

# MORGAN AND MORECAMBE OFFSHORE WIND FARMS: TRANSMISSION ASSETS

Consents and Licences Required Under Other Legislation

Deadline: Deadline [36](#)  
PINS Reference: EN020028

Document Numbers:  
MOR001-FLO-CON-ENV-RPT-0133  
MRCNS-J3303-BGS-10006

APFP Regulations: 5(2)(q)

Document reference: J27/F0[34](#)  
Rev : F0[34](#)

[7 July](#)[22 October](#) 2025

Document status					
Version	Purpose of document	Authored by	Reviewed by	Approved by	Review date
F01	For issue	AS	September 2024	IM	September 2024
F02	Deadline 1	HK	May 2025	IM	May 2025
F03	Deadline 3	HK	July 2025	IM	July 2025
<a href="#">F04</a>	<a href="#">Deadline 6</a>	<a href="#">GL</a>	<a href="#">October 2025</a>	<a href="#">IM</a>	<a href="#">October 2025</a>

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## Glossary

Term	Meaning
2008 Act	The Planning Act 2008.
Applicants	Morgan Offshore Wind Limited (Morgan OWL) and Morecambe Offshore Windfarm Ltd (Morecambe OWL).
Blackpool Airport	The airport situated on the coast of Lancashire, in the borough of Fylde Council operated by Blackpool Airport Operations Limited.
Development Consent Order	An order made under the Planning Act 2008 granting development consent.
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 Planning Authority	The local government body (e.g., Borough Council, District Council, etc.) responsible for determining planning applications within a specific area.
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 to apply for 'deemed marine licences' in English waters as part of the development consent process.
Morecambe Offshore Windfarm: Generation Assets	The offshore generation assets and associated activities for the Morecambe Offshore Windfarm.
Morgan and Morecambe Offshore Wind Farms: Transmission Assets	The offshore and onshore infrastructure connecting the Morgan Offshore Wind Project and the Morecambe Offshore Windfarm to the national grid. 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.  Also referred to in this report as the Transmission Assets, for ease of reading.
Morgan Offshore Wind Project: Generation Assets	The offshore generation assets and associated activities for the Morgan Offshore Wind Project.

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## Acronyms

Acronym	Description
BAOL	Blackpool Airport Operations Limited
CAA	Civil Aviation Authority
DCO	Development Consent Order
DESNZ	Department for Energy Security and Net Zero
dML	Deemed marine licence
ES	Environmental Statement
FC	Fylde Council
FRAP	Flood Risk Activity Permit
LCC	Lancashire County Council
LLFA	Lead Local Flood Authority
MMO	Marine Management Organisation
MMMP	Marine Mammal Mitigation Protocol
NE	Natural England
Ofcom	Office of the Communications Regulator and Competition Authority
OREI	Offshore Renewable Energy Installations
PCC	Preston City Council
SNCB	Statutory Nature Conservation Body
SRBC	South Ribble Borough Council
UXO	Unexploded Ordnance

## Units

Unit	Description
dB	Decibel
kV	Kilovolts
km	Kilometres

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# 1 Consents and Licences Required Under Other Legislation

## 1.1 Introduction and summary

- 1.1.1.1 Morgan Offshore Wind Limited (Morgan OWL), ~~a joint venture of bp Alternative Energy Investments (hereafter referred to as bp) and Energie Baden-Württemberg AG (hereafter referred to as EnBW),~~ is developing the Morgan Offshore Wind Project: Generation Assets. Morecambe Offshore Windfarm Limited (Morecambe OWL), ~~(a joint venture between Zero-E Offshore Wind S.L.U. (Spain) (a Cobra Instalaciones y Servicios S.A. group company (Cobra)) and Flotation Energy Ltd,~~ is developing the Morecambe Offshore Windfarm: Generation Assets. The Transmission Assets are in the Irish Sea.
- 1.1.1.2 The Transmission Assets involve the construction of two transmission systems connecting the Morgan Offshore Wind Project: Generation Assets and the Morecambe Offshore Windfarm: Generation Assets to the National Grid Penwortham substation. The transmission works that are the subject of this application could have been consented with their respective windfarms, but in order to meet the requirements of the Offshore Transmission Network Review they are being consented in a single DCO. Morgan OWL and Morecambe OWL are therefore submitting this application as joint Applicants.
- 1.1.1.3 The principal consent for the Transmission Assets will be the DCO itself which provides development consent for the works and enables land acquisition and temporary possession, along with many consents and powers to be dealt with at the same time.
- 1.1.1.4 This document sets out the consents that are, or may be, required for the Transmission Assets that are not contained within the draft DCO. This document also provides details of the consents that the Applicants are seeking to disapply within the DCO and which, as a result, will not need to be applied for separately.
- 1.1.1.5 There is no requirement for this document in the Infrastructure Planning (Applications: Prescribed Forms and Procedures) Regulations 2009, but it is provided to assist in the examination of the DCO application. In addition, Department of Communities and Local Government Guidance related to procedures for the compulsory acquisition of land (September 2013) (the CA Guidance) states at paragraph 19:
- ‘The high profile and potentially controversial nature of major infrastructure projects means that they can potentially generate significant opposition and may be subject to legal challenge. It would be helpful for applicants to be able to demonstrate that their application is firmly rooted in any relevant national policy statement. In addition, applicants will need to be able to demonstrate that:*
- *any potential risks or impediments to implementation of the scheme have been properly managed;*

