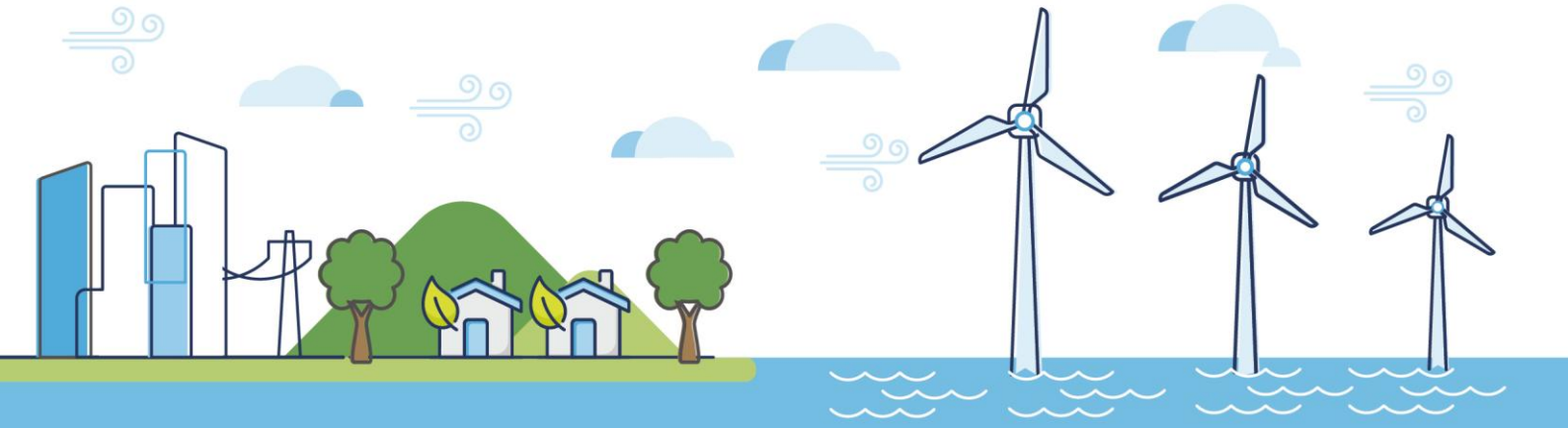
Morecambe Offshore Windfarm: Generation Assets

Examination Documents

The Applicant's Response to ExA's Rule 17 Letter

Document Reference: 9.70

Rev 01



Document History

Doc No	MOR001-FLO-CON-ENV-NOT-0056	**Rev**	01
Alt Doc No	n/a		
Document Status	Approved for Use	**Doc Date**	15 April 2025
PINS Doc Ref	9.70	**APFP Ref**	n/a

Rev	Date	Doc Status	Originator	Reviewer	Approver	Modifications
01	15 April 2025	Approved for Use	Morecambe Offshore Windfarm Ltd	Morecambe Offshore Windfarm Ltd	Morecambe Offshore Windfarm Ltd	n/a

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Glossary of Acronyms

AfL	Agreement For Lease
DCO	Development Consent Order
DML	Deemed Marine Licence
EIA	Environmental Impact Assessment
ES	Environmental Statement
ExA	Examining Authority
GHG	Greenhouse gas emissions
IMC	Instrument Meteorological Conditions
LURA	Levelling Up and Regeneration Act
M&MTA	Morgan and Morgan Transmissions Assets
MMO	Marine Management Organisation
OEI	One Engine Inoperative
SoS	Secretary of State
TDP	Take-off Decision Point
VMC	Visual Meteorological Conditions
VTOSS	Safety Speed
VY	Climb Speed
WTG	Wind Turbine Generator

Glossary of Unit Terms

km	kilometre
m^2	square metre

Glossary of Terminology

Agreement for Lease (AfL)	Agreements under which seabed rights are awarded following the completion of The Crown Estate tender process.
Applicant	Morecambe Offshore Windfarm Ltd.
Application	This refers to the Applicant's application for a Development Consent Order (DCO). An application consists of a series of documents and plans which are published on the Planning Inspectorate's (PINS) website.
Generation Assets (the Project)	Generation assets associated with the Morecambe Offshore Windfarm. This is infrastructure in connection with electricity production, namely the fixed foundation wind turbine generators (WTGs), inter-array cables, offshore substation platform(s) (OSP(s)) and possible platform link cables to connect OSP(s).
The Planning Inspectorate	The agency responsible for operating the planning process for Nationally Significant Infrastructure Projects.
Windfarm site	The area within which the WTGs, inter-array cables, OSP(s) and platform link cables would be present.
Agreement for Lease (AfL)	Agreements under which seabed rights are awarded following the completion of The Crown Estate tender process.

