



MORGAN AND MORECAMBE OFFSHORE WIND FARMS: TRANSMISSION ASSETS

Applicants' Response to Rule 17 Letter



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1 Applicants' Response to Rule 17 Letter dated 15 October 2025

1.1 Introduction

- 1.1.1.1 The Applicants' response to the Rule 17 letter is set out in this document.
- 1.1.1.2 The Applicants have numbered the submissions in line with the Planning Inspectorate's document library, with subsequent paragraph number, e.g. REP5-001.1, REP5-001.2, etc.

2 Applicants' Response to the Rule 17 Letter

2.1 Response to Rule 17 Letter

Table 2-1: PD-017 – Rule 17 – Request for further information

Ref	ExA Question	Applicants' response
RF.2.1	<p><u>R17.2.1 – to Natural England</u></p> <p>The applicants, in their response to RIES Q14 [REP6-175], have outlined further alternative construction mitigation measures which they consider could be relied upon as an alternative to the proposed mitigation measures at Lytham Moss and Newton-with-Scales to ensure there would be no adverse effects on the integrity (AEOI) of the Ribble and Alt Estuary Special Protection Area and Ramsar sites. These comprise further screening of construction works and seasonal working practices and have been included at Appendix H of the Outline Ecological Management Plan updated at deadline 6 [REP6-115].</p> <p>Natural England are asked to provide a view on the suggested measures, their feasibility and deliverability and whether the Secretary of State would be able to rely upon them to conclude no AEOI? If not, why not?</p>	<p>The Applicants would reiterate their response to Q14 of the RIES (see REP6-175) that the proposed alternative mitigation measures are standard, recognised mitigation measures used routinely across various industries in the UK and a seasonal restriction will ensure avoidance of any adverse effect on integrity, by removing impacts to designated SPA and Ramsar features at source. These are analogous to the measures applied during the overwintering and passage period at the landfall (i.e. avoiding and/or reducing disturbance during sensitive periods) and can be relied upon to support a continued conclusion of no adverse effect on integrity on the Ribble and Alt Estuaries SPA and Ramsar sites.</p>
RF2.2	<p><u>R17.2.2 – to Natural England</u></p> <p>The applicant has made changes to the Information to Support Appropriate Assessment Part 3 paragraph 1.6.3.18 [REP6-023] regarding the impacts of permanent habitat loss on golden plover. Taking account of these changes do you agree with the applicants' conclusion of no AEOI? If not, why not?</p> <p>Do you consider that the mitigation area at Newton-with-Scales is required for no AEOI or if it constitutes a benefit for golden plover as described by the applicants. Explain your reasoning.</p>	<p>The Applicants maintain their position that, although they are committed to delivering the proposed mitigations at land south of Newton-with-Scales and are confident that the relevant mitigations can be delivered safely for aviation stakeholders while providing the necessary benefits to golden plover (and other species), this mitigation is not required to conclude no AEOI from permanent habitat loss on golden plover. This is because the land affected by this impact (i.e. onshore substation sites) is not functionally linked land for golden plover, due to irregular usage of the site as demonstrated by site specific surveys (see Applicants' response to the RIES; REP6-175).</p>
RF.2.3	<p><u>R17.2.3 – to the applicants</u></p>	<p>a) The Applicants have provided responses to the Deadline 6 comments from Fylde Borough Council, Lancashire County</p>

