

# **Morecambe Offshore Windfarm: Generation Assets**

## **The Applicant's Response to Secretary of State Letter and Request for Information (Consultation 3)**

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## Glossary of Acronyms

AEoI	Adverse Effect on Integrity
CEA	Cumulative Effects Assessment
CPC	Central Processing Complex
CPP1	Central Processing Platform 1
DCO	Development Consent Order
EIA	Environmental Impact Assessment
EIST	East Irish Sea Transmission project
ExA	Examining Authority
HRA	Habitats Regulations Assessment
JNCC	Joint Nature Conservation Committee
MVOWFL	Moor Vannin Offshore Wind Farm Limited
NE	Natural England
NRW(A)	Natural Resources Wales (Advisory)
PINS	Planning Inspectorate
RIAA	Report to Inform Appropriate Assessment
RTD	Red-throated Diver
SAC	Special Area of Conservation
SoS	Secretary of State
SPA	Special Protection Area
TCE	The Crown Estate
WTG	Wind Turbine Generator

## Glossary of Unit Terms

km	kilometre
m <sup>2</sup>	square metre
MW	megawatt
nm	nautical mile

## 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.

# 1 Introduction

1. This document presents the Applicant's (Morecambe Offshore Windfarm Ltd) response to the Secretary of State's (SoS) letter and request for information issued on 26 September 2025. The request covered topics in relation to compliance with the mitigation hierarchy in respect of kittiwake, Cumulative Effects Assessment (CEA), Assessment of Alternative Solutions, and commercial negotiations and agreements.
2. The Applicant's responses to the SoS's letter are provided in the following sections of this document:
  - Compliance with the mitigation hierarchy in respect of kittiwake - **Section 2**
  - Cumulative Effects Assessment - **Section 3 and Appendix A: Consideration of the Moir Vannin Offshore Windfarm Environmental Impact Statement and East Irish Sea Transmission Project Scoping Report** (Document Reference 10.2.1)
  - Assessment of Alternative Solutions – **Section 4 and Appendix B: Assessment of alternative solutions figures** (Document Reference 10.2.2)
  - Commercial negotiations and agreements – **Section 5**.

## 2 Compliance with the mitigation hierarchy in respect of kittiwake

### 2.1 Overview

3. Paragraphs 3 and 4 of the Secretary of State's letter are in relation to compliance with the mitigation hierarchy in respect of kittiwake and are provided below for reference:

*3. The Secretary of State notes that the Applicant concluded there would be a significant residual cumulative effect at the Environmental Impact Assessment ("EIA") level on kittiwake of the Pen y Gogarth / Great Orme's Head SSSI due to collision risk, as set out in The Applicant's Summary and Signposting Document [REP6-040]. Natural Resources Wales (Advisory) ("NRW(A)") [REP6-053] was content that the Applicant has provided proportionate mitigation (through the air draught height) for this impact.*

*4. In light of this, and with reference to The Applicant's Response to Secretary of State's Letter and Request for Information in respect of great black-backed gull, the Secretary of State invites the **Applicant** to explain what consideration has been given to the feasibility of implementing compensation for kittiwake. In addition, the **Applicant** should also provide draft without prejudice wording for a requirement to secure the provision of compensation for kittiwake.*

### 2.2 Response

4. The Applicant considered the mitigation hierarchy and potential requirement for compensation for the kittiwake population of the Pen y Gogarth / Great Orme's Head SSSI during the course of the Examination. This took into account consultation with NRW(A), who are the statutory adviser in respect of this designated site.
5. The Applicant does not consider that compensation is appropriate or required for the potential effects on this feature. As the Secretary of State has highlighted, the small scale of effect (predicted to be a mortality of <0.8 birds annually) has been agreed by NRW(A) to have been appropriately mitigated through the increase in draught height, which was applied by the Applicant following pre-application consultation. Given the scale of effect, the Applicant has concluded (a conclusion supported by NRW(A)'s response in [REP6-053]) that compensation would not be proportionate and is not therefore required.
6. It is noted that the Mona and Morgan projects undertook a similar assessment on the cumulative effects on the kittiwake feature of the Pen y Gogarth / Great Orme's Head SSSI within their respective applications (Mona Examination Library reference [REP7-059] and Morgan Examination Library reference [REP6-062]). The cumulative effect in both cases was based on the same projects (including the Project), and therefore the three cumulative

assessments (Mona, Morgan and the Project) are effectively the same. The contribution of each of the Mona and Morgan projects to the cumulative kittiwake mortality at Pen y Gogarth / Great Orme's Head SSSI is of the same order of magnitude as for the Project (0.7 and 1.1 birds respectively, compared to c. 0.8 birds for the Project). In neither case was the need for compensation identified by NRW(A) or by the Secretary of State in his determination to grant consent for those projects.