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1 Introduction

1. This document presents the Applicant's response to the Examining Authority's (ExA) Rule 17 Letter and requests for information (ExQ3), issued to the Applicant on 10th April 2025 (PD-020).
2. As the owner of the Morecambe Offshore Windfarm Generation Assets, Morecambe Offshore Windfarm Ltd is the named undertaker that has the benefit of the Development Consent Order (DCO). References in this document to obligations on, or commitments by, 'the Applicant' are given on behalf of Morecambe Offshore Windfarm Ltd as the undertaker of Morecambe Offshore Windfarm Generation Assets.

2 Response to Rule 17 Letter

3. The Applicant's responses to the Rule 17 Letter are presented in **Table 2.1**.

Table 2.1 The Applicant's responses to ExAs Rule 17 Letter

Ref.	Question to:	Question	Applicant's Response
R17.2.1	The Applicant and NE	On 27 March 2025 the High Court issued its decision in New Forest National Park Authority v SoSHLG and another [2025] EWHC 726 (Admin). This considered the implications to the changes to the National Parks and Access to the Countryside Act 1949, and Countryside and Rights of Way Act 2000 from section 245 of the Levelling Up and Regeneration Act 2023 in ground 2 of the grounds of appeal. The applicant and NE are asked for any comments that they may wish to give in light of this judgment in relation to matters pertinent to this application in respect of protected landscapes.	The Applicant considers that the High Court decision in *New Forest National Park Authority v SoSHLG and another* [2025] EWHC 726 (Admin) provides further clarity on the duty established under section 245 of the Levelling Up and Regeneration Act (LURA) and that the judgment supports the Applicant's position as set out in its responses to ExQ1 (REP3-068 at 1SLV9) and ExQ2 (REP5-070 at 2SLV1). Specifically, the Applicant notes that the judgment states at para. 62 that the "strengthened duty is expressed in qualified terms" which places a reasonable duty to "seek to further the purposes" as opposed to an absolute duty to conserve or enhance a national park. As noted in para. 5.10.8 of EN-1, the discharge of this duty must be "sufficient, appropriate and proportionate to the type and scale of the development". In any case, the Applicant has set out in 1SLV9 and 2SLV1 that it has carefully considered the impact on the Lake District National Park, which it considers to be minimal.
R17.2.2	The Applicant	In paragraph 21.91 of chapter 21 of the ES [REP5-016] the applicant has set out what it considers to be the relevant percentages of the Morgan and Morgan Transmissions Assets (M&MTA) project that relate to the transmission infrastructure of the proposed development. In paragraph 21.92 these have been expressed as an average. It would appear that the figure in paragraph 21.92 has been calculated by adding the four percentage figures in paragraph 21.91 together and then dividing by	It is noted that the Morgan and Morgan Transmissions Assets (M&MTA) Greenhouse gas emissions (GHG) assessment does not attribute emissions separately for the infrastructure associated with the Morgan and Morecambe infrastructure; rather, it is assessed collectively as it is one application. For GHG assessment (and other Environmental Impact Assessment (EIA) assessments) the Applicant has used the worst case scenario parameters in order

<table>
<tr><th>Ref.</th><th>Question to:</th><th>Question</th><th>Applicant’s Response</th></tr>
<tr><td></td><td></td><td>four. However, this ‘average of an average’ is not statistically correct. To derive the percentage of a total in this way requires first to sum the underlying figures (not the percentages), in this case the GHG from the individual elements, and then calculate the average of the whole. In paragraph 21.90 the applicant refers to the relevant chapter of the M&MTA project environmental statement which sets out the GHG emissions from the relevant elements. The applicant is requested to set out accurately the GHG emissions of those elements of the M&MTA project associated with the proposed development based on their actual proposed emissions and recalculate the percentage in a statistically robust way, and amend chapter 21 as necessary.</td><td>to ensure the greatest likely impacts have been considered. The GHG emissions in the assessments are considered to be worst case and therefore not an accurate representation of the Project’s GHG emissions (e.g. from current understandings, emissions will be less that noted in the assessments).