Ref	ExA Question	Applicants' response
	<p>Requirement 26 (Biodiversity Benefit) of Schedules 2A and 2B of the draft development consent order has been updated at deadline 6 [REP6-014].</p> <ul style="list-style-type: none"> a) Comments have been received on this requirement at deadline 6 (including from Fylde Borough Council (section 2.12), Lancashire County Council (paragraph 8.9) and Newton with Clifton and Freckleton Parish Councils (paragraph 70). Explain how the drafting of this requirement (most particularly paragraph 3(b)) meets the tests of being enforceable and precise in paragraph 4.1.16 of National Policy Statement EN-1. What further/revised drafting could remedy the issues raised by interested parties? b) Should the term 'biodiversity credits' (3(c)) be defined? c) Justify the trigger point for approval of the biodiversity benefit scheme in 26(1) (before the relevant biodiversity benefit works are carried out). Would it be more appropriate for its approval to be prior to the commencement of the relevant stage of the construction works, to ensure greater certainty and co-ordination with other details requiring approval? 	<p>Council and Newton with Clifton and Freckleton Parish Councils (NCFPC) at Deadline 7 within the Applicants' Response to Deadline 6 submissions from Interested Parties (S_D7_2). The Applicants note that the submissions from Lancashire County Council relate to the previous, without prejudice, drafting of this requirement, which was included in the deadline 5a draft DCO (REP5a-018). Further, the Applicants note that Fylde Borough Council's position in relation to the drafting of Requirement 27 in Schedules 2A and 2B based on the Applicants Deadline 6 draft DCO (REP6-016) is now agreed (please see the Fylde Borough Council Statement of Common Ground (S_D1_6.3/F03) submitted at Deadline 7). However, the Applicants have considered the comments from NCFPC in relation to paragraph 3(b) further. The Applicants consider that a minor amendment to paragraph 3(b) together with minor updates to the Outline Biodiversity Benefit Management Plan will provide greater clarity with regards to this step in the prioritisation exercise. The Applicants have therefore updated the Outline Biodiversity Management Plan (J11/F07)) at Deadline 7 and have set out below the minor amendments the Applicants consider could be made to paragraph 3(b) to sit alongside the updates to the management plan. The Applicants are not submitting an updated draft DCO at Deadline 7 but suggest the Examining Authority can incorporate these minor amendments into their recommended DCO when reporting to the Secretary of State. The Applicants suggest paragraph 3(b) is amended as follows:</p> <p><i>'(b) as part of biodiversity projects delivered within close proximity to the Order limits as set out within the outline biodiversity benefit management plan' through the local nature recovery fund'.</i></p> <p>These minor drafting updates (together with the minor amendment recommended under point (b) below) which sit</p>

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		<p>alongside the updates to the Outline Biodiversity Benefit Management Plan (J11/F07) further support the Applicants' position that the drafting and purpose of this requirement meets the tests of being enforceable and precise in accordance with paragraph 4.1.16 of National Policy Statement EN-1 and secures delivery of a minimum 10% biodiversity benefit following the prioritisation exercise or hierarchy set out in the requirement and further detailed within the outline plan.</p> <p>b) Biodiversity credits are certificates representing a measured and evidence-based unit of positive biodiversity outcome. Biodiversity credits can be purchased from a private provider and/or from the Government in the form of statutory biodiversity credits. The Applicants have updated the Outline Biodiversity Management Plan (J11/F07)) at Deadline 7 to provide further clarity on this. The Applicants also consider that a similar amendment as suggested for paragraph 3(b) above could be made to paragraph 3(c) so that paragraph 3(c) reads as follows:</p> <p><i>'(c) through the purchase of biodiversity credits as set out in the outline biodiversity benefit management plan.'</i></p> <p>c) The Applicants note that the definition of 'onshore site preparation works' in Article 2 of the draft DCO (REP6-016) includes 'biodiversity benefit works' and therefore the Applicants have drafted the trigger for this requirement carefully to ensure that, regardless of when the biodiversity benefit works are undertaken, the detailed biodiversity benefit scheme will need to be discharged before those works take place.</p>
RF.2.4	<p><u>R17.2.4 – to the applicants</u></p> <p>The deadline 6 submission from Andrew and Anne Fare [REP6-025] expresses concern about the effects of the proposed</p>	<p>The Applicants understand that the caravan park is located approximately 500 m to the east of the northern most extent of the</p>

