

DATED 08-04-2025

**APPLICATION BY MORECAMBE OFFSHORE WIND FARM LIMITED FOR AN ORDER GRANTING
DEVELOPMENT CONSENT FOR THE MORECAMBE OFFSHORE WIND FARM SCHEME
PLANNING INSPECTORATE EXAMINATION NUMBER: EN010121**

WRITTEN REPRESENTATION

SUBMITTED ON BEHALF OF THE CROWN ESTATE

**IN RESPECT OF QUESTION 3CF1. OF THE EXAMINING AUTHORITY'S ADDITIONAL WRITTEN QUESTIONS
AND REQUESTS FOR INFORMATION (EXQ3) – ISSUED ON 25 MARCH 2025**

1. This written representation is submitted on behalf of The Crown Estate ("**TCE**") in connection with the application by Morecambe Offshore Wind Farm Limited (the "**Applicant**") for a development consent order (DCO) for the Morecambe Offshore Wind Farm (the "**Project**").
2. Bodorgan Marine Limited ("**BML**") made several submissions to the Morgan Offshore Wind Farm ("**Morgan**") Examination as regards the terms of TCE's leasing arrangements in connection with the Project and/or for the co-location of aquaculture projects with the same. TCE submitted an additional comment to the Morgan examination [[EN010136 REP6-102](#)] to provide clarification on a point of law in connection with the same.
3. BML has similarly requested that TCE consider allowing for underletting of the Applicant's Lease to enable it to engage in commercial aquaculture. The Examining Authority has requested TCE to provide confirmation of whether the previous clarification in the Morgan Examination (referenced in this examination in applicant's response to ExQ2CF2 and Appendix [[REP5-070](#)]) also applies to the Applicant. (**ExQ3 Question 3CF1**).
4. TCE is submitting this response to confirm that this does similarly apply to the Applicant, with this clarification repeated below for completeness.
5. An Agreement for Lease was entered into on 17 January 2023 between TCE (1) and the Applicant (2) (the "**Agreement for Lease**"). The Agreement for Lease provides that, if and when a lease (the "**Lease**") is entered into pursuant to that Agreement for Lease, TCE will grant the Applicant rights for the installation of a wind farm (with associated on-going rights) pursuant to section 84 of the Energy Act 2004. The wind farm will be located outside UK territorial waters in the UK Renewable Energy Zone ("**REZ**") (as defined in that same provision). Accordingly, the rights to which the Lease relates are limited to those rights exercisable by the United Kingdom under international law¹ that are incorporated into domestic law by Section 84 of the Energy Act 2004. Those are the rights to exploit the REZ for the production of energy from water or winds; exploring the REZ in that connection; or for other purposes connected with such exploitation. These rights are vested in the Monarch in right of the Crown and managed by TCE.
6. BML has requested that TCE consider allowing for underletting out of the Lease to enable it to engage in commercial aquaculture. As set out above, the Lease will only grant rights pursuant to Section 84 of the Energy Act 2004 and, as such, underletting for BML's intended purposes is not possible pursuant to the Lease. The Section 84 rights do not extend to the rights sought by BML which do not relate to (nor are they in connection with) the exploitation of the REZ to produce energy from water or winds (or related exploration).

1

As set out in Part V of the United Nations Convention on the Law of the Sea 1982