7. The Applicant notes that the assessment conclusions of the Mona and Morgan projects, although based on essentially the same cumulative mortality estimates, differ from the Project conclusions. In both cases, those projects assumed a low magnitude impact, resulting in a minor adverse effect. However, NRW(A) did not agree with these conclusions for Mona and Morgan, and therefore during consultation between the Project and NRW(A), a medium magnitude impact, and hence a significant moderate adverse effect, was agreed. The predicted cumulative mortality numbers for the Mona project were also lower than for Morgan and the Project; it is the Applicant's understanding that this was the result of a different apportioning approach during the breeding season, which again was not supported by NRW(A) (Morgan Examination Library reference [REP5-098]), and was not used by the Project. The Applicant reiterates that while there are technical differences between the assessments, in reality they are assessing the effects of the same suite of projects on the same feature, and therefore the actual impact effects must be the same.
8. The Applicant also highlights the contribution of the Awel y Môr project to the cumulative kittiwake mortality total at Pen y Gogarth / Great Orme's Head SSSI, which is substantially higher than the Mona, Morgan or Morecambe projects combined (11 birds). As for Mona and Morgan, no requirement for compensation was identified by the Secretary of State in the decision to grant consent for Awel y Môr.
9. Therefore, as there is no material difference in the cumulative effect on the kittiwake feature of Pen y Gogarth / Great Orme's Head SSSI between the Project and the consented Mona and Morgan projects, and based on the precedent of those decisions and NRW(A) advice, the Applicant respectfully invites the Secretary of State to reach the same conclusion for all of these projects. Compensation for the Project in respect of the kittiwake feature of Pen y Gogarth / Great Orme's Head SSSI would not therefore be required.
10. The Applicant considers that it has demonstrated compliance with the mitigation hierarchy, as confirmed by NRW(A), with design mitigation (an increase in draught height) being utilised to avoid, reduce and mitigate for effects on kittiwake. The policy requirement in NPS EN-1 does not require all residual effects to be compensated – rather, para. 4.2.12 requires residual effects to “be compensated for as far as possible.” In light of the very minimal level of effect on kittiwake from the Project, the Applicant considers that no



compensation requires to be proposed or secured. Also, given that NRW(A) has been content with the approach taken by the Applicant, and that no other conservation body has raised the potential for kittiwake compensation, no such compensation measures have been developed or consulted upon as part of the application, so it would not be possible to provide any detailed specification at this time.

11. Notwithstanding this, the Applicant has proposed, on a without prejudice basis, two drafting options that could be used to secure compensation, should the Secretary of State consider it necessary.
12. Firstly, the following amendment could be made to condition 9(1)(e) (pre-construction plans and documentation, specifically the approval of an offshore project environmental management plan) included in the Deemed Marine Licence (Part 2 of Schedule 6):

“(e) an offshore project environmental management plan which is to be submitted at least six months before the intended commencement of licensed activities and which accords with the outline project environmental management plan covering the period of construction and operation to include details of— [...]

(vi) measures to minimise the potential spread of invasive non-native species; and

(vii) measures to minimise or compensate as far as possible for significant impacts of the licensed activities on kittiwake at the Pen y Gogarth / Great Orme’s Head SSSI.”
13. Alternatively, the following requirement could be included in Schedule 2 (Requirements):

**“Kittiwake compensation**

13. No part of any wind turbine generator shall be erected as part of the authorised development until—

(a) the Secretary of State, having consulted with the statutory nature conservation body, confirms in writing that no further mitigation or compensation is considered necessary in respect of significant impacts from the authorised development on kittiwake at the Pen y Gogarth / Great Orme’s Head SSSI; or

(b) the Secretary of State has, having consulted with the statutory nature conservation body, approved in writing a scheme which is designed to further mitigate or compensate as far as possible for any residual significant impacts arising from the authorised development on kittiwake at the Pen y Gogarth / Great Orme’s Head SSSI.”
14. The Applicant considers that either drafting option could secure compensation for kittiwake, if considered to be required by the Secretary of State, and the Applicant will of course defer to the Secretary of State on the preferred drafting approach.