The percentages used in paragraph 21.91 of chapter 21 of the Environmental Statement (ES) (REP5-016) for the Generation Assets were derived from the Transmission Assets draft Development Consent Order (DCO) where the maximum parameters for a number of the project elements are listed separately for Morgan and Morecambe, highlighting the variation in size between the Morgan and Morecambe infrastructure as shown below.

<table>
<tr><th>Parameter (max)</th><th>Morecambe</th><th>Morgan</th><th>Morecambe %</th></tr>
<tr><td>No of cables</td><td>2</td><td>4</td><td>33.33</td></tr>
<tr><td>Length of offshore cable</td><td>84km</td><td>400km</td><td>17.36</td></tr>
<tr><td>Number of offshore cable crossings</td><td>6</td><td>46</td><td>11.54</td></tr>
</table>
</td></tr>
</table>

Ref.	Question to:	Question	Applicant's Response

Substation construction compound	52,500m^2	70,000m^2	42.86

The Applicant notes the comments on the average of the percentages above, and acknowledges the varying units and parameters considered. As such the reference to 26% has been removed from Chapter 21 Climate Change_Rev 03 (Document Reference 5.1.21) at Deadline 6 and clarity on the percentages used provided. It is noted that for each parameter provided above the Project accounts for less than half of the infrastructure, and the Applicant highlights that the 26% was not used in any calculation or assessment, but it was used to demonstrate that the Morecambe infrastructure was less than that of the Morgan infrastructure (and less than the 50% used as a worst case in the assessment), which is effectively done without the need for an average.

It is acknowledged that given that the above only represents a small section of the parameters listed in the DCO, that for some project elements there is no granularity on the differences between Morecambe and Morgan and that the GHG emissions per project element vary in contribution to the overall total emissions. The Applicant has taken the precautionary approach to apportion 50% of the total GHG emissions for the M&MTA project to Morecambe elements.

It is noted that, given the precautionary approach taken by the Applicant, and that there is no further granularity

Ref.	Question to:	Question	Applicant's Response
			within the M&MTA ES, no further updates have been made to the ES chapter.
R17.2.3	The Applicant	Paragraph 19.267 of chapter 19 of the ES 'Human health' [REP1-040] summarises the conclusions reached in respect of the potential population health implications associated with impacts on water quality. The conclusions reached state the effects would be 'negligible adverse (not significant)' for all phases of the development (ie. construction, operation and maintenance, and decommissioning phases). However, these impacts only appear to have been considered and assessed for the construction and decommissioning phases and not the operation and maintenance phase as they are not identified within section 19.6.3 and table 19.20. Please could the applicant check and amend the ES chapter as necessary.	The reference to the health assessment of water quality effects during the operation and maintenance phase in Paragraph 19.267 of Chapter 19 Human Health (REP1-040) is an error. As confirmed in the Scoping Opinion for Morecambe Offshore Windfarm (Generation Assets) ID 3.15.10 (pdf page 390 of 469) (APP-143) "*The Inspectorate agrees that, given marine water quality effects during operation and maintenance have been scoped out of the ES as described at ID Ref. 3.2.1, significant effects to human health receptors as a result of changes to water quality are also unlikely. This matter can therefore be scoped out of further assessment in the ES*." An updated Chapter 19 Human Health_Rev 03 (Document Reference 5.1.19) (with the removal of the refence to operation and maintenance assessment with regard to water quality) has been submitted alongside this document at Deadline 6.
R17.2.4	The Applicant and MMO	In paragraph 6.23 of his decision letter on the proposed Rampion 2 Offshore Wind Farm Extension project (Rampion 2) the Secretary of State considers a similar objection from the Marine Management organisation (MMO) in relation to the provision in the dDCO relating to the transfer of the benefit of the order (article 7 in relation to the proposed development [REP5a-002], article 5 in relation to Rampion 2). In paragraph 9.1 first bullet point of the decision letter the Secretary of State also notes an amendment to the drafting which he used in making the	The Applicant considers that the position taken by the Secretary of State in the Rampion 2 decision reaffirms the position it has taken throughout Examination that the wording of Article 7 (Benefit of the Order) is appropriate and justified. The Applicant notes that, in that Examination, the Marine Management Organisation (MMO) stated that it wanted the Secretary of State (SoS) to consider the decision "*a test case of its argument*" (Rampion 2 [REP4-072] as

