

DATED 27/02/2025

APPLICATION BY MORGAN OFFSHORE WIND LIMITED FOR AN ORDER GRANTING

DEVELOPMENT CONSENT FOR THE MORGAN OFFSHORE WIND FARM SCHEME

PLANNING INSPECTORATE EXAMINATION NUMBER: EN010136

REGISTRATION IDENTIFICATION NUMBER: 20048830

WRITTEN REPRESENTATION

SUBMITTED ON BEHALF OF THE CROWN ESTATE

**IN RESPECT OF THE RESPONSES TO APPLICANT'S DEADLINE 1-4 SUBMISSIONS AND FURTHER
COMMENTARY AND SUBMISSIONS ON BEHALF OF BODORGAN MARINE LIMITED [REP5-093]**

(THE "BML SUBMISSION")

1. This written representation is submitted on behalf of The Crown Estate ("**TCE**") in connection with the application by Morgan Offshore Wind Limited (the "**Applicant**") for a development consent order (DCO) for the Morgan Offshore Wind Farm (the "**Project**").
2. Bodorgan Marine Limited ("**BML**"), in the BML Submission, made several submissions 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 is submitting this response to provide clarification on a point of law in connection with the same.
3. 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.
4. 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