15. However, for the reasons set out above, the Applicant strongly disputes the need for any compensation to be secured in respect of kittiwake and considers that the Project complies with para. 4.2.12 of NPS EN-1 without any further amendments being required.

## 3 Cumulative Effects Assessment

### 3.1 Overview

17. Paragraphs 5 and 6 of the Secretary of State's letter are in relation Cumulative Effects Assessment. These are provided below for reference:

*5. The Secretary of State notes that the application for Marine Infrastructure Consent for the proposed Mooir Vannin Offshore Windfarm has been accepted for examination by the Isle of Man Government's Council of Ministers and the full application, including the Environmental Impact Statement, is now publicly available. The Secretary of State considers that Mooir Vannin Offshore Windfarm should be included within the cumulative assessment for the Proposed Development. The **Applicant** should update its Cumulative Effects Assessment and/or In-Combination Habitats Regulations Assessment ("HRA") and/or Report on Interrelationships with Other Infrastructure Projects in light of this newly available environmental information and should incorporate quantitative and qualitative data relating to the proposed Mooir Vannin Offshore Windfarm.*

*6. The **Applicant** is invited to consider and explain whether the Scoping Report for the East Irish Sea Transmission Project contains sufficient information to facilitate a meaningful assessment of potential cumulative effects, and to update the Cumulative Effects Assessment and/or In-Combination HRA and/or Report on Interrelationships with Other Infrastructure Projects as necessary.*

### 3.2 Response

18. The Applicant reiterates their position set out in the response to the SoS consultation 1 (C1-011), that given how much further forwards the Morecambe project is it should be for the Mooir Vannin Offshore Windfarm (MVOWF), including the associated East Irish Sea Transmission (EIST) project, to undertake an assessment of the cumulative effects with both the Morecambe Offshore Windfarm and other projects.
19. The Applicant highlights that the MVOWF Environmental Impact Statement (EIS) includes a cumulative effects assessment, and that the methodology used is based upon the Planning Inspectorate (PINS) advice from 'Nationally Significant Infrastructure Projects: Advice on Cumulative Effects Assessment' (PINS, 2024), which aligns with the approach undertaken for the Project. The EIA methodology chapter of the EIST project's Scoping Report also confirms that the application for that project will include a cumulative effects assessment following the same PINS guidance.
20. Notwithstanding this, the Applicant acknowledges the request from the SoS to provide either an update to its Cumulative Effects Assessment and/or In-

Combination Habitats Regulations Assessment (HRA), and/or to update the Report on Interrelationships with Other Infrastructure Projects.

21. The Applicant has therefore undertaken a review of both the MVOWF EIS and the EIST project's Scoping Report; this review is included as **Appendix A** (Consideration of the Moir Vannin Offshore Windfarm Environmental Impact Statement and East Irish Sea Transmission Project Scoping Report) to this response. This appendix takes the form of an update to the Report on Interrelationships with Other Infrastructure Projects (REP6-030) and should be read alongside that report.
22. In summary, the Applicant has reviewed the MVOWF EIS and technical appendices and the EIST Scoping Report in relation to the potential implications for the conclusions of the Project's ES and/or Report to Inform Appropriate Assessment.
23. The Applicant concludes that there would be no likely change to any conclusions presented in the Project's CEA or in-combination assessments, with both assessments remaining current and robust.

## 4 Assessment of Alternative Solutions

### 4.1 Overview

25. Paragraphs 7 to 9 of the SoS's letter are in relation the Assessment of Alternative Solutions and are provided below for reference:

*7. The Secretary of State acknowledges and welcomes the agreement reached between the Applicant and Harbour Energy on the form of the Protective Provisions, which both parties have confirmed can be included in Part 2 of Schedule 3 of the Development Consent Order. The Secretary of State notes that these agreed Protective Provisions provide for aviation buffer zones around the Calder platform only until 1 January 2029. The Harbour Protective Provisions Plan accordingly reflects an unconstrained area at the south-western corner of the site. However, the Secretary of State notes that this area is shown as constrained in the figures provided in the Applicant's Appendix A: Assessment of Alternative Solutions.*