Ref.	Question to:	Question	Applicant's Response
		order. The applicant and MMO are asked to respond to these conclusions, with the MMO specifically asked whether it is still maintaining its case that the transferring of the deemed marine licence should be excluded from the provisions of the relevant article.	cited in para. 6.23 of the Secretary of State's Decision Letter). The Secretary of State has definitively considered the matter (at the MMO's request) and considered that the article should remain "*because it does not just deal with deemed marine licenses, but all other licences required to construct the Proposed Development, and the purpose of the PA2008 is to provide a simple one-stop shop process for obtaining consent for national infrastructure projects and to have one legal instrument, the Recommended Order, as its control*". The Applicant has considered the amendments made by the Secretary of State in the drafting of the article when making the Order (to require the Secretary of State consult the MMO before granting transfer) and has incorporated these into the version of the DCO submitted at Deadline 6 (Document Reference 3.1). The Applicant notes that the other amendment made by the Secretary of State (to ensure the undertaker has continued liability for any breach occurring before the transfer) was already included within its draft DCO.
R17.2.5	The Applicant	As noted within NEs 'Appendix B11 – Comments on Offshore Ornithology' [REP5a-069], please can the applicant update/ correct the following within chapter 12 of the ES so that it: https://infrastructure.planninginspectorate.gov.uk (a) correctly indicates the mortality rate for great black-backed gull within Table 12.17 so that it reads 0.0969	The Applicant has updated Chapter 12 Offshore Ornithology_Rev 04 at Deadline 6 in response to Natural England's Deadline 5A submission. It is noted that for both matters, the correct value has been used in all calculations and therefore the assessment conclusions are unaffected.

Ref.	Question to:	Question	Applicant's Response
		rather than 0.093 and so is consistent with that in Table 12.48 (b) amend paragraph 12.465 as it states that the cumulative impacts would increase mortality by 0.71% whereas the data presented in the EIA Technical Note at D1 [REP1-080] was 9.37%	
R17.2.6	NE	In NE's Deadline 5a submission 'Appendix B12 – Comments on Lesser Black Backed Gull Compensation Quantum' [REP5a-070] it has set out a calculation as to the area of scrub clearance at Steep Holm. The derivations of all the numerators used are set out with the exception of that for philopatry. NE is asked to: (a) further justify the use of philopatry within the calculation, given that NE says the calculations "may also need to take account" of this concept (b) set out how the numerator has been derived (c) in responding, please signpost to any guidance requiring consideration of philopatry when compensating across the National Site Network	The Applicant notes that R17.2.6 is directed to Natural England, however, would direct the Examining Authorities (ExA) to the Applicant's response on this point in Table 2.9 of The Applicant's Comments on Deadline 5A Submissions by Interested Parties and Comments on Responses to ExQ3s (Document Reference 9.67) submitted at Deadline 6.
R17.2.7	The Applicant	In the 'Outline Compensation Implementation and Monitoring Plan' document [REP5a-013] submitted at D5a the applicant notes that "the Applicant is proposing to commence the measures at Steep Holm in 2025, ahead of a decision from the Secretary of State (SoS) as to whether such measures would be required". In light of this, does the draft DCO need a provision relating to anticipatory steps towards compliance with any provision within the order? The applicant is referred to article 25 of The A122 (Lower Thames Crossing) Development	The Applicant has added a new sub-paragraph to Article 18 (Compensation measures) which provides that anticipatory steps taken by the undertaker in respect of Schedule 7 may be taken into account for the purposes of determining compliance with Schedule 7. The Applicant has had regard to the wording in The A122 (Lower Thames Crossing) Development Consent Order 2025 in drafting this.

Ref.	Question to:	Question	Applicant's Response
		Consent Order 2025 as a precedent provision for potential drafting.	The Applicant considers that this drafting is best placed within the Article which gives effect to the compensatory measures. The reasons for this are as follows: 1. The Applicant does not consider that other anticipatory steps have been taken (i.e. towards Deemed Marine Licence (DML) conditions or DCO requirements) other than actions in connection with the without prejudice Steep Holm compensation measures. Accordingly, it would not be proportionate or justified to include a provision relating to anticipatory steps towards compliance with any provision in the Order. 2. The derogation case and compensatory measures are being advanced on a without prejudice basis. If the SoS considers that no derogations are required, Article 18 would consequently not be included in the Order as made by the SoS. The inclusion of this provision as a sub-paragraph within Article 18 ensures that it will not be left in unintended should the SoS consider no derogations are required. The Applicant notes that the anticipatory steps are a part of the compensation but the compensation measure as a whole will not be fully implemented (and consequently fully effective) unless it is confirmed by the Secretary of State as being required.
R17.2.8	Spirit Energy and	At D5a both Spirit Energy [REP5a-076] and Harbour Energy [REP5a-078] provided draft protective provisions in their respective favours. Both Spirit and Harbour	The Applicant notes that R17.2.8 is directed to Spirit Energy and Harbour Energy and shall not be responding.