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	<p>substation (assumed to be the Morgan substation) upon their caravan park. Clarify, with cross reference to the existing application information, the applicants' assessment of the effects upon this caravan park.</p>	<p>Morgan substation. The Deadline 6 submission in question is REP6-205.</p> <p>As appropriate, and proportionate within EIA best practice, the assessments do not consider effects at the level of individual receptors, including individual businesses. However, the Applicants acknowledge the concerns that have been raised by Andrew and Anne Fare and have provided some clarification below regarding the impact of the Morgan substation infrastructure on the caravan park with respect to the following topics:</p> <p>Landscape and visual</p> <p>The caravan park lies at a level of approximately 12 – 14m AOD, whereas the Morgan substation site would lie at approximately 13 – 15m AOD. <i>Figure 16: Cross Section of Morgan substation site</i> of the Outline Design Principles (oDP, REP6-109) presents a long cross section drawing through the Morgan substation site to show the potential platform levels and development height parameters, and their relationship with the existing landform and nearest settlements. <i>Figure 18: Elevation of Morgan substation</i> of the same document (REP6-109) provides an extract of the long cross-section in the vicinity of the Morgan substation, showing the potential proposed levels.</p> <p>The caravan park is framed by hedgerows to the south and west in the direction of views towards the Morgan substation. The closest representative viewpoint used for the Landscape and Visual Impact Assessment is '<i>Representative viewpoint VP4: Parrox Lane east of Morgan substation site</i>', which provides a good indication of the anticipated views from the caravan park. A description of this representative viewpoint is provided in <i>Volume 3, Annex 10.3: Visual baseline technical report</i> (REP6-053) with visualisations of proposals presented in Volume 3, Figures – Part 6 of 7 (REP3-015), see Figures 10.5.20 to 10.5.24.</p> <p>The assessment of visual effects from Representative viewpoint VP4 during construction and operation is provided at paragraphs 10.12.5.34 to 41 of Volume 3, Chapter 10: Landscape and visual resources (APP-123) (see pages 110 – 111). The visual assessment records the following effects:</p>

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		<ul style="list-style-type: none"> For the construction phase: minor to moderate adverse significance (not significant); and For the operation phase: minor to moderate adverse significance at year 1 (not significant), reducing to minor adverse significance at year 15 (not significant) following the establishment of landscape planting proposals. <p>Traffic and transport</p> <p>The caravan park is accessed off Parrox Lane which connects to the main A583. The Applicants would note that no accesses are proposed from this lane as can be evidenced from the Access to Works Plans (REP6-007). Furthermore, the Applicants direct the IP to Table 7.21 within Volume 3, Traffic and Transport (APP-108). It can be noted from this table that the forecast peak change in traffic flows along the Link 61b (the A583 past with Parrox Lane) would be approximately 2%. The salient guidance for the assessment of traffic impacts from new developments is the Environmental Assessment of Traffic and Movement (IEMA, 2023). This guidance notes that the day-to-day variation of traffic on a road is frequently at least + or – 10% and goes on to set out that changes in traffic flows of less than 10% creates no discernible environmental impact. Traffic and transport effects upon the users of the caravan park would therefore be assessed to be indiscernible (not significant).</p> <p>Health</p> <p>Volume 1, Annex 5.1: Human health (APP-035) has assessed the population within the study area around the onshore substation sites within the Freckleton East Ward, within which the caravan park is located. The particular context of populations close to the Onshore Order Limits have been considered, including the communities of Kirkham and Newton with Scales.</p> <p>APP-035 considers the potential effects of construction works to transport modes, access and connections (Section 1.12.2) and has</p>

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		<p>determined that based on appropriate mitigation set out in the Outline CTMP (REP6-113) to minimise disruption and disturbance (as reported in Volume 3, Chapter 7: Traffic and Transport (APP-108)) the predicted impact would not be significant.</p> <p>The Human Health Assessment has considered the potential population health effect due to EMF exposure associated with the Transmission Assets, including the Morgan Substation infrastructure (Section 1.12.9). As noted in Table 1.21, the Transmission Assets would implement relevant design guidelines that are sufficient for avoiding any actual EMF risk. These guidelines ensure that the threshold for impacts to humans is not met and or exceeded (refer to Volume 1, Annex 3.4: 1 Electro-Magnetic Fields (EMF) Compliance Statement (APP-029)). A section on EMF was provided in the Non Technical Summary (AS-056) to aid understanding of this topic.</p> <p>Tourism</p> <p>The Local Tourism Assessment (REP6-160) considers potential effects on the tourism industry and its constituent components, including the accommodation sector.</p> <p>As per Table 4.2 of the Local Tourism Assessment, potential effects during the operation and maintenance phase have been scoped out. Volume 3, Chapter 10: Landscape and visual resources of the ES (document reference F3.10) concludes there will be no significant long term operational effects on landscape character as a result of the Transmission Assets. The spatial scale at which direct impacts are likely to be felt is therefore highly localised. Within the context of the study area, this is considered unlikely to result in material impacts on tourism within the study area. Therefore, at the local study area level, any tourism effects associated with the onshore substations during the operation phase are considered to be negligible and are not assessed.</p> <p>Potential effects on the accommodation sector at the local study area level during the construction phase have been assessed within section 5.7 of the Local Tourism Assessment. Overall, the sensitivity of the accommodation sector is assessed as medium and the magnitude of the impact upon the accommodation sector is assessed as negligible</p>

