



# **MORGAN AND MORECAMBE OFFSHORE WIND FARMS: TRANSMISSION ASSETS**

**Applicants' Response to Secretary of State's Letter Dated 12 March 2026**



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## 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.

<b>Term</b>	<b>Meaning</b>
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.

<b>Term</b>	<b>Meaning</b>
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	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.  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.
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.
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 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

Term	Meaning
	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	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.  Also referred to in this report as the Offshore Order Limits, for ease of reading.
Transmission Assets Order Limits: Onshore	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).  Also referred to in this report as the Onshore Order Limits, for ease of reading.

## 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	Site 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

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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

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# 1 Applicants' Response to Secretary of State's Letter Dated 12 March 2026

## 1.1 Introduction

1.1.1.1 On 12 March 2026 the Secretary of State published a letter (the SoS's letter) requesting information from a number of parties, including the Applicants (Morgan Offshore Wind Limited ('Morgan OWL') and Morecambe Offshore Windfarm Limited ('Morecambe OWL')). This document presents the Applicants' response to the SoS's letter. The Applicants have provided a response to each point within the SoS's letter within **Sections 1.2 to 1.20**.

1.1.1.2 The Applicants' responses are also supplemented by the following appendices:

- **Appendix A: Section 135 Consent Letter from Secretary of State for Transport**
- **Appendix B: Section 135 Consent Letter from His Majesty's Coastguard**
- **Appendix C: Applicants' response to Secretary of State's letter dated 12 March 2026 in relation to status of discussion with Natural England**
- **Appendix D: GCS Grays Response to A Coney's submission for Deadline 6.**

## 1.2 Correspondence received from the Applicants since the close of the examination

### 1.2.1 Introduction

1.2.1.1 Point 3 of the SoS's letter are in relation to correspondence received from the Applicants since the close of the examination and is set out as follows:

*3. The Applicants supplied updates to the Secretary of State on 30 January 2026 [PID-001] and 12 February 2026 [PID-002]. All Interested Parties are invited to comment upon these documents.*

### 1.2.2 Response

1.2.2.1 The Applicants note that this question is directed at all Interested Parties but have nevertheless reviewed the two updates that they provided to the Secretary of State.

1.2.2.2 The letter provided on 30 January 2026 (PID-001) provided an update on the status of the Morecambe Offshore Windfarm Generation Assets Order 2025 and the Morgan Offshore Windfarm Agreement for Lease, neither of which has changed since the 30 January update. There was also an update on the Morgan and Morecambe Offshore Wind Farms:

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Transmission Assets DCO Application, which the Applicants note are the subject of requests for updates or information from the Secretary of State as points 33 to 36 in the letter dated 12 March 2026. The Applicants' response to these points is provided in **Sections 1.14** and **1.15**.

1.2.2.3 The second letter and technical note, provided on 12 February 2026 (PID-002), provided a further update on pertinent matters since the close of Examination. It is noted that the majority of those matters are the subject of requests for updates or information from the Secretary of State in the letter dated 12 March 2026, and therefore further updates from the Applicants are provided below in the relevant sections of this document.

## 1.3 Onshore Ornithology and Bird Strike Risk to Aviation at Warton Aerodrome

### 1.3.1 Introduction

1.3.1.1 Points 4 to 11 of the SoS's letter are in relation to Onshore Ornithology and Bird Strike Risk to Aviation at Warton Aerodrome and are set out as follows:

*4. BAE Systems (BAE) and Defence Infrastructure Organisation (DIO) are requested to confirm whether their bird strike risk concerns relate solely to the Newton-with-Scales site (Work No. 49A/49B) or all mitigation sites proposed by the Applicants.*

*5. The Applicants are requested to explain how Spatial Scheduling (H2, H32, H33, NE20 in [RR-1601]) has been applied to reduce disturbance of ornithological features of the Ribble and Alt Estuary Special Protection Area (SPA) and whether it can be further applied to reduce or avoid the need for mitigation areas and therefore reduce or avoid the risk of bird strike.*

*6. Noting the alternative mitigation measures summarised in Appendix H of [REP6-115] and the Applicants' post-Examination representation dated 12 February 2026 [PID-002], the Applicants and Natural England are requested to provide an update on discussions regarding alternative mitigation measures and whether implementing further avoidance measures could avoid the need for mitigation areas. The Applicants are requested to provide a further update to [REP6-115], as the Applicants suggested in [PID-002], to include commitments to temporary habitat reinstatement measures during relevant seasonal periods, proportionate to the nature and duration of the works.*

*7. The Applicants, BAE and DIO are requested to provide updates on their progress in seeking to resolve the outstanding disagreement regarding bird strike risk. BAE and DIO are requested to provide any comments on the Applicants' final outline Wildlife Hazard Management Plan ("oWHMP") [REP7-034, REP7-035] submitted at Deadline (D)7.*

*8. The Secretary of State notes that in [REP2-046] the Applicants ruled out the use of Newton Marshes Site of Special Scientific Interest (SSSI) as a mitigation area due to its proximity to Warton Aerodrome. However, he also notes that DIO's post-Examination submission of 6 November 2025 sets out a preference for the Newton-with-Scales mitigation area to be replaced by "a site south of Warton Aerodrome, ideally to the south of the estuary". The Applicants are requested to explain whether any alternative mitigation areas have been, or could be, identified that would address this request*

*9. The Secretary of State notes that DIO's post-Examination submission dated 6 November 2025 also states "For a management plan to be effective in mitigating the*

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*potential increase in birdstrike risk it would need to ensure that no hazardous birds are utilising the Newton-with-Scales site above the levels that are currently present there". DIO and the Applicants are requested to comment on whether the DIO's concerns could be resolved by the oWHMP defining bird population levels and committing to triggers/thresholds for active management. The Applicants are requested to provide further information on triggers/thresholds for active measures within the oWHMP and whether it could commit to such thresholds at this point. The Secretary of State encourages the Applicants to consult with Natural England on the triggers/thresholds for active management to ensure they are set at a level which still allows the mitigation areas to be effective from an HRA perspective.*

*10. The Secretary of State notes that a Non-Disclosure Agreement has been entered into to enable the sharing of bird strike risk data sets but is concerned that little progress appears to have been made in resolving this issue despite significant attention during Examination. The Secretary of State requests BAE to provide supporting information to enable the Applicants to undertake a Bird Strike Risk Assessment to BAE's satisfaction, given that such an assessment is central to resolving BAE / DIO's concerns on bird strike risks to the safe operation of Warton Aerodrome. The Applicants and BAE are requested to provide updates on data sharing and progress on the bird strike risk assessment and, include a timeline for completion if this cannot be achieved by the response deadline.*

*11. If the data has not been, or will not be, made available to the Applicants by BAE in a timely manner, it will be necessary for the Secretary of State to proceed to make a decision in the absence of that information. In this regard and with reference to [PID-002], if the additional data from BAE will not be available to the Applicants in a timely manner, the Applicants are requested to proceed with updating their bird strike risk assessment and provide this to the Secretary of State and BAE/DIO along with their other responses to this information request, without that additional data. This assessment should include further detail on how the mitigation areas are expected to affect bird population sizes, distributions and movements within the 13km wildlife zone surrounding Warton Aerodrome.*

## **1.3.2 Response**

1.3.2.1 Before responding to the individual points raised by the Secretary of State, the Applicants set out below a summary of the outstanding considerations relating to, and linkages between, ornithology and bird strike risk. These considerations are addressed in detail in the Applicants' responses to the individual points and associated documents.

1.3.2.2 Natural England considers there is potential for both temporary (geese, ducks and waders) and permanent (golden plover) Adverse Effects on Integrity (AEoI) on the Ribble and Alt Estuaries SPA and Ramsar site. To address these effects, the Applicants have proposed mitigation areas at Newton-with-Scales (for both permanent and temporary impacts) and Lytham Moss (for temporary impacts), or to introduce spatial scheduling during construction (also for temporary impacts) (please see response to Points 5 and 6). Natural England has agreed these mitigation areas would be effective in avoiding AEoI both for temporary and permanent impacts. Natural England has also agreed that the spatial scheduling would be effective in avoiding AEoI for temporary impacts (Points 12 and 13). BAE, and, latterly, DIO object to both of the mitigation areas on the basis of the potential of increased bird strike risk (Points 4, 7 and 9).

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1.3.2.3 The current position is set out in the responses to these points, and it is respectfully submitted that the most appropriate solution depends on the Secretary of State's view on a number of issues, which the Applicants' consider can be helpfully set out in a decision 'flow chart' which can be summarised as follows:

**1. If the SoS considers there are temporary but not permanent AEol:**

Only mitigation for temporary effects will be required. This can be secured through the spatial scheduling during construction, which Natural England agrees would be effective. In this scenario, there is no need for either of the proposed mitigation areas (Newton-with-Scales and Lytham Moss), which are the areas of concern to BAE/ DIO (Point 5).

**2. If the SoS considers there are both temporary and permanent AEol:**

Mitigation areas will be required. The following options are available:

- i. Mitigation at the areas of Newton-with-Scales (for temporary and permanent impacts) and Lytham Moss (for temporary impacts). If this is the case, then BAE and DIO consider mitigation for bird strike risk is needed. The Applicants consider the following options are available:
  - a. The Applicants' primary position is that there will be no increase in bird strike risk, and so no bird strike mitigation is needed;
  - b. If the SoS considers bird strike mitigation is needed then Requirement 27 provides suitable mitigation by securing the approval of wildlife hazard management plan (based on the submitted outline) (Point 9, 10 and 11).
- ii. Provision of the alternative mitigation area at Crossens Outer and Banks Marsh option (for permanent impacts) combined with the spatial scheduling (for temporary impacts). The alternative Crossens Outer and Banks Marsh option does not give rise to bird strike concerns (Point 8) but Natural England have not agreed to this mitigation area due to 'additionality' concerns (see the Applicants' response to Secretary of State's letter dated 12 March 2026 in relation to status of discussions with Natural England).

1.3.2.4 As can be seen above, there are several potential approaches to address the interaction between bird strike risk and mitigation. The following responses provide the specific information in more detail.

#### Point 4

1.3.2.5 The Applicants note that this question is directed to BAE Systems and DIO, who will respond separately. For completeness, the Applicants set out their understanding of BAE and DIO's outstanding concerns regarding specific mitigation sites below.

1.3.2.6 The Applicants, BAE and DIO had a meeting on 10 April 2026. Prior to this meeting, it was the Applicants' understanding that the remaining concerns from BAE and DIO are restricted to the mitigation areas at Newton with Scales (Work No. 49A/49B) and at Lytham Moss (Work No. 35A/35B), and there is no concern with any other mitigation area (please see the response to point 7 for further detail on the Applicants'

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lack of clarity regarding bird strike risk concerns at Warton, following both this meeting and the receipt of the bird strike risk assessment commissioned by BAE). BAE specifically discussed their outstanding concern with Newton-with-Scales in the Statement of Common Ground submitted at Deadline (D) 7 and Lytham Moss was confirmed as a mitigation of concern in their Closing Statement (REP7-055).

- 1.3.2.7 The Applicants consider that BAE's and DIO's concerns with these areas were fully addressed in the updated outline Wildlife Hazard Management Plan ("oWHMP") (REP7-034) submitted at D7. The positions in respect of these are as follows (and set out in more detail at Point 7 below):

#### **Newton-with-Scales**

- 1.3.2.8 Within the oWHMP, the Applicants introduced a suite of active management measures that effectively ensure that bird numbers would not increase beyond an approved trigger level. Birds would be monitored at agreed intervals and the proposed reporting mechanism ensures all management measures, should they be required, are approved and communicated to Warton Aerodrome. This requirement is controlled by requirement 27 in the DCO (Schedules 2A and 2B).

#### **Lytham Moss**

- 1.3.2.9 The Applicants introduced a suite of active management measures into the oWHMP which ensures that any unintentional increase of birds is quickly dispersed from the feeding site, before a reduction in the feeding regime is implemented. This additional measure ensures a quick and effective means of dispersing the birds, allowing the longer term feeding regime to be addressed.
- 1.3.2.10 In relation to the possible alternative Crossens Outer and Banks Marsh option mitigation site (discussed at Point 8 below and in more detail in Applicants' response to SoS letter 12 March 2026 in relation to discussions with Natural England), this location is aligned with BAE's request (contained within the SOCG submitted at Deadline 7) that the Applicants consider relocation of the mitigation area further from Warton Aerodrome and the runway approaches, ideally to the south of the Ribble Estuary. The Crossens Outer and Banks Marsh site therefore meets BAE's requirements: the location was discussed in a meeting on 10 April 2026, and DIO noted it was likely to be acceptable, but they would need to check with their Subject Matter Experts to confirm. BAE did not comment on the acceptability of the mitigation area.

### **Point 5**

- 1.3.2.11 Spatial Scheduling (H2, H32, H33, NE20) was investigated post-application to address temporary construction-phase impacts in light of concerns raised by BAE during examination. This reflects the Applicants' firm position that there is no AEol arising from permanent impacts on golden plover. On this basis, spatial scheduling during

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construction would entirely remove the need to consider bird strike risk in relation to BAE and DIO, as the identified mitigation areas of concern would no longer be required.

- 1.3.2.12 However, if the Secretary of State concludes that permanent impacts do result in an AEol, spatial scheduling would not be a suitable mitigation alone, and the Newton-with-Scales (or Crossens Outer and Banks Marsh) mitigation area would still be required during the operational phase of the Transmission Assets project.
- 1.3.2.13 Both the Applicants and Natural England agree that the purpose of the proposed mitigation areas at Newton-with-Scales and Lytham Moss is *'to provide habitat for species already within the area and Ribble SPA/Ramsar which have been potentially impacted or displaced from FLL habitat as a result of the Project , not to attract birds from elsewhere outside the SPA '(see response to Q14 in REP6-194). The same species and broadly similar numbers of birds are expected to continue using the area, redistributed over broadly the same locations (typically within a few fields' distance) and at the same time of year.*
- 1.3.2.14 Within the original application, the Applicants applied spatial scheduling to the landfall, and this was refined further during the DCO Examination. At the end of the DCO Examination, the Applicants explored opportunities to implement spatial scheduling in key sensitive areas during the construction period. This was proposed as an alternative to the temporary mitigation area at Lytham Moss and the temporary use of Newton-with-Scales to alleviate concerns from aviation stakeholders (see paragraph 1.3.2.12). Therefore, spatial scheduling only eliminates the need for temporary mitigation areas and associated bird strike risk. As the spatial scheduling involves screening during construction with localised seasonal restrictions it is not a mitigation option that could address permanent impacts and thus, the permanent mitigation areas would still be required. These could be delivered through Newton with Scales (which BAE/DIO remains concerned about bird strike risk) or through the alternative permanent mitigation area at Crossens Outer and Banks Marsh (which Natural England have not agreed on as a suitable mitigation area).
- 1.3.2.15 The Alternative Ornithology Mitigation Note - Temporary (S\_SoSQ\_5) provides further detail on the proposed spatial scheduling to mitigate for the temporary impacts during construction. While it remains the Applicants' position that there will be no AEol during the operational phase, the Alternative Ornithology Mitigation Note - Permanent (S\_SoSQ\_6) sets out the Applicants' proposed alternative mitigation for permanent impacts should Natural England remain unable to rule out AEol, which would avoid the need for mitigation areas and therefore avoid the risk of bird strike. The Applicants' full position on this matter is set out in the Applicants' response to Secretary of State's letter dated 12 March 2026 in relation to status of discussions with Natural England (see **Appendix C: Applicants' response to Secretary of State's letter dated 12 March 2026 in relation to status of discussion with Natural England**). This detailed response had been prepared for discussion with Natural England at a meeting scheduled for 8 April,

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however this meeting was cancelled by Natural England due to resourcing constraints, and so this information is now being proposed directly to the Secretary of State.

## Point 6

- 1.3.2.16 An update on the Applicants' engagement with Natural England regarding alternative onshore ornithology mitigation measures for temporary impacts can be found in Section 1.3 of the Applicants' response to Secretary of State's letter dated 12 March 2026 in relation to status of discussions with Natural England. The Applicants also highlight their submissions Alternative Temporary Mitigation for Ornithology Technical Note (S\_SoSQ\_5) including Appendix A, and the Outline Ecological Management Plan (J6/F07) which provide additional information regarding the proposed alternative temporary mitigation measures (i.e., spatial scheduling). Natural England has been consulted on this information following the close of Examination and have agreed that these additional measures (if needed) will avoid AEol and the Applicants therefore consider this matter to be fully agreed and resolved.
- 1.3.2.17 The Applicants are of the view that, should it be required, the proposed alternative mitigation at Crossens Outer and Banks Marsh would provide suitable alternative mitigation for permanent impacts, removing the need for Newton with Scales. In this scenario, the proposed spatial scheduling (or Lytham Moss) would also be required to address temporary construction impacts that would otherwise have also been mitigated through Newton with Scales.

## Point 7

- 1.3.2.18 Following on from the detailed engagement throughout Examination, the Applicants have actively sought to continue discussions with BAE in relation to bird strike. On 18 February 2026 BAE advised that they would carry out their own bird strike risk assessment using the information provided by the Applicants in the updated outline Wildlife Hazard Management Plan ("oWHMP") [REP7-034] submitted at Deadline (D)7.
- 1.3.2.19 On 17 March 2026, BAE provided their Wildlife Strike Risk Assessment Matrix for Warton Aerodrome. Based on previous discussions and requests, the Applicants were expecting BAE to send the raw bird strike and survey data together with details on how BAE manage bird strike risk on and off the aerodrome (i.e. the management measures and the processes for implementing and reviewing these measures). The Applicants note that Warton Aerodrome's bird strike risk methodology monitors *'leading and lagging bird strike indicators and its probability matrix encompasses a wider range of risk levels compared to that shown in CAP772'* (as described in section 1.3.5 of BAE's closing statement (REP7-055). In the absence of Warton Aerodrome's existing Bird Strike Risk Assessment or information to explain the methodology behind Wildlife Strike Risk Assessment Matrix, the Applicants cannot

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- confirm that the matrix incorporates both leading and lagging bird strike indicators.
- 1.3.2.20 Nevertheless, the Applicants have used the information from BAE (17 March 2026) to prepare a risk assessment specific to Warton Aerodrome. This risk assessment is aligned with the CAA, CAP772 process. This bird strike risk assessment is presented in Appendix C of the oWHMP (S\_D3\_8 /F05).
- 1.3.2.21 Whilst the Applicants understand that this is not the specific process BAE uses to assess bird strike risk, the Applicants were not able to do anything differently due to the very limited information provided by BAE and note that they have consistently, throughout Examination and in the post-Examination period, requested more information from BAE to enable alternative assessments to be completed.
- 1.3.2.22 BAE were due to provide their own bird strike risk assessment to the Applicants on 31 March 2026, but due to resourcing and illness this was not provided. However, in an email from BAE on 1 April 2026 the Applicants were advised that the initial feedback on the mitigation areas from the consultant appointed by BAE to undertake the assessment (Ontrack AGM) is that it is expected to have an increased bird strike risk to Warton, which could impact air safety. BAE also advised that any increase to air safety risk would not allow BAE to remove their objection.
- 1.3.2.23 BAE shared their risk assessment report on the morning of 10 April 2026 (the last working day before the deadline submission), ahead of a meeting to discuss the outcomes of the risk assessment. BAE, DIO and Ontrack AGM attended. Given the delay in providing the risk assessment the Applicants have had limited time to undertake a detailed review, however their initial comments are set out below.
- 1.3.2.24 The Applicants note that the bird strike risk overview provided on behalf of BAE has been prepared by Ontrack AGM, described as a grounds maintenance company, which draws upon local operational familiarity with the surrounding area. The Applicants also note that Ontrack AGM's registered office is at Lower Lane, directly adjacent to Works 17A and 19A. While such local knowledge may provide useful contextual insight, the Applicants are concerned that the assessment has not been undertaken by a suitably qualified aviation safety risk specialist or by a professional ornithologist. The Applicants consider that this is fundamental to ensure that the risk assessment reflects a robust understanding of bird populations, behaviour and movement patterns and habitat use together with bird strike risk assessment and CAP772 process.
- 1.3.2.25 In particular, conclusions drawn within the report regarding the likely behavioural response of bird populations to habitat creation or management, and the potential implications for bird strike risk, extend beyond the professional remit of the consultant and have not been substantiated by specialist ornithological ecological evidence. Such conclusions are more appropriately informed by qualified ornithological and ecological assessment, which has been provided within the

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application by the Applicants' independent and suitably competent expert advisors.

1.3.2.26 The report concludes:

*"It is strongly recommended by Ontrack AGM that BAE Warton formally objects to the entirety of the proposed transmission asset programme and urges the Applicant to identify a suitable alternative route for the transmission assets. The Morgan and Morecambe Outline Wildlife Hazard Management Plan is considered misleading, inaccurate, and inappropriate in its assessment of bird strike risks."*

1.3.2.27 In light of the absence of specialist ornithological and aviation safety expertise underpinning this advice, the Applicants consider that it is unclear which specific ecological mitigation areas or aviation safety risks are relied upon by BAE, or how such risks have been robustly assessed. Given that BAE's concerns arise from the proposed mitigation areas only, it is unclear why an alternative route for the entirety of the transmission assets is Ontrack AGM's recommendation.

1.3.2.28 During the meeting on 10 April 2026, the Applicants asked BAE to confirm their position but were advised that they were not yet in a position to do so. BAE informed the Applicants that this information would be shared on 13 April 2026, the deadline for this submission.

1.3.2.29 In the meeting it was noted by DIO that the alternative mitigation area at Crossens Outer and Banks Marsh is south of the Ribble, as DIO requested, and therefore likely to be acceptable to DIO, but that this would need to be confirmed by their Subject Matter Experts. No comment was provided by BAE on this.

1.3.2.30 The Applicants' position throughout Examination has been that there will be no increased bird strike risk to Warton Aerodrome as a result of its proposed mitigation areas (see Point 5 above - these mitigation areas are not introducing birds or a bird strike risk which is not already pre-existing, the mitigation is a localised/minor redistribution within a few fields, rather than an increase of additional birds). Any increased attractants would be effectively and robustly managed through the commitments made within the oWHMP and secured through the agreed requirement of the dDCO (requirement 27 of Schedules 2A and 2B to the draft DCO as updated at Deadline 6 (REP6-013)). These commitments provide a clear framework through which bird activity will be monitored, managed and controlled within the identified limits, as part of standard procedures that align with existing bird strike management measures at Warton and at other aerodromes under the CAP772 process. The process by which a final WHMP, in accordance with the oWHMP, must be approved by the relevant planning authority (in consultation with both BAE and DIO) ensures that BAE and DIO's interests are protected because no relevant works can start and no mitigation measures can be implemented until details of the mitigation measures are approved in the final WHMP with input from both stakeholders.

1.3.2.31 The Applicants have demonstrated in the Warton Aerodrome specific bird strike risk assessment (Appendix C of the oWHMP (S\_D3\_8/F05)) that, with the implementation (where required) of established passive

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and active bird control measures and, if necessary, additional adaptive management measures, bird strike risk would be maintained at existing baseline levels.

- 1.3.2.32 The proposed control measures comprise tried and tested techniques that are widely used and proven to be effective in dispersing birds and reducing attractants. Any adaptive management measures, should they be required, would similarly form part of a normal, iterative management response and would focus on addressing or removing the factors attracting birds, rather than introducing novel or exceptional controls. As noted above, the detail of these measures would all be agreed post consent, with the consultation of BAE and DIO, as secured through requirement 27 of the dDCO.
- 1.3.2.33 Whilst the Applicants would have preferred to reach agreement with BAE and DIO in advance of determination on measures within the oWHMP, progress has been constrained by limited and slow engagement from both BAE and DIO. The Applicants note that this continues the approach taken during the Morgan and Morecambe Generation Order examinations and determinations, in which BAE maintained that its objections could not be withdrawn until it was fully satisfied that all post-consent matters were resolved. Effectively, notwithstanding the fact that BAE agreed the text for a suspensive DCO requirement to protect its interests, it continued to object on the basis that the suspensive matters under that requirement had not been adequately resolved. In each case, the projects demonstrated that the detail of BAE's concerns would be fully addressed through post-consent approval of future detail secured by requirements within the Development Consent Order. On both occasions, the Secretary of State concluded that BAE's interests were adequately protected and granted consent notwithstanding the outstanding objections.
- 1.3.2.34 The same approach is being taken again by BAE (and, by extension, DIO) in this case, where despite reaching agreement on the wording of requirement 27 in the draft DCO (REP7-030 at BAE.AR.23), BAE have noted that they will not be able to remove their objection until all measures have been fully assessed and final mitigation (i.e. the final WHMP) approved. The Applicants consider that it remains open to the Secretary of State to reach the same conclusion as on both generation DCOs on the suitability of the agreed requirement in this instance.
- 1.3.2.35 As demonstrated throughout the Examination and summarised in the Applicants' closing submission (REP7-042), the Applicants have demonstrated full compliance with all relevant aviation safety policies. In particular, the Applicants would note the requirements of EN-1 paragraphs 5.5.2 and 5.5.7 which emphasise the importance of collaboration and co-existence between aviation and energy stakeholders, with the needs of both parties to be balanced to avoid unduly compromising each other. The Applicants have continually sought to collaborate and co-exist with BAE, and have used every endeavour to pro-actively engage with and address BAE and DIO's concerns.

