

# MORGAN AND MORECAMBE OFFSHORE WIND FARMS: TRANSMISSION ASSETS

**Blight Note**



**Deadline: 4**  
**Application Reference: EN020028**

**Document Numbers:**  
**MRCNS-J3303-BGS-19190**  
**MOR001-FLO-CON-CAG-RPT-0130**  
**Document Reference: S\_D4\_20**

**8 August 2025**  
**F01**

**Document status**

Version	Purpose of document	Approved by	Date	Approved by	Date
F01	Deadline 4	HK	August 2025	IM	August 2025

---

**Prepared by:****CMS and Burges Salmon LLP****Prepared for:****Morgan Offshore Wind Limited,  
Morecambe Offshore Windfarm Ltd**

---

# Contents

<b>1</b>	<b>INTRODUCTION .....</b>	<b>1</b>
1.1	Deadline 4 Submissions .....	1
1.1.1	The Applicants' Submission at Deadline 4 on 8 August 2025 for Compulsory Acquisition Hearing 2 Action Point 16: Blight Note .....	1
1.2	Compulsory Acquisition Hearing 2 .....	2
1.2.2	Resource implications of the Proposed Scheme .....	2
1.2.3	How Blight might apply .....	2
1.2.4	Agricultural units and eligibility to claim under Blight .....	3
1.3	Property Cost Estimates and Blight .....	3
1.4	Conclusion: Blight in practice .....	4

## Glossary

Term	Meaning
400 kV grid connection cables	Cables that will connect the proposed onshore substations to the existing National Grid Penwortham substation.
400 kV grid connection cable corridor	The corridor within which the 400 kV grid connection cables will be located.
Applicants	Morgan Offshore Wind Limited (Morgan OWL) and Morecambe Offshore Windfarm Ltd (Morecambe OWL).
Biodiversity benefit	<p>An approach to development that leaves biodiversity in a better state than before. Where a development has an impact on biodiversity, developers are encouraged to provide an increase in appropriate natural habitat and ecological features over and above that being affected.</p> <p>For the Transmission Assets, biodiversity benefit will be delivered within identified biodiversity benefit areas within the Onshore Order Limits. Further qualitative benefits to biodiversity are proposed via potential collaboration with stakeholders and local groups, contributing to existing plans and programmes, both within and outside the Order Limits.</p>
Code of Construction Practice	A document detailing the overarching principles of construction, contractor protocols, construction-related environmental management measures, pollution prevention measures, the selection of appropriate construction techniques and monitoring processes.
Commitment	This term is used interchangeably with mitigation and enhancement measures. The purpose of commitments is to avoid, prevent, reduce or, if possible, offset significant adverse environmental effects. Primary and tertiary commitments are taken into account and embedded within the assessment set out in the ES.
Construction Traffic Management Plan	A document detailing the construction traffic routes for heavy goods vehicles and personnel travel, protocols for delivery of Abnormal Indivisible Loads to site, measures for road cleaning and sustainable site travel measures.
Design envelope	A description of the range of possible elements and parameters that make up the Transmission Assets options under consideration, as set out in detail in Volume 1, Chapter 3: Project Description. This envelope is used to define the Transmission Assets for EIA purposes when the exact engineering parameters are not yet known. This is also referred to as the Maximum Design Scenario or Rochdale Envelope approach.
Development Consent Order	An order made under the Planning Act 2008, as amended, granting development consent.
Direct pipe	A cable installation technique which involves the use of a mini (or micro) tunnel boring machine and a hydraulic (or other) thruster rig to directly install a steel pipe between two points.
Environmental Impact Assessment	The process of identifying and assessing the significant effects likely to arise from a project. This requires consideration of the likely changes to the environment, where these arise as a consequence of a project, through comparison with the existing and projected future baseline conditions.

Term	Meaning
Environmental Statement	The document presenting the results of the Environmental Impact Assessment process.
Evidence Plan Process	A voluntary consultation process with specialist stakeholders to agree the approach to, and information to support, the EIA and Habitats Regulations Assessment processes for certain topics.
Generation Assets	The generation assets associated with the Morgan Offshore Wind Project and the Morecambe Offshore Windfarm include the offshore wind turbines, inter-array cables, offshore substation platforms and platform link (interconnector) cables to connect offshore substations.
Intertidal area	The area between Mean High Water Springs and Mean Low Water Springs.
Intertidal Infrastructure Area	The temporary and permanent areas between MLWS and MHWS.
Landfall	The area in which the offshore export cables make landfall (come on shore) and the transitional area between the offshore cabling and the onshore cabling. This term applies to the entire landfall area at Lytham St. Annes between Mean Low Water Springs and the transition joint bay inclusive of all construction works, including the offshore and onshore cable routes, intertidal working area and landfall compound(s).
Local Authority	A body empowered by law to exercise various statutory functions for a particular area of the United Kingdom. This includes County Councils, District Councils and County Borough Councils.
Local Highway Authority	A body responsible for the public highways in a particular area of England and Wales, as defined in the Highways Act 1980.
Main rivers	The term used to describe a watercourse designated as a Main River under the Water Resources Act 1991 and shown on the Main River Map. These are usually larger rivers or streams and are managed by the Environment Agency.
Marine licence	The Marine and Coastal Access Act 2009 requires a marine licence to be obtained for licensable marine activities. Section 149A of the Planning Act 2008 allows an applicant for to apply for 'deemed marine licences' in English waters as part of the development consent process
Maximum design scenario	The realistic worst case scenario, selected on a topic-specific and impact specific basis, from a range of potential parameters for the Transmission Assets.
Mean High Water Springs	The height of mean high water during spring tides in a year.
Mean Low Water Springs	The height of mean low water during spring tides in a year.
Micro-tunnel / micro-tunnelling	A tunnelling technique involving the use of a hydraulic (or other) jacking rig and a mini (or micro) tunnel boring machine to install a concrete tunnel between two points.
Mitigation measures	This term is used interchangeably with Commitments. The purpose of such measures is to avoid, prevent, reduce or, if possible, offset significant adverse environmental effects.
Morecambe Offshore Windfarm: Generation Assets	The offshore generation assets and associated activities for the Morecambe Offshore Windfarm.