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		<p>within the local study area. This assessment of negligible magnitude is informed by the criteria set out in Table 4.4, which establishes that impacts that are limited to individual visitors and businesses, and which manifest in a hyper-localised part of the local study area, are assessed as having negligible magnitude overall.</p> <p>Overall, the effect on the accommodation sector within the local study area is assessed as having negligible significance.</p> <p>Notwithstanding the above, the Applicants are committed to working with tourism providers in proximity to the Transmission Assets. As such, Section 1.5 of the Outline Communications Plan (J1.1/F06) identifies tourism-related businesses to be included within the liaison committee process. This will allow for individual accommodation businesses which have concerns regarding the potential impacts of specific construction plans to engage with the Applicants and ensure appropriate mitigations are put in place at the relevant stages.</p>
RF.2.5	<p><u>R17.2.5 – to the applicants</u></p> <p>Paragraphs 3.15.3.27 to 3.15.3.29 of the Project description [REP6-039] refer to there being three different types of temporary construction compounds (A, B & C). Section 1.5 of the Outline Onshore Construction Method Statement [REP6-147] only refers to Types A and B. Clarify why Type C compounds are not referred to in the OOCMS?</p>	<p>As set out in Section 3.15.2 of the Project Description (REP6-038), Type C compounds are smaller in size in comparison to Type A and Type B compounds, and will primarily be used as office and welfare sites to support localised works. For this reason, they were not described in detail within the outline Onshore Construction Method Statement (oOCMS, REP6-146) submitted at Deadline 6.</p> <p>To provide greater clarity on the construction works along the cable corridor, the Applicants have updated Figure 1 within the oOCMS to identify the locations of Type C compounds and have included additional text at Deadline 7 (S_D4_11/F03).</p>
RF.2.6	<p><u>R17.2.6 – Greenbank Farm (Landholding 25)</u></p> <p>The plots within this landholding are shown as number 25 within the applicants' response to hearing action point ISH1 46 [REP1-044]. The deadline 5 update from the Land Rights Tracker ("LRT") [REP6-122] for affected party no 22 states that "Further productive discussions have taken place between the Applicants' agent and their appointed agent, the final clauses for acquisition and temporary working areas are now agreed, the HOTs to be</p>	<p>The Applicants can confirm that there is one outstanding point of difference which remains with this landowner relating to the use of the private road past their residential property. The Applicants have a solution for this which would avoid use of the private road, however it requires agreement from the neighbouring landowner. The neighbouring landowner is also in agreement with this proposal and the terms are being updated to reflect this voluntary agreement.</p>