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1.3.2.36 The Applicants consider that the test in paragraph 5.5.60 of EN-1, which states that the Secretary of State must either be satisfied that the impacts of a proposed energy development does not present risks to national security and physical safety or, where it does present risk, appropriate mitigation can be achieved or secured through DCO requirements, is met by the evidence presented by the Applicants and through requirement 27, and that the Secretary of State can therefore be satisfied that consent may be granted.

#### Point 8

1.3.2.37 Due to ongoing concerns raised by BAE and the DIO, the Applicants have undertaken an extensive review of alternative potential permanent mitigation areas (i.e. alternative to the land south of Newton-with-Scales) that could satisfy both Natural England and BAE/DIO. Given the need to mitigate impacts as close to the Project as possible and the site's location within high-value agricultural land and its proximity to the SPA and Warton Aerodrome, identifying an alternative mitigation area has proven challenging.

1.3.2.38 Notwithstanding these constraints, the Applicants have identified an alternative mitigation option to the south of the Ribble (as per BAE/DIO's preference) that Natural England agrees is likely to provide benefits to golden plover (the only feature of this SPA and Ramsar site for which Natural England has not yet agreed AEoI can be ruled out). However, Natural England does not consider its delivery within the SPA to be appropriate as a matter of principle and remains concerned that it is not a like for like measure. However, this alternative mitigation option aligns with BAE's and DIO's requirements, in that it is situated south of the River Ribble (contained within the SOCG submitted at Deadline 7).

1.3.2.39 The Applicants' position is set out in the response to the Secretary of State's letter dated 12 March 2026 in relation to status of discussions with Natural England and includes information to address the concerns raised by Natural England.

#### Point 9

1.3.2.40 The Applicants agree with DIO's position that for a management plan to be effective it would need to ensure that measures were in place to ensure hazardous birds utilising the south of Newton-with-Scales mitigation area did not increase above an agreed threshold (trigger levels). This is demonstrated throughout the Applicants' Examination submissions as well as within the bird strike risk assessment for Warton Aerodrome (see section 1.3 of Appendix C of the oWHMP (S\_D3\_8 F05)). The Warton Aerodrome bird strike risk assessment considers trigger levels as an integral part of the management plan for bird strike risk. Extracts from the oWHMP are provided below to summarise the Applicants' position.

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1.4.1.2 Bird strike management is a continuous process that is composed of different elements. These can be broadly grouped into different categories as presented below.

1.4.1.3

1. **Communications Protocol**- A communication protocol will be finalised within the Wildlife Hazard Management Plan, the interim protocol as identified below ensures that lines of communication protocols are agreed ahead of any works happening.
2. **Passive measures** – These are routine management and design-based measures that are incorporated into the components of the Transmission Assets for both the Morgan Offshore Wind Project and the Morecambe Offshore Windfarm. The purpose of passive measures is to ensure that attraction of problematic species and/or numbers of birds does not exceed an agreed trigger level. This trigger level will vary by location, species and associated risk.
3. **Active measures** – These are reactive measures to quickly and safely reduce bird strike risk if the passive measures have not contained the risk below the agreed trigger level. No active measures will be undertaken without the express consent of Blackpool Airport or BAE Systems/DIO as appropriate.
4. **Monitoring** – Regular monitoring will be undertaken to record the number of birds and species of birds using the environmental mitigation and biodiversity areas and construction areas within the Transmission Order Limits. Monitoring will also record the habitat features and the management operations undertaken. Monitoring will inform if any active measures need to be employed whilst also providing the evidence base to feed into the adaptive management. In the case that active measures are required, the monitoring frequency would be increased to reflect the rise in risk.
5. **Adaptive management** – Adaptive management reacts in the longer term, using the monitoring data to inform changes in design and management. If, for example, there was an unintended increase in a problematic species at a particular area, following an immediate reduction in risk through deployment of active measures, adaptive management would inform any changes in passive measures that are needed to ensure that the risk was being effectively managed in the long-term.

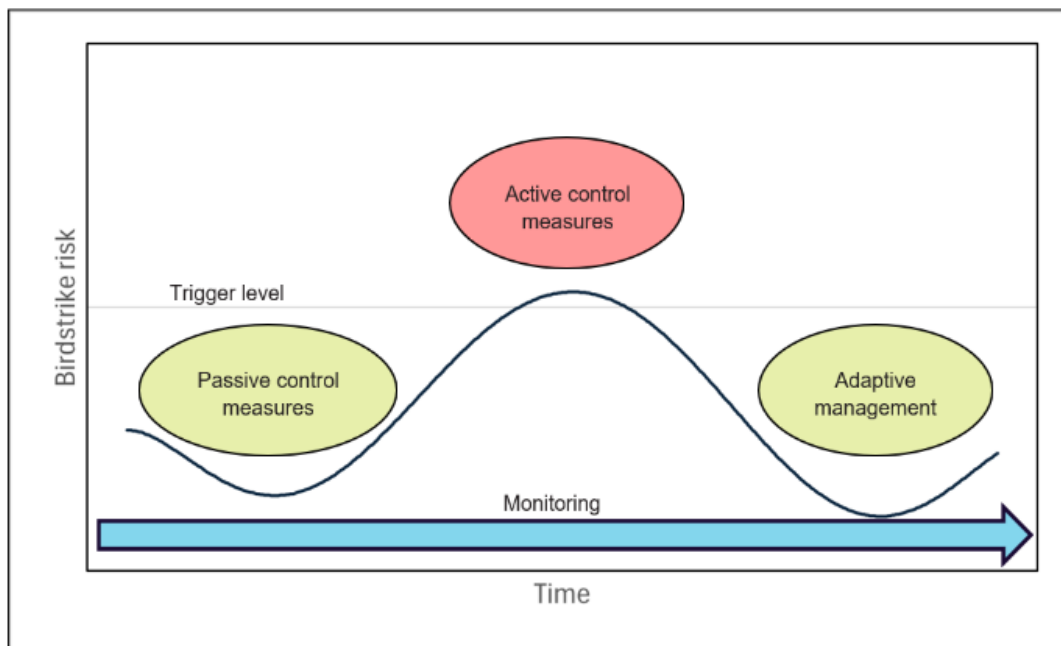


Figure 1-5: Bird strike management measures

### Defining bird populations and committing to trigger levels in the oWHMP

- 1.3.2.41 The Applicants note that the purpose of the oWHMP is to establish an agreed framework and governance mechanism through which detailed measures will be developed post consent in consultation with BAE, DIO and Natural England. The oWHMP sets out the process for how the trigger levels will be defined including the information that will be used to ensure the trigger levels are appropriate and specific to the bird target species and the location/features of the Transmission Assets Project. The definition of trigger levels will be evidence-based using the latest baseline data for key bird species and will rely on detailed design information including the detailed construction programme and location/design of construction compounds.
- 1.3.2.42 Given the current level of information, the establishment of trigger levels at this stage would be theoretical, not evidence led and would not meaningfully enhance the confidence in the oWHMP's capacity to manage bird strike risk.
- 1.3.2.43 BAE has not provided information on their bird strike risk management (other than the Wildlife Strike Risk Assessment Matrix ), and therefore it is not possible for the Applicants to understand how they currently manage risk in this environment with such dynamic bird activity. Without this information it is not possible to advance any discussions on trigger levels. The Applicants have been consistently requesting this information from BAE throughout the Examination.
- 1.3.2.44 The controls, commitments and framework set out within the oWHMP and requirement 27 ensure that all elements of the oWHMP, including

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baseline bird numbers and trigger levels, are agreed and approved in the final WHMP prior to the commencement of any mitigation area works. Consistent with precedented DCO practice, the oWHMP is an outline plan that secures the necessary commitments at consent stage, while appropriately deferring detailed design and implementation matters to post-consent agreement. This approach ensures that the respective requirements of DIO, BAE and Natural England can be addressed through an agreed mechanism (i.e. the final approved WHMP based on the oWHMP), which is secured within the DCO, without needing to prescribe detailed arrangements prematurely. By not defining the trigger levels/thresholds at this stage does not undermine the conclusions of no AEoI or the bird strike risk assessment for Warton Aerodrome (Appendix C of the oWHMP (S\_D3\_8 F05)).

- 1.3.2.45 In summary, the Applicants agree with DIO and BAE that trigger levels are necessary and, as demonstrated within the oWHMP, their inclusion has been proposed as part of the management plan. Further advancement in the development and understanding of these trigger levels would have been possible had the information that BAE agreed to provide during Examination been provided to the Applicants. The Applicants are confident that the appropriate, specific trigger levels can be agreed with Natural England, BAE and DIO post consent.

#### Point 10

- 1.3.2.46 Following the Secretary of State's request for information, BAE provided limited data on the last 5 years of bird strike at Warton Aerodrome on 17 March 2026. The Applicants were expecting a suite of data and information, as requested and agreed in the Examination, which was to detail how management of bird strike is carried out, the last five years of bird strike data (including within and outside the aerodrome), and a risk matrix or bird strike risk assessment in current use- to allow for alignment of the Applicants' risk assessment.
- 1.3.2.47 Whilst not being the full suite of data expected, the data provided by BAE has enabled the Applicants to prepare a Warton Aerodrome specific risk assessment. This risk assessment is aligned with the CAA, CAP 772 process. Whilst the Applicants understand that this is not the specific risk assessment BAE uses to assess bird strike risk, the Applicants were not able to do anything differently due to the lack of information provided. Further information on this assessment is provided in response to question 7 above.
- 1.3.2.48 On 18 February 2026 BAE advised that they would carry out their own bird strike risk assessment using the information provided by the Applicants in the oWHMP (REP7-034) submitted at Deadline (D)7. The Applicants received this risk assessment on 10 April 2026 (noting that BAE had originally indicated it would be provided on 31 March 2026), the final working day before submission of this response. Further information on the Applicants concerns with the assessment is detailed in response to Point 7 above.

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## Point 11

- 1.3.2.49 Whilst the Applicants have not received all the data and information that was agreed to be provided, the information shared has allowed the Applicants to carry out a bird strike risk assessment specific to Warton Aerodrome, please see responses to Points 7 and 10 above for more information.

## 1.4 Habitats Regulations Assessment (HRA)

### 1.4.1 Introduction

- 1.4.1.1 Points 12 to 14 of the SoS's letter are in relation to HRA and are set out as follows:

*12. Natural England is invited to comment on any D6 or D7 submissions from the Applicants relating to HRA conclusions and confirm whether these resolve any of its outstanding concerns.*

*13. Natural England is invited to comment on the oWHMP and draft Wildlife Attractants Habitat Risk Assessment [REP7-034] and specifically on whether the proposed measures to reduce bird strike risk will negatively impact the proposed mitigation areas for the Ribble and Alt Estuary SPA.*

*14. The Applicants and Natural England are invited to provide any other updates relevant to HRA matters.*

### 1.4.2 Response

#### Point 12 and Point 13

- 1.4.2.1 Points 12 and 13 are directed to Natural England. The Applicants sought to discuss matters relating to the HRA, oWHMP and draft Wildlife Attractants Habitat Risk Assessment with Natural England at a meeting scheduled for 8 April. Regrettably, it was not possible to hold this meeting ahead of the 13th April deadline. The Applicants remain committed to ongoing engagement with Natural England on these matters and will seek to organise another meeting at a time that is more suitable for Natural England following 13th April. The Applicants note that Natural England have previously reserved judgement on the impact of the proposed oWHM measures on the efficacy of the mitigation (Response to point 2 of REP6-190).

#### Point 14

- 1.4.2.2 Following the conclusion of Examination the Applicants and Natural England had reached agreement that, with the implementation of the proposed mitigation areas at Lytham Moss and south of Newton-with-Scales, there would be no AEoI from the projects alone or in-combination (3.4.12 of REP6-194). However, given the aviation concerns raised during Examination about the proposed mitigation areas, the Applicants have been working to provide sufficient detail to Natural England surrounding the prospect of alternative mitigation options (which the Applicants understand would be acceptable to BAE)

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to address potential temporary and permanent impacts to features of the Ribble and Alt Estuaries SPA and Ramsar site. Specifically, the Applicants have been discussing whether Natural England could rule out AEoI in the event that these alternative mitigations require to be adopted. Throughout this process, the Applicants have worked closely with Natural England, and the Applicants' understanding of their current position is outlined below. Further information can be found in Applicants' Response to Secretary of State's Letter Dated 12 March 2026 in relation to status of discussions with Natural England .

- 1.4.2.3 The two remaining unresolved areas relating to HRA, were:
1. The alternative temporary mitigation of construction impacts on onshore and intertidal ornithology; and,
  2. in relation to Natural England's outstanding position that AEoI could not be ruled out due to the potential permanent loss of habitat for golden plover associated with the development of the substations.
- 1.4.2.4 In addressing the first issue, and independent of the final position that may be reached by BAE/DIO's on the mitigation areas, the Applicants have provided adequate appropriate and agreed alternative mitigation measures, i.e., Scenario 1, 2 or 3 in the Appendix of the Alternative Temporary Mitigation Note and now consider all issues relating to temporary impacts on onshore and intertidal ornithology to be resolvable in a number of agreed ways.
- 1.4.2.5 In response to the second issue, the Applicants' view is that mitigation is not needed to reach a conclusion of No AEoI for permanent impacts (e.g., see reference 3.3.10 – 3.3.28 and 3.4.13 of S\_D6\_5 Comments on the Report on the Implications for European Sites (RIES) - Rev F01 (REP6-175) and 1.6.3.18 of E2.3 Habitats Regulations Assessment Stage 2 Information to Support an Appropriate Assessment - Part Three (REP6-024)). (e.g., see reference 3.3.10 – 3.3.28 and 3.4.13 of S\_D6\_5 Comments on the Report on the Implications for European Sites (RIES) - Rev F01 (REP6-175) and 1.6.3.18 of E2.3 Habitats Regulations Assessment Stage 2 Information to Support an Appropriate Assessment - Part Three (REP6-024)). Despite this, the Applicants have presented, on a without prejudice basis, alternative mitigation for golden plover to the south of the Ribble.

## 1.5 Marine Physical Processes, Subtidal and Intertidal Ecology

### 1.5.1 Introduction

- 1.5.1.1 Points 15 to 23 of the SoS's letter are in relation to Marine Physical Processes, Subtidal and Intertidal Ecology and are set out as follows:

*15. The Applicants are requested to update Table 3 of the Cable Specification and Installation Plan [REP6-097] (and any other relevant documents) to include the Maximum Design Scenario ("MDS") for sandwave clearance by area (m<sup>2</sup>) and to provide an explanation of how the MDS for sandwave clearance by volume (m<sup>3</sup>) has been calculated.*

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16. Natural England is requested to comment on the Applicants' D6 updates to the Offshore In Principle Monitoring Plan [REP6-104] and advise whether these resolve its concern relating to sandwave recovery set out in NE.PP.5 [REP6-179].

17. The Secretary of State notes that the Applicants have committed to monitoring of sandwave recovery from cable preparation and installation activities, through comparison of pre- and post-construction geophysical data [REP6-101]. He also notes that for Outer Dowsing Offshore Wind Farm inherent uncertainties in relation to sandwave recovery, from the same impacts, were resolved with a commitment to longer-term monitoring of sandbanks if full recovery is not observed. The Applicants are therefore requested to consider updating [REP6-101] to secure further surveys of sandwave recovery if the initial post-construction survey does not indicate full recovery.

18. The Applicants are requested to explain how the 3% MDS for cable protection within the Fylde MCZ (as set out in CoT47 [REP6-042] and the outline Offshore Cable Specification and Installation Plan [REP6-097]) was calculated.

19. At the close of the Examination, Natural England advised that the Applicants should undertake project specific modelling in relation to indirect impacts to designated sites resulting from cable protection in the nearshore areas (RI\_B3 in [REP6-193]; NE.PP.3 in [REP6-179]). The Applicants [REP7-042] considered this unnecessary due to nearshore ground conditions which allow for cable burial and because CoT45 [REP6-042] prevents cable protection from reducing water depth by more than 5%. The Secretary of State notes, however, that CoT45 allows for cable protection to exceed 5% water depth, subject to written approval from the relevant authority. The Applicants are requested to explain how the potential impacts to physical processes and designated sites from nearshore cable protection have been assessed, for the scenario where nearshore cable protection exceeding 5% water depth is required and approval is granted from the relevant authority.

20. Without prejudice to the Secretary of State's conclusions on impact to the Fylde MCZ, and in line with the Applicants' offer in [PID-002], the Applicants are requested to propose updated wording for their without prejudice benthic compensation DCO schedule [REP5-108]. The Applicants should consider if they wish to specify the impact based on the MDS or include a mechanism for this to be agreed post-consent and prior to the commencement of relevant works.

21. Without prejudice to the Secretary of State's conclusions in relation to the Fylde MCZ, the Applicants are requested to confirm whether they have engaged with Defra regarding the use of the MPA designation and/or extension measure of the Marine Recovery Fund and whether there would be sufficient capacity within the measure to provide measures of equivalent environmental benefit (MEEB) for the loss of up to 3.04 ha of subtidal mud and up to 2.64 ha of subtidal sand.

22. Natural England is requested to comment on any further D6 & D7 submissions relevant to the Marine Conservation Zone Assessment and confirm whether these resolve any of its outstanding concerns.

23. The Secretary of States notes the outstanding disagreement between the Applicants and Natural England regarding mitigation measures for impacts to marine physical processes (NE.PP.4 in [REP6-179]). Natural England is invited to explain its outstanding concerns and recommend how these could be addressed.

## 1.5.2 Response

1.5.2.1 The Applicants' responses to points 15 to 23 are set out below.

### Point 15

1.5.2.2 The Applicants have updated Table 3 of the Outline Offshore Cable Specification and Installation Plan (CSIP) (J15/F05) to include the Maximum Design Scenario (MDS) for sandwave clearance by area

(m<sup>2</sup>). The Applicants can confirm that the update to the Outline Offshore CSIP does not need to be reflected in any other documents.

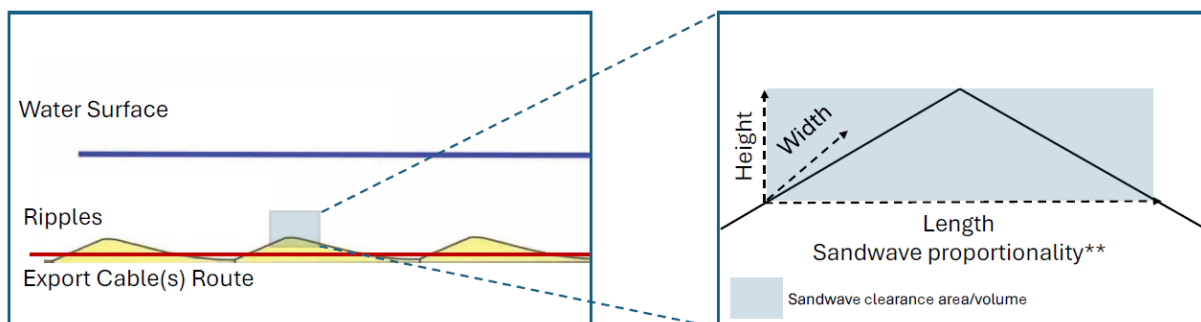
1.5.2.3 The Applicants have also updated the Outline Offshore CSIP (J15/F05) to include an explanation of how sandwave clearance volume has been calculated. This is set out in Section 6.5 of the document and discussed further below.

1.5.2.4 As set out in paragraph 3.12.3.13 of Section 3.12.3 of the Project Description (REP6-038), based on site investigation surveys it is estimated that up to 9% of the cable route may require sandwave clearance with sandwaves more prevalent in the westerly extent of the Offshore Order Limits, in and around the Morgan Offshore Wind Project: Generation Assets, as detailed in the Cable Burial Risk Assessment (CBRA) (APP-219). Furthermore, these site investigation surveys indicate that the Fylde MCZ is largely featureless with some minor extent of ripples and pitted seabed with limited wave height and therefore, in the interest of reducing the potential for impacts within the protected area, the Applicants committed to up to 5% of the cable route requiring sandwave clearance within the Fylde MCZ. The results of the CBRA for the Fylde MCZ are summarised in Table 7 of the Outline Offshore Cable Specification and Installation Plan (CSIP) (REP6-097), which states the maximum mobile bedform heights of 0.53 m. Based on this information, the Applicants calculation of sandwave clearance volume assumes a maximum height of sandwaves needing to be cleared of 1 m. The calculation therefore follows:

"0.5 x height of sandwave clearance x sandwave clearance corridor width x cable length requiring sandwave clearance"

1.5.2.5 Where;

- The calculation represents the typical triangular prism geometry of sandwaves, as presented in **Figure 1.1**.
- '*Cable length requiring sandwave clearance*' is 9% of total length of cables outside the Fylde MCZ and 5% of total length of cables inside the Fylde MCZ



\*Figures show the sandwave profile viewed parallel to the shoreline.

\*\* Proportionality represents the % of route requiring sandwave clearance

**Figure 1.1: Sandwave Profile**

1.5.2.6 Table 3 in the Outline Offshore CSIP (REP6-097) sets out the width of sandwave clearance corridor, length of each cable and total cable length within the Fylde MCZ for each of Morgan and Morecambe's

assets. The sandwave clearance height of 1 m is informed by available geophysical and geotechnical data presented in the CBRA (APP-219), and represents a conservative assumption considering the dynamic nature of the seabed, and that, as set out above, the site investigation surveys reported maximum heights of 0.53 m. The Applicants note that the sandwave clearance volume is limited through the disposal volume set out under Part 1, 2(g) of Schedule 14 and Schedule 15 of the draft DCO (REP6-013).

1.5.2.7 In preparing this response, the Applicants identified two errors in the sandwave clearance calculations which, when corrected, reduce the total to less than was applied within the environmental assessment and other Application documents. These errors are explained below:

- Error 1: In response to feedback on the Preliminary Environmental Information Report (PEIR), the Applicants reduced the proportion of export cable length potentially requiring sandwave clearance from 60% (for Morgan) and 30% (for Morecambe) to 9% for both projects outside the Fylde MCZ and 5% for both projects inside the Fylde MCZ. However, the calculations for sandwave clearance within the Fylde MCZ incorrectly applied the 9% criterion (for both projects), rather than 5%. Therefore, the volume of sandwave clearance inside the Fylde MCZ, and in total for the export cable corridors, should be significantly lower.
- Error 2: The calculation for the Morecambe export cables did not apply the '*0.5 x sandwave clearance corridor height x length x width*' expression to address the triangular profile of sandwaves, as shown in Figure 1.1 Therefore, sandwave clearance volumes for Morecambe's export cables inside and outside the Fylde MCZ should be significantly lower.

1.5.2.8 The correct values for sandwave clearance volumes are provided in Table 1.1 below and the following documents have been updated and included with this submission, to ensure certified documents contain the updated values:

- Draft DCO Schedule of Changes (S\_S51\_2/F09)
- Outline Offshore CSIP (J15/F05)
- Dredging and Disposal - Site Characterisation Plan (J22/F04)

**Table 1.1: Sandwave clearance volumes**

	Volume (m3)
<b>Morgan</b>	
Morgan outside MCZ - 9% limitation ( <b>[0.5 x 1</b> (height of sandwaves to clear) <b>x 60 m</b> (cable corridor width)] <b>x 30,240</b> (length of cables with sandwaves requiring clearance)	907,200 m <sup>3</sup>
Morgan inside MCZ - 5% limitation (0.5 x 1 x 60 x 3,200)	96,000 m <sup>3</sup>

<b>Morgan total</b>	<b>1,003,200 m<sup>3</sup></b>
Morecambe	
Morecambe outside MCZ - 9% limitation (0.5 x 1 x 48 x 5,400),	129,600 m <sup>3</sup>
Morecambe inside MCZ - 5% limitation (0.5 x 1 x 48 x 1,200),	28,800 m <sup>3</sup>
<b>Morecambe total</b>	<b>158,400 m<sup>3</sup></b>

1.5.2.9 It should be noted that in correcting the two errors in the sandwave clearance volume calculation, this has significantly reduced the total volumes from those which had been considered in the environmental assessments; i.e. the corrected calculation lies within the Project Design Envelope (PDE) and is less than the MDS. Consequently, the assessments undertaken are conservative and the error in the sandwave clearance volume calculation does not undermine the conclusions; given the relevant impacts would remain the same or of lower significance than those assessed in the environmental statement.

#### Point 16

1.5.2.10 The Applicants note that this point is directed to Natural England and has therefore not provided a response.

#### Point 17

1.5.2.11 The Applicants acknowledge the Secretary of State's request and note the commitments made in the Outer Dowsing Offshore Wind Farm In-principle Monitoring Plan in relation to longer-term monitoring of sandwave recovery.