- *they have taken account of any other physical and legal matters pertaining to the application, including the programming of any necessary infrastructure accommodation works and the need to obtain any operational and other consents which may apply to the type of development for which they seek development consent.'*

- 1.1.1.6 Furthermore, pursuant to Guidance issued by the Department for Communities and Local Government (now the Department for Levelling Up, Housing and Communities) entitled Planning Act 2008: Application Form Guidance (June 2013): "Where the proposed development will also require other consents, licences, permits, etc, to enable it to be constructed and/or operational, and for which the Secretary of State is not the authorising body under the 2008 Act, then the Applicants must list and briefly describe these in Box 24. Reference should be made to any that have already been applied for, and a copy enclosed of any that the Applicants may already be in the possession of. Such other consents could be required for controlling pollution, for example."
- 1.1.1.7 This document has been updated in response to the Examining Authority' CA HAP 13 which requested the Applicants '*Provide an update to the Consents and Licences document (APP-232) so this accords with the CA Guidance referred to in paragraph 1.1.1.6. This should refer to a number of other consents such as the planning application for the Penwortham extension, the Morgan and Morecambe Generation DCOs and the Crown Estate leases*'.
- 1.1.1.8 The Applicants have assumed that the reference to the CA Guidance is paragraph 19 above, not the Application Form Guidance referenced at paragraph 1.1.1.6 of this document.
- 1.1.1.9 Where third parties may need to obtain consents, licences or permits to connect the Transmission Assets to their infrastructure (such as utilities companies or the National Grid Electricity Transmission Plc), this document does not detail those matters because they will not be applied for by Morgan OWL and/or Morecambe OWL, and the Applicants have no control over the timing of those applications.
- 1.1.1.10 In addition, consents for property rights, such as leases or licences from landowners and The Crown Estate, are not included in this document which in accordance with paragraph 19 of the CA Guidance is concerned with consents, licences and permits that are required to construct and operate the Transmission Assets. ~~Information on progress with the Crown Estate agreements for lease is provided separately in response to CA HAP 16.~~

## 1.2 Purpose of this document and executive summary

- 1.2.1.1 This document lists those consents and licences which the Applicants currently anticipate may be required to supplement powers within the draft DCO. The document will be updated (as appropriate) by the Applicants to reflect the most current position.
- 1.2.1.2 Under section 120(5) of the 2008 Act an order granting development may:



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- (a) Apply, modify or exclude a statutory provision which relates to any matter for which provision may be made in the order; and
  - (b) Make such amendments, repeals or revocations of statutory provisions of local application as appear to the decision-maker to be necessary or expedient in consequence of a provision of the order or in connection with the order.

1.2.1.3 Under section 150(1) of the 2008 Act an order granting development consent may include provisions to remove a requirement for a prescribed consent or authorisation only if the relevant body has consented to the inclusion of the provision. These consents and authorisations are listed in column 2 of the table in Part 1 of Schedule 2 of the Infrastructure Planning (Interested Parties and Miscellaneous Prescribed Provisions) Regulations 2015.