Term	Meaning
Morecambe Offshore Windfarm: Transmission Assets	The offshore export cables, landfall, and onshore infrastructure required to connect the Morecambe Offshore Windfarm to the National Grid.
Morecambe OWL	Morecambe Offshore Windfarm Limited is owned by Copenhagen Infrastructure Partners' (CIP) fifth flagship fund, Copenhagen Infrastructure V (CI V).
Morgan and Morecambe Offshore Wind Farms: Transmission Assets	<p>The offshore export cables, landfall, and onshore infrastructure for the Morgan Offshore Wind Project and the Morecambe Offshore Windfarm. This includes the offshore export cables, landfall site, onshore export cables, onshore substations, 400 kV grid connection cables and associated grid connection infrastructure such as circuit breaker compounds.</p> <p>Also referred to in this report as the Transmission Assets, for ease of reading.</p>
Morgan Offshore Wind Project: Generation Assets	The offshore generation assets and associated activities for the Morgan Offshore Wind Project.
Morgan Offshore Wind Project: Transmission Assets	The offshore export cables, landfall and onshore infrastructure required to connect the Morgan Offshore Wind Project to the National Grid.
Morgan OWL	Morgan Offshore Wind Limited is a joint venture between JERA Nex bp (JNbp) and Energie Baden-Württemberg AG (EnBW).
National Grid Penwortham substation	The existing National Grid substation at Penwortham, Lancashire.
National Policy Statement(s)	The current national policy statements published by the Department for Energy and Net Zero in 2023 and adopted in 2024.
Offshore booster station	A fixed structure located along the offshore export cable route, containing electrical equipment to ensure bulk wind farm capacity can be fully transmitted to the onshore substations.
Offshore substation platform(s)	A fixed structure located within the wind farm sites, containing electrical equipment to aggregate the power from the wind turbine generators and convert it into a more suitable form for export to shore.
Offshore export cables	The cables which would bring electricity from the Generation Assets to the landfall.
Offshore export cable corridor	The corridor within which the offshore export cables will be located.
Offshore Permanent Infrastructure Area	The area within the Transmission Assets Offshore Order Limits (up to MLWS) where the permanent offshore electrical infrastructure (i.e. offshore export cables) will be located.
Offshore Order Limits	See Transmission Assets Order Limits: Offshore (below).
Offshore substation platform(s)	A fixed structure located within the wind farm sites, containing electrical equipment to aggregate the power from the wind turbine generators and convert it into a more suitable form for export to shore.
Onshore export cables	The cables which would bring electricity from the landfall to the onshore substations.
Onshore export cable corridor	The corridor within which the onshore export cables will be located.
Onshore Infrastructure Area	The area within the Transmission Assets Order Limits landward of MHWS. Comprising the offshore export cable corridor from MHWS to



Term	Meaning
	the transition joint bay, onshore export cable corridor, onshore substations and 400 kV grid connection cable corridor, and associated temporary and permanent infrastructure including temporary and permanent compound areas and accesses. Those parts of the Transmission Assets Order Limits proposed only for ecological mitigation and/or biodiversity benefit are excluded from this area.
Onshore Order Limits	See Transmission Assets Order Limits: Onshore (below).
Onshore substations	The onshore substations will include a substation for the Morgan Offshore Wind Project: Transmission Assets and a substation for the Morecambe Offshore Windfarm: Transmission Assets. These will each comprise a compound containing the electrical components for transforming the power supplied from the generation assets to 400 kV and to adjust the power quality and power factor, as required to meet the UK Grid Code for supply to the National Grid.
Preliminary Environmental Information Report	A report that provides preliminary environmental information in accordance with the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017. This is information that enables consultees to understand the likely significant environmental effects of a project, and which helps to inform consultation responses.
Renewable energy	Energy from a source that is not depleted when used, such as wind or solar power.
Scour protection	Protective materials to avoid sediment being eroded away from the base of the foundations due to the flow of water.
Substation	Part of an electrical transmission and distribution system. Substations transform voltage from high to low, or the reverse by means of electrical transformers.
The Secretary of State for Energy Security and Net Zero	The decision maker with regards to the application for development consent for the Transmission Assets.
Transmission Assets	See Morgan and Morecambe Offshore Wind Farms: Transmission Assets (above).
Transmission Assets Order Limits	The area within which all components of the Transmission Assets will be located, including areas required on a temporary basis during construction and/or decommissioning (such as construction compounds).
Transmission Assets Order Limits: Offshore	<p>The area within which all components of the Transmission Assets seaward of Mean Low Water Springs will be located, including areas required on a temporary basis during construction and/or decommissioning.</p> <p>Also referred to in this report as the Offshore Order Limits, for ease of reading.</p>
Transmission Assets Order Limits: Onshore	<p>The area within which all components of the Transmission Assets landward of Mean High Water Springs will be located, including areas required on a temporary basis during construction and/or decommissioning (such as construction compounds).</p> <p>Also referred to in this report as the Onshore Order Limits, for ease of reading.</p>