1.5.2.12 The Applicants have already committed to the implementation of adaptive management measures within the Offshore In Principle Monitoring Plan (OIPMP) (REP6-103). Bullet point six under section 1.4.2 ('Principles') states that *"In the event that any monitoring report provided to the MMO identifies impacts which are beyond those predicted within the EIA, adaptive management / mitigation may be required. Where relevant, an Adaptive Management Plan to reduce effects to within those predicted within the EIA, including timelines and proposed monitoring to test effectiveness, would be submitted alongside the monitoring reports. The Adaptive Management Plan would be agreed with the MMO in consultation with the relevant SNCBs with the aim of reducing effects to a suitable level. Any such agreed or approved adaptive management plan would be implemented and monitored in full"*.

1.5.2.13 To provide greater certainty in response to the SoS's request, the Applicants have updated Table 1.2 in the OIPMP to include cross reference to section 1.4.2 and to explicitly commit to the application of adaptive management measures should the post-construction

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monitoring, during the programme agreed with the MMO, identify impacts which are beyond those predicted within the EIA and/or there remains a significant difference to baseline conditions.

- 1.5.2.14 This update ensures that the monitoring programme explicitly addresses any uncertainties in sandwave recovery timescales and provides a clear framework for longer-term monitoring where necessary.

### Point 18

- 1.5.2.15 The 3% maximum design scenario for cable protection within the Fylde MCZ was calculated based on anticipated engineering requirements, informed by the available geophysical and geotechnical data outlined in the Outline Cable Burial Risk Assessment (CBRA) (APP-219). The CBRA identifies that seabed conditions within the Fylde MCZ are predominantly soft sediments, comprising of loose to dense sands and low to medium strength clays in relatively shallow water depths. These conditions are well suited to standard burial techniques such as jetting and mechanical cutting, which do not typically require cable protection.
- 1.5.2.16 On this basis, the Applicants have adopted a low contingency allowance of 3% for cable protection within the Fylde MCZ to account for cable crossings and the potential presence of hard features or unforeseen obstructions that may be identified during pre-construction surveys. This lower allowance reflects the more favourable ground conditions within the Fylde MCZ and the Applicants commitment to reducing impacts within the protected area.
- 1.5.2.17 As stated in the Applicants response to ExAQ1, question Q7.1.2 (REF3-056), the use of cable protection will be further evaluated and considered post-consent in the detailed CSIP(s), following further post-consent and pre-construction surveys, prior to construction. This will identify where cable protection is required ensuring that cable protection is only used if and where necessary, in accordance with CoT54 (REP6-042). The CSIPs are secured by Condition 18(1)(e) within Schedules 14 & 15 of the draft Development Consent Order (REP6-013) and will be implemented by the Applicants as approved by the MMO in consultation with relevant stakeholders.

### Point 19

- 1.5.2.18 This specific query stems from Natural England's (NE) request for information relating to cable protection parameters in the nearshore and advised undertaking numerical modelling if the Applicants were unable to supply this detailed information to NE.
- 1.5.2.19 The physical processes assessment with respect to cable protection was conducted in line with the Maximum Design Scenario (MDS) set out in Table 1.14 in Volume 2, Chapter 1: Physical processes (REP7-008) and also Table 3 of Outline Offshore Cable Specification and Installation Plan (CSIP) (REP6-097) and Table 3.7 of Volume 1, Chapter 3: Project description (REP6-038).

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- 1.5.2.20 This MDS was applied in conjunction with the embedded measures including the commitment for cable burial to be the preferred option for cable protection (CoT54) and no more than 5% reduction in water depth at any point on the offshore export cable corridor route (CoT45). Both commitments are secured in the DCO (DCO Schedule 14 Morgan Offshore Wind Project Transmission Assets and DCO Schedule 15 Morecambe Offshore Wind Farm Transmission Assets).
- 1.5.2.21 Furthermore, the conditions are secured such that any variations beyond the limits of the DCO require further engagement with (and agreement from) the MMO in consultation with NE and other SNCBs, i.e. the CoT45 includes the statement “without prior written approval from the licensing authority in consultation with the MCA and Trinity House”. Placement of cable protection in the nearshore area, exceeding a 5% reduction in water depth, would not be approved without further consultation. In the unlikely event that this is required, further engagement may involve additional monitoring commitments / adaptive management, numerical modelling or further assessment to examine and outline mitigation for any activities or infrastructure beyond the secured commitments. Thus, any application to MMO to deviate from the 5% limit would be supported by environmental evidence. This approach was recognised by MMO in their closing statement (REP7-048) which, regarding deviation from the 5% limit, states “...it should be noted that monitoring of the adjacent shorelines may still be appropriate if nearshore scour protection with significant potential to affect shoreline processes is deployed.” The context of this statement was clarified in The Applicants’ February update letter to the Secretary of State (PID-002) where MMO note “that information provided is sufficient to justify the current proposals and that the Cable Burial Risk Assessment (CBRA) is reasonable and takes a balanced approach to the risk of coastal change.” Impacts to physical processes, seabed morphology and the associated potential impacts to physical features and adjacent shorelines and impacts to sediment transport and sediment pathways at the offshore export cable landfall were assessed to be of negligible adverse significance, which is not significant in EIA terms (for a summary see Table 1.25 of REP7-008).
- 1.5.2.22 The information from the Outline Cable Burial Risk Assessment (CBRA) (APP-219) indicates, from Lowest Astronomical Tide (LAT) to Depth of Closure (DoC), geological conditions are suitable for trenching to the required depth due to the sediment type found in the nearshore area and Fylde MCZ (i.e. predominantly sand and mud). It is therefore not anticipated that external cable protection would be required in the nearshore. Thus, the detailed design (either by location, installation methodology or type of cable protection) will ensure there are no significant effects to the nearshore as a result of any cable protection; details of the design and construction will be detailed within the Offshore CSIP (in accordance with the Outline Offshore CSIP, (REP6-097)) which will be submitted to the MMO for approval post-consent.
- 1.5.2.23 In summary, surveys undertaken indicate the ground conditions are suitable for burial in the nearshore and there is a secured commitment

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in the DCO to bury cables where possible (CoT54). Additionally, further pre-construction surveys will be undertaken to confirm ground conditions (and reported within the CBRA, as per CoT114). There are also a range of secured commitments which mitigate potential impacts including; no cable protection in inter-tidal, restrictions on height / water depth for cable protection and the use of cable protection tailored to active sediment transport regimes. Therefore, obstructive cable protection or that which reduces the water depth by more than 5% is not proposed for use in the nearshore and the Applicants are actively seeking to avoid this. The ability to deviate from the 5% limit with appropriate agreement, is provided for the unlikely event that pre-construction surveys identify seabed features which influence the outcome of the CBRA. However, this would be subject to consent from the MMO, in consultation with relevant stakeholders.

## Point 20

- 1.5.2.24 The Applicants highlight their position, as set out in E4 Marine Conservation Zone (MCZ) Screening and Stage 1 Assessment Report (REP7-006), that the conservation objectives of the Fylde MCZ will not be hindered by the construction, operation and maintenance, or decommissioning phases of the Transmission Assets in isolation, or cumulatively with any other plan, project or activity. The Applicants also wish to draw attention to the without prejudice benthic compensation DCO schedule (REP5-108) which allows for compensation to also be delivered by project-specific measures or the Marine Recovery Fund (MRF).
- 1.5.2.25 The Applicants have provided updated wording for their without prejudice benthic compensation DCO schedule.
- 1.5.2.26 The Applicants have proposed a mechanism for impacts to be determined post-consent and prior to the commencement of relevant works. During the engagement detailed in **Point 21** below, the MRFO indicated that this approach would be satisfactory for them, however they were unable to comment on the overall suitability of DCO wording.

## Point 21

- 1.5.2.27 The Applicants reiterate their position, as set out in E4 Marine Conservation Zone (MCZ) Screening and Stage 1 Assessment Report (REP7-006), that the conservation objectives of the Fylde MCZ will not be hindered by the construction, operation and maintenance, or decommissioning phases of the Transmission Assets in isolation, or cumulatively with any other plan, project or activity. The Applicants also want to draw attention to the without prejudice benthic compensation DCO schedule (REP5-108) allowing for compensation to also be delivered by project-specific measures.
- 1.5.2.28 Notwithstanding this position, since the close of the examination the Applicants can confirm that they have engaged with Defra's Marine Recovery Fund Organisation (MRFO) regarding the use of the Marine

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Protected Area (MPA) designation and/or extension Strategic Compensation Measure (SCM) of the MRF.

- 1.5.2.29 The Applicants and the MRFO met on 9 February 2026 to discuss the Transmission Assets following the MRF being officially enacted under the Energy Act 2023 and publication of MRF guidance documents on 17 December 2025. During the meeting, the MRFO confirmed that they expect the MPA designation and/or extension SCM would have sufficient capacity to provide measures of equivalent environmental benefit (MEEBs) for the loss of up to 3.04 ha / 30,400 m<sup>2</sup> of subtidal mud and up to 2.64 ha / 26,400 m<sup>2</sup> of subtidal sand for the Proposed Development, should the Secretary of State determine that MEEB is required, and should the Applicants decide to use this specific SCM to provide MEEB.
- 1.5.2.30 Following the meeting of 9 February 2026, the MRFO confirmed these points by email on 19 February 2026. Additionally, the Applicants have agreed the content of this response with the MRFO.

### Point 22

- 1.5.2.31 The Applicants note that this point is directed to Natural England and has therefore not provided a response.

### Point 23

- 1.5.2.32 The Applicants note that this point is directed to Natural England and has therefore not provided a response.

## 1.6 Landscape and Visual

### 1.6.1 Introduction

- 1.6.1.1 Point 24 of the SoS's letter is in relation to Landscape and Visual and is set out as follows:

*24. Concerns were raised during the Examination [REP7-028, REP7-027, REP1-085] regarding the adequacy of the proposed mitigation measures for the onshore substations, particularly in relation to the effectiveness of the visual screening. The Applicants are requested to propose options to further mitigate the landscape and visual impacts of the proposed substations and explain the potential effectiveness alongside any potential adverse impacts of these proposed options.*

### 1.6.2 Response

- 1.6.2.1 The Secretary of State's question is in relation to Fylde Borough Council's (FBC) (REP7-028), and Lancashire County Council's (LCC) (REP1-085 and REP7-027) concerns around the adequacy of the proposed mitigation measures for the onshore substations, which were raised throughout the Examination.
- 1.6.2.2 Before the Applicants discuss further, a summary of the current status with FBC and LCC is provided below.

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## Summary of FBC and LCC's position at the end of Examination

- 1.6.2.3 Engagement with FBC, as the local planning authority, has been generally positive and it has been confirmed through the Statement of Common Ground (SoCG) process – see REP7-029 – that FBC is satisfied that the post-consent design process committed to by the Applicants is capable of delivering appropriate mitigation, design and landscape outcomes.
- 1.6.2.4 In contrast to FBC as the discharging authority, LCC has continued to express concerns, primarily relating to an overarching lack of confidence in the post-consent processes, and a preference for additional or off-site planting. However, despite these concerns, LCC has not identified any mitigation measures that would materially alter the residual effects reported in the LVIA.
- 1.6.2.5 Against this background, and in direct response to the Secretary of State's request, the Applicants set out below:
- **(1) Adequacy and Effectiveness of the Proposed Mitigation**
  - **(2) Position of Fylde Borough Council and Lancashire County Council**
  - **(3) Potential Options** which could be considered as part of the post-consent design process (to be approved by FBC), noting that it is not considered necessary to secure this level of detail at this stage, and doing so would not materially change the LVIA's assessment conclusions. Note one option which could be delivered through the Community Benefit Funds is also considered.

### (1) Adequacy and Effectiveness of the Proposed Mitigation

- 1.6.2.6 The Applicants' Landscape and Visual Impact Assessment (LVIA) (APP – 123 - 3.10 Volume 3, Chapter 10) was undertaken by experienced practitioners who used a methodology based on accepted best practice guidance for landscape and visual impact assessments, all of which was agreed at EIA scoping.
- 1.6.2.7 Its findings supported the iterative design process throughout the course of the Project, which sought to reduce possible impacts wherever possible through proportionate, deliverable and effective mitigation measures, having regard to the following:
- Site selection and layout refinements;
  - Extensive perimeter landscape planting within the Order Limits;
  - Landform and earthworks design;
  - A secured Design Code and post-consent design governance process.
- 1.6.2.8 This approach is entirely typical of onshore substation projects consented as NSIPs and reflects established best practice across the UK.

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- 1.6.2.9 The LVIA identified a range of significance in relation to effects associated with the onshore substations, which the Applicants consider represents an acceptable level of impact. While some significant effects would occur, as would be expected for infrastructure of this nature, the LVIA concluded that:
- There will be no significant long-term operational effects on landscape character, and
  - Long-term significant visual effects are limited and localised, primarily relating to sequential views experienced by users of nearby Public Rights of Way.
- 1.6.2.10 The effects reported in the LVIA indicated that the mitigation measures proposed are adequate and effective in reducing potentially adverse effects to acceptable levels in visual and landscape character terms. Furthermore, they are similar in level to effects reported in other projects of a similar nature.
- 1.6.2.11 The LVIA therefore demonstrates that:
- Mitigation planting and design control reduce the magnitude of change over time, with many views reducing to effects of a moderate level (or below) in EIA terms during operation;
  - Screening at eye level and the “softening” of built form through planting are effective in supporting landscape integration, even where some substation elements remain visible;
  - Further mitigation measures would not alter the residual significance of effects identified in the LVIA, and neither would secure more detail at this stage.
- 1.6.2.12 The Applicants do not contend that mitigation removes all visual effects. Rather – as clarified in the Applicants’ response to ExQ1 13.1.7, REP3-056 – the secured commitments and post-consent design development process would design any elements of the substations that remain visible above or through planting to appear coherent, well-considered, and visually ordered, thus reducing potential effects.
- 1.6.2.13 The Applicants' position remains that the proposed mitigation secured through the outline Design Principles (oDP) (REP6-109), outline Landscape Management Plan (oLMP) (REP6-101), and DCO (REP6-013) delivered through discharge of Requirements 4 Substation Works; 6 Provision of landscaping; and 7 Implementation and maintenance of landscaping, is appropriate, proportionate, and deliverable. The Applicants consider that the level of recorded impact demonstrate the effectiveness of the proposed mitigation measures and the post-consent design framework (see Table 10.16 and 10.17 of section 10.9 of the LVIA) secured through the draft DCO.
- 1.6.2.14 It is also noted that the Applicants agreed during Examination that the commitment to complying with the oDP in the detailed design of each substation should be absolute (removing the reference to being “substantially” in accordance with Requirement 4 in the draft DCO (REP3-010)).

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## (2) Position of Fylde Borough Council and Lancashire County Council

### Fylde Borough Council

- 1.6.2.15 Following extensive engagement during the Examination, while FBC indicated during the pre-consent process that the Council considers the application of the proposed mitigation and monitoring measures to be “*inadequate*”, they made clear following further engagement during the examination process and provision of Project Level Design Principles and refinement to the Design Code, along with the indicative post consent / pre-requirement discharge submission process and a commitment to develop the design to accord with the certified Project Level Design Principles and Design Codes outlined in the oDP, that post-consent design framework “...*is capable of delivering appropriate substation design outcomes.*” (SoCG REP7-028, FBC.DESIGN.1).
- 1.6.2.16 FBC’s agreement reflects its role as the authority responsible for discharging the relevant DCO requirements and provides confidence that the proposed approach is robust and deliverable.

### Lancashire County Council

- 1.6.2.17 The Applicants engaged in protracted discussion and exchanges with LCC during the Examination to address concerns raised in written exchanges and SoCG meetings. Despite the Applicants’ best efforts, the level of agreement reached, as recorded in the SoCG (and in contrast to FBC), is limited.
- 1.6.2.18 LCC’s outstanding objections centre on:
- A lack of confidence in indicative designs and post-consent processes; and
  - Calls for additional or off-site planting, including hedgerow infilling and landscape works beyond the Order Limits.
- 1.6.2.19 In response to LCC’s concerns, the Applicants highlight the following:
- **Off-site planting:** The Applicants recognise that LCC’s proposals for off-site planting reflect their objective to protect the visual amenity of residents and business beyond the Transmission Assets’ Order Limits. However, as with all planning applications (whether NSIPs or otherwise), it is not within the Applicants’ ability or remit to promote or secure planting or mitigation measures beyond the defined Order Limits. Such mitigation measures would sit outside the DCO framework, require third-party landowner agreements, and, crucially, the LVIA did not identify off-site planting as a proportionate response to the mitigation of effects.
  - **Landscape character:** The species selection and planting layout were developed from Lancashire Landscape Character Assessment guidance and agreed with FBC. LCC has not identified how the proposals fail to “*replicate landscape character*” or what alternative approach would be appropriate.

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- **Post-consent process:** The use of indicative designs secured through an agreed Design Code and Requirements discharge is standard NSIP practice. The commitment to comply with the Design Code is absolute (not "substantial"), and FBC (as the discharging authority) has confirmed satisfaction with this framework.

1.6.2.20 The Applicants consider these concerns to be mainly procedural rather than substantive, reflecting a misunderstanding of how mitigation is typically secured and delivered for NSIPs. The requested measures were not identified through the LVIA (nor by FBC, the local planning authority) as necessary to mitigate significant effects and would sit outside the statutory framework of the DCO.

1.6.2.21 Importantly, LCC has not identified mitigation that would materially change:

- The nature of the significant effects recorded; or
- The conclusions of the LVIA.

### (3) Potential Options

1.6.2.22 Notwithstanding the above, the Applicants identify the following options. The first two are examples of post-consent detailed design of mitigation (both location and timing), which is to be approved by FBC in the written landscaping scheme pursuant to Requirement 6 (which must also align with the oDP in relation to the detailed substation design for each site secured by Requirement 4(2)).

1.6.2.23 It is not considered proportionate or necessary to secure this level of detail at this stage in order to make the development acceptable, but the post-consent design process secured by DCO requirements ensures that the Applicants must work with, and secure approval from, FBC on this detail, which must accord with the approved design principles and codes. The third option is an example of what can be delivered through the Community Benefit Funds.

#### Planting adjoining bridleway

1.6.2.24 The written landscape scheme could include tree planting along the existing hedgerow adjacent to Public Right of Way BW0505016, as illustrated by Figure 18 of the oDP.

- **Effectiveness:** this is supported by the Applicants and allows for the provision of screen planting providing effective screening from sensitive viewpoint (VP1) (Vol 3 Figs Part 5 of 7 – Fig 10.2).
- **Possible adverse effects:** there are no adverse effects identified arising from this proposal.
- **Delivery mechanism:** the detailed final planting design would be contained in the written landscaping scheme (which must accord with the oLMP), which is subject to the approval of FBC pursuant to Requirement 6. As this planting relates to the substations, it will

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also need to accord with the oDP (secured by Requirement 4(2)(b), in particular Design Code DC9 (Landscape Scheme)).

1.6.2.25 It is noted that the proposed post-consent process outlined in the oDP (REP6-109) provides for the establishment of a Working Group and stakeholder engagement process, and that the option outlined above could be discussed in that forum in support of the development of the final scheme in the light of Design Code DC9 (Landscape Scheme) and in support of the written landscape scheme discharge process (pursuant to Requirement 6).

1.6.2.26 It is also noted that the DCO allows for either onshore connection assets and substations to come forward independently of the other, avoiding risk to the disruption of mitigation planting etc that could occur with a shared infrastructure approach. Mitigation planting for each substation will be delivered separately in accordance with the project-specific detailed written landscape schemes required by Requirement 6.

### **Early or Advanced Planting (Where Practicable)**

1.6.2.27 During the construction of each of the substations, the normal sequence of events would mean that planting and restoration of the Site would happen towards the end of the build. This is to ensure that during the major works, construction can happen unhindered, safely and quickly, without damaging new planting and/or restoration areas.

1.6.2.28 It is highly unlikely that earlier planting on a material scale will be possible, simply due to the practicalities of the substation build. However, subject to technical feasibility and constructability, additional planting could be proposed and brought forward to the earliest practicable stage of substation construction to accelerate screening establishment. This approach is set out in Section 1.5.2 of the oLMP (REP6-101) and in CoT15, the measures of which are secured by Requirement 6. Section 6 of the oDP (REP6-109), furthermore, establishes the process for how the post-consent design process should progress, and such matters regarding early / advance planting could be explored as part of the post-consent process.

- **Effectiveness:** subject to the timing of any advanced planting and given the maximum construction duration of 54 months, early planting could secure a number of years of growth before the substations become operational and support early screen establishment and early integration/ mitigation.
- **Possible adverse effects:** the proposal could place constraints on the constructability of the substations given the need for a platform to be established, including major earthworks.
- **Delivery mechanism:** The detail on the timing of planting would be contained in the written landscaping scheme (which must accord with the oLMP), which is subject to the approval of FBC pursuant to Requirement 6.

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## Facilitation of Community-Led Off-Site Planting

1.6.2.29 In relation to the provision of off-site planting, this matter was explored during the Examination. The Applicants' position, as detailed above, is that such provision was not required to mitigate effects and would not be a proportionate response to the mitigation of effects.

1.6.2.30 The Community Benefit Funds associated with the projects could support Initiatives, such as the provision of planting, enhancement of open space, as well as environmental and wildlife projects, and may assist community members seeking to enhance intermediate screening between settlements and the substations.

1.6.2.31 Consultation on the Community Benefit Fund for the Morecambe project is currently underway. The outcome of this consultation will provide insight into local priorities and the types of projects the local community would like the fund to support. Subject to the outputs of the consultation, the Community Benefit Fund could support the purchase of plant stock and its planting (and management) but could not extend to land or licence purchase and would require landowner approval to be sought by the proposer.

- **Effectiveness:** Could provide additional screening potential if landowner-led proposals come forward.
- **Possible adverse effects:** on the basis that this would be proposed by the relevant landowner, there are no adverse effects envisaged to arise from this proposal.
- **Delivery mechanism:** Community Benefit Fund application process (as per DESNZ Community Funds for Transmission Infrastructure guidance), which is noted as being outside of the DCO process so it is not proposed as necessary mitigation which can or should be secured in the DCO itself.

## 1.6.3 Conclusion

1.6.3.1 The Applicants consider that:

- The LVIA identifies appropriate and policy compliant outcomes, that would be expected for a project of this nature;
- The proposed mitigation and post-consent design process is as expected for projects of this scale and nature, and would be effective and adequate at reducing the visual impacts from the onshore substations insofar as possible and reasonable (and appropriately secured by the draft DCO);
- FBC agrees with this position, as the relevant local planning authority, and are content that Good Design can be achieved alongside the delivery of adequate mitigation provisions. LCC remains concerned around the process; and

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- Importantly, specifying the detail of the mitigation options outlined above at this stage would not materially alter any of the LVIA assessment conclusions.

## **1.7 Construction hours**

### **1.7.1 Introduction**

1.7.1.1 Point 25 of the SoS's letter is in relation to construction hours and is set out as follows:

*25. During the Examination, the Applicants proposed that core construction hours should be between 7:00-19:00 on weekdays and 7:00-13:00 on Saturdays, with an hour either side on weekdays for mobilisation activities. On a without prejudice basis, the Applicants are requested to provide updated documents with references to mobilisation activities removed, including the documents comprised within the Code of Construction Practice [REP6-067], which includes the outline Code of Construction Practice itself and the outline Construction Noise and Vibration Management Plan [REP6-083].*

### **1.7.2 Response**

1.7.2.1 The Applicants have provided updated versions of the Outline Code of Construction Practice (S\_SoSQ\_7) and the Outline Construction Noise and Vibration Management Plan (S\_SoSQ\_8) on a without prejudice basis to clarify that no activities will take place outside the core construction hours, other than the arrival and departure of the workforce at the site and movement around the Transmission Assets to the place of work. This is also addressed on a without prejudice basis in the Schedule of Changes to the draft DCO (S\_S51\_2/F09).

1.7.2.2 The Applicants would note, however, that there is precedent for the requested start-up and close down activities being granted and therefore do not consider that it would be reasonable or proportionate for this to be further restricted. The environmental impact assessment has accounted for this, and these works would not in any event include the use of heavy plant, operation of heavy machinery or the operation of flood lights which would be disruptive activities. Inclusion of start-up and close down activities is in line with both the National Grid (Bramford to Twinstead Reinforcement) Order 2024, and the Mona Offshore Wind Farm Order 2025.

1.7.2.3 This mobilisation period is required in order to ensure the most productive on-site working time during the core construction hours, in order that works can be undertaken as efficiently as possible. As was emphasised in the Applicants' response to the Examining Authority's Written Question Q2:14.1.4 (REP5-130), to protect residential amenity, the Outline Construction Noise and Vibration Management Plan (REP6-083) was updated at Deadline 4 to secure noise control mitigation measures and noise limits on mobilisation activities undertaken during the start-up (06:00 to 07:00) and during the shutdown (19:00 to 20:00).

