4, paragraph 5(2)(f)	... as soon as reasonably practicable and in any event within 20 working days (unless otherwise agreed with the appeal parties) of the deadline as soon as reasonably practicable and in any event within 20 working days (unless otherwise agreed with the appeal parties) of following the deadline ...	To allow the appointed person reasonable discretion to ensure natural justice
5.	Schedule 4, paragraph 5(12)	On application by the discharging authority or the undertaker, the appointed person may give directions ...	On The appointed person may, following application by the discharging authority or the undertaker, the appointed person may or in the absence of such application, give directions ...	To make it explicit that the appointed person may award costs on their own account.
6.	Schedule 6, Part 1, paragraph (3)	... (b) ... decimal places; and (c) the expression (b) ... decimal places; and (c) all references to orientations or angles are from true north measured in a clockwise direction; and (c) (d) the expression ...	To ensure references are appropriately defined.
7.	Schedule 6, Part 2, condition 2(3)	No maintenance works authorised by this licence may be carried out until an offshore	No maintenance works authorised by this licence may be carried out until an offshore	The word 'substantial' has two different meanings, both large and minute, resulting in ambiguity. The ExA considers

No.	Article/ Schedule	Text as set out in dDCO [REP4-002]	ExA's recommended amendment	Reasoning
		operation and maintenance plan substantially in accordance with the outline offshore operation and maintenance plan has been submitted to and approved by the MMO in writing.	operation and maintenance plan substantially in accordance with the outline offshore operation and maintenance plan has been submitted to and approved by the MMO in writing	the word to be nugatory, not adding to the condition.
8.	Schedule 6, Part 2, condition 8	If, due to stress of weather or any other cause, ...	If, due to stress of weather or any other unforeseeable cause, ...	To ensure that this provision only operates when appropriate.
9.	Schedule 6, Part 2, condition 9(1)	... have been submitted to and approved in writing by the MMO in consultation with the relevant statutory nature conservation body, Trinity House and the MCA, as appropriate—	... have been submitted to and approved in writing by the MMO in consultation with the relevant statutory nature conservation body, Trinity House, and the MCA, the Lake District National Park Authority, the Arnside and Silverdale National Landscape Partnership and the Forest of Bowland National Landscape Joint Advisory Committee , as appropriate—	To ensure the land based effects of the proposed development are fully considered in relation to protected landscapes, particularly in light of section 245 of the Levelling Up and Regeneration Act, 2023.
10.	Schedule 6, Part 2, condition 9(1)(d)	... an offshore construction method statement which is to be submitted at least six months before the intended	... an offshore construction method statement which is to be submitted at least six months before the intended	The word 'substantial' has two different meanings, both large and minute, resulting in ambiguity. The ExA considers

No.	Article/ Schedule	Text as set out in dDCO [REP4-002]	ExA's recommended amendment	Reasoning
		commencement of licensed activities and is in substantial accordance with the outline construction method statement ...	commencement of licensed activities and is in substantial accordance with the outline construction method statement ...	the word to be nugatory, not adding to the condition.
11.	Schedule 6, Part 2, condition 20(3)	... approved by the MMO under paragraph (1); and such activities approved by the MMO under paragraph (1); (c) and such activities ...	Typographic amendment (noting the applicant considers this provision unnecessary).
12.	Schedule 7, Part 2, Title	Compensation Measures – Liverpool Bay / Bar Lerpwl SPA	Compensation Measures – Liverpool Bay / Bar Lerpwl SPA Special Protection Area	To ensure consistency with the titling of Part 1.
13.	Schedule 8	Crown Land Plan	Delete reference	The ExA is satisfied that this is not required for the reasons set out by the applicant, there being no contrary view submitted.

In addition, the ExA recommends that Requirements 13 and 14 of Schedule 2 are deleted, and a new Article is inserted (it is recommended as Article 16 and current Article 16 renumbered (with cross referencing as necessary)). The new Article should be as follows:

Approvals

16.—(1) Where, under any of the requirements set out in Schedule 2, any condition in Part 2 of Schedule 6, or any provision in Schedules 3 or 7 the approval, agreement or notification of the Secretary of State or another organisation or body is required, that approval, agreement or notification must be given in writing.

(2) With respect to any approval which requires the authorised project to be carried out in accordance with the details approved by the Secretary of State or another organisation or body, the approved details must be carried out as approved unless an amendment or variation is previously agreed by the Secretary of State or that other organisation or body in writing in accordance with paragraph (3).

(3) Any amendments to or variations of the approved details must be in accordance with the principles and assessments set out in the environmental statement. Such agreement may only be given where it has been demonstrated to the satisfaction of the Secretary of State or that other organisation or body that the amendment to the approved detail is unlikely to give rise to any materially new or materially different environmental effects from those assessed in the environmental statement.

(4) The approved details must be taken to include any amendments that have subsequently been approved by the Secretary of State or that other organisation or body.

(5) Where any approval is required in writing this includes by electronic transmission.

There can then be rationalisation within the draft DCO in Schedules 2, 3, 6 and 7 to remove unnecessary and what would be redundant text. Currently, there is a mixture of some approvals and notifications being required in writing and some not. There is also, to a lesser extent, some ambiguity as to how amendments could be dealt with and requirements to implement approved details, which should apply in all cases. This drafting is to ensure that all approvals, amendments and requirements to complete the proposed development in accordance with the approved details are dealt with under similar arrangements.