## Acronyms

Acronym	Meaning
AIS	Air Insulated Switchgear
AOD	Above Ordnance Datum
BCA	Bilateral Grid Connection Agreement
CoCP	Code of Construction Practice
CoT	Project Commitment
CBRA	Cable Burial Risk Assessment
CfD	Contracts for Difference
CMS	Construction Method Statement
CSIP	Cable Specification and Installation Plan
CTMP	Construction Traffic Management Plan
DCO	Development Consent Order
DECC	Department of Energy and Climate Change
Defra	Department for Environment, Food and Rural Affairs
DESNZ	Department for Energy Security & Net Zero
dML	Deemed Marine Licence
EnBW	Energie Baden-Württemberg AG
EIA	Environmental Impact Assessment
EMP	Environmental Management Plan
EPP	Evidence Plan Process
ES	Environmental Statement
EWG	Expert Working Group
GIS	Gas Insulated Switchgear
HDD	Horizontal Directional Drilling
HGV	Heavy goods vehicle
HNDR	Holistic Network Design Review
HVAC	High Voltage Alternating Current
IALA	International Association of Marine Aids to Navigation and Lighthouse Authorities
IAQM	Institute of Air Quality Management
LAT	Lowest Astronomical Tide
MCA	Maritime and Coastguard Agency
MCZ	Marine Conservation Zone
MDS	Maximum Design Scenario



Acronym	Meaning
MHWS	Mean High Water Springs
MLWS	Mean Low Water Springs
MMO	Marine Management Organisation
MPS	Marine Policy Statement
MTBM	Mini (or micro) tunnel boring machine
NGESO	National Grid Electricity System Operator
NPS	National Policy Statement
NSIP	Nationally Significant Infrastructure Project
O&M	Operation and Maintenance
OSP	Offshore Substation Platform
OTNR	Offshore Transmission Network Review
PDE	Project Design Envelope
PEIR	Preliminary Environmental Information Report
PPP	Pollution Prevention Plan
PRoW	Public rights of way
SAC	Special Areas of Conservation
SAR	Search and Rescue
SPA	Special Protection Area
SNCBs	Statutory Nature Conservation Bodies
SSSI	Sit of Special Scientific Interest
SWMP	Site Waste Management Plan
TEP	Technical Engagement Plan
TJB	Transition Joint Bay
UK	United Kingdom
UXO	Unexploded Ordnance
WSI	Written scheme of investigation

## Units

Unit	Description
%	Percentage
dB	Decibels
Kg	Kilogram
kHz	Kilohertz

Unit	Description
KJ	Kilojoules
km	Kilometres
km <sup>2</sup>	Kilometres squared
kV	Kilovolt
m	Metres
m <sup>2</sup>	Metres squared
m <sup>3</sup>	Metres cubed
nm	Nautical mile
μPa	micropascal

# 1 Introduction

## 1.1 Deadline 4 Submissions

### 1.1.1 The Applicants' Submission at Deadline 4 on 8 August 2025 for Compulsory Acquisition Hearing 2 Action Point 16: Blight Note

1.1.1.1 This note is provided in response to Compulsory Acquisition Hearing 2 (ISH2), Action Point 16 (CAH2\_16) which states:

1.1.1.2 *'Provide a second Blight note correcting positions in the response to action point CAH1.12 [REP1-037] as requested in Examining Authority's written questions 1 and repeated at CAH2.'*

1.1.1.3 In respect of the Applicants previous statements, Annexure 1 to this note provides collated extracts of previous submissions relating to Blight, the ExA's questions, responses and statements at Hearings. The Applicants understand that there are four points at issue:

- The initial assertion that Blight claims could only be raised in respect of residential properties did not adequately express the Applicants position, however this was subsequently corrected in response to CAH1 Action Point 12 (see Annexure 1).
- The Applicants' statement that a Blight Notice must always be supported by evidence of "reasonable endeavours" to sell is inaccurate for land included in a Development Consent Order application; this was clarified in response to the Examining Authorities First Written Questions (See Annexure 1).
- The statement that the requirement to show that a substantially lower price can only be achieved "in effect requires evidence that the land has been [marketed]" was a statement of professional judgement and the Applicants accept that it is not a rule of law (as per the approach of the Upper Tribunal in *Cole v National Grid Electricity Transmission PLC* (2021 UKUT 0126 (LC)). The statement reflects the fact that without evidence the Upper Tribunal in a disputed Blight claim would be forced to rely on professional opinion with the inherent risk of applying a weight to opinion, as opposed to evidence.
- The Applicants' statement that there is no rateable value threshold for agricultural units was a reflection of the fact that agricultural land and buildings are generally exempt from business rates, meaning they do not have a rateable value for non-domestic rating purposes (Local Government Finance Act 1988). This exemption is outlined in the Valuation Office Agency's (VOA) Rating Manual, specifically in Part 6: Exemptions – Part D: Agricultural Premises.

## 1.2 Compulsory Acquisition Hearing 2

- 1.2.1.1 At CAH2 the Examining Authority also asked the Applicants to<sup>1</sup>:
- 1.2.1.2 *Address concerns relating to compliance with Paragraph 18 of the Compulsory Acquisition Guidance on “Resource implications of the proposed scheme”; and*
- 1.2.1.3 *Clarify how Blight might apply, arise and what the issues are and confirm that the Applicants understand the basic principles around Blight.*

### 1.2.2 Resource implications of the Proposed Scheme

- 1.2.2.1 The Applicants’ professional advisors are reassessing the Property Cost Estimates (APP-009 and APP-010) in so far as they relate to Blight and if needed will provide revised versions at Deadline 5.
- 1.2.2.2 This will address whether the position as outlined in the updated Funding Statement (APP-008) is sufficient to satisfy the Requirements of Paragraph 18 of the Compulsory Acquisition Guidance. In particular whether:
- 1.2.2.3 “...the resource implications of a possible acquisition resulting from a blight notice have been taken account of.”