*8. The **Applicant** is requested to provide an updated Appendix A: Assessment of Alternative Solutions, taking into account the agreed Protective Provisions with Harbour where there will be no enduring aviation buffer after 1 January 2029 (paragraph 4 of Harbour Energy – Agreed Protective Provisions). The **Applicant** is requested to provide comments on the potential for locating wind turbine generators ("WTG") in this part of the site, should the Secretary of State determine that either the 10km Shell Flat buffer or 7.5km original SPA buffer is to be applied.*

*9. Additionally, the **Applicant** should confirm whether the adoption of such a WTG layout would affect the conclusions of the EIA and the HRA.*

### 4.2 Response

26. The following drawings as detailed in **Table 4.1** have been updated and are included within **Appendix B** to this response document. An explanation of the changes is provided below:

- The WTG and OSP aviation buffer zone (1.5nm), and WTG and OSP aviation buffer (1.9nm) around the Calder platform have been removed to reflect the agreed protective provisions submitted jointly with Harbour Energy in response to the SoS first request for information (CS1-011).
- The WTG and OSP aviation buffer zone (1.5nm) around CPP1 has been removed, as the Applicant has aligned the aviation enduring buffer with the distance identified by Spirit Energy (1.9nm), and confirmed by Harbour Energy, as being required for full day-time VMC access in their submissions during the examination.
- The WTG aviation corridor has been removed. Neither the agreed protective provisions with Harbour Energy, nor the protective provisions submitted by Spirit Energy at Deadline 6, include the aviation corridor because neither of these stakeholders has requested that it be included in

the suite of protections they would be entitled to under their respective protective provisions. Although the Applicant still considers that there is a benefit, it is a further restriction on the development of the project and so should not be included if those it seeks to protect do not require it.

- The constrained and unconstrained areas have been amended to reflect these revised buffers.

*Table 4.1 Drawings updated in response to Assessment of Alternative Solutions Question 8*

Drawing number	Description of Updates
Figure 1	Changed as outlined above.
Figure 2	Changed as outlined above.
Figure 3	Changed as outlined above. Single WTG within 1.9nm of CPP1 removed.
Figure 4	Changed as outlined above.
Figure 5	Changed as outlined above.
Figure 6	Changed as outlined above. Single WTG within 1.9nm of CPP1 removed.

27. In response to the request regarding the relocation of WTGs to the south-western part of the site, the Applicant would direct attention to Figures 3 and 6 which show the current indicative layout. It is noted that this layout already made use of the area closer than 1.9nm to the Calder platform (up to 1.5nm) - so the Applicant had already made use of some of the potential to locate turbines in this part of the site. As noted in the question, the further reduction of the enduring buffer zone around the Calder platform from 1.5nm to 1nm was not taken into account in preparing this indicative layout.
28. However, as can be seen on the updated drawings, a portion of the area between 1nm and 1.5nm around Calder is still constrained by the presence of the Hibernia A cable, which is constrained from development on either side. It may appear as though one or two additional locations could still be released by the area around Calder no longer being constrained; however, in fact there is not sufficient space for these locations to be released when taking account of minimum turbine spacings and two lines of orientation. It is also considered that any WTG in these locations would be an 'outlier' that might disrupt the regular and clear boundary of the windfarm and that the Maritime and Coastguard Agency and/or Trinity House might object to any layout with WTG in these locations due to the navigational risk posed by structures that are not clearly part of the main array.
29. Even if two additional WTG locations could be achieved in the area 1nm – 1.5nm from the Calder platform, it is noted that the current indicative layout had 34 potential locations, and one of these is not being pursued, at this time,

due to the lack of agreement from Spirit to locate any turbines within 1.9nm of CPC, so two additional locations would only take the current indicative layout from 33 WTG locations to the 35 WTG locations applied for. In other words, there are not spare locations beyond the maximum 35 applied for based on the current indicative layout even with an additional unconstrained area from 1nm – 1.5nm around Calder.