1.2.1.4 Section 95 of the Energy Act 2004 provides for applications to be made to the Secretary of State for safety zones around OREI. As is more fully described in the Safety Zone Statement (document reference J33), there is no legal obligation for the Applicants to submit a safety zone statement, as the Transmission Assets do not fall within the definition of an OREI. The Applicants have concluded that there is a need for exclusion zones on an advisory basis to be applied during construction and installation of the offshore cable works. The Applicants' commitment to the use of advisory exclusion zones is set out in the Fisheries Liaison and Co-existence Plan (the outline of this plan being document reference J13) as secured within the deemed marine licences at Schedules 14 and 15 of the draft DCO (document reference AS-004).

## **1.3 Consents which are to be disapplied or included in the DCO**

1.3.1.1 The Applicants propose to disapply or include the following consents within the DCO and as a result they will not need to be applied for separately. Those that are proposed to be disapplied are set out in Table 1.1 below.



**Table 1.1: Disapplication of Other Consents**

Consent	Legislation	Consenting authority	Content of consent/licence
Ordinary Watercourse Consent	Land Drainage Act 1991	LLFA	<p>The Applicants seek to disapply this legislation as the Draft DCO provides for works to be undertaken on Ordinary Watercourses, and the requisite information has been provided within the ES and associated information, including the outline Code of Construction Practice and associated appendices which include a Construction Method Statement. Consent to the disapplication of Ordinary Watercourse Consent is expected to be, secured through <del>a Statement</del><a href="#">agreement</a> of <del>Common Ground</del>. <del>Protective</del><a href="#">protective</a> provisions <del>have been requested by LCG</del> and <del>A set of these protective provisions</del> are included in the Schedule 10, Part 10 of the draft DCO (document reference <del>AS-004</del>).<a href="#">C1/F09</a>). <del>The Applicants and the LLFA are both working to agree these by Deadline 7</del> and, in the absence of <del>agreement on the protective provisions</del>, the LLFA will not be in a position to provide their consent to the disapplication of the Land Drainage Act. If that is the position at the point the Secretary of State makes their decision, then the disapplication of the LDA in article 7(1)(b) and 7(1)(d) would have to be removed.</p>

Consent	Legislation	Consenting authority	Content of consent/licence
Temporary Traffic Regulation Order (if construction phase requires temporary revisions to traffic regulations and temporary closure (with diversion) of a Public Right of Way)	Road Traffic Regulation Act 1984	Local Planning Authority	If construction requires amendments to the public highway, such as temporary closures of Public Rights of Way and temporary traffic management, the Applicants are seeking to disapply the need for further applications for Temporary Traffic Regulation orders as the Draft DCO provides for such works to be undertaken and the requisite information has been provided within the ES and associated supporting information, including the outline Code of Construction Practice, the outline Public Rights of Way Management Strategy and Construction Traffic Management Plan.
Flood Risk Activity Permit (FRAP)	Environmental Permitting (England and Wales) Regulations 2016	EA	A FRAP is required for any works on or near main rivers, flood defence structures, sea defences or in flood plains. The Applicants consider it appropriate to disapply the need for a future FRAP application via the DCO. Consent to the disapplication of FRAP is expected to be, secured through a Statement of Common Ground. The EA has requested Protective Provisions and these are included in the Schedule 10, Part 9 of the draft DCO (document reference <del>AS-004</del> <a href="#">REP5a-018</a> ).
Marine Licence for low order UXO clearance	Marine and Coastal Access Act 2009	MMO	Clearance of low order UXO (if required) will be included in the DCO and deemed marine licence (dML). Specific methodological details and relevant mitigation methods required (such as a UXO-specific MMMP) would be subject to agreement with the MMO and consultation with any of their advisors and the SNCBs.

## 1.4 Consents which will be required

1.4.1.1 Further information regarding additional consents or licences that will be required by both Morgan OWL and Morecambe OWL is provided in Table 1.2 and Table 1.3 below.