### 1.2.3 How Blight might apply

- 1.2.3.1 Blighted land occurs when land is affected by planning proposals of acquiring authorities as identified in Schedule 13 of the Town and Country Planning Act 1990 (“1990 Act”), Paragraph 12 of that Schedule is relevant to DCOs and provides that land is blighted where:
- an application for a development consent order seeks authority to compulsorily acquire that land (paragraph 24(c))
  - compulsory acquisition of the land is authorised by a development consent order (paragraph 24(a)) or
  - land falls within the limits of deviation within which powers of compulsory acquisition conferred by a Development Consent Order are exercisable (paragraph 24(b)).
- 1.2.3.2 The power to acquire rights or land within the Order limits by the Applicants in the Transmission Assets Development Consent Order is therefore capable, in principle, of rendering any farm blighted land which would justifying the service of a Blight Notice under section 150 and section 158 of the 1990 Act.

<sup>1</sup> [https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN020032/EN020032-001704-MM\\_AUG01\\_CAH2\\_PT2.pdf](https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN020032/EN020032-001704-MM_AUG01_CAH2_PT2.pdf)

## 1.2.4 Agricultural units and eligibility to claim under Blight

1.2.4.1 A claimant under section 150 of the 1990 Act must be able to show that they have a qualifying interest in the land (section 148(2) of the 1990 Act). For an agricultural unit a qualifying interest is that of an owner-occupier.

1.2.4.2 An owner-occupier is defined in section 168(2) of the 1990 Act as follows:

*“Subject to the following provisions of this section, in this Chapter “owner-occupier”, in relation to an agricultural unit, means a person who—*

*(a) occupies the whole of that unit and has occupied it during the whole of the period of six months ending with the date of service; or*

*(b) occupied the whole of that unit during the whole of a period of six months ending not more than 12 months before the date of service,*

*and, at all times material for the purposes of paragraph (a) or, as the case may be, paragraph (b) has been entitled to an owner's interest in the whole or part of that unit.”*

1.2.4.3 Section 168(4) of the 1990 Act defines an “owner’s interest” as:

*“In relation to a hereditament or agricultural unit, means a freehold interest in it or a tenancy of it granted or extended for a term of years certain not less than three years of which remain unexpired on the date of service”;*

1.2.4.4 As confirmed in the Applicants’ response to Issue Specific Hearing 2, Action Point 30 (Approach to landholdings, Construction and Engagement) of the 51 landholdings within the Order Limits there are 38 owner-occupied land holdings.

1.2.4.5 As set out in section 150 of the 1990 Act for a Blight Notice to be accepted and compensation to be payable, it must be supported by evidence the claimant would be unable to sell the land or could only do so at a reduced price substantially lower than that which it might reasonably have been expected to sell if not for the Transmission Assets.

## 1.3 Property Cost Estimates and Blight

1.3.1.1 The Applicants also note that a Blight claim is effectively a reverse compulsory purchase (in that it is initiated by the affected land interest). The Applicants are actively seeking to acquire by agreement the rights to construct and operate the Transmission Assets. This includes the freehold land required for the substations (which would render a Blight claim unnecessary). In the event that these negotiations are not successful the Applicants have accounted for the implications of acquiring the land needed for the substations in the Property Cost Estimates under the headings of “Acquisition of freehold land”; “Acquisition of permanent rights”; “Injurious Affection and severance”

and “Business Loss Claims”. The Applicants consider that also accounting for these costs as potential Blight would be ‘double-counting’.

- 1.3.1.2 Whilst eligibility under section 158 of the 1990 Act (Inclusion in Blight Notices of requirement to purchase parts of agricultural units unaffected by Blight) does not require the whole of a holding to be subject to compulsory acquisition for a Blight claim, no indication has been given by the Applicants to date that any affected interests wish to give up farming or that any unaffected land is incapable of being farmed. Whilst the Applicants are committed to ensuring that existing farming activities continue across the Order Land, they acknowledge that this position may change during and after the Transmission Assets examination and decision, and therefore have committed to reviewing and updating the approach to Blight within the Property Cost Estimates (APP-009 and APP-010) that form part of the Funding Statement.

## 1.4 Conclusion: Blight in practice

- 1.4.1.1 The Applicants have reviewed the record of the Upper Tribunal (Lands Chamber) as extracted in Annexure 2 and can confirm that in the period since 2003 there have been a total of 7 contested Blight Notice cases heard by the Upper Tribunal. Whilst this reflects the limited number of contested Blight claims, rather than the actual number of Blight claims made in that period, the Applicants suggest that it is reflective of the limited use of Blight Notices for this type of projec.
- 1.4.1.2 Of the 7 recorded cases noted above none relate to an offshore wind farm Development Consent Order or that of any associated transmission assets.
- 1.4.1.3 Neither the Applicants, their land agents or solicitors have experienced a Blight claim arising from a linear buried cable project seeking compulsory powers to acquire rights in land and to construct by use of temporary possession.
- 1.4.1.4 In relation to the acquisition of land for the proposed onshore substations (which the Applicants consider would be the most obvious potential Blight claim), the Applicants have made provision for the acquisition of this land by voluntary agreement. If voluntary agreement cannot be reached, then such costs are accounted for in the Property Cost Estimates. Therefore, to also account for these costs as potential Blight would be ‘double-counting’.
- 1.4.1.5 In conclusion, the Applicants’ position on Blight is informed by practice and their view that the continued existence of all farming businesses along the cable route is compatible with the installation of the Transmission Assets. The Applicants also consider that the Transmission Assets would not result in affected parties being unable to sell or do so at a substantially lower price than that for which it might reasonably have been expected to sell, in accordance with the test in Section 150(1)(c) of the 1990 Act.