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## 1.8 Flooding

### 1.8.1 Introduction

1.8.1.1 Point 26 of the SoS's letter is in relation to Flooding and is set out as follows:

*26. The protective provisions for Lancashire County Council, the lead local flood authority, were not agreed by the end of the Examination [REP6-188]. The Applicants have confirmed in [PID-002] that the parties are close to reaching agreement. Lancashire County Council and the Applicants are requested to provide updates regarding the protective provisions and proposed amendment to Article 7 of the draft Development Consent Order (dDCO), and whether Lancashire County Council withdraws its objection.*

### 1.8.2 Response

1.8.2.1 The Applicants confirm that agreement has been reached with Lancashire County Council on Protective Provisions being included in the draft DCO (in the form submitted during examination at Deadline 6 (REP6-013, Schedule 10 Part 10)) subject to an agreed proposed Amendment to Article 7 of the draft Development Consent Order (shown in the Schedule of Changes submitted with this response (S\_S51\_2/F09)) relating to a technical modification of Section 64 of the Land Drainage Act 1991. This change to Article 7 is the insertion of a new sub-paragraph (3) as follows:

“(3) Section 64 of the Land Drainage Act 1991 is modified so as to read for the purposes of this Order only as if the following were inserted at the end of sub-paragraph (1)(a)—

“or, as the case may be under the Morgan Offshore Wind Project and Morecambe Offshore Windfarm: Transmission Assets Order 202[•]”.

## 1.9 Biodiversity Net Gain

### 1.9.1 Introduction

1.9.1.1 Point 27 of the SoS's letter is in relation to Biodiversity Net Gain and is set out as follows:

*Requirement 26 of the dDCO provides the mechanism for securing the delivery of 10% BNG. The Applicants are invited to comment on proposed amended wording for Requirement 26 (1) of Schedules 2A and 2B as set out below:*

*26. (1) The Project [A/B] onshore works must not be commenced until a biodiversity benefit scheme (in accordance with the outline biodiversity benefit management plan) has been approved in writing by the relevant planning authority in consultation with the statutory nature conservation body.*

### 1.9.2 Response

1.9.2.1 The Applicants' approach to delivery of onshore biodiversity benefits is set out in Section 5.5.3 of the Applicants' Closing Statement (REP7-042), and in particular the approach to the drafting of requirement 26 is explained in paragraph 5.7.3.5 of the Closing Statement.

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- 1.9.2.2 The Applicants' original Biodiversity Benefit Statement evolved during the course of Examination to become the Outline Biodiversity Benefit Management Plan (REP7-018).
- 1.9.2.3 Requirement 26(1), as drafted, states that the 'biodiversity benefit works' must not be carried out until a biodiversity benefit scheme has been submitted and approved. Biodiversity benefit works are defined in relation to each project within the draft DCO (REP6-013), and comprise works packages where biodiversity benefit works are proposed to be co-located with other works (namely the substations), as well as the areas within the order limits which solely comprise biodiversity benefit works. These comprise Work No's 20A/B, 21A/B, 22A/B, 23A/B, 44A/B, 45A/B and 46A/B, and there are no other works packages where biodiversity benefit works are proposed to be undertaken. The discharge of Requirement 26 is therefore directly linked to those areas where biodiversity benefit works are proposed to be undertaken.
- 1.9.2.4 The proposed amended wording of Requirement 26(1) which has been presented by the SoS, instead links the provision of the biodiversity benefit management plan to areas of the onshore works where no biodiversity benefit measures are sought to be provided.
- 1.9.2.5 The Applicants' approach is considered practical and appropriate because it requires the approval of the biodiversity benefit scheme at the point when the biodiversity works themselves are ready to be commenced. This ensures that the detail of the intended biodiversity works is known at the time that approval of the biodiversity benefit scheme is sought. The Applicants do not consider it to be reasonable, or necessary, that works packages which are unrelated to the delivery of biodiversity benefit, should be prevented from commencing until the biodiversity benefit management plan has been discharged. The substations are integral to the delivery of the projects and the drafting as it currently stands adequately ensures that no substation works (or biodiversity benefit works) may be undertaken without the detailed biodiversity benefit management plan being approved. Therefore, the Secretary of State can be satisfied that the biodiversity benefit works are appropriately secured by the draft DCO.
- 1.9.2.6 The Applicants' approach, of linking the discharge of the biodiversity benefit management plan to those areas of the draft Order limits where biodiversity benefit works may be undertaken, is proportionate and consistent with other requirements within the DCO. For example, Requirement 10 (highway accesses) provides that no temporary or permanent means of access to a highway, or alteration to an existing means of access to a highway, may be formed until a highways access management plan for that particular access has been submitted to and approved by the relevant highway authority. This links the management plan directly with those works to which the plan relates.
- 1.9.2.7 The Applicants respectfully submit that the drafting of Requirement 26 appropriately secures biodiversity benefit delivery. The proposed amended wording by the SoS would go beyond what is reasonably required in relation to the biodiversity benefit works and potentially

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impact the efficient programming and sequencing of detailed design and construction.

## 1.10 Other Onshore Ecology

### 1.10.1 Introduction

1.10.1.1 Points 28 to 29 of the SoS's letter are in relation to Other Onshore Ecology and are set out as follows:

*28. Concerns were raised by Natural England throughout the Examination [RR-1601, REP6-179, REP6-190, REP5-184] regarding the need for further targeted peat surveys and the absence of provision for compensation. The Applicants are requested to update the outline Soil Management Plan [REP6-091] to confirm that no works will be undertaken within the non-surveyed areas until further targeted pre-construction surveys have been completed, and the findings of those surveys have been used to determine whether mitigation and/or compensation measures are required. The Applicants are requested to make provision for a compensation mechanism (based on a reasonable worst-case scenario [REP5-184]), should surveys identify a significant risk to the restorability of the deep peat that cannot be avoided or mitigated through other measures.*

*29. The Secretary of State notes Natural England's concern regarding indirect significant impacts on the Lytham St Annes Dunes SSSI from cable installation and advice in its closing statement [REP7-050] that it has not reviewed the Applicants' updated outline Landfall Construction Method Statement [REP6-151]. Natural England is invited to comment on the updates and advise whether these resolve their concerns.*

### 1.10.2 Response

1.10.2.1 The Applicants' response to points 28 and 29 are provided below:

#### Point 28

1.10.2.2 The Applicants note that the Outline Soil Management Plan (J1.7/F05) confirms that pre-construction soil surveys will be undertaken to supplement the 2024 soil surveys (reported in Volume 3, Annex 6.2: Agricultural land classification survey results (APP-105)) to gather further soil data to inform the detailed Soil Management Plan. The Outline Soil Management Plan also confirms that '*where survey has not previously been undertaken, further survey work will be used to characterise soil properties and identify the depths of different topsoil and subsoil units*'.

1.10.2.3 In response to the SoS letter (point 28), the Applicants have updated the Outline Soil Management Plan to clarify that no works will be undertaken within the non-surveyed areas until further targeted pre-construction surveys have been completed and the findings of the surveys have been used to inform the detailed design of the appropriate mitigation measures. These measures will be in accordance with the measures set out in the Outline Soil Management Plan (J1.7/F05).

1.10.2.4 Where peat resources are identified during the surveys, the Applicants note that a hierarchy of measures will be implemented (as set out in section 1.9.6 of the Outline Soil Management Plan J1.7/F05). The

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measures are specific to peat soils and are in line with relevant guidance. The Applicants consider this approach is appropriate to avoid and mitigate impacts upon peat soils where they are encountered within the Onshore Order Limits. However, in response to the SoS letter (point 28), the Applicants have updated the Outline Soil Management Plan (J1.7/F05) to include a compensation mechanism that funding will be provided to a peat restoration scheme (such as the Lancashire Peat Partnership) where there is significant risk that areas of deep peat soils (i.e. greater than 40cm in thickness) cannot be restored to their existing condition using the measures within the Peat Management Plan(s). An update has also been made to CoT81 within the Commitments Register (F1.5.3/F08) to reflect this.

- 1.10.2.5 Requirement 8(2)(g) of Schedules 2A and 2B of the draft DCO secures compliance in carrying out the onshore and intertidal works for each project with an approved code of construction practice, which must include a soil management plan which accords with the Outline Soil Management Plan.

### Point 29

- 1.10.2.6 The Applicants note that this point is directed to Natural England however it is worth highlighting that the Applicants responded to Natural England's comments on the indirect significant impacts on the Lytham St Annes Dunes SSSI from cable installation in their response submitted at Deadline 7 (see Table 2.6: REP6-192 – Natural England (Appendix G6 – Natural England's comments on Onshore Ecology) within REP7-041). The Applicants have provided an updated version of the outline Landfall Construction Method Statement (REP6-151) at Deadline 6, with additional details and clarifications on concerns raised by Natural England on the construction works at the landfall.

## 1.11 Farm Business Assessment and Land Powers

### 1.11.1 Introduction

- 1.11.1.1 Point 30 of the SoS's letter is in relation to Farm Business Assessment and Land Powers and is set out as follows:

*30. John Fare occupies and runs a farming business from landholding 26, which includes the proposed site for the Morecambe substation and works connected with laying of cables. The Applicants seek compulsory acquisition powers in relation to this landholding. The Secretary of State notes that the Applicants' Farm Business Assessment(s) [REP6-182] and comments from Mr Fare's agent [REP6-222] were submitted at Deadline 6, and further submissions from the Applicants on this issue were contained in their Response to Rule 17 Letter [REP7-044] which was submitted at Deadline 7, at the close of the Examination. Given that these documents were submitted at a late stage in the Examination, the Applicants and Mr Fare are both requested to provide any further comments relating to the issues addressed therein. The Applicants and Mr Fare are requested to include an update as to whether any agreements have been reached between the parties through negotiations.*

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## 1.11.2 Response

- 1.11.2.1 In relation to the Deadline 6 submission (REP6-222) of Andrew Coney on behalf of Mrs Christine Fare, Mr John Fare & Fare Farms Limited, the Applicants note that this submission is identical to REP6-217 which the Applicants provided comments on in REP7-044 at RF.2.9 and would reiterate their understanding of submission REP6-222 and REP6-217 as being in agreement that:
- The dairy enterprise in its current form would need to change;
  - The Tenant, a highly skilled farmer, could continue a farming business and agricultural operations with appropriate mitigations put in place (provided by the Applicants); and
  - Financial loss to the tenant can be quantified.
- 1.11.2.2 Mr Coney reiterates in his Deadline 6 submissions that his client has entered into the negotiations in an open and honest way “to provide a solution and an outcome that would see them compensated for the closure of my client’s business and allow the Schemes to proceed unfettered” (Section 3.1 of REP6-222). The Applicants have subsequently understood a preference from Mr Coney for an offer allowing for co-existence. Either way, the Applicants agree with Mr Coney that his client has been engaged over the last 21 months in trying to achieve a negotiated settlement (Section 1.18 of REP6-222). The Applicants appreciate the significant time Mr and Mrs Fare and their agent Mr Coney have given over and reiterate that they have also, and will continue to, negotiate in good faith with a view towards reaching a voluntary agreement that robustly addresses the impacts of the Projects on the Tenant and their business.
- 1.11.2.3 The negotiations are being conducted on a without prejudice basis so it would not be appropriate for the Applicants to disclose any commercial details of ongoing discussions. However, consistent with the Applicants position in RF.2.9 of REP7-044, the Applicants can confirm to the Secretary of State that the Applicants have made offers which sufficiently allow for the Tenant to either vacate the landholding entirely and become a freehold owner of a suitable alternative farm or to continue in operation in co-existence with the Projects on the basis of a continuation of his periodic tenancy.
- 1.11.2.4 The Applicants have acknowledged that, while there is common ground that a switch from dairy to beef would be viable (albeit less profitable), Mr Coney does not accept the Applicants’ evidence that dairy farming could continue at a reduced scale (see e.g. Applicants’ Closing Statement (REP7-042) at Section 17.8). The Applicants’ expert G P Ricketts (Director, GSC Grays) has responded to Mr Coney’s comments on his two reports (and the two veterinary reports he relies upon) - see **Appendix D: GCS Grays Response to A Coney’s submission for Deadline 6**.
- 1.11.2.5 The Applicants also acknowledge that the possibility of continuing with a dairy enterprise (as opposed to beef) could be material to the

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compensation payable if the Tenant opts to continue in operation. However, it is respectfully submitted that the Secretary of State need not make detailed findings on this specific matter. The current failure of the parties to reach a voluntary agreement is not a reason for the principle of compulsory acquisition not to be settled and the requested compulsory acquisition powers in the DCO granted. Negotiations to secure voluntary agreements, including in respect of compensation, can continue post confirmation of the DCO (and settled if absolutely necessary by the Upper Tribunal). Mr Coney on behalf of his client is not identifying points of principle about the scheme (such as alternatives to the CA powers sought), beyond its impact on his client's private interests and the appropriateness of the terms offered by the Applicants. The impacts on the Tenant and their business can and will be compensated, and (as noted above) the Applicants are content for compensation to be at a level allowing for full vacant possession and the purchase by the Tenant of an alternative farm on a freehold basis.

1.11.2.6 Whilst the Applicants have now entered into an Option Agreement with the Tenant's landlord (the Freeholder) (PID-002), for the reasons set out in RF.2.9 Applicant's response of REP7-044, compulsory acquisition powers are necessary to guarantee the timely delivery of the Project:

"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"

1.11.2.7 The Applicants' position remains as set out in their Closing Statement (REP7-042) and their Response to Rule 17 Letter (REP7-044); the Secretary of State can be satisfied that the requirements of Section 122 of the Planning Act 2008 and the relevant Guidance related to procedures for the compulsory acquisition of land are clearly met. As the site of the Morecambe substation, and other critical elements of these Critical National Priority projects, there is a compelling case in the public interest for the compulsory acquisition powers sought over Landholding 26, and this public interest outweighs the potential private loss which can and will be full compensated.

## **1.12 Land Use and Recreation**

### **1.12.1 Introduction**

1.12.1.1 Point 31 of the SoS's letter is in relation to Land Use and Recreation and is set out as follows:

*31. Queries were raised during the Examination regarding damage caused by vehicles undertaking pre-construction surveys along bridleway 5-5-BW-16. Noting the provisions of 2024 NPS EN-1 5.11.30-31, the Applicants are requested to clarify whether the dDCO or supporting documents provide a process ensuring that*

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*adverse impacts to public rights of way, including impacts arising during pre-construction works, both within and outside the Order limits, are remedied in a timely manner. If there is not such a process, the Applicants are requested to provide some proposed drafting to address this.*

## **1.12.2 Response**

1.12.2.1 In response to the SoS letter, and taking into account the concerns raised in the Examination, the Applicants have updated the Outline Public Rights of Way (PRoW) Management Plan (J1.5/F07). The updates include the clarification that the management measures within the Plan will apply to the onshore site preparation works as well as construction activities for the Transmission Assets. Onshore site preparation works are defined in article 2 of the draft DCO (REP6-013) and include environmental surveys and surveys for the purpose of assessing ground conditions. The Applicants confirm that this updated wording ensures that any temporary impacts upon PRoW arising from onshore site preparation works will be remedied as soon as reasonably practicable. The timeframe for undertaking the reinstatement will be agreed via discussions with the Construction Coordination Working Group (CCWG). The role of the CCWG is defined in the Outline Communications Plan (REP7-014).

1.12.2.2 The Outline PRoW Management Plan is secured in the DCO, which states that no onshore or intertidal works for either Project A or Project B may commence until a code of construction practice for that stage has been submitted and approved in consultation with several bodies. The code of construction practice includes a public rights of way management plan (which is in accordance with the outline public rights of way management plan) (see Schedule 2A, Requirement 8 Code of Construction Practice and Schedule 2B, Requirement 8 Code of Construction Practice). In addition, Requirement 8(4) of both Schedule 2A and Schedule 2B requires that the onshore site preparation works must be carried out in accordance with the applicable details set out in the outline code of construction practice (S\_SoSQ\_7).

## **1.13 Historic Environment**

### **1.13.1 Introduction**

1.13.1.1 Point 32 of the SoS's letter is in relation to Historic Environment and is set out as follows:

*32. The Secretary of State notes that the Examination considered the potential for adverse effects upon Hesketh Farmhouse, and he notes the potential for cumulative effects on this asset resulting from the Proposed Development alongside other planned works to the Penwortham substation outside of the current application. The Applicants are requested to confirm whether any information is available relating to the environmental impacts of the proposed works to the substation and whether they can undertake an assessment of the cumulative effects on Hesketh Farmhouse in light of the information available at this time.*

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## 1.13.2 Response

- 1.13.2.1 The Penwortham substation is located approximately 75 m east of the Grade II listed Hesketh Farmhouse. The Proposed Development in the form of one part of the 400 kV grid connection cable corridor passes approximately 180 m to the south of the listed building, whilst another part of the 400 kV grid connection cable corridor is approximately 430 m to the north.
- 1.13.2.2 The Written Representation from NGET in response to the DCO application identified that the Proposed Development would require the construction of a new bay on the western side of the Penwortham substation as well as a connection into the planned 'Eastern Extension' of the substation (REP1-089, paragraph 3.2). The 'Eastern Extension' is part of a wider NGET project to upgrade the Penwortham substation with other works including a substation extension on the north side with associated works and infrastructure (REP1-089, paragraph 2.2). All of this planned work will take place within NGET non-operational land, with no additional land required to facilitate construction. However, NGET also plan to construct a cable route into the 'Eastern Extension' in order to provide a network connection for Network Rail Infrastructure Limited (REP1-089, paragraph 2.4).
- 1.13.2.3 Question Q1.1.6 of the Examining Authority's First Written Questions (EXQ1 - PD008) was directed at NGET and asked if further details were available regarding the '*form and extent of works that are proposed at the Penwortham substation*' including the Eastern Extension and the new bay on the western side of the substation.
- 1.13.2.4 The NGET response to EXQ1.1.6 regarding the planned Eastern Extension advised that 'NGET need to submit an application under the Town and Country Planning Act 1990 for the Eastern Extension and are working towards Q4 2025. Work is to commence on site pending this approval. It is anticipated that some enabling works will commence on site, within the operational compound next year where works will be carried out under permitted development' (REP3-088, page 1). With regard to the new bay that would be required on the western side of the substation, NGET advised that no details were available at that time (REP3-088, page 1). NGET additionally advised that they were unable to provide details of the form and extent of any of the proposed wider programme of works at the Penwortham substation (REP3-088, page 1).
- 1.13.2.5 No further information has been made available regarding the nature of any proposed works at the Penwortham substation that are required to accommodate the Proposed Development, and to date no planning application has been submitted. The Applicants are not aware of any revised indicative date for the submission of any planning application for NGET works at the Penwortham substation.
- 1.13.2.6 As set out above in paragraph 1.13.2.1, the Proposed Development in the form of one part of the 400 kV grid connection cable corridor passes approximately 180 m to the south of the Grade II listed Hesketh

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Farmhouse. Therefore, there would be no direct physical impact on the listed building; any potential impact would be non-physical and would arise from change within its setting.

- 1.13.2.7 The Applicants' assessment of the likely effects on the heritage significance of the Grade II listed Hesketh Farmhouse as a result of change within its setting is set out in ES Volume 3 Annex 5.5: Settings Assessment (APP-102). The text in column three of Table 1.2 explains that '*The setting of the listed building makes very little contribution to its heritage significance, most of which derives from the architecture of the structure. Key detractors comprise the electricity substation and pylons carrying overhead cables*'.
- 1.13.2.8 Paragraphs 1.9.2.21 of ES Volume 3 Annex 5.5: Settings Assessment (APP-102) address the likely effects during construction. The assessment concludes that as a result of the distance and the presence of intervening vegetation, the setting of the listed building would not be affected by the construction of the 400 kV cable corridor. Paragraph 1.9.2.23 concludes: "*The magnitude of impact is considered to be no change, therefore there would be no effect.*" Therefore there would be no harm to its heritage significance.
- 1.13.2.9 As the operation and maintenance of the Proposed Development does not include any visible infrastructure in the vicinity of Hesketh Farmhouse, there would be no change within the setting of the farmhouse and therefore no harm to the heritage significance of this Grade II listed building during this phase.
- 1.13.2.10 In their Local Impact Report (REP1-227), South Ribble Borough Council (SRBC) advised with regard to Hesketh Farmhouse 'a full assessment of any impact on heritage assets setting cannot be made until such time as National Grid connection assets proposed for Penwortham are confirmed'. SRBC continued 'The assessment argues that Hesketh Farm (Grade II) has limited heritage significance however this is not agreed by the Council. The final scheme will be required to justify the 'harm' caused to the heritage significance of the listed building and it is not considered that this has been adequately provided at this stage' (REP1-227, paragraph 5.15).
- 1.13.2.11 The Applicants provided a response to these comments from SRBC within the Applicants' Response to South Ribble Borough Council Local Impact Report (REP3-059). The Applicants stated they had not argued that Hesketh Farmhouse has '*limited heritage significance*' as claimed by SRBC in paragraph 5.15 of REP1-227, rather the assessment utilised a methodology in which Grade II listed buildings (including Hesketh Farmhouse) were ascribed a 'medium' level of sensitivity or value (REP3-059, page 22). The Applicants also pointed out that their assessment (as set out in ES Volume 3, Annex 5.5: Settings Assessment (APP-102) concluded that the construction of the 400 kV grid connection corridor would not affect the setting of Hesketh Farmhouse, therefore there was no requirement to justify the 'harm' to the heritage significance of the listed building as requested by SRBC (in other words, there is no 'harm' to justify).

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- 1.13.2.12 Question EXQ11.1.3 of the Examining Authority's First Written Questions (EXQ1 - PD008) was directed at SRBC and involved Hesketh Farmhouse. The ExA asked SRBC to '*set out what it considers to (be) the heritage significance of this listed building and explain in further detail the effect that might result upon its setting and significance from the proposed development*'.
- 1.13.2.13 In their response to the Examining Authority's First Written Questions, SRBC replied to EXQ11.1.3 by providing a description of Hesketh Farmhouse and its setting, including a statement that '*Nonetheless, notwithstanding the (Penwortham) substation, the setting overall makes a positive contribution to the significance of the setting (sic) of the Grade II listed farmhouse (REP3-109, page 10)*'. However, the SRBC response did not anywhere attempt to address the second part of EXQ11.1.3, which was to '*explain in further detail the effect that might result upon its setting and significance from the proposed development*'.
- 1.13.2.14 In the Statement of Common Ground between the Applicants and SRBC submitted at Deadline 6 (Rev F03, REP6-128), all matters regarding the onshore historic environment are agreed. This includes the assessment of effects arising from change within the settings of designated heritage assets, and the cumulative effects assessment.
- 1.13.2.15 The Applicants' position remains as set out in ES Volume 3 Annex 5.5: Settings Assessment (APP-102); the setting of the Grade II listed Hesketh Farmhouse would not be affected by any aspect of the Proposed Development therefore there would be no harm to its heritage significance. This assessment has been accepted by SRBC through the Statement of Common Ground, and no consultee or individual has provided an opinion which contradicts this assessment.
- 1.13.2.16 In point 32 of the SoS's letter he '*notes the potential for cumulative effects on this asset (Hesketh Farmhouse) resulting from the Proposed Development alongside other planned works to the Penwortham substation outside of the current application*'.
- 1.13.2.17 In the assessment methodology for the Proposed Development, cumulative effects are defined as '*effects on a single receptor arising from the Transmission Assets when considered alongside the likely effects arising from other proposed developments*' (APP-034, paragraph 5.4.9.1). This approach is in accordance with relevant guidance including The Planning Inspectorate's Advice Note 17 (Nationally Significant Infrastructure Projects: Advice on Cumulative Effects Assessment).
- 1.13.2.18 As set out above, the construction, operation and maintenance of the Proposed Development would not give rise to any harm to the heritage significance of the Grade II listed Hesketh Farmhouse and therefore there would be no effect. On this basis, cumulative effects would not arise in relation to this listed building. If any effects arise from works undertaken at the Penwortham substation by National Grid, these effects would not constitute cumulative effects with the Proposed Development, as the Proposed Development contributes no effect to be combined. Any such effects would be attributable solely to the National

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Grid works and would be assessed as part of the consenting process for those works.

- 1.13.2.19 No information is currently available to the Applicants which would allow any understanding of the potential for harm to the heritage significance as a result of works undertaken by National Grid.