**Table 1.2: Other offshore consents or licences that will be required**

Consent	Legislation	Consenting authority	Anticipated application date	Content of consent/licence
Appropriate Assessment and Habitat Regulations Assessment	The Conservation of Habitats and Species Regulations 2017 The Conservation of Offshore Marine Habitats and Species Regulations 2017	Secretary of State for Energy Security and Net Zero  MMO	Part of DCO and dML process – parallel with DCO	The relevant Secretary of State is the competent authority for the purposes of the Habitats Regulations. The Applicants have submitted Information to Support an Appropriate Assessment (ISAA) with the Application.
Coast Station Radio Licence	Wireless Telegraphy Act 2006	Ofcom	Post DCO	The principal legislation governing the use of radio in the UK is the Wireless Telegraphy Act 1949. This Act requires the possession of a licence to install or use wireless telegraphy (radio) apparatus unless the equipment has been exempted from this requirement. Coastal Station Radio licences are design to allow coast (base) stations on shore to communicate with vessels. The Applicants do not anticipate any issues with obtaining such a licence, as it is a matter of requesting a channel from Ofcom and paying the appropriate fee.

Consent	Legislation	Consenting authority	Anticipated application date	Content of consent/licence
Decommissioning Programme	Energy Act 2004	DESNZ	Post DCO	The Secretary of State will require a decommissioning programme to be submitted prior to commencement of authorised development pursuant to section 105(6) of the Energy Act 2004.
Development Consent Orders	Planning Act 2008	DESNZ	In-determination at time of writing	Development Consent Orders are needed to authorise construction and operation of the Morecambe Offshore Windfarm: Generation Assets <del>and Morgan Offshore Wind Project: Generation Assets.</del> Article 3 of the draft DCO (document reference <del>AS-004</del> C1/F09) provides that development consent for the Transmission Assets will be conditional upon and subject to development consent being granted for the associated <del>Morgan Offshore Wind Project: Generation Assets</del> and/or the Morecambe Offshore Windfarm: Generation Assets.

Consent	Legislation	Consenting authority	Anticipated application date	Content of consent/licence
European Protected Species (EPS) Licence	The Conservation of Offshore Marine Habitats and Species Regulations 2017	MMO	Post DCO	It is an offence to deliberately kill, capture or disturb European protected species, and to damage or destroy their breeding sites or resting places. EPS Licences can be obtained to allow persons to carry out activities that would otherwise be prohibited, without committing an offence. When the design of the Morecambe Offshore Wind Farm: Generation Assets and Morgan Offshore Wind Project: Generation Assets is being finalised, discussions of the final Transmission Assets details will be undertaken with MMO. If necessary, clarification will be sought on the requirement for an EPS Licence and, if required, an application for a Licence will be made.
F10 – Notification of Construction Project	Construction (Design and Management) Regulations 2015	Health and Safety Executive	Post DCO	The Construction (Design and Management) Regulations 2015 require particulars of the Transmission Assets to be notified to the Health and Safety Executive in advance of construction. This would be sought by the appointed contractor.

Consent	Legislation	Consenting authority	Anticipated application date	Content of consent/licence
Marine Licence for high order UXO clearance	Marine and Coastal Access Act 2009	Secretary of State for Energy Security and Net Zero  MMO	Post DCO	Clearance of high order UXO (if required). Specific methodological details and relevant mitigation methods required (such as a UXO-specific MMMP) would be subject to agreement with the MMO and consultation with any of their advisors and the SNCBs.

**Table 1.3: Other onshore consents and licences that will be required**

Consent	Legislation	Consenting authority	Anticipated application date	Content of consent/licence
Building Regulation Approval (if necessary)	Building Regulations 2010	Local Planning Authority	Post DCO	Operational buildings may require Building Regulations Approval if they are manned and therefore not covered by the exemption set out in the Building Regulations 2010, Regulation 9 and Schedule 2. This would be sought by the contractor.
Environmental Permit for water discharge or waste operations / registration of exempt waste operations and water discharges (as necessary)	Environmental Permitting (England and Wales) Regulations 2016	Environment Agency	Post DCO	The Environmental Permitting (England and Wales) Regulations 2016 require most waste management activities and discharges to surface or groundwater to have a permit. There are some exceptions to this, being activities that do not need a permit, but the exemptions are generally required to be registered with the Environment Agency.