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	<p>reissued, in what the applicants expect to be the final form imminently." No further update at deadline 6 has been provided.</p> <p>A submission has been received at deadline 6 [REP6-216] on behalf of the owners of the affected farm business relating to the proposed use of their private road. The agents refer at paragraph 2.4 of their submission to a verbal agreement that permanent rights on the farm road would not be required but this has not been confirmed and therefore the overall heads of terms have not been accepted.</p> <p>Can the applicants clarify their position in view of the position of these landowners?</p>	<p>The heads of terms and associated plans are being updated to reflect these proposals and are expected to be agreed voluntarily with the relevant landowners.</p>
RF.2.7	<p><u>R17.2.7 - Midgeland Farm – LRT reference 59 and 60</u></p> <p>In the LRT [REP5-098] update at deadline 5, the applicants state that "Negotiations with the land interest's land agent are ongoing. It is understood that HoTs matters are nearing agreement with the exception of commercial terms for the easement consideration have also to be agreed. A further meeting was held between the respective land agents on 16th September 2025."</p> <p>However, the landowners have made further submissions at deadline 6 [REP6-229] which need clarifying. They say that they "have now been notified by the projects that references to Temporary Construction Compounds on the landowners property were made in error and no such compounds are required." Can the applicants confirm the position and clarify if there are any implications for the relevant works plans?</p>	<p>The Applicants can confirm there was an error in the Land Rights Tracker update at Deadline 5a (REP5-098) which made reference to a temporary construction compound for interest row 59 and row 60. The Applicants can confirm the rights sought from these interests relate only to works 17A/17B Onshore cable rights, 19A/19B, Shared Construction Access and 34A/34B Shared Permanent (Operational) Access. The Applicants have clarified this with the appointed agent and advised of the error made. The heads of terms are still in negotiation for the rights sought and the Applicants hope to have agreement on these in the coming weeks.</p>
RF.2.8	<p><u>R17.2.8 - LRT affected person reference 34</u></p> <p>This landholding (being plots 08-074b, 08-073 and 08-070b in the Book of Reference [REP6-020]) was subject to action point 7 from CAH3 [EV11-006] as the landowners had raised an objection to the proposed access close to their residential property. The applicants stated in the LRT submitted at deadline 5 [REP5-098] that "the alternative access has been reviewed and found to be acceptable subject to the completion of a voluntary agreement with an adjoining third party landowner." In the reply to CAH3</p>	<p>The Applicants can confirm the rights sought within the Order Limits are required to ensure the delivery of the Transmission Assets. The alternative access being sought through a voluntary agreement is outside of the Order Limits and therefore cannot be facilitated within the draft DCO.</p> <p>In the event that an alternative access cannot be secured by voluntary agreement, the rights sought over plot 08-073 for the operation and</p>

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	<p>action point 7, the applicants have updated the position by saying that they “are still in ongoing discussions with the neighbouring landowner regarding an alternative operational access. Once the alternative is secured the applicants can give an undertaking not to exercise the powers contained in the order.”</p> <p>Can the applicants respond as to whether the powers requested over this land meet the compelling case test for compulsory acquisition bearing in mind that other accesses would appear to be available and bearing in mind the proximity to this residential property.</p>	<p>maintenance of the onshore export cables are essential to deliver the projects.</p> <p>Temporary powers are sought on plots 08-074b and 08-070b for construction access to the onshore cable corridor. This flexibility is required to ensure appropriate, fit for purpose, installation of construction access can be delivered. At the time of construction, if possible, the Applicants will design the access point to avoid encroachment onto the residential property curtilage and have updated the voluntary agreement with the neighbouring landowner to stipulate that the Applicants will engage on the matter prior to construction.</p> <p>Lancashire County Council (LCC) highways have confirmed that the design of all accesses is agreed in principle (subject to minor revisions to the outline Highways Access Management Plan (oHAMP) submitted at Deadline 6(J8/F05). The Applicants highlight that the current agreed design of access A28 with Lancashire County Council in the oHAMP does not illustrate the physical footprint of the access design encroaching on to plot 08-070b or the residential curtilage which accords with the landowner's preference.</p>
RF.2.9	<p><u>R17.2.9 Landholding 26 (as shown in REP1-044)</u></p> <p>The updates provided in the LRT at deadline 6 [REP6-122] provide the following detail:</p> <p>Deadline 5 Update: “Correspondence has been ongoing between the Applicants appointed agent and the land interest's appointed agent. A meeting was held on 9th September 2025 between the land interest, their agent, the Applicant and the Applicant's appointed agent to discuss engineering mitigation, survey access and the possibility of a specialist dairy vet report. A further meeting was held on 16th September 2025 between the parties' appointed agents to further discussion, consider any possible agreement and its commercial terms.</p>	<p>In the event that the Secretary of State was to conclude that the compelling case in the public interest test for compulsory acquisition has not been met for this land, delivery of the Morecambe substation would be dependent on reaching a voluntary agreement with the occupiers (Mr and Mrs Fare), who tenant the land and operate their dairy business on the land. This is because it would not be possible to deliver the Morecambe substation and avoid land tenanted by the Fares. It is noted for completeness that Morgan is also seeking CA of land tenanted by the Fares (plot 12-029A).</p>