## 1.14 Funding for the Morgan Offshore Wind Project

### 1.14.1 Introduction

- 1.14.1.1 Points 33 to 35 of the SoS's letter are in relation to Funding for the Morgan Offshore Wind Project and are set out as follows:

*33. The Applicants' letter of 30 January 2026 [PID-001] noted that Morgan Offshore Windfarm's parent companies have decided not to proceed with the Agreement for Lease for the Morgan Offshore Wind Project. The Applicants stated that The Crown Estate is considering next steps, with the aim to ensure the continued development of the site by another developer, and that The Crown Estate views the Morgan Offshore Wind Project as a continuing and live project.*

*34. Morgan Offshore Wind Farm Ltd is requested to provide detailed information regarding its viability, and the necessary funding to underpin both the compulsory acquisition (CA) powers sought and any potential claims for blight, and to explain whether the dDCO provides a clear mechanism to guarantee the necessary funding or whether further wording is required. Morgan Offshore Wind Farm Ltd is requested to provide updates to any relevant documents, including tracked change versions, such as the Funding Statement.*

*35. The Crown Estate is requested to provide further information regarding if and when another developer can be found for the Morgan Offshore Wind Project. The Crown Estate is requested to provide further information regarding any funding or guarantee mechanisms which could be made available to ensure that financial liabilities (such as CA powers or claims for blight) that may arise if the Secretary of State grants consent for the Morgan Transmission assets can be met.*

### 1.14.2 Response

- 1.14.2.1 As a result of the termination of the wind farm AfL with the Crown Estate (TCE) in January 2026 the current shareholders (JNbp and EnBW) will not be continuing to develop the Morgan project. At the present time JNbp and EnBW remain the ultimate shareholders of Morgan Offshore Wind Limited (Morgan OWL) as there has been no sale or transfer to another party. Therefore, the information regarding the Morgan shareholders remains as set out in the Funding Statement (REP4-011 and REP5-015) and the position regarding Morgan's ability to meet a potential blight claim has not changed from that at the end of examination. It is, however, the shareholders' intention to step away from the Morgan project as soon as possible following the Secretary of State's decision on the Joint Transmission DCO on 14 May 2026. If the decision date is delayed beyond 14 May 2026, Morgan's shareholders will need to consider whether they are able to continue to promote the Morgan project.

- 1.14.2.2 Morgan recognises that any party taking over the project and stepping into the Transmission Assets DCO would need to satisfy the relevant policy tests in respect of its ability to meet the resource implications from

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both acquiring the land and implementing the project for which the land is required.

- 1.14.2.3 Whilst article 33 (1) of the draft DCO ensures that prior to exercise of any compulsory acquisition (CA) powers (temporary or permanent) Morgan, or a future developer with the benefit of the DCO, is required to provide evidence to the SoS that a suitable level of security is in place to meet its compensation liabilities, it is recognised that in light of the current Morgan shareholders' decision not to continue to develop the project it would be prudent for this article to be strengthened. Additional wording is therefore proposed for article 33 which places a specific obligation on Morgan (and any future developer or transferee) to provide a new funding statement to the Secretary of State for approval before any compulsory acquisition powers can be exercised. In order to provide certainty to affected parties the funding statement would need to be provided within 3 years of the date of the Order coming into force (to align with timing of the recently announced Crown Estate offshore wind leasing Round 6) and would need to satisfy the requirements of the relevant CA guidance, including making provision for any potential claims for blight which could be made prior to exercise of the CA powers. If the funding statement is not provided for approval within the specified timeframe Morgan's CA powers would lapse and not be capable of implementation.
- 1.14.2.4 There is nothing in the Planning Act 2008 or the relevant guidance which restricts or prevents the granting of a DCO with conditional compulsory acquisition powers. Further, the granting of conditional compulsory powers is now fully supported by recent amendments made to the Acquisition of Land Act (ALA) 1981 by s183 of the Levelling up and Regeneration Act 2023. Those amendments insert a new section 13BA into the ALA 1981 specifically authorising the granting of conditional compulsory purchase orders. Section 13BA(2) confirms that the effect of conditional confirmation is that the CPO does not become operative until certain conditions have been met and the CPO will expire if the confirming authority either does not receive an application to discharge the condition(s) by a certain time, or (ii) having received such an application by that time, decides that the condition(s) have not been met. The drafting proposed by Morgan OWL for inclusion within Article 33 of the draft DCO reflects this approach. Given the position of the current Morgan OWL shareholders, it is considered reasonable and proportionate to restrict compulsory powers for Morgan OWL in this way.
- 1.14.2.5 It is acknowledged that, if the SoS is not satisfied that the relevant CA tests can be met he could grant development consent for the Morgan transmission works but withhold CA powers. If this is being considered, it should be noted that any future developer of the Morgan project would, through its Electricity Act generation licence (which is a statutory requirement for any party seeking to operate the Morgan offshore wind project) seek and secure identical CA powers to ensure the project can be delivered. Such a process would involve additional time (likely 12-

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18 months) and costs for all parties involved, to reach the identical position that could be delivered through the DCO.

- 1.14.2.6 The drafting proposed by Morgan for Article 33 is considered to provide the necessary protections for those affected by the grant of CA powers and enable the SoS to authorise the conditional grant of those powers.

## 1.15 Funding for the Morecambe Offshore Wind Project

### 1.15.1 Introduction

- 1.15.1.1 Point 36 of the SoS's letter is in relation to Funding for the Morecambe Offshore Wind Project and is set out as follows:

*36. During the Examination, concerns were raised regarding whether Morecambe Offshore Windfarm Limited has adequate funding to meet any blight claim [EV5-8003], [EV5-006], [PD-011], [EV11-006] due to significant impacts to farm businesses [APP-104]. The only assets being offered by the Applicant are an intercompany loan repayable on demand, which any affected individual may be unable to rely upon prior to the commencement of construction. The Applicant referred in the Examination to article 33(2) in the dDCO in this regard, but the Secretary of State notes that this does not provide a mechanism for compensation to an affected party for a blight claim if the DCO is granted, but powers of CA and temporary possession have not been exercised. The information in section 1.2 of the Statement of Reasons [REP6-018] relates solely to Morgan Offshore Wind Farm with the only reference to Morecambe Offshore Wind Farm being in paragraph 1.1.1.3. Morecambe Offshore Windfarm Limited is requested to provide further information to demonstrate that adequate funding will be available both for CA and acquisition resulting from blight. The Statement of Reasons is required to be amended and any other relevant documents.*

### 1.15.2 Response

- 1.15.2.1 Section 1.2 of the Statement of Reasons (REP6-018) relates to Morgan OWL in the first instance, however paragraph 1.2.1.3 does then also continue to explain the position in relation to Morecambe OWL. This was contained within a single paragraph, alongside the Morgan position, however an updated Statement of Reasons (D2/F08) has been provided with this response which updates and clarifies the formatting in order to split the Morecambe OWL position into a new standalone paragraph 1.2.1.4.

- 1.15.2.2 Additional text has also been added to this paragraph of the Statement of Reasons in order to narrate clearly the link between Morecambe OWL and its ultimate parent company Copenhagen Infrastructure Partners' (CIP) fifth flagship fund (CI V) and to cross-refer to the letter which was provided at Deadline 6 (REP6-180) (which reiterates the funding commitments set out at paragraph 1.5.2.6 of the Funding Statement (REP4-011)). The letter summarises:

*"CI V recently closed with commitments exceeding EUR 12 billion, making it one of the largest energy transition infrastructure funds globally. The fund is backed by over 180 institutional investors and is actively deploying capital across low-risk OECD countries, with investments spanning wind, solar PV, and battery storage technologies."*

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- 1.15.2.3 Full audited accounts of CI V are provided as an Annex to the Funding Statement (REP4-015).
- 1.15.2.4 The Applicants consider that the information provided should provide the Secretary of State with sufficient comfort of CI V's significant financial standing. The only additional comfort which Morecambe OWL could provide would be a parent company guarantee from CI V, which could be provided if the Secretary of State deemed this to be necessary. The Applicants would note, however, such an approach is not precedented (as far as they are aware) by other offshore wind DCO's which have also been promoted by Special Purpose Vehicle (SPV) entities owned by parent companies with substantial covenant strength like CI V.
- 1.15.2.5 In combination with Article 33 (Funding) of the draft DCO, (REP 6-013) the Applicant maintains that adequate funding is and will be available for both CA and acquisition resulting from blight.

## **1.16 Land Powers**

### **1.16.1 Introduction**

- 1.16.1.1 Points 37 to 42 of the SoS's letter are in relation to Land Powers and are set out as follows:

*37. The Canal and River Trust and the Applicants are requested to provide updates regarding whether protective provisions have been agreed, and whether the Canal and River Trust have any outstanding objections [REP7-056].*

*38. Blackpool Borough Council and the Applicants are requested to provide an update on negotiations relating to temporary possession powers in respect of the access to St Annes Beach via Starr Gate [REP4-130], [REP5-164], [REP7-045], including whether agreement has been reached in this regard.*

*39. The Applicants and Agents SHP Valuers acting for Greenbank Farm are requested to provide an update, including whether agreement has been reached in relation to rights of access sought by the Applicants at Greenbank Farm [REP6-216, REP7-042].*

*40. The Applicants and the Affected Parties at Eastham Hall Farm are requested to provide an update on their position in respect of the rights sought over this land, including whether an agreement regarding an alternative solution has now been reached [REP5-196].*

*41. The Applicants and Blackpool Borough Council are requested to provide an update on the progress of ongoing negotiations in relation to rights sought by the Applicants over the Blackpool Airport site and whether an agreement has been reached between the parties.*

*42. The Applicants are requested to provide any further updates regarding any other land right agreements.*

### **1.16.2 Response**

- 1.16.2.1 Responses to Points 37 and 42 are provided below.

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### Point 37

- 1.16.2.2 While the Applicants will defer to Canal and River Trust's own response to this question in respect of any outstanding objections, the Applicants can confirm that protective provisions for the Canal and River Trust were agreed on 29 July 2025, and these are incorporated at Part 12 of Schedule 10 of the draft DCO (REP6-013).

### Point 38

- 1.16.2.3 An agreement has been reached in principle that Blackpool Council will grant voluntary access rights across Starr Gate to access the beach with a 4x4 towing vehicle. The access agreement is nearly in agreed form, with the latest revised draft having been sent to the Council's solicitors on 2 April 2026 for review and sign-off. The Applicants have proposed further changes to the access agreement, following a positive engagement held with Blackpool Council's agent on 19 March 2026, and the Applicants consider that the updated documents which align with those discussions address the Council's remaining concerns. Discussions are ongoing.
- 1.16.2.4 Although not expressly referenced, the Applicants have been engaged in ongoing discussions with Blackpool Council regarding land under the Council's ownership at the Dunes. It is the Applicants' understanding that the current iteration of the Heads of Terms is acceptable to the Council.

### Point 39

- 1.16.2.5 Morgan Offshore Wind Farm Ltd have received signed Heads of Term from the owners of Greenbank Farm, including the rights of access sought.

### Point 40

- 1.16.2.6 The Applicants have continued to engage with the owners of Eastham Hall Farm and have sought regular updates from their agent. Significant progress has been made toward agreeing terms; however, a small number of points remain outstanding, and the Applicants are currently awaiting feedback from Eastham Hall Farm on these matters.
- 1.16.2.7 Following the most recent discussion with the agent on 9 April, the Applicants remain fully committed to reaching a voluntary agreement and are confident that the remaining terms will be resolved in the coming weeks.
- 1.16.2.8 In relation to the mitigation area the applicants and Eastham Hall Farm are in early negotiations as the focus has been on agreeing the Easement Strip and access.

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## Point 41

- 1.16.2.9 Following signing of the cooperation agreement on 22 September 2025, the Applicants have been working collaboratively with Blackpool Airport who have started to implement the terms of that agreement by commencing mitigation works that are required prior to project construction works commencing. Regular meetings are held with Blackpool Airport to discuss progress and on-going collaboration. The latest such meeting was held on 13 March 2026 with another scheduled for 20 April 2026.
- 1.16.2.10 Discussions are continuing between Blackpool Airport, Blackpool Council and the Applicants as to how the cooperation agreement will evolve to reflect Morgan's notice to exit, and it has been agreed by Morecambe that it will meet Morgan's obligations under the cooperation agreement. The programme of delivery for the agreed measures, including the updates to the EMF study as discussed with the CAA in December, are being progressed with updates to the EMF already commenced. A new DCO requirement has been proposed (S\_S51\_2/F09) which requires any subsequent undertaker for Project A to enter into a new cooperation agreement with Blackpool Airport and Blackpool Council in due course. The wording of this DCO requirement has been agreed with Blackpool Airport and Blackpool Council.
- 1.16.2.11 In relation to land owned by Blackpool Council within the Airport grounds Blackpool Council and the Applicants acknowledge that a voluntary agreement for land rights will be discussed in due course and the principle of entering into such an agreement is agreed. However, the current focus is on progressing the required mitigation works, with a view to accommodating the Council's future development plans in relation to a future solar project. The Applicants have continued to seek further information from Blackpool Council in relation to their solar proposals, so that these can be factored into the Applicants' construction works as far as practicable. Once further detail is available in relation to these plans, the voluntary land agreement can be progressed. The Applicants last met with the Council on the 2<sup>nd</sup> of April, at which it was agreed that further technical information in relation to the Applicants' construction access, compounds and transmission joint bay would be shared to aid the design of the solar farm. The Council also agreed to share the latest cable design of the solar farm, to help aid the Applicants understanding of requirements. Therefore, discussions are ongoing.

## Point 42

- 1.16.2.12 Further updates in relation to other land rights agreements: in relation to plots where heads of terms are signed and matters are with solicitors, the Applicants are close to agreeing the legal form of voluntary agreements in relation to 15 landowners, a call is scheduled for 16 April 2026 to finalise these.
- 1.16.2.13 The Applicants are continuing to engage with landowners and their appointed agents on the rights sought for the project. All agents were

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invited to attend a meeting on the 4 March 2026 to discuss the next steps to progress the outstanding terms including those where heads of terms are agreed. 60% of agents attended the meeting and those that were not able to attend have been contacted and updated separately. Correspondence to landowners following this meeting was issued on the 25th March 2026. The Applicants have now secured heads of terms with 64% of those affected by the order limits, it is the Applicants' preference to secure all land through a voluntary agreement and will continue to engage on the land rights sought.

## 1.17 Land Powers for Biodiversity Benefit Land at Lea Marsh

### 1.17.1 Introduction

1.17.1.1 Point 43 of the SoS's letter is in relation to Land Powers for Biodiversity Benefit Land at Lea Marsh and is set out as follows:

*43. The potential exercise of CA powers for the biodiversity benefit land at Lea Marsh was discussed during the Examination [REP7-055]. The Applicants are requested to clarify for which plots of land at Lea Marsh compulsory purchase powers are sought solely for providing biodiversity net gain. The Applicants are asked to clarify any consequent changes which would be required to be made to the dDCO and any other documents should the biodiversity benefit land at Lea Marsh be excluded from the CA powers in the order.*

### 1.17.2 Response

1.17.2.1 For Project A, plots 16-033A, 16-056A, 16-058A, 16-060A, 16-065A and 16-069A are required **solely** for providing biodiversity benefit (biodiversity net gain) at Lea Marsh, pursuant to Work No. 44A (Morgan biodiversity benefit works), Work No. 45A (Morgan construction access to Work no. 44A), and Work No. 46A (Morgan permanent access to Work No. 44A).

1.17.2.2 For Project B, plots 16-061B and 16-063B are required **solely** for providing biodiversity benefit (biodiversity net gain) at Lea Marsh, pursuant to Work No. 44B (Morecambe biodiversity benefit works), Work No. 45B (Morecambe construction access to Work no. 44B), and Work No. 46B (Morecambe permanent access to Work No. 44B).

1.17.2.3 The aforementioned plots are collectively referred to as the 'Lea Marsh' plots for the purposes of this response, and Work Nos 44A/B, 45A/B and 46A/B are collectively referred to as the 'biodiversity benefit works' for both projects together.

1.17.2.4 Should the Lea Marsh plots be excluded from the compulsory acquisition powers in the DCO, Article 20 as well as Article 29(4) and (5) of the draft DCO (REP6-013) would need to be amended to exclude the Lea Marsh plots from the scope of the relevant powers entirely (as opposed to the powers being conditional on requirement 26 of Schedules 2A and 2B).

1.17.2.5 Without prejudice wording for Article 20 and Article 29 of the draft DCO has been provided in the Schedule of Changes to the draft DCO (S\_S51\_2/F09). A Without Prejudice update to the Book of Reference

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has also been provided to remove these plots. Section 1.3.8.55 of the Statement of Reasons (REP6-018) could also be updated in order to remove the Lea Marsh plots from the scope of the compulsory acquisition sections, however this is not vital in relation to the scope of the operational powers.

1.17.2.6 As the Applicants have always committed to delivery of the biodiversity benefit works as a voluntary measure (and this is reflected in other documents) no other documents would need to be amended as the ability to carry out the biodiversity benefit works voluntarily, if the land can be acquired through other means, needs to be retained.

1.17.2.7 If compulsory acquisition powers were not granted for the biodiversity benefit works, the Applicants would still seek to enter into voluntary agreements to secure land rights to carry out the biodiversity benefit works, in line with their hierarchy of preference at Section 1.8 of the Outline Biodiversity Benefit Management Plan (REP7-018). In summary, that hierarchy of preference had four options:

- Option 1 - Delivery of the biodiversity benefit works at Lea Marsh Fields to deliver in excess of 10% biodiversity benefit;
- Option 2 - To only deliver 10% biodiversity benefit, with the majority delivered at the onshore substations, and reducing the total area of land taken at Lea Marsh Fields to cover the shortfall of delivering 10% biodiversity benefit;
- Option 3 - Shortfall of delivering 10% biodiversity benefit to be delivered by the funding of local biodiversity projects to maximise the benefit to local biodiversity; and
- Option 4 - Shortfall of delivering 10% biodiversity benefit to be delivered through the purchase of Biodiversity Credits.

1.17.2.8 Removing the ability to exercise compulsory acquisition powers in relation to the biodiversity benefit works from the draft DCO makes it more likely that the Applicants will need to rely on Option 3 or Option 4 for the delivery of biodiversity benefit, meaning that less biodiversity net gain would be achieved.

1.17.2.9 Retention of the compulsory acquisition powers can also assist in resolving any 3<sup>rd</sup> party matters where a landowner is willing to commit the land required on a voluntary basis.

## **1.18 Section 106**

### **1.18.1 Introduction**

1.18.1.1 Point 44 of the SoS's letter is in relation to Section 106 and is set out as follows:

*44. The Applicants and Fylde Borough Council are requested to provide further information regarding whether Section 106 agreements relating to Blackpool Road Recreation Ground have been completed. In its 27 January 2026 letter, the Council stated that it has asked the Applicants to enter into a deed of indemnity in favour of both the Council, as leaseholder, and Lytham Town Trust Ltd, as freeholder,*

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*enabling the Council to enforce the agreement against the Applicants and their successors in title. The Council has also requested that wording is added to Article 6 of the dDCO providing that the benefit of the order cannot be transferred unless (i) a deed of covenant has been entered into between the lessee or transferee of the benefit and the Council, regarding the performance of obligations under the Section 106 agreement, and (ii) a deed of indemnity has been provided to indemnify the Council in respect of the Section 106 agreement. The Applicants are requested to comment on any progress made towards agreeing the wording of the Section 106 agreement, the Council's request for an indemnity and the Council's proposed amendment to Article 6 of the draft Development Consent Order.*

## **1.18.2 Response**

1.18.2.1 The Applicants are continuing to engage with Fylde Borough Council (FBC) in relation to the draft Section 106 Agreement and progress has been made in relation to the mitigation for the Blackpool Road Recreation Ground (BRRG). Discussions are ongoing between FBC and the Applicants in relation to potential suitable alternative football pitch locations. The Applicants are still awaiting confirmations on various points regarding the amount of certain financial contributions which will be due pursuant to the Section 106 Agreement.

1.18.2.2 The Applicants remain confident that an agreed form of Section 106 Agreement will be reached, and ongoing discussions are positive. However, the cadence of these discussions suggests that an agreement is unlikely to be concluded and entered into before the deadline for the Secretary of State decision. The Applicants will of course endeavour to progress this as a priority, however would emphasise that requirement 28 in the draft DCO (REP6-013) secures this as a post-consent requirement prior to the commencement of works in the BRRG in any event. The Applicants received a further round of comments from FBC on 30 March 2026 and shared a further updated version on 13 April 2026.

1.18.2.3 Regarding the need for a Deed of Indemnity, discussions are ongoing and although the Applicants maintain that this is not necessary, the Applicants have proposed to FBC on 8 April 2026 that it would be willing to enter into a deed of indemnity in favour of FBC in order to indemnify the performance of the obligations in the Section 106 Agreement, and the Applicants are preparing a proposed draft of this Deed of Indemnity. The Applicants note FBC's letter of 27 January 2026, and their request for wording to be added to Article 6 of the draft DCO. The Applicants note that a full response on this point was sent directly to the Council on 19 December 2025 further to the Council issuing this proposed drafting to the Applicants directly. The Applicants' response on this point was as follows:

*"Regarding the request for a mechanism to secure adherence the s106 agreement should the benefit of the DCO be transferred, we do not consider that this is necessary, nor appropriate.*

*As for the precedent provided, in the Sizewell C DCO (SZC DCO), we would note that the circumstances of that DCO differed to here. The SZC deed of obligation was not a s106 agreement, but an agreement under s1 of the Localism Act 2011 and s111 of the Local Government Act 1972. As such, it was entered into on a contractual basis only intended to 'run with the undertaking' and not the land. As it*

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*was not entered into under s106 of the Town and Country Planning Act 1990, the obligations secured within it did not benefit from the s106 enforcement powers. The drafting in the SZC DCO was therefore aimed at plugging those statutory gaps which do not apply here.*

*The Applicants do not therefore consider it appropriate or necessary to follow the approach in the SZC DCO as the s106 obligations will be enforceable and will bind future undertakers. There are numerous other examples where deeds of obligation have been entered into with a developer of a DCO where no such drafting is included in the transfer of benefit article including, for example, the Thames Tideway Tunnel Order 2014 (which contained requirements securing the entering into of various s106 agreements/unilateral undertakings to secure necessary mitigation).*

*Secondly, we anticipate, given the existing timeframes for exchange of comments on the BRRG s106 and the Council's current position with regards to signing it, there will be a need for the s106 requirement as proposed by the Applicants to be included in the final DCO. Therefore, any party who were to become the 'undertaker' for the development pursuant to the transfer of benefit provisions would be bound by the DCO Requirements in the same way as Morgan/Morecambe currently are as named undertakers. Any transferee would therefore already be obliged to enter into a s106 agreement pursuant to the existing s106 requirement in the DCO before being able to commence construction works at BRRG. Non-compliance with the s106 requirement would result in the relevant undertaker breaching the DCO and being liable to enforcement action by the Council pursuant to the Planning Act 2008."*

1.18.2.4 Further to this position being shared by the Applicants in December, the Applicants have more recently suggested some additional wording which could be added to the Section 106 Agreement directly, which the Applicants consider would address FBC's concerns on this point. FBC have not yet provided comment on this wording. The Applicants would maintain that it is most appropriate for this to be dealt with by way of the Section 106 Agreement itself. A DCO is a statutory instrument and the drafting of Article 6 follows a precedent form. These proposed amends would not be in accordance with accepted principles around DCO drafting.

1.18.2.5 Although not a direct point raised by the Secretary of State in its consultation, the Applicants note that Fylde Borough Council has continued to push their proposal for a suite of wider mitigation measures, which are unrelated to the BRRG, to be secured within the Section 106 Agreement. The Applicants wish to emphasise, as was previously set out during examination (see REP6-169), the draft DCO (REP6-013) already secures appropriate mitigation measures for all other likely significant ecological, hydrogeological, business and tourism impacts which have been identified through the EIA and during examination of the Application. The need for the additional measures proposed by the Council is not justified based on the impacts of the proposed development which is evidenced by the fact that neither the ExA nor other relevant key stakeholders such as Natural England and the Environment Agency raised or requested any such measures as necessary mitigation during the examination. The Council have not yet provided any further evidence to the Applicants to support their position as to why these further measures are required.

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## 1.19 Crown Land

### 1.19.1 Introduction

1.19.1.1 Points 45 to 46 of the SoS's letter are in relation to Crown Land and are set out as follows:

*45. The Duchy of Lancaster, His Majesty's Coastguard, the Secretary of State for Transport and the Applicants are requested to confirm whether any outstanding matters have been resolved in respect of compliance with Section 135 of the Planning Act 2008 [REP7-040]. If consent is not obtained, Crown land plots will need to be removed from the scope of the CA provisions.*

*46. During the Examination the Applicants were unable to clarify whether plots 16-107B, 16-108B, 16-109A, 16-110A, 16-111B, 16-112B, 16-113A, 16-114, 16-115, 16-116A, are owned by the Duchy of Lancaster or by Hesketh Farms Limited. The Applicants and the Duchy of Lancaster are requested to clarify ownership of the landholdings.*

### 1.19.2 Response

#### Point 45

1.19.2.1 In relation to the Duchy of Lancaster, the parties have agreed the wording of the Section 135 consent letter (subject to the changes to Article 39 (Crown Rights)), and are awaiting the completion by the signatory at the Duchy.

1.19.2.2 The Applicants have included this amendment in the Schedule of Changes to the draft DCO (S\_S51\_2/F09).

1.19.2.3 In relation to the Secretary of State for Transport, Section 135 Consent was given by the Secretary of State for Transport on 26 March 2026, see enclosed (**Appendix A: Section 135 Consent Letter from Secretary of State for Transport**).