Consent	Legislation	Consenting authority	Anticipated application date	Content of consent/licence
European Protected Species (EPS) Licence	The Conservation of Habitats and Species Regulations 2017	NE	Post DCO <a href="#">and in parallel with DCO process</a>	<p>It is an offence to deliberately kill, capture or disturb European protected species, and to damage or destroy their breeding sites or resting places. EPS Licences can be obtained to allow persons to carry out activities that would otherwise be prohibited, without committing an offence. When the design of the Transmission Assets are being finalised, discussions of the final Transmission Assets details will be undertaken with NE. If necessary, clarification will be sought on the requirement for an EPS Licence and, if required, an application for an EPS Licence will be made.</p> <p><a href="#">A letter of no impediment (LONI) has been provided by Natural England in relation to great crested newts (see REP5-150) and a shadow licence application is being made by the Applicants in respect of sand lizards.</a></p>



Consent	Legislation	Consenting authority	Anticipated application date	Content of consent/licence
Licence for work affecting badgers	Section 10 of the Protection of Badgers Act 1992	NE	Post DCO	Badgers and their setts are protected under the Protection of Badgers Act 1992, which makes it illegal to kill, injure or take badgers or to interfere with a badger sett. Pre-construction walkover surveys will allow any newly excavated setts to be identified. Licences allowing works to proceed close to active badger setts, as works that would cause disturbance, will be acquired where necessary.
Notice of Street Works	Traffic Management Act 2004	Local Planning Authority	Post DCO	Permit schemes under the Traffic Management Act 2004 provide that the Applicants would need to book time on the highway through a permit.

Consent	Legislation	Consenting authority	Anticipated application date	Content of consent/licence
Permit for transport of abnormal loads (if necessary)	Road Vehicles (Authorisation of Special Types) (General) Order 2003 Road Traffic Act 1988	Local Highway Authority or the police and bridge owners (if any) as appropriate and National Highways (as applicable)	Post DCO	The Road Vehicles (Authorisation of Special Types) (General) Order 2003 permits the use of vehicles and/or loads which cannot comply with the maximum permitted weight, either gross or axle weight, for the class of vehicle being used for transporting a load. It also contains the regulations for loads which exceed the maximum width permitted. The legislation is in the most part permissive in that (with some exceptions) providing the haulier complies with the requirements of notification procedures, an abnormal load can be moved without the need for any permit or authorisation.
Application for a 'Part B' permit for crushing and screening	Local Authority Pollution Prevention and Control Pollution Prevention and Control Act 1999 Environmental Permitting (England and Wales) Regulations 2016	Local Planning Authority	Post DCO	If required, a Part B permit will be sought to operate mobile plant crushing and screening.
Section 16 Wildlife and Countryside Act Licence	Wildlife and Countryside Act 1981	NE	Post DCO	A licence may be required if construction activities are to interfere with designated species.

Consent	Legislation	Consenting authority	Anticipated application date	Content of consent/licence
CAP 791 Approvals	Civil Aviation Act 1982 and Air Navigation Order 2016	CAA	Post DCO	CAA approval is required in relation to any works or changes within an existing aerodrome. This is to ensure proposed changes meet the relevant aerodrome's existing licencing requirements and do not present a safety hazard. CAA approval will therefore be required for the Transmission Assets works proposed within the Blackpool Airport operational boundary. As the Airport operator, Blackpool Airport Operations Limited (BAOL) will be responsible for submitting the relevant applications. Morgan OWL and Morecambe OWL are therefore working with BAOL in order for the application to be made.
Water Abstraction Licence (if required)	Water Resources Act 1991	EA	Post grant of DCO, if required	A Water Abstraction Licence may be required pursuant to the Water Resources Act 1991 from the EA if required by the contractor for the abstraction of water during construction.
Flood Defence Consent (for structures in, under or over a main river / permanent culverts)	Environmental Permitting (England and Wales) Regulations 2016	EA	Post grant of DCO, if required	Flood Defence Consent may be required pursuant to the Environmental Permitting (England and Wales) Regulations 2016 and land drainage byelaws from the Environment Agency for river and main stream crossings along the cable route.

Consent	Legislation	Consenting authority	Anticipated application date	Content of consent/licence
Crown consent	Section 135 of the Planning Act 2008	<del>The Crown Estate, The King's Most Excellent Majesty In Right Of His Duchy Of</del> Lancaster, Secretary of State for Transport, Secretary <del>Of State For Defence, The Secretary</del> of State for <del>Environment, Food and Rural Affairs &amp;</del> <u>Defence</u> , His Majesty's Coastguard, <del>The King's Most Excellent Majesty In Right Of His Duchy Of Lancaster, Secretary of State for Environment, Food and Rural Affairs, Ministry of Housing, Communities and Local Government,</del>	Before grant of DCO	Consent to acquire interests other than the Crown in Crown land