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	<p>Deadline 6 Update: "The Applicants and the Fares, together with their agent met at their agents' offices on 17th October 2025 to continue discussion around the Business Impact Mitigation Options Assessments carried out by GSC Grays. The Fares refused to comment/ engage in any discussion about the content of the second report and so disappointingly minimal progress was able to be made. The applicants will continue to engage and seek an agreement with the Fares going forward."</p> <p>A significant part of this landholding is subject to an application for permanent acquisition for the proposed Morecambe substation. The applicants have now submitted farm business assessments [REP6-182]. This assessment outlines the impacts on this particular farm and the mitigation which might be applied in order to reduce these impacts and allow the business to continue. As part of their submission at deadline 6, the applicants have included a second and updated assessment. The land agent for the affected party has responded to this second report at deadline 6 [REP6-217].</p> <p>The ExA will need to consider all this evidence in the coming weeks and whether a compelling case in the public interest for compulsory acquisition has been made for this land. In the event that the Secretary of State were to conclude that the compelling case test for compulsory acquisition has not been met for this land, can the applicants outline the implications for the Morecambe part of the proposed development?</p>	<p>Legal documentation has now been agreed with the freeholder of this land (Landholding 26) to secure the Morecambe substation freehold acquisition, the Morecambe construction compound and the cable route for both Morecambe and Morgan. The documents are being issued for signing.</p> <p>However, even where a voluntary agreement is in place with the landowner, CA powers are required to ensure that if agreement cannot be reached with other interests (in this case the Fares as occupiers who would retain their pre-existing tenancy) the Morecambe project can be delivered. The securing of such powers does not remove the obligation to continue seeking to reach an agreement with the Fares and provide appropriate accommodation works, it just ensures that the project is not held to ransom over reaching agreement and the terms of any agreement.</p> <p>In considering the compelling case in the public interest for the CA powers sought over Landholding 26, paragraph 13 of the CA Guidance states that "<i>Secretary of State will need to be persuaded that there is compelling evidence that the public benefits that would be derived from the compulsory acquisition will outweigh the private loss that would be suffered by those whose land is to be acquired</i>".</p> <p>In terms of demonstrating a compelling case in the public interest for the acquisition of land and rights for the Morecambe substation, the Applicants would refer to the Statement of Reasons (REP6-018) and Planning Statement (J28/F03) which set out why there is a compelling case in the public interest for the Transmission Assets. The Applicants would further emphasise that the Transmission Assets are 'critical national priority' infrastructure pursuant to NPS EN-1.</p> <p>It is recognised that this is the general case, and in making recommendations, individual objections and all other relevant and important considerations specific to that land need to be considered.</p>

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		<p>The full wording of paragraph 16 of the CA Guidance is as follows:</p> <p><i>16. There may be circumstances where the Secretary of State could reasonably justify granting development consent for a project, but decide against including in an order the provisions authorising the compulsory acquisition of the land. For example, this could arise where the Secretary of State is not persuaded that all of the land which the applicant wishes to acquire compulsorily has been shown to be necessary for the purposes of the scheme. Alternatively, the Secretary of State may consider that the scheme itself should be modified in a way that affects the requirement for land which would otherwise be subject to compulsory acquisition. Such scenarios could lead to a decision to remove all or some of the proposed compulsory acquisition provisions from a development consent order.</i></p> <p>Whilst the Applicants recognise that paragraph 16 of the CA Guidance confirms that “<i>There may be circumstances where the Secretary of State could reasonably justify granting development consent for a project, but decide against including in an order the provisions authorising the compulsory acquisition of the land</i>” this is not one of those cases. The extent of land to be taken is no more than is necessary for the substation and associated works and the land take has been designed in order to avoid leaving the occupiers with inaccessible parcels of land. No case has been made by any party that there is an alternative location for the Morecambe substation that would avoid impacting the occupiers or that the substations could be delivered with a smaller area of land.</p> <p>In submissions by the land agent for the Fares (REP6-217), the agent summarised their views on the key conclusions taken from the Grays Report (the Stage 1 Assessment) as follows:</p>