## ANNEXURE 1: THE APPLICANTS PREVIOUS SUBMISSIONS ON BLIGHT

<b>The Application</b>	<p>The Statement of Reasons (REP1-012) confirmed at paragraph 1.12.1.2 that: “<i>The Applicants are satisfied, having taken professional advice, that there is sufficient funding available to develop and construct the Transmission Assets, including all liabilities in relation to the acquisition of interests in land.</i>”</p> <p>The Funding Statement (APP-008) confirms that Blight is a possible head of liability at paragraph 1.7.2.2 for Morecambe OWL and 1.7.1.2 for Morgan OWL along with liability for compulsory acquisition, compensation arising from temporary works, severance and injurious affection, third party professional fees, Section 10 and Part 1 Claims, business loss claims, development and minerals.</p> <p>The Applicants consider the likelihood of valid blight claims to be very low, and have not identified any parties that we consider would have such a claim. However, we have made a contingent allowance in the Property Cost Estimate (“PCE”) for blight. Property Cost Estimate:</p> <p><a href="#">Annex 1 Morgan Offshore Wind Farm Ltd PCE</a> - £100,000 + 10% contingency and £24,089 interest  <a href="#">Annex 2 Morecambe Offshore Windfarm Ltd PCE</a> - £100,000 + 10% contingency and £24,089 interest</p> <p>[Post Hearing Note - The PCE Annexes will be updated in line with our response on Blight]</p>
<b>CA Hearing 1</b>	<p>The Applicants submitted that blight claims could only be raised in respect of residential properties.</p>
<b>Response to Hearing Action Points</b>	<p><b>Action point 12 raised at CAH1</b></p> <p>The applicants submitted that blight claims could only be raised in respect of residential properties. Provide a note on the scope of blight claims. Applicants to confirm the figures in the Funding Statement take into account potential businesses losses and make any necessary updates.</p> <p><b>Response</b></p> <p>Blight claims allow a qualifying interest to call for their land or property to be acquired early i.e., before the acquiring authority would otherwise acquire it for the development. Relevant qualifying interests for blight claims are:</p> <ul style="list-style-type: none"> <li>• a resident owner-occupier of a private dwelling</li> <li>• an owner-occupier of any business property where the annual (rateable) value does not exceed the prescribed limit at the date of service of blight notice (£36,000 in England excluding Greater London and £44,200 in Greater London based on 2017 rateable value)</li> <li>• an owner-occupier of an agricultural unit</li> <li>• certain mortgages and personal representatives</li> </ul> <p>For a blight notice to be accepted and compensation to be payable, it must be supported by evidence that the claimant has made reasonable endeavours to sell the land or property in question and that the claimant has been unable to do so or could only do so at a reduced price substantially lower than that which it might reasonably have been expected to sell if not for the development.</p> <p>Throughout the course of consultations and negotiations with landowners and occupiers along the route, the Applicants have not been made aware of:</p> <ul style="list-style-type: none"> <li>• any attempts to sell any of the land subject to compulsory acquisition that has resulted in the land or property only being able to be disposed of at a significantly lower value, or</li> <li>• any qualifying interests intending to serve a blight notice</li> </ul> <p>The only instances where the Applicants are seeking to compulsorily acquire the freehold title is over land required for the substation and the related landscaping and environmental mitigation works:</p> <ul style="list-style-type: none"> <li>• for Morgan this is plots 11-123A, 11-124A, 12-019A, 12-027A, 12-005A, 11-125A, 11-126A, 12-029A, 12-011A, 12-006A, 14-012A, 14-013A, 14-014, 14-015, 14-016A, 14-017, 14-018, 14-019A, 14-020, 14-021, 14-025A, 14-026A, 14-027A, 16-033, 16-038A, 16-039, 16-040A, 16-041, 16-056A, 16-057, 16-058A, 16-059, 16-060A, 16-065A, 16-066, 16-067A, 16-069A, and</li> <li>• for Morecambe plots 9-002B, 11-109B, 13-008B, 13-009B, 14-028B, 14-029B, 14-030, 14-031B, 14-032, 14-033B, 14-034B, 14-035, 16-061B, 16-062, 16-063B) as set</li> </ul>