1.19.2.4 In relation to His Majesty's Coastguard, Section 135 Consent was given by HM coastguard on 2 April 2026, see enclosed (**Appendix B: Section 135 Consent Letter from His Majesty's Coastguard**).

#### Point 46

1.19.2.5 The applicants and the Duchy of Lancaster agree that the plots listed in the SoS question are held under the following ownerships, and are in accordance with the current book of reference:

- Preston City Council own the freehold of plots 16-107B, 16-108B, 16-109A, 16-110A, 16-111B under Titles LA655277 & LAN81037
- Hesketh Farms Limited own the freehold of plots 16-112B, 16-113A, 16-114, 16-115, 16-116A under Title LA704658
- Duchy of Lancaster own the freehold mines and minerals under the land identified in plots 16-107B, 16-108B, 16-109A, 16-110A, 16-111B, 16-112B, 16-113A, 16-114, 16-115, 16-116A under title LAN48722

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- The Duchy of Lancaster's Title number LAN48722 also includes plot 16-106A.

## 1.20 Public Sector Equality Duty

### 1.20.1 Introduction

1.20.1.1 Point 47 of the SoS's letter is in relation to Public Sector Equality Duty and is set out as follows:

*47. The Applicants' Public Sector Equality Duty impact assessment was updated at D6 [REP6-133] to reflect discussions with the Wrea Green Equitation Centre and include updates to the outline Communications Plan [REP6-069] and outline Construction Noise and Vibration Management Plan [REP6-083]. Due to the late submission of the final mitigation proposals, Wrea Green Equitation Centre did not have the opportunity to comment. Wrea Green Equitation Centre is requested to provide comments on the updated impact assessment.*

### 1.20.2 Response

#### Point 47

1.20.2.1 The Applicants note that point 47 of the Secretary of State's Request for Information is directed towards Wrea Green Equitation Centre (WGEC). The Applicants understand that WGEC will be responding separately to the Secretary of State's request. To assist WGEC in preparing its response, the Applicants met with WGEC on 20 and 26 March 2026. The Applicants acknowledge that the late submission of the updated Public Sector Equality Duty impact assessment at Deadline 6 meant WGEC did not have the opportunity to comment during the examination period, and this meeting was intended to address that procedural issue in advance of the Secretary of State's decision.

1.20.2.2 During that meeting, WGEC requested involvement in the design of the site compound layout and suggested that soil bunds be installed to provide visual screening and noise attenuation during construction. The Applicants confirm their commitment to continued engagement with WGEC throughout detailed design, as detailed in the Outline Construction Noise and Vibration Management Plan (REP6-083), the Outline Communications Plan (REP7-014) and Managing Construction Noise at Equestrian Receptors Technical Note (REP6-183). The Applicants further confirm that an equine veterinarian or other suitable specialist will be appointed to advise on mitigation measures during construction, and that this is detailed in the Outline Construction Noise and Vibration Management Plan (REP6-083). The Outline Construction Noise and Vibration Management Plan (REP6-083) is secured by requirement 8(2)(c) of the draft DCO (Schedules 2A and 2B) (REP6-013).

1.20.2.3 The Applicants defer to WGEC's own response regarding its views on the adequacy of the updated impact assessment and proposed mitigation measures.

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**A.1      Appendix A: Section 135 Consent Letter from  
Secretary of State for Transport**



# Department for Transport

Department for Transport  
DEPARTMENT FOR TRANSPORT  
GREAT MINSTER HOUSE  
33 HORSEFERRY ROAD  
LONDON SW1P 4DR

Web Site: [www.dft.gov.uk](http://www.dft.gov.uk)

Dalcour Maclaren

By email:  
[morecambeandmorgan@dalcourmaclaren.com](mailto:morecambeandmorgan@dalcourmaclaren.com)

24 March 2026

Your ref: 22003214\_185430  
Our ref:

Dear Sirs

**Your client: Morgan Offshore Windfarm Limited (“Morgan OWL”) & Morecambe Offshore Windfarm Limited (“Morecambe OWL”) (together “the Applicants”)**

**Our client: The Secretary of State for Transport (“SoST”)**

**Property: The plots as shown on the Crown Land plans attached to the Application being 01-015, 02-023, 02-024, 02-029, 02-030, 03-003 03-004, 03-005, 03-006, 03-007, 03-008 03-009 03-009i, 03-012 and 04-024 (“the Property”)**

**Application for consent pursuant to section 135 of the Planning Act 2008 (“Application”)**

I understand that you are instructed on behalf of the Applicants in respect of the Morgan and Morecambe Offshore Wind Farms: Transmission Assets Development Consent Order application (“the DCO”).

I am instructed to respond on behalf of the Secretary of State for Transport (“SoST”) in respect of the Application. I confirm that the appropriate Crown authority (as defined in section 227 of the Act) is the SoST.

The land required for the DCO includes the Property in which the SoST has an interest and it therefore constitutes Crown land as defined in section 227 of the Planning Act 2008 (“the Act”). I have confirmed that the SoST holds a number of retained rights in favour of SoST (having acquired these rights as successor to the British Railway Board). These retained rights relate to the repair and maintenance of service media at the Property.

It is understood that the Applicants are seeking various rights relating to installing, maintaining, operating and decommissioning cabling and ancillary infrastructure under land included within the Application. The confirmation given below is provided on the basis that the SoST’s existing rights are preserved and that the rights being sought in the Application will not interfere with the rights of the SoST or indeed prevent the SoST from exercising those rights.

On the basis of the above, I am authorised to confirm the following:

1. The SoST hereby gives consent pursuant to section 135 (1) and 135(2) of the Act and Article 39 of the DCO as drafted to the inclusion of provisions within the DCO which would apply to the Property (to the extent that they relate to the detail specified in the Application); and
2. The SoST hereby agrees to the wording of Article 39 of the DCO as drafted.

Yours faithfully



Print Name:



Position:

Deputy Director, Head of Property Portfolio and Advisory

**Authorised signatory for and on behalf of the Secretary of State for Transport**

cc: @cms-cmno.com)

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**A.2      Appendix B: Section 135 Consent Letter from His Majesty's Coastguard**

Our Ref: 22003214\_245935  
Your Ref:

The Secretary  
His Majesty's Coastguard  
Spring Place  
105 Commercial Road  
SOUTHAMPTON  
Hampshire  
SO15 1EG

Dalcour Maclaren  
The Barn  
Bignell Park Barns  
Chesterton  
Bicester  
Oxfordshire  
OX26 1TD

T 0333 188 5374  
E [morecambeandmorgan@dalcourmaclaren.com](mailto:morecambeandmorgan@dalcourmaclaren.com)

24<sup>th</sup> February 2026

Dear Sirs

**Subject: Section 135 Consent for Morgan and Morecambe Offshore Wind Farms: Transmisson Assets**

I am writing to provide consent under Section 135 of the Planning Act 2008 for the acquisition of interests in Crown land related to Morgan and Morecambe Offshore Wind Farms: Transmisson Assets. This consent is granted to Morgan Offshore Wind Limited and Morecambe Offshore Windfarm Limited for the purposes outlined in the Draft Development Consent Order (DCO).

**Specific Details of Consent:**

- **Project Name:** Morgan and Morecambe Offshore Wind Farms: Transmisson Assets
- **Applicant's Name:** Morgan Offshore Wind Limited and Morecambe Offshore Windfarm Limited
- **Crown Land Description:** 01-020 - 1797 Square Metres of private road and car park (west of Clifton Drive North, A584)(excluding all interests of the Crown) and 01-021 - 7 Square Metres of public road (Clifton Drive North, A584)(excluding all interests of the Crown)

**Duration:** This consent is valid in accordance with the Development Consent Order for the Application reference EN020028.

Temporary possession rights are sought over plots 01-020 and 01-021 solely to facilitate the execution of Works 19A/19B, 38A/38B, and 42A/42B, as detailed in the draft Development Consent Order. Uninterrupted access for His Majesty's Coastguard will be maintained throughout the duration of these works.

I hereby confirm that the necessary permissions are granted for the acquisition of interests in the specified Crown land.

Should you require any further information or clarification, please feel free to contact [redacted] on [redacted] or [redacted]@[dalcourmaclaren.com](mailto:dalcourmaclaren.com).

Yours faithfully

[redacted]  
Dalcour Maclaren

Signature: [redacted]

Print Name: [redacted]

Position: ASSISTANT DIRECTOR ESTIMATES

**Authorised signatory for and on behalf of His Majesty's Coastguard**

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## A.3 Appendix C: Applicants' response to Secretary of State's letter dated 12 March 2026 in relation to status of discussion with Natural England

### A.3.1 Introduction

A.3.1.1 On 12 March 2026 the Secretary of State published a letter (the SoS's letter) requesting information from a number of parties, including the Applicants (Morgan Offshore Wind Limited ('Morgan OWL') and Morecambe Offshore Windfarm Limited ('Morecambe OWL')).

A.3.1.2 This document provides further detail regarding the Applicants' responses to paragraphs 6, 8 and 14 of the SoS's letter and provides an update on discussions between the Applicants and Natural England in regard to onshore ornithology and Habitat Regulations Assessment (HRA) matters. The paragraphs of the SoS's letter relevant to this document are as follows:

- *6. Noting the alternative mitigation measures summarised in Appendix H of [REP6-115] and the Applicants' post-Examination representation dated 12 February 2026 [PID-002], the Applicants and Natural England are requested to provide an update on discussions regarding alternative mitigation measures and whether implementing further avoidance measures could avoid the need for mitigation areas. The Applicants are requested to provide a further update to [REP6-115], as the Applicants suggested in [PID-002], to include commitments to temporary habitat reinstatement measures during relevant seasonal periods, proportionate to the nature and duration of the works.*
- *8. The Secretary of State notes that in [REP2-046] the Applicants ruled out the use of Newton Marshes Site of Special Scientific Interest (SSSI) as a mitigation area due to its proximity to Warton Aerodrome. However, he also notes that DIO's post-Examination submission of 6 November 2025 sets out a preference for the Newton-with-Scales mitigation area to be replaced by "a site south of Warton Aerodrome, ideally to the south of the estuary". The Applicants are requested to explain whether any alternative mitigation areas have been, or could be, identified that would address this request.*
- *14. The Applicants and Natural England are invited to provide any other updates relevant to HRA matters.*

### A.3.2 Consultation to date on alternative mitigation measures

A.3.2.1 Since close of examination, the Applicants have continued to engage with Natural England on alternative mitigation measures to ensure that adverse effects on integrity (AEoI) can be avoided for the Ribble and Alt Estuaries SPA and Ramsar site. A summary of these consultations are set out in Appendix Table 1.1 below.

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**Appendix Table 1.1: Consultations between the Applicants and Natural England since close of Examination**

Date	Type of Consultation	Summary of consultation
12/12/2025	Email to Natural England	Provided Natural England with technical note on alternative mitigation for temporary impacts during construction to address outstanding concerns at the end of Examination (i.e. REP7-049 and REP7-050).
13/01/2026	Letter from Natural England	Natural England requested further information on the reinstatement of land over the winter periods.
20/01/2026	Meeting with Natural England	<p>Meeting to discuss Natural England feedback on alternative mitigation for temporary impacts.</p> <p>Presentation of alternative mitigation for potential permanent impacts (noting the Applicant's position is that this impact does not represent an AEol and therefore mitigation is strictly not necessary; see section A.3.4).</p>
25/02/2026	Email to Natural England	<p>Provided F02 of the technical note on alternative mitigation for temporary impacts and updated outline Ecological Management Plan (oEMP) which:</p> <ul style="list-style-type: none"> <li>• Addressed Natural England's remaining concern surrounding the wording for land re-instatement during construction works.</li> <li>• Presented the full alternative mitigation proposal for permanent impacts.</li> </ul>
11/03/2026	Letter from Natural England	<p>Confirmation that the issues surrounding temporary impacts are now fully resolved.</p> <p>Sets out Natural England's outstanding concerns regarding the alternative mitigation proposal for potential permanent impacts.</p>
16/03/2026	Call with Natural England	Call to discuss letter from Natural England. Next steps discussed, including meeting on 8 April to discuss proposals.
01/04/2026	Call with Natural England	Call with case team to provide a brief outline of how the Applicants propose to address Natural England's outstanding concerns regarding the alternative mitigation proposal for potential permanent impacts in their submission to the SoS's letter dated 12 March 2026. Requested a further meeting with Natural England's ornithologists to go

Date	Type of Consultation	Summary of consultation
		through the updates in detail in order to progress discussions with respect to its proposal.
02/04/2026	Email from Natural England	Natural England emailed to confirm that, due to resourcing availability and the need to respond to the SoS questions for 13 April 2026, they could no longer attend the meeting scheduled for 8 April 2026.

A.3.2.2 Meetings were also held with Natural England's National Nature Reserve (NNR) team, where the proposed alternative mitigation would be implemented, as set out in Appendix Table 1. below.

**Appendix Table 1.2: Consultations between the Applicants and the NNR team at Natural England since close of Examination**

Date	Type of Consultation	Summary of consultation
02/02/2026	Meeting with Natural England (NNR team)	Initial feasibility call to determine whether the deliverability of the mitigation could be achievable at Crossens Outer and Banks Marsh.
06/02/2026	Meeting with Natural England (NNR team)	Meeting to discuss the ornithological considerations of the proposed mitigation to allow for further discussions and any refinements.
23/02/2026	Email from Natural England (NNR team)	Correspondence from Natural England noting that the measures would reduce human disturbance to a wide range of bird species including golden plover. Correspondence also indicated that the NNR team would be supportive of the measures and would, in principle, be content to work with the Applicants during detailed design, delivery and implementation of the measures post consent.

A.3.2.3 The Applicants were hopeful that updated information would have satisfactorily dealt with Natural England's remaining concerns on the alternative mitigation area for potential permanent impacts on golden plover. Unfortunately, a meeting scheduled for 8 April was cancelled due to Natural England's resourcing constraints and therefore the Applicant has been unable to confirm this.

A.3.2.4 A summary of the Applicants' position is provided in section A.3.4 below including details of how the outstanding issues raised by Natural England during consultation since the close of Examination have been addressed. The submissions provided in response to the SoS's letter

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include the technical notes and oEMP provided to Natural England on 25 February (see **Appendix C: Applicants' response to Secretary of State's letter dated 12 March 2026 in relation to status of discussion with Natural England**), with updates made to address the outstanding concerns raised by Natural England in their letter dated 11 March, in particular in relation to the alternative mitigation area for potential permanent impacts (see section A.3.4 for further discussion).

### A.3.3 Temporary impacts during construction

- A.3.3.1 Since the close of examination, the Applicants have progressed this workstream to the point that Natural England has agreed that, regardless of the final positions of BAE and the Defence Infrastructure Organisation (DIO) concerning the terrestrial mitigation areas, viable alternative mitigations for construction related impacts exist, and an assessment of those alternatives has been provided in Appendix A of the Alternative Temporary Mitigation for Ornithology Technical Note.
- A.3.3.2 Prior to the meeting on 10 April 2026 with BAE, DIO and Ontrack AGM, it was the Applicants' understanding that BAE have no concerns around the proposed mitigation at Fairhaven Saltmarsh, and that their primary concern is regarding the mitigation area at the land south of Newton-with-Scales, with secondary concerns at the Lytham Moss mitigation area. Whilst, following the meeting on 10 April, it is unclear what BAE's final position is on all of the mitigation areas, the Applicants have assessed three scenarios (as set out in Appendix A), which we understood from Examination to be the possible positions with BAE and the DIO:
1. Neither mitigation area poses an unmanageable bird strike risk – In this scenario the Applicants would construct in accordance with the submitted and examined schedule and mitigation previously agreed with Natural England (i.e. delivery of the environmental mitigation areas at Lytham Moss and south of Newton with Scales).
  2. Lytham Moss is acceptable but that the mitigation at land south of Newton-with-Scales represents an unmanageable bird strike risk – In this scenario the Applicants would deliver mitigation at Lytham Moss and will implement seasonal working practices and screening around the land south of Newton-with-Scales, together with screening at Lea Marsh.
  3. Both terrestrial mitigation areas represent unmanageable risks – In this scenario the Applicants would implement seasonal working practices and screening around Lytham Moss and land south of Newton-with-Scales, together with screening at Lea Marsh.
- A.3.3.3 These scenarios have been fully quantitatively assessed in Appendix A of the Alternative Temporary Mitigation for Ornithology Technical Note. At Natural England's request (following review of a draft version of this document), updates were made to include further detail on the reinstatement of soil to subsoil levels. This updated document was issued to Natural England on 25 February 2026, including a commitment from the Applicants to reinstate to subsoil, information and
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detail of which has been updated in the oEMP and submitted as part of the response to the SoS questions.

A.3.3.4 Natural England has confirmed in writing (letter dated 11 March 2026) that they can fully rule out AEol for temporary impacts on all features under each of the three scenarios. Therefore, irrespective of the final positions from BAE/DIO regarding perceived risk, the Applicants have demonstrated that the project has options to construct with no AEol on ornithological features.

### **A.3.4 Permanent loss of habitat at the onshore substations**

A.3.4.1 The delivery of permanent mitigation for potential impacts of the Applicants' onshore substations is the final outstanding ornithological matter (for golden plover) to be agreed with Natural England.

A.3.4.2 The Applicants maintain that the project would not give rise to any AEol (see paragraph 5.3.3.7 *et seq.* of REP7-042). It therefore remains the Applicants' position that mitigation is not required to rule out AEol from the loss of Functionally Linked Land (FLL) for golden plover. This was why the Applicants pursued the alternative mitigation for temporary impacts, as it would mean that permanent mitigation areas would not be required and therefore avoids bird strike risk and concerns from BAE and DIO.

A.3.4.3 The Applicants previously proposed mitigation at land south of Newton with Scales. Both BAE and the DIO raised concerns regarding the proximity of this location to Warton Aerodrome and the associated potential for increased bird-strike risk (see updates provided in response to the SoS's questions 4 to 11 for further detail). While the Applicants remain confident that, with the appropriate active management measures no increase in bird-strike risk would occur, this has not been agreed with BAE or DIO. As a result, the Applicants have continued to explore alternative locations and measures that could provide suitable mitigation for golden plover.

A.3.4.4 As reflected in the consultation table above (Appendix Table 1.1), the Applicants and Natural England have continued constructive engagement on this matter since the close of Examination. The Applicants had anticipated that recent discussions would help resolve Natural England's remaining concerns; however, the most recent meeting could not proceed as Natural England was unable to attend. The information below, therefore, sets out the Applicant's position and how they have sought to address the outstanding concerns raised by Natural England on this matter.

A.3.4.5 The Applicants have also prepared a technical note (Appendix B: Alternative Permanent Mitigation for Ornithology Technical Note) which outlines the magnitude of the potential impact, and the provision of mitigation measures at Crossens Outer and Banks Marsh within the Ribble Estuary NNR as an alternative to the mitigation south of Newton-with-Scales. This was presented to Natural England during a meeting

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on 20 January and subsequently via a technical note on 25 February 2026 (Appendix Table 1.1). Natural England subsequently provided feedback on these proposals (in a letter dated 11 March 2026), highlighting some outstanding concerns which are outlined below. Natural England did note in their written feedback on 11 March 2026 that the measures would likely enhance the environment within the NNR and would contribute to positive management of the site, and implementation of these measures to support site management could lead to positive environmental benefit, however the concerns set out below have prevented Natural England from reaching agreement on these measures as alternative mitigation to the land south of Newton-with-Scales.

A.3.4.6 The key outstanding concerns raised by Natural England are as follows:

- The proposed measures do not represent like-for-like habitat due to the area of permanent habitat loss being considered by Natural England as FLL, while the alternative mitigation is located within the Ribble and Alt Estuaries SPA. As such, the proposed measure does not replace the affected habitat on a like-for-like basis.
- Concerns about whether the proposals are already considered to form part of the site management measures required by the landowner and Natural England's NNR team, and as such, should not be relied upon as mitigation to avoid potential negative impacts arising from the project.
- Concerns with respect to the implementation and delivery of the measures, and Natural England's involvement as the landowner and manager of Crossens Outer and Banks Marsh.

### **A.3.5 Concerns relating to measures being not like-for like**

A.3.5.1 With respect to Natural England's concerns about the mitigation not being like-for-like (e.g. the loss of FLL being mitigated by management measures within an SPA), the Applicants understand that there is already precedent from other projects where management measures within and outside an SPA's are being used as mitigation to address potential impacts on FLL.

A.3.5.2 The broad principles of the alternative mitigation measures proposed at Crossens Outer and Banks Marsh are akin to the principles of the mitigation being delivered at a number of schemes across the UK which aim to implement measures within and around the boundaries of SPAs to reduce pressures on qualifying bird species of these SPAs (in most cases, the key pressures being increased recreational disturbance from proposed housing developments). Examples include strategic initiatives such as Bird Aware Solent, Bird Wise North Kent, Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS), as well as project-specific examples such as Yorkshire Energy Park. It should be noted that the increased pressures being mitigated in these

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examples are considerably greater than those associated with the and Morecambe Transmission Assets project.

- A.3.5.3 As noted above, the potential impact of permanent habitat loss from the substation sites will lead to loss of land which is infrequently used by SPA species (i.e. golden plover were recorded infrequently with a mean abundance of seven individuals over the non-breeding period) and due to this infrequent use, it is reasonable to say that while Natural England argue this habitat is FLL, there is no AEoI project alone or in-combination (especially when given the positive status of golden plover in the SPA, availability of alternative habitat in the area and the understanding that there is no lack of habitat creating pressures on golden plover etc.). The proposed alternative mitigation measures at Crossens Outer and Banks Marsh go beyond standard management measures currently implemented or planned to be implemented on site (see below for further information). This has been confirmed as being the view of Natural England's NNR Site Management Team.
- A.3.5.4 The alternative mitigation measures at Crossens Outer and Banks Marsh will alleviate known pressures on SPA species, including golden plover (pressures identified in the Sefton Ribble Site Improvement Plan; Natural England, 2014; see Alternative Ornithology Mitigation Note – Permanent (S\_SoSQ\_6)) and also provide enhancements for the same species, providing favourable feeding opportunities, and roosting/loafing habitat compared to the habitat lost at the substation sites.
- A.3.5.5 The Applicants also acknowledge the 'European Commission: Directorate-General for Environment, Managing Natura 2000 sites – The provisions of Article 6 of the 'Habitats' Directive 92/43/EEC, Publications Office, 2019' (<https://data.europa.eu/doi/10.2779/02245>), specifically the mitigation section at 4.6.6. This guidance notes that mitigation needs to be of a sound understanding of the species and habitats, but can be delivered within a Natura 2000 site itself.
- A.3.5.6 As such, the Applicants propose that while the mitigation is not strictly like-for-like, the alternative measures proposed at Crossens Outer and Banks Marsh are beyond the standard management measures, will enhance habitats within the SPA and alleviate existing pressures on golden plover (and other SPA qualifying species), thereby enabling Natural England to rule out any potential residual risk of AEoI from permanent loss of habitat at the substation sites. Precedents from other projects demonstrate that the principles of this are an acceptable form of mitigation as well as EC guidance demonstrating that mitigation can be delivered in a Natura 2000 site. The Applicants are therefore of the position that the delivery of this mitigation should be acceptable to Natural England in relation to their concerns of it not being like-for-like.

### **A.3.6 Concerns relating to measures forming part of existing site management**

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A.3.6.1 As set out in Alternative Ornithology Mitigation Note – Permanent (S\_SoSQ\_6), the Applicants have developed the proposed measures at Crossens Outer and Banks Marsh in collaboration with the local NNR team at Natural England and therefore have considered site specific information on bird usage and potential for habitat enhancements within the NNR and current management practices being employed within the site. The measures identified and proposed will provide significant benefits to a range of bird species using the area, including golden plover, via a reduction in disturbance and improvements to habitats being used by these species and the Applicants are confident these go beyond current standard management practices.

A.3.6.2 The starting point when developing the measures at Crossens Outer and Banks Marsh was the Sefton Ribble Site Improvement Plan (SIP), which identified recreational disturbance as a threat to golden plover. This does not formally identify the key measures proposed in the Alternative Ornithology Mitigation Note – Permanent (S\_SoSQ\_6) as mitigation. Furthermore, where the proposed measures had been identified within the SIP to control this pressure, these have not secured funding, despite being identified over 10 years ago (i.e. the Sefton Ribble SIP was drafted in 2014). As such, the proposed measures set out in the Alternative Ornithology Mitigation Note – Permanent (S\_SoSQ\_6) are considered additional to the standard management measures implemented within the SPA, for the following key reasons:

- Fencing of the saltmarsh and the replacement of water troughs to control grazing are not part of the current SIP and there is no certainty that the measures will be implemented. The lack of controlled grazing means that the habitats are not being managed to their full potential for attracting and sustaining bird species;
- The measures aim to improve the habitats of golden plover, lapwing, curlew and snipe which are not the current target species of the NNR; and
- The replacement of dilapidated fencing at Marine Drive will directly address the wider objective of managing informal recreation on the sensitive saltmarsh habitats, which is a known threat to golden plover in the area.