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		<ul style="list-style-type: none"> • <i>there is an agreed assessment of business profit</i> – i.e. the financial loss to the landowner can be quantified; • <i>the dairy enterprise cannot continue in its current form</i> – i.e. the loss would be a particular way of working; and • <i>that an appropriate alternative mitigation farming system is a beef system</i> – i.e. the loss can be mitigated and the Occupier, whom the Applicants accept is a highly skilled farmer, could continue a farming business and agricultural operations . <p>This demonstrates substantial common ground between the Applicants and the Fares, although the Applicants' position is also that a viable albeit reduced dairy business could continue with accommodation measures (which the Applicants would pay for). The conclusion of the final Stage 2 Assessment (REP6-182), which Mr Coney has not commented on (on the basis that this was only submitted by the Applicants at Deadline 6), states that post construction of the Transmission Assets, were Landholding 26 marketed, it "would likely generate significant demand from prospective tenants intending to continue as milk production" (Page 4).</p> <p>Mr Coney further highlights in his D6 submission that good faith negotiations have been entered into to provide a solution that would see his clients compensated for the closure of his client's business and allow the Transmission Assets to proceed unfettered (Paragraph 3.1 REP-217). The Applicants' focus on solutions and accommodations to mitigate impacts on this business is primarily driven by minimising the impacts on the affected business (and to demonstrate that the land remains viable for a continued farming enterprise – a point which is now common ground), and not to minimise compensation or the quantum of a negotiated agreement, or to pressure the Fares to change practices or systems if that is not their preference. The Applicants require vacant possession of the substation land but are content to consider a voluntary agreement which provides for vacant possession or a continuation of the tenancy over the remainder of the</p>

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		<p>Fare's lease demise (with the accommodation measures paid for and full compensation for reductions in profit, viability or changes in farming system) and will continue to engage in that regard. Ultimately, if the residual issue is compensation, although the Applicants have reiterated their clear preference for voluntary agreements, Mr Coney (and the ExA) can be satisfied that the compensation code provides for full compensation for the business losses of the Fares as an agricultural tenant.</p> <p>In summary, the private loss is one which can be mitigated and/or addressed via the compensation code which will ensure that as business owners the Fares, will be placed in no worse position than if they had continued to operate their business in the current way. The loss of the Morecambe substation would result in all the benefits of the nationally significant Morecambe project noted above not coming forward. As noted at paragraph 3.3.61 of NPS EN-1 "The need for all these types of infrastructure is established by this NPS and a combination of many or all of them is urgently required for both energy security and Net Zero" and at paragraph 3.2.8 "The Secretary of State is not required to consider separately the specific contribution of any individual project to satisfying the need established in this NPS."</p> <p>On the basis of the above, the Applicants would therefore emphasise that the acquisition of this land interest is essential for the delivery of the Transmission Assets. There is a clear and compelling case in the public interest for the Transmission Assets which outweighs the potential private loss.</p>
RF.2.10	<p><u>R17.2.10 - Funding</u></p> <p>Funding to meet any claims arising from the proposal has been a concern throughout the examination and this was raised again at CAH3 as the accounts submitted on behalf of Morecambe</p>	<p>The Morecambe support letter (REP6-180) was provided to address the Examining Authority's specific concern on the financial standing of Morecambe OWL, in the absence of demonstrable backing to meet potential blight claims. Any claim would have to be made against</p>

Ref	ExA Question	Applicants' response
	<p>Offshore Windfarm Limited ("MOWL") [REP5-135] showed a company with very limited assets and mostly in the form of inter-company loans which were repayable on demand. The accounts confirm that the company received no income and made no expenditure in the year to 31 December 2023. This was raised as Action Point 9 from CAH3 and, as a result, a letter from Copenhagen Infrastructure Partners ("CI V") dated 21 October 2025 has been submitted in evidence [REP6-180]. It is addressed to MOWL.</p> <p>It is not clear how the individual affected persons can rely upon this letter when it is addressed to the applicant company and no consideration has passed between CI V and any individual landowners? Can CI V (which has very significant financial assets) commit to providing a guarantee in the event that the DCO is approved by the Secretary of State to cover any possible claims which it is now accepted could be for a substantial amount?</p>	<p>Morecambe OWL as undertaker under the DCO if made. The letter was provided to confirm to the Examining Authority (and public) that, should a blight claim be made, CI V confirms it is aware of its potential liabilities and will respond to any reasonable request from the SoS for additional assurance.</p> <p>CI V would again emphasise that it is committed to the development of the Morecambe element of the Transmission Assets and all costs that this might involve. Should the Secretary of State consider that the support CI V are offering Morecambe OWL (REP6-180) combined with evidence of the significant application costs already incurred, and successful vetting of CI V by The Crown Estate, do not provide sufficient comfort that Blight claims will be met then CI V will consider any request from the Secretary of State to provide alternative forms of financial security.</p>