	<p>out in the Statement of Reasons and Book of Reference</p> <p>The Applicants are not aware that any land for which compulsory acquisition is sought would comprise a qualifying interest for the purposes of a blight claim. On the basis of the above, the Applicants consider it unlikely blight claims would be received and a contingency of £100,000 is included within the property cost estimate. The Property Cost Estimates (APP-009 and APP-010) does include compensation for claims under Part 1 of the Land Compensation Act 1973. This is an amount of compensation for depreciation due to the use of infrastructure installed for the project where no land is taken. This mechanism can be used to claim compensation for the depreciation in the value of land or property caused by physical factors arising from the use of public works, such as noise, vibration, smell, fumes, smoke, artificial lighting, and the discharge of any solid or liquid substance. Therefore, if the operation of the assets once installed cause a depreciation in land value, a Part 1 claim would be made.</p> <p>Compensation arising from the temporary construction works including loss of livestock production, crops, business losses / extinguishment, losses associated with above ground structures, reinstatement costs and claimant's justified time has been included within the Property Cost Estimates submitted (APP-009 and APP-010). The Applicants therefore do not consider there is a need to update the property cost estimate submitted with the Application at this time.</p>
<b>ExA First Written Questions</b>	<p>The applicants' submissions on planning blight have led to some uncertainty. There are several limbs to this:</p> <p><b>Q5.1.8 a)</b> Blight was raised at CAH1 and it was asserted on behalf of the applicants that this only applied to residential properties and not to businesses. That has now been corrected and a fuller explanation as to blight provided in response to action point 12 raised at CAH1 [EV5-006]. However, the detail provided still seems to require clarification. At section CAH1_12 [REP1-037], it is stated that "for a blight notice to be accepted and compensation to be payable, it must be supported by evidence that the claimant has made reasonable endeavours to sell the land." The applicants are referred to section 8 of the Land Compensation Manual section 15 and also section 150 of the Town and Country Planning Act 1990. From this, it seems that land authorised to be acquired under a DCO is excluded from the requirement to make "reasonable endeavours to sell" as detailed in paragraph 4.2 of the Land Compensation Manual.</p> <p><b>Answer:</b> The Applicants confirm that Section 150(1)(b) of the Town and Country Planning Act 1990 excludes land authorised to be acquired under a DCO, or included within a DCO application, from the requirement to show "reasonable endeavours" have been made to sell. However, there remains the requirement to show that a substantially lower price can only be achieved for that land in consequence of its inclusion in the DCO or DCO application, per Section 150(1)(c) which in effect requires evidence that the land has been marketing for sale.</p> <p><b>Q5.1.8 b)</b> Please explain why none of the land "for which compulsory acquisition is sought would comprise a qualifying interest for the purposes of a blight claim." As contained in the reply to CAH1.12, [REP1-037]. There is reference to the rateable value of £36,000 but this relates to the owner occupier category. Do the applicants believe this limit also relates to the separate category of an agricultural unit?</p> <p><b>Answer:</b> The Applicants' position is that they are not aware that any land for which compulsory acquisition is sought would comprise a qualifying interest for the purposes of a blight claim. Not, as the question states that "none of the land "for which compulsory acquisition is sought would comprise a qualifying interest for the purposes of a blight claim.""</p> <p>There is no rateable value threshold for agricultural units and business rates are not charged on agricultural land and buildings.</p> <p><b>Q5.1.8 c)</b> Under s.158 Town and Country Planning Act 1990 a blight claim can be brought even if only a section of the farm is sought in circumstances where what remains of the farm is not capable of being farmed as a separate agricultural unit.</p> <p><b>Answer:</b> In relation to Section 158 of the TCPA 1990, the Applicants do not expect any such claims to be made based on their discussions with farmers and landowners to date. The nature of the cable works is such that construction activities will be limited to several months per project (as explained in the Applicants' response to Q1.1.3) and agricultural activities can resume post-construction. For these and the substation works the Applicants are committed to ensuring businesses can continue as a result of the proposed works and are in ongoing discussions with the owners of substation sites and the related landscaping and environmental mitigation works areas areas.</p> <p><b>Q5.1.8 d)</b> Please reconsider the position as set out in this action point response and provide a separate note with a further assessment and, if appropriate, corrections? This note should include the timescale allowed for bringing a blight claim as it does seem unlikely that any landowner would currently be marketing their property before any DCO is granted by the Secretary of State.</p> <p><b>Answer:</b></p>

As noted above, no such claims are expected although the Applicants accept that in theory, given that “reasonable endeavours” are not required there is sufficient time between Deadline 3 and the Secretary of State decision on the DCO for parties to try and sell their properties. However, given the ongoing discussions with landowners and those with a relevant interest in the land, and nature of the works proposed, the Applicants consider this is extremely unlikely.

The statutory blight regime under sections 149 to 171 of the TCPA 1990 allows “qualifying landowners” to serve a blight notice requiring the acquiring authority to purchase their interest in the land to effectively bring forward the acquisition of the interest to a time that suits the claimant. This is sometimes described as a form of compulsory purchase in reverse, because it is the landowner who initiates the procedure leading to the acquisition of their interest.

A blight notice can be submitted at any time, but the landowner must hold a “qualifying interest” as defined in sections 149(2) and 168 of the TCPA 1990, demonstrate reasonable efforts to sell the land, and be unable to sell it or only able to do so at a significantly reduced price. According to section 150 of the TCPA 1990, a blight notice may be served by a qualifying person for land that falls within a category listed in Schedule 13 to the TCPA 1990, including land subject to a DCO application containing compulsory acquisition powers (paragraph 24(c) of Schedule 13).

There is no fixed statutory deadline for serving a blight notice, but it must be served while the land remains “blighted land” as defined in Schedule 13, and the claimant meets the conditions of sections 149(2) and 150(1) of the TCPA 1990. In practice, a landowner can only serve a valid blight notice once they meet the relevant qualifying interest criteria, have made reasonable efforts to sell, and are unable to do so except at a substantially lower price. The Applicants acknowledge that it is unlikely a landowner would have marketed their land before any decision is made on the DCO application, but this is consistent with the legislation, which allows for a blight notice to be served at any time while the statutory tests are met to bring forward the acquisition of the land or rights in land.

It is also important to emphasise that the existence of a theoretical right to serve a blight notice does not in itself give rise to any certainty that compensation will become payable. If a notice is served, the Applicants would have two months to object by serving a counter-notice. If a claimant wishes to challenge such an objection, they must refer the matter to the Lands Chamber of the Upper Tribunal within a further two months. Even then, the Tribunal will only uphold a blight notice if all statutory conditions are satisfied (including demonstrating a qualifying interest, compliance with any marketing requirements, and that the land is genuinely “blighted” under Schedule 13 of the TCPA 1990).