Ref.	Question to:	Question	Applicant's Response
	Harbour Energy	Energy are asked to provide them as Microsoft Word documents.	The Applicant has provided updated Protective Provisions with commentary taking account of the draft Protective Provisions submitted by Spirit Energy (REP5a-076) and Harbour Energy (REP5a-079 to REP5a-081) within the Applicant's Comments on Deadline 5A Submissions by Spirit Energy and Harbour Energy (Document Reference 9.71). The Applicant has also included updated Protective Provisions in the DCO submitted at Deadline 6.
R17.2.9	Spirit Energy	Spirit Energy was specifically requested (ExQ3DCO3) to provide tracked change versions of the protective provisions when compared with those provided by the applicant but have not done so at D5a. The question continued, in this case, if Spirit Energy "feel unable to comment on these provisions, they should set out their own full set of protective provisions explaining in commentary why these are to be preferred on a provision by provision basis". https://infrastructure.planninginspectorate.gov.uk Spirit Energy is again requested to answer this question, and explain why it has failed to do so to date.	The Applicant notes that R17.2.9 is directed to Spirit Energy and shall not be responding.
R17.2.10	The Applicant	In the minutes of the meeting between Spirit Energy and the applicant on 26 March 2025 'Minutes of Shared Understanding Meetings' [REP5a-077], in responding to a question raised by Spirit regarding the minimum distances between wind turbine generators (WTG) it is stated "The minimum spacing is 1060m between turbines. This is secured in the DCO: turbines cannot be closer than that. There is a micro-siting allowance of 55m, so we could take 110m off of that, so 950m".	(a) The Applicant notes the comments and explains that they were made during a detailed and complex meeting held between the parties to further their shared understanding of issues and of their respective projects and operations. This was an attempt to explain the minimum separation distance between infrastructure within the wind farm site in the context of vessel movements, but this comment was made in error: the minimum spacing distances between intra-row and inter-row wind turbine generators (WTGs) are

Ref.	Question to:	Question	Applicant's Response
		(a) Can the applicant clarify its position regarding the minimum spacing distances between intra-row and inter-row WTGs and whether the distances (as cited within Table 2 of Schedule 2, Requirement 2 of the dDCO and Schedule 6, Part 2, Condition 1) require revision to take into account any potential further reduction due to micro-siting? (b) If the separation distances cited could be further reduced as a result of micro-siting tolerances, does this have any implications on the conclusions of the ES particularly where assessments have relied upon the distances cited as embedded mitigation and the basis of the worst case scenarios used when carrying out those assessments? Please explain and give reasoning to support your position. (c) In any event, does the dDCO need amendment to make it clear whether the 55m micro-siting distance: (i) does not affect the minimum spacing distances, or (ii) can affect the minimum spacing distances?	absolute and cannot be further reduced, including by the micro-siting allowance. The Applicant notes that the micro-sitting allowance of 55m is in relation to the layout of all WTG as set out in the approved design plan, i.e. that WTG can be micro-sited by up to 55m from their approved location. Both the approved layout in the design plan together with the final constructed layout are required to be in accordance with the Design Statement and the parameters of the DCO, which secure the minimum spacing distances between intra-row and inter-row WTGs. In other words, the DCO does not provide that the parameters for the minimum spacing distances between intra-row and inter-row should be subject to the micro-siting tolerance, and as such these minimum spacing distances are absolute. (b) Noting the above the Applicant considers that the separation distances could not be further reduced as a result of micro-siting tolerances and therefore that the conclusions of the ES are unchanged. (c) Based on the above the Applicant notes that the 55m micro-siting distance does not affect the minimum spacing distances, but considers that there is sufficient control within the dDCO as it is currently drafted.
R17.2.11	Spirit Energy and the applicant	In the D5a submission 'The Applicant's Comments on Spirit Energy's Deadline 5 Submission Document Reference 9.65' [REP5a-061], the applicant submits that Spirit's calculations regarding the minimum take-off distances required for day VMC do not follow the required flight profile in the Rotorcraft Flight Manual (RFM). It is stated that this contrasts with previous submissions made	The Applicant has provided the Spirit Energy Issue Specific Hearing 8 Position Statement within The Applicant's Response to the Rule 17 Appendix A (Document Reference 9.70.1). The key text is on PDF page 20 which is extracted below with emphasis added:

Ref.	Question to:	Question	Applicant's Response
		to this examination [REP1-116, Figure 14A] and in connection with the Hornsea Three project examination library reference [REP7-093] (and could the applicant arrange for this latter document to be submitted into this examination). Spirit Energy is asked to respond and explain its position and why a different stance may have been taken to the RFM and the basis for this and to provide an updated calculation which follows the RFM so as to reflect that used by the applicant.	"Departure from an Offshore Elevated Helideck Helicopters departing an offshore elevated helideck take-off with both engines operating and into wind. In the event of an engine failure being recognised at or after the take-off decision point (TDP), the pilot is committed to continue the take-off with one engine inoperative (OEI). The helicopter is flown manually by the pilot using the maximum power permitted (2.5 minute power OEI) to achieve a safety speed (VTOSS) / positive rate of climb to **200ft above the height of the take-off surface (helideck)**. Thereafter the pilot will fly the helicopter at the best rate of climb speed (VY) on maximum continuous power OEI to 1,000ft above mean sea level[1]" Applicant's Note on the above: 2.5 Minute OEI Power is an emergency rating which provides a higher rate of climb following an engine failure. In the case of the AW169, the 2.5 minute emergency rating is used to climb to 200ft above the helideck height (take-off surface) before levelling and accelerating from 45kt airspeed to 75kt (best rate of climb) airspeed. When 75kt airspeed is achieved the helicopter is adjusted from level flight to a climb profile, at which point the power is reduced to OEI maximum continuous power, which has no time limit.

[1] The initial emergency take-off profile is the same for both Visual Meteorological Conditions (VMC) and IMC. In the case of VMC a turn away from the WTGs is made at 500ft above sea level, in IMC the turn is made at 1,000ft above sea level.

Ref.	Question to:	Question	Applicant's Response
			In Spirit Energy's Appendix A Updated AviateQ Report of Written Representation (REP1-116) submission all power changes are related to sea level. In the case of CPC-1 this would require the helicopter to be levelled at 16ft above helideck height (200 ft above the surface, with the helideck at 184ft above sea level). This would result in the emergency power rating being used for a shorter period of time and the helicopter maintained closer to sea level for longer whilst in an emergency state. It would also result in a longer climb to reach the 500ft above sea level in order to perform the turn away from the WTG, when compared to the time required if the helicopter had been levelled at 384ft above sea level (200ft above the surface of the helideck). At night and Instrument Meteorological Conditions (IMC), changing from a dynamic take-off profile to pitching nose down to level only 16ft above helideck height would be disorientating to the crew, increasing the risk of Loss of Control or Controlled Flight Into Terrain, both of which are major causes of offshore helicopter accidents and feature within the Civil Aviation Authority's (CAAs) list of seven top safety risks as numbers 1 & 3[2]. The Applicant has provided calculations for the day VMC take-off distance using the same parameters as Spirit Energy, but using the correct flight profile in the RFM, at Section 4.1.2.4 of The Applicant's Response to Spirit Energy's Deadline 4 Submission Appendix A: Helicopter Access (REP5-063) which concludes that

[2] CAA Paper 2011/03 - CAA 'Significant Seven' Task Force Reports

Ref.	Question to:	Question	Applicant's Response
			total distance required is 1.44nm. The equivalent calculations from Spirit Energy are provided at Section 8 of Appendix A Updated AviateQ Report of Written Representation (REP1-116), which using the incorrect flight profile gives a distance of 1.74nm (noting that in the report Spirit Energy incorrectly present the sum of each section as 1.76nm)
R17.2.12	TCE	In its response to our written question ExQ3GEN1 within its D5a submission 'The Applicant's Response to ExA's Written Questions 3 Document Reference 9.61' [REP5a-056] the applicant advised that it had submitted a Change of Control declaration on 4 March 2025 which included appendices describing the financial standing and capabilities of the proposed transferee (CI V). https://infrastructure.planninginspectorate.gov.uk (a) Please can TCE update and advise whether any necessary due diligence checks have been completed and, if so, whether it is content with the financial standing and capabilities of the proposed new ownership structure? (b) If these checks and processes have not been completed, please can TCE advise when TCE expects a decision would be made?	The Applicant notes that R17.2.12 is directed to The Crown Estate and shall not be responding.