### **A.3.7 Concerns relating to implementation and delivery**

A.3.7.1 Concerns were raised by Natural England with respect to the implementation and delivery of the measures that they, as the landowner and manager of Outer Crossens and Banks Marsh, would be responsible for implementation and adaptive monitoring for the lifetime of the project. Natural England noted that the responsibility should be on the developer to design and deliver mitigation measures.

A.3.7.2 The Applicants note the concerns raised by Natural England with respect to the implementation and delivery of the measures and agree that it is the Applicants' responsibility to deliver the measures, monitor

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their effectiveness and be responsible for adaptive management should this be required during the lifetime of the project. The measures have been included in the oEMP and secured via DCO Schedules 2A & 2B, Requirement 12 (Ecological Management Plan), but with an enforceable commitment to provide the necessary funding for the works to be undertaken in advance of construction.

A.3.7.3 It is, however, common practice for ecological mitigation and enhancement measures to be delivered, monitored, and reported on by an established or newly appointed delivery partner, while the developer retains overall responsibility for securing the mitigation and ensuring its success (as per the examples provided in paragraph 1.4.1.8). The Applicants' position is that a viable delivery mechanism exists and will be developed post consent to provide additional information on the roles and responsibilities of the developer and its delivery partners. The Applicants would note that close cooperation and liaison with the NNR team during the delivery and implementation will be essential to ensure the success of these measures. The Applicants consider that the DCO requirements in respect of the oEMP provide a robust mechanism to secure this further engagement.

A.3.7.4 As Natural England jointly manages the Ribble Estuary NNR with the Royal Society for the Protection of Birds (RSPB), and the Lytham & District Wildfowling Association (LDWA), the Applicants queried with Natural England whether there would be a preference for the mitigation to be delivered by one of the other reserve partners, whilst ultimately being the Applicants responsibility. At the time of writing, the Applicants have not received a response to this question.

### **A.3.8 Other considerations**

A.3.8.1 The Applicants are committed to finding a suitable mitigation package that addresses the concerns of all parties (Natural England, BAE and DIO). Discussions have highlighted differing preferences between stakeholders, with Natural England seeking mitigation close to the impact area and BAE and DIO preferring locations further south of Warton Aerodrome. Alternative suitable locations satisfying all requirements are difficult to find, particularly those suitable for delivery of strict 'like for like' mitigation. The Applicants would note that current land use is an important consideration when considering potential alternative mitigation sites as implementation of mitigation to address the potential permanent loss of FLL could result in adverse impacts on other receptors (including agricultural use of land and other ornithological receptors) in the region. The principal concern is the loss of high-quality BMV (Grade 1 and 2) agricultural land through conversion to pasture for golden plover, and the consequential long-term impacts to pink-footed goose and whooper swan from this change in land use as both species favour arable land.

A.3.8.2 The agricultural land to the south of the Ribble comprises large areas of Grade 1 and Grade 2 land with some sections of Grade 3 (Natural

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England-Defra open data), although it is unclear if this is 3a or 3b. The areas of Grade 3 are largely covered by permanent pastures, so securing these parcels would be unlikely to provide replacement 'like for like' golden plover, as it would not increase the amount of permanent pasture within the golden plover foraging range.

A.3.8.3 There are large areas of pasture within the vicinity of the SPA, and it is unlikely that golden plover carrying capacity within the Ribble and Alt Estuaries SPA is influenced by this, a point also made by Natural England in their supplementary conservation advice (last updated in October 2023). This states that the extent and distribution of supporting habitat for golden plover is currently in good condition and/or unimpacted by anthropogenic activities.

A.3.8.4 The Applicants are mindful that replacing with 'like for like' is not straightforward to the south of the Ribble. The removal of Grade 1 and 2 BMV arable land from food production would be disproportionate to the small potential impacts from the project on golden plover.

A.3.8.5 Accordingly, to avoid the use of good quality arable land, the Applicants undertook a screening process of existing schemes where improvements could be made to directly benefit golden plover. Using evidence from Natural England's supplementary conservation advice and the Sefton Ribble SIP, the Applicants concluded that, despite being in favourable status within the SPA, golden plover remain susceptible to disturbance at their roost sites, and that habitat improvements and a reduction in recreational disturbance on the saltmarshes at Crossens Outer and Banks Marsh (the proposed alternative mitigation areas) would likely provide greater conservation benefits for golden plover, and other species, than securing existing agricultural land outside of the SPA (see Alternative Ornithology Mitigation Note – Permanent (S\_SoSQ\_6) for further information on this process).

A.3.8.6 The saltmarshes at Crossens Outer and Banks Marsh lies within the SPA, but are located to the south of the Ribble Estuary and are therefore expected to be acceptable by BAE and DIO. Use of these areas would not involve a change in land use and therefore would not give rise to associated impacts on other receptors.

### A.3.9 Summary

- There are appropriate measures in place to ensure that the Project can be constructed with no risk of AEoI from temporary impacts in all scenarios considered (i.e. regardless of objections made by BAE and DIO in relation to the mitigation areas at Lytham Moss and south of Newton-with-Scales). This has been agreed with Natural England in a letter dated 11<sup>th</sup> March 2026 (see section A.3.3);
  - The Applicants maintain their position that, the land lost at the onshore substations does not constitute FLL and there is no need for mitigation to avoid AEoI on the Ribble and Alt Estuaries SPA and Ramsar site. Nevertheless, the Applicants have identified
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viable alternative mitigation to the south of the Ribble (i.e. Crossens Outer and Banks Marsh) that will provide long-term benefits for golden plover alongside a suite of other waders and wildfowl. The Natural England NNR team are supportive of the principles of this alternative mitigation. The Applicants consider that the alternative mitigation is also likely to satisfy the BAE/DIO concerns given the distance between the alternative mitigation site and south of Warton Aerodrome. The Applicants therefore consider that due to the minimal potential residual impact from the Transmission Assets Project on SPA/Ramsar features, Crossens Outer and Banks Marsh represents a proportionate and practical solution.

- It is recognised that Natural England, in its statutory nature conservation body capacity, has outstanding concerns regarding the proposal at Crossens Outer and Banks Marsh. This note has outlined the Applicants' approach to addressing these concerns to ensure the alternative mitigations can be effectively delivered to enable Natural England to reach a conclusion of no AEoI.
  - The Applicants proposed alternative mitigation at Crossens Outer and Banks Marsh has been developed to a similar level of detail as the proposal at Newton-with-Scales, which were accepted by Natural England at the close of Examination. Further detail can be found in the oEMP and Alternative Ornithology Mitigation Note – Permanent (S\_SoSQ\_6) submitted as part of the response to the SoS questions. The Applicants have provided a similar level of detail on:
    - **The Scale of each mitigation area** – Newton-with-Scales is approx. 30 ha whereas Crossens Outer and Banks Marsh is approx 1,211 ha;
    - **The principles of the proposed management measures** – Newton-with-Scales will improve habitats by controlling the drainage and implementing grazing/mowing regimes. Crossens Outer and Banks Marsh will improve habitats by controlling grazing, and reduce recreational disturbance through the erection of fencing;
    - **Deliverability** – the Applicants will be responsible for the detailed design and implementation of the measures at south of Newton-with-Scales and the alternative mitigation area at Crossens Outer and Banks Marsh. Natural England will be consulted on the detailed design for both areas and BAE will be a consultee on the south of Newton-with-Scales mitigation area.
    - **Monitoring** – the Applicants will be responsible for undertaking monitoring to assess the efficacy of the mitigation measures.
  - **Mechanism for securing the implementation of the measures** – measures for both mitigation areas will be secured through Schedules 2A & 2B, Requirement 12 (Ecological management plan) of the DCO.
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- The Applicants have demonstrated that, without prejudice to their position, that AEol can be ruled out beyond all reasonable scientific doubt, a number of mitigation options exist which can be secured and are deliverable to address potential permanent impacts to FLL at the substation sites should the SoS agree with NE's position. The Secretary of State can therefore be confident that AEol can be ruled out.
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**A.4      Appendix D: GCS Grays Response to A Coney's  
submission for Deadline 6**

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**Response of Greg Ricketts, GSC Grays to Mr Andrew Coney's submission dated 21<sup>st</sup> October 2025, Morgan and Morecambe Offshore Wind Farm and Fare Farms Limited / J Fare (Further Submissions for Deadline 6)**

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**Dated** 13th April 2026

**On the instructions of:** [REDACTED], Land Manager, Flotation Energy,  
received by e-mail dated 20th March 2026

**Subject matters:** Response of Greg Ricketts, GSC Grays to Mr Andrew Coney's submission dated 21<sup>st</sup> October 2025, Morgan and Morecambe Offshore Wind Farm and Fare Farms Limited / J Fare (Further Submissions for Deadline 6)

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## Appendices

**A1 - Email from R O'Brien, Flotation Energy, sent GSC Grays on 30<sup>th</sup> August 2025 with instructions to prepare Report 2 – Business Impact Mitigation Options Assessment.**

**A2 - Email to Mrs Emmie Bland, sent on 19<sup>th</sup> September 2025, with Report requirements.**

**A3 - Email to Dr Owen Atkinson, sent 25<sup>th</sup> September 2025, with Report requirements.**

**A4 – GSC Grays Report 2 (October 2025), “Summary of Veterinary Experts Commentary on the Practicality of Maintaining a Grazing System”.**

**A5 – Response of Dr Owen Atkinson to the Submissions of Mr Andrew Coney on behalf of Mr & Mrs Fare and Fare Farms Ltd (Deadline 6).**

## **1. Executive Summary**

- 1.1.1. This document provides my response, as an independent farm business consultant, to the further submissions made by Mr Andrew Coney on behalf of Mr and Mrs Fare and Fare Farms Limited, submitted for Deadline 6 in respect of the Development Consent Order applications for the Morgan Offshore Wind Farm Limited and Morecambe Offshore Wind Farm Limited (“The Projects”).
- 1.1.2. GSC Grays were instructed to provide independent advice on the potential impacts of the Projects on the farming business at Lower House Farm and on the availability and viability of mitigation measures. Advice was provided in two stages: GSC Grays Report 1 dated 26 March 2025, prepared on a precautionary worst-case basis, and GSC Grays Report 2 dated 21 October 2025, prepared following the publication of the Projects’ Outline Onshore Construction Methods Statement dated 8 August 2025, which provided improved clarity on construction sequencing, land take, and expected duration.
- 1.1.3. Report 2 assessed whether the Fare farming business could remain operational during and after construction, considered both practical and economic viability, and identified reasonable mitigation measures capable of reducing adverse impacts arising from the Projects. Mr Coney’s submissions raise a number of criticisms of Report 2, which may be summarised as alleged flaws in its scope, concerns regarding the appointment and treatment of specialist veterinary evidence, uncertainty over construction timescales, assertions that the proposed mitigation measures are unproven or unworkable, and criticism of the financial assessment underpinning its conclusions.
- 1.1.4. In preparing Report 2, specialist veterinary input was obtained to assess the practical implications of construction and mitigation measures on herd health, welfare, productivity, and farm management. Two veterinary specialists were consulted against the same scope of questions and background information. While there are differences of emphasis between their reports, both share a number of key conclusions, including that permanent or temporary housing of the herd is inappropriate, that restocking through market purchase following herd reduction presents material risks, and that beef production represents a possible, albeit lower return, alternative system.
- 1.1.5. Having considered both veterinary opinions, on the advice of Dr Owen Atkinson, I concluded that the mitigation measures proposed, although challenging, are capable of implementation in practice and are consistent with established dairy management practices used elsewhere in the UK. In my professional opinion, these measures are feasible and do not preclude the continuation of a reduced scale grazed dairy system during construction and thereafter.
- 1.1.6. The construction assumptions relied upon in Report 2 are derived from The Projects’ Outline Onshore Construction Methods Statement, which indicates that construction activity will be phased and geographically staggered. This means that land is not expected to be unavailable for the entire construction period. Any deviation from the

stated programme giving rise to additional or prolonged impacts would be a matter to be addressed through compensation rather than a determinant of baseline feasibility.

- 1.1.7. The financial assessment contained within Report 2 was undertaken to test whether the business could remain economically viable during and after construction if appropriate mitigation measures were adopted. On the assumptions used, the modelling indicates that the business could continue to operate profitably, albeit at a reduced scale and with a reduced level of profit generation as to current performance, and that dairy production would be expected to outperform alternative beef-based mitigation options on financial grounds.
- 1.1.8. Accordingly, while recognising the significant operational challenges posed by the Projects, I remain of the professional opinion that the conclusions of GSC Grays Report 2 are robust. The evidence does not support the proposition that dairy production must necessarily cease, nor that beef production represents the only reasonable mitigation option available.

## **2. Introduction**

- 2.1.1. This document provides my response to the submissions made by Mr Andrew Coney on behalf of Mr and Mrs Fare and criticisms in regard to GSC Grays Report (2) submitted on 21st October 2025 in relation to the Planning Act 2008 - Section 88 and 89 and the Infrastructure Planning (Examination Procedure) Rules 2010 - Rules 469 and 13 and the Application by Morgan Offshore Wind Farm Limited and Morecambe Offshore Wind Farm Limited for an order granting development consent for the Morgan and Morecambe Offshore Wind Farm Transmission Assets in advance of the Planning Act 2008 Application by the Preliminary Hearing, Further Submissions for Deadline 6.
- 2.1.2. I do so in my capacity as an Independent Expert and my response is governed by the same duty to the enquiry that governed our previous report (GSC Grays Report 2). I address individual points raised by Mr Andrew Coney and criticisms, as per his submission.

## **2.2. Background/Context**

- 2.2.1. GSC Grays were instructed by Morgan Offshore Wind Farm Limited and Morecambe Offshore Wind Farm Limited (together 'The Projects') to provide independent advice as to the impact of the development proposed. Advice was provided in two stages, on 26<sup>th</sup> March 2025 (GSC Grays Report 1) and 21<sup>st</sup> October 2025 (GSC Grays Report 2). I was assisted in this work by my former colleague Jake Nixon, who has now left GSC Grays.
- 2.2.2. Mr Andrew Coney has made references to the GSC Grays Stage 1 Business Impact and Mitigation Options Assessment, (GSC Grays Report 1), prepared on the 26<sup>th</sup> of March 2025. In his submission, under paragraph 1.10, Mr Andrew Coney notes "The

conclusions of the Grays Report (1) are self-explanatory and, in our submission, the key ones from that are as follows: -

- a) There is an agreed assessment of an average profit for my client's business. It is a highly profitable dairy enterprise.
- b) The dairy enterprise is incapable of continuing in its current form if the Schemes as proposed proceed.
- c) That the appropriate alternative mitigation farming system is a beef system."

2.2.3. We would note the comments in GSC Grays Report 1, as above, at b) and c) are based on a "worst-case scenario" where the construction phase of work, on both proposed Wind Farm Transmission Assets, requires the loss of all land under the temporary and permanent land take for the full period (for active construction of each windfarm) and with both developments taking place concurrently for the full period. It is accepted that this would cause significant disruption. However, we have subsequently been advised that the development impact should be reduced by The Projects in line with the document prepared by The Projects, "The Outline Onshore Construction Methods Statement, 8th August 2025".

2.2.4. Report 1 was prepared before the document "The Outline Onshore Construction Methods Statement, 8th August 2025" was prepared, which gave more clarity on timeframes for each element of work, the requirements for land take and potential sequencing options. My colleague Jake Nixon also discussed the construction methods in more detail for specific elements of work, such as minimising the area of land taken out under the temporary land take and the timeframes for which this land would be required for works such as underground cable installation, as an example. Along with the creation of crossing points across areas of temporary land take which would reduce access restrictions to a large part of the farm.

2.2.5. The Projects therefore required an assessment of potential alternative Mitigation Options, which might allow the continuation of the Fare's dairy farming operation during and post construction.

2.2.6. It is on this basis that we were instructed (see email of instruction from Rory O'Brien at Appendix 1) to prepare Report 2, Business Impact Mitigation Options Assessment, dated 21<sup>st</sup> October 2025, with the scope of our assessment to include the following:

1. Provide outline commentary on historic milk prices and current demand for let dairy holdings.
2. Analysis of how a farm business could continue to operate considering the anticipated impacts on the farm holding from the development.
3. Identification of any necessary changes to the business practices or land use that may be required to maintain a viable farming operation on the holding

4. Identification and recommendation of reasonable mitigation measures that could be implemented by the Projects to reduce adverse impacts on the businesses, including:
  - a) Engineering solutions
  - b) Farming practice solutions
  - c) Any other support - financial, technical, or otherwise.
  
5. In addressing the above, the Projects requested that we consider the options by reference to a hypothetical prudent occupant of the holding, recognising that the personal preferences of those involved may not align with the practical options which may be adopted by such a hypothetical occupier. A key element of the brief set by the Projects was the determination of the viability of the farming operation both during and after construction. I deem this question of viability to have two components:
  - 1) practical viability – the ability of the holding’s manager to undertake the required actions to operate the dairy herd within the bounds of relevant statutory regulations and market demands; and,
  - 2) economic viability – the ability of a farming business operated from the holding to generate sufficient profits to cover the key requirements of any business from its operating profits, including:
    - a) an appropriate return to the manager for his/her labour and management expertise;
    - b) tax liabilities arising from the business’ trading activities.
    - c) capital reinvestment to maintain the business’ working assets; and,
    - d) debt repayment commitments, possibly associated with reinvestment requirements.

### **3. Queries and Concerns Regarding GSC Grays Report 21<sup>st</sup> October 2025 (Report 2)**

- 3.1.1. I am informed that Mr Andrew Coney has raised several queries, which I understand can be summarised as follows:
  - a) that the Scope of the Report 2 is flawed
  - b) that two Veterinary Specialist were appointed, one jointly (Mrs Emmie Bland) and one by the Projects (Dr Owen Atkinson), that the Veterinary Specialists have opposing views and that we have disregarded Mrs Emmie Blands report and comments

- c) that the timescale is uncertain regarding the construction for each of the substations and associated works and the Projects cannot guarantee the time frames are realistic and achievable
- d) that the mitigation proposals suggested by the Projects and Dr Owen Atkinson are unproven and will not work, therefore beef production is the only mitigation option available
- e) that the financial assessment within the Appendices of the GSC Grays Report 2 prepared regarding operating the dairy unit during and after construction is flawed, due to the assumptions used for the Scope of Report 2.

### **3.1.2. Scope of GSC Grays Report 2**

3.1.3. I do not disagree with Mr Andrew Coney's comments at his paragraph 2.3.1. In Report 2 - Business Impact Mitigations Option Assessment (21<sup>st</sup> October 2025) we have accepted on the evidence and advice of Dr Owen Atkinson that the provision of new and amended infrastructure and mitigations required to deliver the continuing Dairy Farming business are feasible, and can be constructed effectively by the Projects and that the infrastructure and mitigation options will allow the Dairy Farming business to continue, albeit at a reduced scale of operation following the temporary and permanent land take.

### **3.1.4. Appointment of Veterinary Specialist Input**

3.1.5. Mr Coney states at paragraphs 1.13 and 1.14 in his submission, that The Projects advised they wish to take advice from veterinary experts on the impact of moving cow flow and that the Fares agreed to the proposal and the appointment of Mrs Emmie Bland. Mrs Emmie Bland was to provide an independent report to consider how the construction of the two substations, two temporary build areas, two easements in and two easements out on Lower House Farm, would have on the Dairy business and Mr Andrew Coney's client, see paragraph 3.2. below and Appendix 2 for the precise instructions to Mrs Emmie Bland sent by email on 19th September 2025.

3.1.6. Under paragraph 1.15 in his submission, Mr Andrew Coney notes that at the end of September 2025, the Schemes then instructed Dr Owen Atkinson, a veterinary expert, to prepare a further desk top report in respect of the same issues without the knowledge of his client.

3.1.7. Mr Andrew Coney has omitted to note that prior to the appointment of Mrs Emmie Bland, the Projects initially and verbally proposed the appointment of Dr Owen Atkinson as the independent expert, but as we understand it this request was dismissed by the Fares and Mr Andrew Coney.

3.1.8. Dr Owen Atkinson was initially proposed as a potential candidate to provide the Report, on the basis that he has significant experience within the Dairy sector, over 30

years, has worked with many different dairy farming businesses, is familiar with all dairy systems, including the management of grazed herds and has acted as an Expert Witness on a number of occasions previously. Dr Owen Atkinson therefore understands the requirements for reporting and obligations. Dr Owen Atkinson's CV is comprehensive and was attached to his initial Report and included within the GSC Grays Report prepared on 21st October 2025.

- 3.1.9. Mrs Emmie Bland was proposed by the Fare's as an alternative Veterinary Specialist. As noted under Mr Andrew Coney's submission at paragraph 2.3.19, Mrs Emmie Bland knows the Farm at Lower House Farm and the Projects had some concerns about Mrs Emmie Bland's impartiality.
  - 3.1.10. However, the Projects agreed to the appointment of Mrs Emmie Bland, with her instruction based on criteria set out in an email to from GP Ricketts to Mrs Emmie Bland, sent on the 19<sup>th</sup> September 2025, and attached at Appendix 2.
  - 3.1.11. The email provided background to the case, details on the land take, management options during and post construction, proposed mitigation options, notes on possible farm practice mitigations and labour and machinery and infrastructure implications. In addition, the email contained a list of seven key questions on the specialist veterinary input Report requirements as set out below.
  - 3.1.12. The initial requirements were discussed by phone, with background details supplied to Mrs Emmie Bland with a number of specific questions posed as set out below:
- 3.2. Extract from email from Greg Ricketts to Mrs Emmie Bland, 19<sup>th</sup> September 2025 (see Appendix 2)**

*As discussed previously, there are several key issues and questions in regard to the practical ability to run the farm during the construction phase of the Wind Farms, in particular, but not exclusively limited to the following:*

1. *What are the anticipated impacts on the health and welfare of the milking herd during the development phase, particularly in relation to grazing and cow movement near the active construction site and temporary construction compound? How could this effect milk yield per cow? What health and safety risks could arise for both farm workers and construction staff due to potential cow distress? What additional mitigation measures could be implemented to reduce risks and impact to both livestock and people?*
2. *How practical will the management of the herd be during and post construction with the mitigation options proposed?*
3. *Based on the preferred mitigation strategies, what are the expected impacts on the herd's health, welfare, and productivity?*
4. *What potential impacts on herd health and welfare could arise from grazing or moving cows near the proposed southern-most substation following the completion of development? How might this affect the ability to move cows past the construction site,*

*what additional impact might it have on time taken to move cows and what effect could this have on production?*

5. *What impact could mitigation proposals' have on nutrition, nutritional requirements, production and herd health?*
6. *Considering the current health status and genetic integrity of the closed herd, would it be reasonable to temporarily open the herd for restocking if a reduction in cow numbers is necessary to maintain business viability during the construction phase? What are the practical implications of this and any potential disease risks.*
7. *What other mitigation options could be considered?*

*Fundamentally there is a requirement to understand whether there is an opportunity for the dairy unit to continue at Lower House Farm during the construction phase from a practical perspective in addition to the financial analysis required, which will be required as a follow on.*

3.2.1. As noted by Mr Andrew Coney, a meeting was held on the 22<sup>nd</sup> September at the Farm with Mrs Emmie Bland, including Greg Ricketts and Jake Nixon (both GSC Grays), Daniel Perch (P Wilson & Company), Mr & Mrs J Fare and Rory O'Brien (Flotation Energy). It was following this meeting that the Projects expressed some concerns about the approach, impartiality and independence of Mrs Emmie Bland and instructed GSC Grays to liaise with Dr Owen Atkinson and appoint him to produce a further desk top specialist veterinary Report (the email of instruction with background supporting information sent to Dr Owen Atkinson from Jake Nixon of GSC Grays, dated 25<sup>th</sup> September 2025, is set out at Appendix 3).

### **3.2.2. Veterinary Specialist Opinion and Implications**

3.2.3. Under paragraph 2.3.2 at his submission, Mr Andrew Coney notes that careful examination needs to be given to the two veterinary reports. I would completely agree with this assessment and in fact within the GSC Grays Report 2 of the 21<sup>st</sup> October 2025, was a detailed comparison of the two Veterinary Reports in Appendix 1 – titled "Summary of Veterinary Expert Commentary on the Practicality of Maintaining a Grazing System", a copy of this comparison is included in this response at Appendix 4.

3.2.4. The document at Appendix 4 provides a detailed assessment of the differences within each Veterinary Specialist's Report. An example of the detail provided by Dr Owen Atkinson is a breakdown of implications of stress on milk yield losses, whereas Mrs Emmie Bland provides no such assessment.

3.2.5. Dr Owen Atkinson has also prepared a detailed response regarding comments made by Mr Andrew Coney and the full document is attached at Appendix 5. I draw on certain points throughout this document.