The Applicants therefore submit that their approach to blight in the Funding Statement and application materials is appropriate given the absence of any indication to date of qualifying blight claims being considered or prepared.

The Applicants have not produced a separate blight note as they consider the position with regards to the likelihood of a claim being made and potential timings for blight claims is clearly set out in this response.

**Q5.1.9** The issues concerning blight creates uncertainty as to whether the application is in accordance with the funding requirements of paragraph 18 of the ‘Planning Act 2008 Guidance relating to procedures for the compulsory acquisition of land’ (the CA Guidance’). The original Funding Statements [APP-008] made an allowance of £100,000 for each of the two applicants which was subject to a limited increase over time. Quite a number of businesses have indicated that they may need to close if the proposed development receives consent and is implemented. The majority of these businesses are farm related. If one of the farm businesses brings a blight claim and this is accepted, then the compensation may be significantly greater than the projected £100,000. Can the applicants reconsider whether or not these figures are realistic bearing in mind the businesses indicating they may need to consider closure if the proposed development proceeds?

**Answer:**

The Applicants have accounted for business loss within the Business Loss Claims section of the Property Cost Estimates (Morgan APP-009, Morecambe APP-010) as a result of the works. The Business Loss Claims amount included has been assessed on those losses which can be demonstrated that they are a natural and reasonable consequence of the Project, with the claimant evidencing they have used reasonable endeavours to mitigate their proven losses.

Blight claims

The Applicants note that paragraph 18 of the “Guidance related to procedures for the compulsory acquisition of land” (the CA Guidance) provides that the “Applicants should be able to demonstrate that adequate funding is likely to be available to enable the compulsory acquisition within the statutory period following the order being made, and that the resource implications of a possible acquisition resulting from a blight notice have been taken account of”. As explained in paragraph 1.12.1.2 of the Statement of Reasons (REP1-012), the Applicants are satisfied, having taken professional advice, that sufficient funding is available to meet all compulsory acquisition liabilities, including any arising from blight.

The Funding Statement (APP-008), supported by Property Cost Estimates for each of the Morgan and Morecambe Transmission Assets (APP-009 and APP-010) demonstrates that potential blight liabilities have been factored into the estimated compensation budget. The figures allocated for blight reflect the specific and limited scope of statutory blight under the TCPA 1990, and that the Applicants consider blight claims to be unlikely.

As set out in the Applicants’ response to Q5.1.8 above, statutory blight is a narrow and conditional compensation mechanism that requires a qualifying interest, the land to fall within a defined class of “blighted land” (paragraph 24(c) of Schedule 13 of the TCPA 1990), and at this stage, evidence that the claimant has been unable , except at a substantially reduced price. No landowner has indicated an intention to submit a blight claim, nor has any party raised specific concerns that the Application has impaired their ability to sell land or property. In addition, the Applicants consider that the existence of compulsory acquisition powers within a DCO does not automatically trigger blight, but instead creates the possibility for eligible landowners to seek early acquisition, subject to strict legal criteria. The Applicants may contest a notice, and there is no obligation to accept a blight claim unless the statutory tests are met.

Nonetheless, the Applicants have each allocated a £134,089 allowance for blight claims (inclusive of a 10% contingency and interest), set out in the Property Cost Estimates (APP-009 and APP-010). These sit alongside substantially larger sums allocated to other heads of compensation, including business loss claims, compulsory acquisition of land and rights, and injurious affection and severance, totalling £19,967,103 (APP-009) for Morgan and £15,562,417 for Morecambe (APP-010). The Examining Authority is therefore asked to note that potential statutory blight has been appropriately considered and accounted for within the wider compensation provisions and should not be viewed in isolation or overstated in terms of risk or cost exposure.

**Q5.1.10:**

Linked to the above is the responsibility to meet any compensation for planning blight. The two applicant companies are both subsidiaries with what are likely to be very limited assets (although accounts have not been provided to the examination). The company which has agreed to purchase the shares in Morecambe Offshore Wind Farm is another newly formed company. It is not clear how an affected person bringing a blight claim can be confident that the applicants’ company has sufficient assets to meet the amount of compensation. This is contrary to paragraph 18 of the CA Guidance. It also conflicts with the statement at paragraph 1.11.1.12 of the original Statement of Reasons (SoR) [APP-013] as the lack of funds held by the applicants means there is little compensation available in the event a business has to close because of the proposed development. How do the applicants propose to meet this concern?


**Answer:**

Structure of the Applicants

As is standard for infrastructure projects of this nature, the Applicant companies are special purpose vehicles (**SPVs**) which are backed by parent companies with significant assets as well as the ability to raise funds, if necessary, through debt financing as explained in Section 1.5 of the Funding Statement (APP-008). The Applicants response to ExQ5.1.9 confirms how the Applicants companies have made provision for blight liabilities within their Property Cost Estimates (APP-009 and APP-010). On this basis, the Applicants consider that they have complied with paragraph 18 of the CA guidance as the information provided by the Applicants in their Funding Statement (APP-008) and Property Costs Estimates (APP-009 and APP-010) demonstrates that *‘the resource implications of a possible acquisition resulting from a blight notice have been taken account of’* through those documents. As set out in the Applicants’ response to ExQ 5.1.7 above, the Applicants acknowledge that Morecambe Offshore Windfarm Limited is an SPV and that its parent company is in the process of being acquired by Copenhagen Infrastructure Partners’ fifth flagship fund (CI V), a fund which has raised approximately €32 billion from over 180 institutional investors worldwide and has a proven track record in funding and delivering large-scale energy infrastructure. Once the transaction is complete, Morecambe will benefit from the financial backing and guarantees of CI V.

