

Communications Strategy and Policy Group



Daniel Hurley
Case Officer National Infrastructure (Energy)
The Planning Inspectorate

8 April 2025

Application by Morecambe Offshore Wind Limited for Morecambe Offshore Windfarm Generation Assets

Dear Daniel,

On 25 March 2025, the Examining Authority (ExA) published written questions and requests for information (ExQ3). For those questions which were directed at the Civil Aviation Authority (CAA), along with other interested parties, the table below provides the answers from the CAA.

3CAR2	CAA	<p>Alternative Means of Compliance</p> <p>Paragraph 5.20 of Spirit's Comments on any other submissions received at Deadline 3 [REP4-069] states <i>"The Applicant has failed to recognise the crucial point that to obtain an AltMoC, the aviation operator would have to demonstrate an equivalent safety standard to the AMC."</i> The applicant submits [REP5-064] in paragraph 155 that <i>"Spirit is wrong in this regard, and that the equivalent safety standard of the IMC Take-Off Corridor, as to unrestricted IMC access in certain wind directions, is exactly the basis of Anatec's position in proposing the IMC Take-Off Corridor"</i>.</p> <p>Could the CAA comment on these statements and, if it prefers one or the other, explain why setting out its reasoning.</p> <p>CAA answer</p> <p>In paragraph 155 the applicant appears to be suggesting that the 'IMC Take-Off Corridor' will allow compliance with the legislative requirements. Firstly, with regard to departures, the corridor will not provide</p>
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Civil Aviation Authority

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		<p>sufficient obstacle clearance for departures when the into wind track required is towards the wind farm. Secondly, with regard to IMC approaches, AMC1 to SPA.HOFO.125 paragraph (a) states that “Before commencing the final approach, the pilot-in-command/commander should ensure that a clear path exists on the radar screen for the final and missed approach segments...”. In the case of the proposed development, adequate obstacle clearance is not assured for wind directions not close to the axis of the ‘IMC Take-Off Corridor’ and potentially not for any wind direction in respect of the missed approach segment. So it seems likely that some form of AltMoC would be required and para. 5.20 of the Spirit Energy statement is therefore preferred by the CAA.</p>
3CAR3	CAA	<p>Alternative Means of Compliance</p> <p>a) Should the proposed CAA ‘rule change’ be brought in, this would restrict all flights within 3nm of a wind turbine generator to daytime VMC access only. In the event the new rules were to apply retrospectively upon their implementation, then for Spirit Energy to use the IMC aviation corridor proposed by the applicant as part of the proposed development, the ExA understands that it may still be necessary for Spirit Energy to secure a CAA dispensation under the AltMoC process. Can the CAA confirm the ExA’s understanding of this is correct and if not advise?</p> <p>b) Should the new rule come into force, in cases where the separation distance between an offshore platform and wind turbine generator is less than 3nm, the ExA understands an AltMoC would not be required unless the aviation operator was seeking access other than under daytime VMC. Again, for the avoidance of doubt, please can the CAA confirm whether the ExA’s understanding is correct or advise accordingly.</p> <p>CAA answer</p> <p>a) It is perhaps worth highlighting at this point that the distance quoted, 3NM, is a recommendation from the offshore helicopter operators who were asked, by the CAA/British Helicopter Association Helicopter Management Liaison Committee, to provide their views. We have sought clarification on some of the assumptions made by the operators, which is part of our ongoing policy development work. The distance value that we will consult on in the proposed AMC may be higher.</p>


		<p>On the assumption that new AMC is developed as has been described in the ExA documentation, the AMC would likely be made in respect of legislative provisions relating to Visual Flight Rule (VFR) flights over water out of sight of land with helicopters. While the 'IMC corridor' would likely be sufficient to permit day VFR approaches for most/all wind directions, it would be insufficient for departures when the into wind track required is towards the wind farm, without some form of AltMoC.</p> <p>b) Any planned helicopter operation to an oil or gas helideck, where that helideck is situated within the distance that is specified in the new AMC would require an AltMoc. That distance will be at least 3NM.</p>
3DCO1	CAA DIO The applicant	<p>Requirement 3 – Aviation Safety</p> <p><u>To the CAA and DIO</u></p> <p>a) In response to Action Point 26 [REP4-061] the applicant has provided a note as to the applicability of the Air Navigation Order 2016 to the application site, sited as it is outside territorial waters. The CAA and DIO are asked for their views as to the geographical extent of relevant provisions (articles 222 and 223) of the Air Navigation Order 2016.</p> <p>As the parties will be aware, s120 of the PA2008 allows for a DCO to include provision applying and/ or modifying a statutory provision which relates to any matter for which provision may be made in the DCO.</p> <p><u>To the CAA, DIO and the applicant</u></p> <p>b) If either the CAA or DIO takes the view that the geographical extent of the Air Navigation Order does not extend to the application site, should it be applied by express provision in the dDCO?</p> <p>The applicant is asked to liaise with the CAA and DIO in this regard.</p> <p>c) If the answer to (b) is yes, could the applicant consider whether, in addition to the current requirement 3 in Schedule 2, an additional article may be required to expressly apply relevant provisions of the Air Navigation Order (with modifications if necessary) to the dDCO.</p> <p>The applicant may find precedent provisions, for example article 22 of the Norfolk Boreas Offshore Wind Farm Order 2021, of use in drafting.</p>

		<p>CAA answer</p> <p>a) We do not consider that Articles 222 and 223 of the ANO are intended to apply to offshore installations outside territorial waters.</p> <p>b) We have not been approached by the applicant but believe that an express provision in the DDCO should be applied as this provides for (i) potential mitigation to prevent a collision between an aircraft and a turbine and (ii) compliance with the international convention on civil aviation.</p>
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If the ExA has further questions on these or any other topic, we will be happy to provide whatever assistance we can.

Yours sincerely,




Head of Policy