30. Therefore, the Applicant does not consider that the reduction of the enduring buffer around Calder to 1nm allows for locations in a 10km Shell Flat buffer or 7.5km original Special Area of Conservation buffer to be ‘released’ without risking achievement of the Project’s objectives. The Applicant reiterates its position as set out in Section 3 of the Applicant’s response to the first SoS request for information (CS1-011), and the following key points:
- At this stage in the design process there is still some uncertainty across the site, for example with regards to ground conditions.
  - The buffers for oil and gas platforms and potential buffers for red-throated diver are only some of the constraints that limit the design flexibility.
  - Figures 1, 2, 4 and 5 show indicative layouts for 30 WTG and 35 WTG scenarios, taking account of the constraints and other requirements, such as minimum spacing between turbines and two lines of orientation, but these layouts are not optimised for energy efficiency.
  - Consistent with the approach adopted for other offshore wind projects, and in line with government policy (NPS EN-3 para 2.8.74), final decisions on the turbine model (and consequently turbine capacity, number, and the site layout) have not been made at this stage; and therefore, the Applicant needs to retain the flexibility applied for in DCO application at this stage in the design process.
31. The Applicant does not consider that the additional unconstrained area in the south-western corner of the site changes its stated position – any additional buffer (beyond the current 6.5km) for Red-throated Diver (RTD) is not an alternative solution in terms of the HRA ‘no alternative solutions’ test, because even with a reduced constrained area around the Calder platform there are not spare locations beyond the 35 applied for, all of which may be needed to deliver the Project objectives. The Applicant’s position remains as summarised in response to question 6 of the Secretary of State’s first Request for Information (Document Reference 10.1) and in its Summary and Signposting Document submitted at Deadline 6 (REP6-040), and as set out in detail in the Applicant’s Response to ExA’s Written Questions 3GEN2 and 3GEN3 (REP5a-057).
32. In terms of the conclusions of the EIA and the HRA, the Applicant’s clear primary position remains that there would be no significant effect (EIA) and no AEoI (HRA) in relation to RTD and the Liverpool Bay SPA, as reiterated in the Applicant’s response to the Secretary of State’s first Request for Information

(Document Reference 10.1). These conclusions would not be altered by the adoption of a layout which avoids the Natural England proposed buffers.



## 5 Commercial negotiations and agreements

### 5.1 Overview

33. Paragraphs 10 of the SoS's letter is in relation to commercial agreements and negotiations and is provided below for reference:

*10. The **Applicant** and **Spirit Energy** are invited to provide an update on progress towards a commercial agreement to replace the proposed Protective Provisions for the protection of Spirit Energy's interests. Alternatively, if it has not yet been possible to finalise a commercial agreement, the Applicant and Spirit Energy are invited to provide an update on whether agreement has been reached on any specific areas of disagreement between the parties which remained outstanding at the conclusion of the Examination, as to the form of Protective Provisions which should be included in a final Development Consent Order in the absence of a commercial agreement. It is the Secretary of State's expectation that the parties should continue to endeavour to reach agreement on as many outstanding issues as possible, and provide updates accordingly.*

### 5.2 Response

34. As outlined in a jointly agreed email between Spirit and the Applicant to the PINS Case Team (sent 10 October):

*"Negotiations between Spirit and the Applicant have recently progressed, and it is anticipated that agreement in principle will shortly be reached. However, the details, terms and documentation still require to be worked through before a meaningful update can be provided. On that basis, the Applicant and Spirit Energy, cc. into this email, are writing to jointly request an extension to this question. It is our intention to submit a response to the above noted question by 23:59 on 17 October 2025, at the latest."*

35. A response from the Case Team has not yet been received, but the explanation in the jointly agreed e-mail provides an update on the position in response to this request.

36. The Applicant notes its response to the Secretary of State's second Request for Information submitted on Monday of this week (6 October):

*"The Applicant has also worked to refine and tailor its design and programme to further facilitate co-existence (and also reflect the now settled position on Protective Provisions with Harbour Energy in relation to their assets).*

*In relation to the request by the Secretary of State in their letter of 26 September for "an update on whether agreement has been reached on any specific areas of disagreement between the parties which remained outstanding at the conclusion of the Examination, as to the form of Protective Provisions which should be included in a final Development Consent Order in the absence of a commercial agreement" to be provided by 10 October (and*

*mindful of the decision deadline of 23 October), the Applicant remains hopeful of substantive progress towards a commercial agreement, but anticipates submitting protective provisions on 10 October. To assist with comparison and for transparency, the Applicant anticipates these will be presented as a mark-up of drafts submitted by Spirit Energy at Deadline 5A, it is hoped in agreed form or with a joint position on remaining points of disagreement.”*

37. Given the position outlined in the joint update e-mail to the Case Team set out above (and mindful of the without prejudice nature these discussions), the Applicant has not at this time submitted updated protective provisions which reflect its position (as updated in light of the refinement of its design and programme), in the expectation that such a document would be superseded next week by a joint response of the parties referred to in that e-mail.