## ANNEXURE 2: UPPER TRIBUNAL (LANDS CHAMBER (JUDGEMENTS ON BLIGHT))

### Record of Search

Date 	File No.	Category	Subcategory
27/05/2021	BNO-2020-55	BLIGHT NOTICE	Blight notice
Hinkley Point C Connection Project - rights acquired over garden and out building of house in rural location – existing pylons to be removed - new pylons and underground high voltage cables to be installed – whether property blighted – ss.150(1), 151(4)(c) and (g), Town and Country Planning Act 1990 – reference dismissed			
15/05/2018	BNO-2017-10	BLIGHT NOTICE	Blight notice
Underground gas storage facility – rights acquired over driveway leading to house and buildings in rural location – wellheads to be installed in proximity to house – adjoining property sold without diminution in value – whether property blighted – s.150(1), 151(4)(c) and (g), Town and Country Planning Act 1990 – reference dismissed			
06/02/2012	BNO-2010-599	BLIGHT NOTICE	Blight notice
Business premises – alleged blighted land – claimant's failure to comply with prescribed form – reasonable endeavours to sell – failure to sell – counter notice - appropriate authority's intention not to acquire any part of land due to proposed cancellation of prospective scheme – claimants' objections not upheld – blight notice invalid – Town & Country Planning Act 1990 section 150 (1)(b)&(c); section 151(4)(g) and Schedule 13 paras 21 & 22			
22/12/2009	BNO-2008-512	BLIGHT NOTICE	Blight notice
BLIGHT NOTICE – maisonette – blighted land – appropriate authority's intention not to acquire any part of hereditament – reasonable endeavours to sell – unable to sell unless at substantially reduced price – claimant's failure to comply with prescribed form – objections not upheld – blight notice valid – Town and Country Planning Act 1990 section 151(4)(a), (b) and (g)			
08/12/2006	BNO-2005-202	BLIGHT NOTICE	Blight notice

BLIGHT NOTICES – residential dwelling in vicinity of and in part physically affected by proposed trunk road improvement – whether objection to blight notices valid and/or well founded - Town and Country Planning Act 1990 sections 150(1)(b) and (c), 151(4)(c) and 166(2) – counter-notice valid and well founded			
19/11/2004	BNO-2004-14	BLIGHT NOTICE	Blight notice
BLIGHT NOTICE - land protected from development by proposals for a relief road - whether blight notice and counter-notice valid and if counter-notice valid, whether that objection to blight notice well founded - determined blight notice and counter-notice valid but counter- notice not well founded - Town and Country Planning Act 1990 sections 150(1)(b) and (c) and 151(4)(g)			
24/01/2003	BNO-2002-129	BLIGHT NOTICE	Blight notice
BLIGHT NOTICE – house in vicinity of area identified in Government consultation document as option for airport expansion – whether blighted land – Town and Country Planning Act 1990 Schedule 13 para 1 – counter-notice of respondent upheld			

Upper Tribunal (Lands Chamber) Records as of 02 August 2025:

## Search For Decisions

[\[Search Again\]](#) [\[Most Recent Decisions\]](#)

Category	6 BLIGHT NOTICE ▼		
SubCategory	6.1 Blight notice ▼		
Decision Date	<input type="text"/> (dd/mm/yyyy)		
File Number	<input type="text"/>	<input type="text"/>	<input type="text"/>
From Date	<input type="text"/> (dd/mm/yyyy)		
To Date	<input type="text"/> (dd/mm/yyyy)		
Party Name	<input type="text"/>		
Judge/Member	-- Choose a Commissioner -- ▼		
Case Number (NCN)	R ( <input type="text"/> ) <input type="text"/> / <input type="text"/>		
<input type="button" value="Search &gt;&gt;"/>			

Date ↓	File No.	Category	Subcategory
27/05/2021	BNO-2020-55	BLIGHT NOTICE	Blight notice
15/05/2018	BNO-2017-10	BLIGHT NOTICE	Blight notice
06/02/2012	BNO-2010-599	BLIGHT NOTICE	Blight notice
22/12/2009	BNO-2008-512	BLIGHT NOTICE	Blight notice
08/12/2006	BNO-2005-202	BLIGHT NOTICE	Blight notice
19/11/2004	BNO-2004-14	BLIGHT NOTICE	Blight notice
24/01/2003	BNO-2002-129	BLIGHT NOTICE	Blight notice

Results 1 - 7 of 7

## Search For Decisions

[Search Again] [Most Recent Decisions]

Category	6 BLIGHT NOTICE ▼		
SubCategory	6.2 Preliminary Issue ▼		
Decision Date	<input type="text"/> (dd/mm/yyyy)		
File Number	<input type="text"/>	<input type="text"/>	<input type="text"/>
From Date	<input type="text"/> (dd/mm/yyyy)		
To Date	<input type="text"/> (dd/mm/yyyy)		
Party Name	<input type="text"/>		
Judge/Member	-- Choose a Commissioner -- ▼		
Case Number (NCN)	R ( <input type="text"/> ) <input type="text"/> / <input type="text"/>		
<input type="button" value="Search &gt;&gt;"/>			

Date ↓	File No.	Category	Subcategory
06/09/2021	LC-2019-65	BLIGHT NOTICE	Preliminary Issue
05/04/2017	BNO-2016-37	BLIGHT NOTICE	Preliminary Issue
21/05/2013	BNO-2012-9	BLIGHT NOTICE	Preliminary Issue
05/02/2008	BNO-2006-205	BLIGHT NOTICE	Preliminary Issue

Results 1 - 4 of 4