3.2.6. I would note the following points in relation to the Specialist Veterinary Input required:

- a) Both Veterinary Specialists were asked the same seven questions, and I have attached copies of emails to both parties at Appendices 2 & 3.
- b) Mr Coney asserts that Dr Owen Atkinson's and Mrs Emmie Bland's Report reach fundamentally opposing conclusions. I do not believe that is the case and in fact both Reports concur on many aspects. Both parties agreed that housing the herd even for a temporary period during construction is not a suitable option, that purchasing replacements is not suitable following a period of scaling down during the construction period, that it will take time to breed own reared replacements to increase herd size and that Beef Production is a possible mitigation option.
- c) Mr Andrew Coney suggests that I have "cheerfully ignored" Mrs Emmie Bland's Report. This is not correct. I noted that there is a difference of opinion between the Veterinary assessments. However, I believe the Report prepared by Dr Owen Atkinson was comprehensive, thorough and clear with a breakdown of proposed mitigation options and an assessment of each individual aspect of the proposals. Dr Owen Atkinson has defined the impact and put forward alternative proposals. He has included calculations as to the physical and financial impact of certain elements of the assessment as set out.
- d) Mrs Emmie Bland's Report is less comprehensive and thorough. It does not address in detail all seven specific questions raised by the Projects and submitted to both Veterinary Specialists. It does state the Dairy Mitigation Options proposed will not work, but there is little breakdown as to why this is the case or justification for the objections raised. Furthermore, there is no consideration of Question 7 posed, Other Mitigation Options which could be considered.

### 3.2.7. **Timescale for Construction**

3.2.8. In his report at paragraph 2.3.4, Mr Andrew Coney suggests that I have not taken sufficient account of the impact of the temporary land take and/or the unknown timings of the schemes proceeding. I appreciate that Fares and Mr Andrew Coney are concerned about the deliverability of the construction works within the time period set out in our Report of 21st October 2025.

3.2.9. I have been advised that under Sections 1.11 and 1.12 of "The Outline Onshore Construction Methods Statement, 8th August 2025" that the maximum construction timeframe for the onshore works is up to 126 months for both Projects, which includes construction periods of 36 months for Morgan OWL and 30 months for Morecambe OWL (we note the construction of these could be sequential or concurrent), with a potential maximum gap between the construction of each project of 48 months (this may or may not be allowed), in addition, we allowed for a 12 month period post construction for land reinstatement. The onshore works durations cover the onshore export cables, 400kV grid connection cable circuits and onshore substations, along with any ancillary works consented within the DCO.

- 3.2.10. It is for the Projects to confirm timeframes, and this has been specified in the document prepared by the Projects, "The Outline Onshore Construction Methods Statement, 8th August 2025". I would like to note that any delay in the completion of works and the reinstatement of land or reduction in access which impacts on the farming operation to the extent of creating a financial loss could and should be the subject of compensation. This does not mean that dairy farming is not possible and could not be continued both during and post construction.
- 3.2.11. I have also been advised that under paragraph 1.12.1.2 of "The Outline Onshore Construction Methods Statement, 8th August 2025" that "The onshore works durations do not equate to continuous construction activity across the entire Order Limits. Construction will take place in stages and at multiple locations at any one time, with these stages to be defined in the staging plan which must be approved under Requirement 3 of Schedules 2A and 2B of the draft DCO (Document Reference C1). The onshore works, particularly along the onshore cable corridor will be staggered, reflecting engineering complexity and environmental constraints".
- 3.2.12. I am informed that works will not necessarily be taking place for the full duration of construction times set out at Lower House Farm and therefore disruption may not be as great as initially perceived. I was also advised at the point of preparation of our Report 2 by the Construction Technical Team that they would look to put in crossing points over short time which would then allow cows access to other parts of the farm particularly to the north of the substation for Morecambe Offshore Wind Farm Substation during the full two and a half years. Therefore, my report is prepared assuming a greater level of disturbance than may be the case.
- 3.2.13. The Mitigation Proposals are Unproven**
- 3.2.14. Mr Andrew Coney asserts in paragraph 2.3.3 in his submission that the Projects will provide unproven mitigation proposals. He states that I rely on Dr Atkinson's views and cheerfully ignore Mrs Emmie Bland's comments. That is not correct and I have provided a detailed comparison of the two Veterinary Reports. I do have concerns that Mrs Emmie Bland has not fully answered the questions which were asked of her, and whilst she draws conclusions that it is not possible to operate a grazed dairy system going forward once construction starts and post the development works, Mrs Emmie Bland's Report lacks detail and a breakdown of implications and issues.
- 3.2.15. My Report does rely on Dr Owen Atkinson's views and opinions, however, he has been clear and has provided a breakdown of each individual element of the proposed infrastructure and mitigation options and has provided further mitigation suggestions also. The key elements of Dr Owen Atkinson's report on the mitigation proposals are as follows:

### 3.2.16. Mitigation Strategies and Options

- a) Re-routing the cow track will result in a small increase in time taken to move cows with a maximum distance of 1.53km, as compared to a 1.38km current maximum and an increase in time to 31-46 minutes, compared to 28-41 minutes previously.
- b) Installing two underpasses, which could improve cow flow. It is accepted that a feasibility study will be required and that planning consents secured, to ensure it is possible to install the proposed underpasses. Underpasses are proven in other situations where access under roads is required. Dr Owen Atkinson has included photographs of an underpass on farm. If an underpass is not possible Dr Owen Atkinson has suggested moving the main cow track north eastwards by 50metres, where it meets the green lane, so the crossing is further from Lower Lane.
- c) Reducing Herd Size to 200 Cows, with one Autumn Block calving system (all cows to calve in the Autumn, as opposed to the current system which has both a Spring and Autumn block).
- d) Double fencing with minimum 3m separation between cattle and construction boundaries.
- e) Scheduling noisiest activities outside milking times when cows will be walking to and from parlour (avoid 5-7am and 3-5pm).
- f) Use of acoustic barriers where practical.
- g) Advance warning systems for sudden loud activities: good communication between the contractors and the farm team.
- h) Utilise fields closest to the main farm buildings for the calving cows.

3.2.17. Regarding the specific proposals put forward for mitigation options as above, re-routing the cow track is possible with minimal impact on time taken to move cows. Installing underpasses will require a feasibility study, but they are proven to work elsewhere on other farms within the UK. Reducing the herd size to 200 cows and moving to an autumn block calving system, double fencing with a minimum 3 metres separation between cattle and construction boundaries and scheduling the noisiest activities outside of milking times when cows will be moving to and from paddocks are all workable options, which are proven and have been adopted on farms elsewhere in the UK.

3.2.18. Under 2.3.17, Mr Andrew Coney suggests that Dr Owen Atkinson gives no evidence that mitigation strategies will work, just opinion as to how he arrives at those conclusions. This is not correct. Dr Owen Atkinson has for example provided photographs of an underpass in operation and provided a detailed breakdown of

specific elements of the impact of mitigation options which might be adopted in this situation.

3.2.19. Mrs Emmie Bland notes that cows are prey animals and that movement near the construction site whilst works are in progress could frighten animals. Mrs Emmie Bland notes that the cow track could be screened and could be designed without sharp angles which may improve flow. Mrs Emmie Bland draws similar conclusions to Dr Owen Atkinson regarding the impact of noise to the cows; but apart from requiring additional labour input to move cows to and from the milking parlour, she makes no other suggestions for mitigation. Dr Owen Atkinson suggests scheduling the noisiest works at appropriate times when livestock are not in the vicinity, acoustic barriers and a potential requirement for additional labour. If additional labour is required, this input needs including within the operational costs for the business, but it does not in itself mean that it is not possible to re-route the cow track.

### **3.2.20. Difference in Detail within the Veterinary Reports**

3.2.21. As an illustration of the difference in the level of detail within the Veterinary reports, at paragraph 53 in Dr Owen Atkinson's original report, he has made clear calculations as to the additional distance that the cows at Lower House Farm would be required to walk if the tracks around the farm are relocated. The increase in distance is marginal, and Dr Owen Atkinson has further identified the speed at which cows walk and the time it would take to cover the increased distance, as noted above under 2.2.15. a). Mrs Emmie Bland has made no such calculations or provided any details in this respect within her Report.

3.2.22. There are several points within Dr Owen Atkinson's report where he has provided more detail to assess the implications of the dairy mitigation options proposed.

### **3.2.23. Financial assessment Pre and Post Construction**

3.2.24. At paragraph 2.3.9 in Mr Andrew Coney's Submission for Deadline 6, it is stated that "so far as the financial information contained in the Appendices are concerned, we have neither had the time or frankly the inclination to consider it in any detail because we believe the Grays report is so fundamentally flawed because of the instructions upon which were given to Grays and the assumptions that they have made". This statement avoids perhaps the most important issue regarding the proposals for Mitigation Options. Fundamentally the objective in considering mitigation options which would allow the continuation of milk production under a grazed dairy herd system is to minimise the financial impact through reduced profit on an annual basis.

3.2.25. The financial assessment prepared for milk production both during and post construction represent a better financial outcome for all parties. The figures prepared are based on a significant reduction in cow numbers as compared to the existing system, with an average of 148 cows in the herd during construction and an average of 201 cows in the herd post development. The profit expected under the budgets prepared at the time was £151k during construction and £233k post construction.

3.2.26. The budgets prepared were initial figures to identify the potential profitability of a grazed dairy system during and post construction, on an annual basis. More detailed analysis will be required to assess the total “loss of income” expected, taking account of reduced cow numbers to approximately 148 head during construction and then a rise to 200 cows after the development works are complete, in conjunction with other factors such as Mr. John Fare’s working life expectation.

**3.2.27. Beef Production as a Mitigation Option**

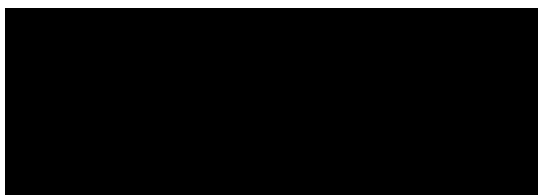
3.2.28. As noted by Mr Andrew Coney at paragraph 1.10 c), we agree that beef production does represent a mitigation option, however financial returns are likely to be lower than under a grazed dairy system, assuming mitigation options as set out are implemented on farm. The beef budget prepared under the GSC Grays Report 1, indicated a potential profit of £35k pa, once the beef unit was established, year 2 onwards. This is considerably lower than the dairy returns as above and this therefore highlights why the Projects wished to consider all other mitigation options possible.

**3.2.29. Other Matters of Relevance**

3.2.30. In his submission under paragraph 2.3.8, Mr Andrew Coney suggests we have completely ignored the comments of Mrs Emmie Bland, who was appointed by the Schemes as an Independent Expert. I refute that comment and note our earlier observations as to concerns around the independence and impartiality of Mrs Emmie Bland.

Mr Greg Ricketts

Signed

A large black rectangular redaction box covering the signature of Mr Greg Ricketts.

Date 13<sup>th</sup> April 2026

## **APPENDIX 1**

**Email from R O'Brien, Flotation Energy, sent GSC Grays on 30<sup>th</sup>  
August 2025 with instructions to prepare Report 2 - Business  
Impact Mitigation Options Assessment**

Dear Greg Ricketts, Fran Barrigan and Jake Nixon,

Date: 30/08/2025

**Re: Instruction to Assess the Impact of Morgan and Morecambe Offshore Wind Farms Transmission Assets DCO on Mr John Fare's farming businesses (Fare Farms Ltd and J Fare (sole trader)).**

I am writing to formally instruct you to undertake a comprehensive assessment of the land and business operations of Fare Farms Ltd and J Fare (sole trader) in relation to the proposed Morgan and Morecambe Offshore Wind Farms Transmission Assets development (the "**Development**"). Fare Farms Ltd and J Fare (sole trader) are two businesses operated by Mr John Fare on land at Lower House Farm, Freckleton and adjoining land he owns or operates (the "**Farms**").

The Farms operate over 229.05 acres of land, which are shown on the figure in Appendix 1. Their relevant rights and ownership of the land affected at the Farms are as set out in the Development's Book of Reference and noted on the Land and Works Plans (full details provided below in Appendix 1).

The Development includes the construction and operation of two electricity substations located on land within the Farms. Approximately 12.82 acres will be acquired for the Morgan substation; and 15.18 acres will be acquired for the Morecombe substation. The Development affects the Farms through the acquisition of both permanent rights (the land where the substations will be sited, mitigation works and any land necessary for its operation) and temporary rights (for construction and cabling installation).

Your assessment is required to evaluate the potential impacts of the Development on the Farm business and to inform the public Examination process currently underway, in particular the extent to which the Farms and/or another form of farming business is compatible with the Development – i.e. can the Fares' Dairy farming business continue (with appropriate mitigations) and/or would the Fares transitioning to an alternative form of farming business (e.g. Beef) be possible (with appropriate support being given by the).

**Scope of Assessment and Report**

Based on the Assumptions appended to this Instruction Letter, your report should provide a detailed and objective analysis, addressing the following key areas:

- 1. Business Impact Analysis:** Evaluate the extent to which the business operated on the Farms may be affected by the proposed Development. This should include an assessment of land take, changes to access, disruption to operations, and any other relevant factors. Please consider both short-term (during construction of the Development) and long-term (during operation of the Development) impacts.
- 2. Business Viability and Adaptation:** Analyse how a farm business can continue to operate in light of the anticipated impacts on the Farm. Identify any necessary changes to business practices, land use, or operational structures that may be required to maintain viability of the Farms.
  - a. identify and provide assessments of the financial and practical implications of the permanent loss of land and rights, this to include an evaluation of the feasibility of returning to the current system, or one similar.
  - b. evaluate the impact of the temporary possession of land by the Development in respect of the feasibility of continuing the current system during the construction

phase for the businesses to continue operating until the end of the construction phase of the Development.

The projects accepts that the current farming practises by the Fares are unique and driven by personal preference, however these farming practices could potentially mean mitigation is impossible to implement or achieve. We would ask that this report assess what any other prudent farmer would do in the same circumstances taking into the account the principles of compensation, i.e. a duty to mitigate loss. Would a prudent farmer retain a closed herd setup? Would a prudent farmer consider changing the level of manual vs automation to assist with mitigation?

- 3. Mitigation Measures and Support Options:** following discussion with the Development's engineers and consenting teams, identify and recommend reasonable mitigation measures that could be implemented by the Development to reduce adverse impacts on the Farms. Reasonable mitigation measures would include (but not be limited to) engineering/design solutions and changes to farming practices. Additionally, outline any support options— financial, technical, or otherwise—that might be provided to assist the businesses in adapting to any changes necessitated by the Development.

In the Enclosure to this Instruction are a series of Assumptions on which your report should be based. These assumptions are supported by Appendix 1, which sets out key background details relating to Mr Fare's businesses.

#### **DCO Examination**

Ensure that your report is clear, evidence-based, and suitable for submission to the public Examination considering the impact of the Development on the Farms. The report should be impartial, comprehensive, and include all relevant supporting data, maps, and appendices. Please ensure your report provides an executive summary which includes the key points from the report.

Please liaise directly with Oliver Heselton at Dalcour Maclaren to arrange site visits and gather all necessary information. You will also be provided with access to our engineering and consenting teams to assist in consideration of engineering solutions and other possible mitigations. Should you require any further details regarding the Development or the scope of this instruction, do not hesitate to contact me.

I look forward to receiving your report by 18/09/2025, in both electronic and hard copy formats.

Yours sincerely,



Land Manager - Morecambe

## ASSUMPTIONS

1. Mr Fare wants to continue operating a dairy farming business at Lower House Farm, Freckleton.
2. Your report should be based on the project description as set out in the Environmental Statement: Volume 1, Chapter 3: Project Description (REP2-008).
3. That the permanent loss of land is early in 'Year 1' of the construction phase.
4. That the temporary land take is simultaneous across all areas – given that a worst case scenario has to be assumed.
5. Your report should consider the three construction scenarios set out in the Project Description:
  - a. Concurrent (including any element of overlap);
  - b. Sequential (including implications if Morgan or Morecambe is “first”); and
  - c. A gap of 4 years.

## APPENDIX 1

1. The Works Plan references relevant to the Businesses are listed below. Maps are also included, from the Land and Works Plans do the Development, to indicate the Farms and the proposed works:

Land Plan References	Relevant Land Plan Sheet	Relevant Works Plan Sheet
Land rights: 11—077A; 079A-84A; 87B – 89B; 94B – 100B; 107B – 118B; 125A – 126A; 128A – 129A  Access rights: 11-0101B; 103 – 106B	Sheet 11	Sheet 13
Land rights: 12-029A	Sheet 12	Sheet 14
Land rights: 13-001A - 002A; 007B – 009B; 013A – 18B; 021B – 032B; 041  Land rights: 13-003A – 006B	Sheet 13	Sheet 15

2. Links:
  - [Book of Reference](#);
  - [Land Plans](#);
  - Works Plans – [part 1](#); [part 2](#).
  - Outline Onshore Construction Method Statement - [S D4 11 MMTA Outline Onshore Construction Method Statement](#)
3. The Farms operate over 229.05 acres and comprise:
  - a. Lower House Farm: Fully equipped grassland farm, total area 180.38 acres, including the farmyard, buildings, and key infrastructure such as the milking parlour, silage clamps and slurry store.
  - b. 31.95 acres of adjoining grassland owned by Mr Fare and his parents with 18.20 acres lying to the west, 13.75 acres to the east.
  - c. 16.72 acres made available from the landlord (Hornbies) and let to Mr John Fare under an Agricultural Holdings Act 1986 tenancy.
4. The main farm buildings are the landlords, but the remaining farm infrastructure is provided by the tenant:
  - a. Dairy parlour and associated fittings and handling facilities.
  - b. Mains-powered electric fencing to all fields (save those west of Lower Lane).
  - c. Mains-supplied water troughs to all fields (save those west of Lower Lane).
  - d. Comprehensive system of livestock tracks, of hardcore and concrete sleeper construction, totalling c.2.85km. The main 'spine' track stretches 1.39km from the farmyard through the centre of the grazing platform to the northern-most field parcel, with 'spur' tracks projecting outwards to provide access to paddocks that cannot be accessed directly from this main track.
5. J Fare is a producer of forage, and sells into Fare Farms Ltd. Agricultural contractors are employed to undertake the majority of fieldwork including silage-making, slurry and manure spreading, spraying, and reseeding, although fertiliser spreading and hedge cutting are undertaken in-house.
6. Fare Farms Ltd is a grass-based dairy enterprise:

- a. 306-cow split-block calving dairy herd, with associated youngstock. Youngstock are reared by a neighbouring business from 10 weeks of age through to three weeks before calving.
  - b. Milk supplied to Arla Foods Amba as a member of Arla Milk Cooperative Ltd.
  - c. Arla manufacturing contract includes supplementary payments in respect of the Sustainability Incentive, Climate Check and Arla C.A.R.E which combined generate an additional 5.19 pence per kilogram (ppkg) for milk sold.
7. There are no full-time employees of the combined businesses. Any labour requirement is supplied on a part-time basis by employees and self-employed contractors, who predominantly fulfil milking, grazing management, herd husbandry and calf rearing roles.

## **APPENDIX 2**

**Email to Mrs Emmie Bland, sent on 19th September 2025, with  
Report requirements**

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**Re: Ref: Morgan Offshore Windfarm Limited ("Morgan OWL") and Morecambe Offshore Windfarm Ltd ("Morecambe OWL").**

---

From [REDACTED]@gscgrays.co.uk>

Date Fri 2025-09-19 06:40

To Emmie Bland [REDACTED]

Cc [REDACTED]@flotationenergy.com>; [REDACTED]  
[REDACTED]@dalcourmaclaren.com>; [REDACTED]@gscgrays.co.uk>; [REDACTED]  
[REDACTED]@gscgrays.co.uk>

 2 attachments (16 MB)

M & M Wind Farms Mitigation Options Outline (for Farm Visit 22-9-25) - GPR.pdf; Morgan & Morecombe OWL - Combined Plans 18 09 2025.pdf;

Dear Emmie,

In advance of our meeting on Monday, at Lower House Farm, Freckleton, Lancashire, I write with a few points ahead of this to aid the discussion. We have a meeting scheduled for 2.30 today, I am not sure if I can make it or not as I have a meeting on farm at 1.30pm, but [REDACTED] will be able to make it, and he is familiar with the proposals. If I can make the call, I will.

### **Background**

As discussed, and as you are aware, the proposed Wind Farm developments as above will have a significant impact on the Fare's farming business. The objective for the day is to understand the Fare's farming system and business model, consider the development implications in terms of both temporary and permanent land take (during and post construction) and mitigation options which might be available to allow the farming business to continue in milk production under a number different scenarios, all from the practical perspective.

### **Land Take**

We have now had clarification of the requirements for the land take from the Construction Team, both permanent and temporary and timeframes expected. I attach a couple of slides prepared in PowerPoint for development scenarios with expected timeframes and plans for each option. Basically, there are potentially 5 development scenarios with concurrent development the most likely for both Wind Farms and sequential development as an alternative possibility, either Morgan or Morecambe first and second or vice versa. The timeframes for the development are up to 4 years if concurrent and potentially 10.5 years if sequential.

The most likely scenario is concurrent, as grid connections are planned for 2029 and 2030 for Morgan and Morecambe Wind Farms, respectively.

Under the plans attached and the current land take is expected as follows;

During Construction;

Morgan Offshore Wind Farm - approximately 14.80 hectares

Morecambe Offshore Wind Farm - approximately 16.21 hectares

If Concurrent - approximately 30.98 hectares

Post Construction;

Morgan and Morecambe Offshore Wind Farms - 10.97 hectares.

### **Management Options during and post construction**

The management options under consideration during and post construction include:

Concurrent Options:

1. A partial reduction in herd size, with the grazing system continuing broadly as now, but with a reduced area available and a requirement for mitigation options both during the construction phase and once the project development is complete. Longterm, there would also be a reduction in herd size.
2. A partial reduction in herd size, with housing at night and grazing during the day, during the construction phase of the project with a reversion to a fully grazed system after construction, but with a smaller herd size.

Sequential Options:

4. If the developments are phased, a partial reduction in herd size, with the grazing system continuing broadly as now, but with a reduced area available and a requirement for mitigation options both during the construction phase and once the project development is complete. Longterm, there would also be a reduction in herd size.

Other Options:

4. A fully housed system with a reduction in herd size during the construction phase and then a reversion to the grazed system thereafter, but again with a reduced herd size.
5. A beef system, as an alternative to dairy.

### **Proposed Mitigation Options**

We have put the Construction Teams proposals onto Landapp plans to detail the potential land take (hatched grey), both temporary and permanent, grazing land with marked with white dots, coloured green and cutting land with hatched blue lines over a green background. Existing tracks are marked grey with potential new tracks marked yellow.

Under Options 1, 2 and 3 above, during the construction phase there will be a need to move cows around and through land taken by the construction company with certain crossing points and potentially to achieve full access for grazing to the maximum amount of farm area possible. The potential mitigation options are as follows: -

#### Possible Engineering Mitigations

**Solid site fencing** – install solid fencing along lengths of the site boundary where cows are expected to be moved past during construction. A fence of 7-8ft in height should limit the herds sight of the construction works, visually obscuring moving machinery, flashing lights and construction staff, whilst also buffering sound to some degree.

**Green lane crossing point** – under various construction scenarios, constructing a crossing point at the western end of the green lane would ease the movement of cows around the Morecambe development site and provide access to the northern part of the holding. This may require assistance from construction staff to assist with the movement of cows across the green lane or carry a requirement for additional farm labour input pre and post milking when moving cows to and from the buildings or the installation of automated gates. Post construction, this crossing point could be moved East along the green lane if required.

**New/additional cow tracks** – A suggested layout for new/repositioned/additional cow tracks can be found on the associated plans. This layout has been chosen to maximise compatibility with the existing infrastructure.

### Possible Farm Practice Mitigations

**Herd reduction & system continuation**– Under various development scenarios, subject to the suggested engineering mitigations being sufficient to allow the herd to access grazing in the northern part of the holding, a one-third reduction in the herd should allow a similar system to be maintained as is practiced at present. It is recognised that management of the grazing platform will need to adapt accordingly with the change in access/availability of dry/wet field etc.

**Partial housing & zero grazing** – Under a concurrent development scenario, a move to partial housing of the herd may pose a practically and economically viable mitigation option. Cows would be grazed on the southern-most third of the holding through the daytime between milkings and housed overnight. Through the grazing season, overnight forage would be harvested from other, machinery-accessible areas of the holding using a zero grazer in a grazing-like rotation. This should limit the requirement for additional silage conservation and slurry storage, whilst optimising the use of available forage using the lowest cost means practically feasible. A reduction in herd size would be expected under this scenario.

### Labour, Machinery and Infrastructure

In addition to potential mitigation options, additional labour may be required to assist with moving cows at certain times, or the installation of automated gates, any investment required to move cow tracks, fencing, install an underpass or any other works, such as automated crossing points etc will be undertaken by the construction companies, at their expense.

Under option 3, to house the herd during the construction phase, additional infrastructure may be required within buildings, for forage conservation and storage and slurry storage etc.

### **Specialist Veterinary Input - Report Requirements**

As discussed previously, there are a number of key issues and questions in regard to the practical ability to run the farm during the construction phase of the Wind Farms, in particular, but not exclusively limited to the following:

1. What are the anticipated impacts on the health and welfare of the milking herd during the development phase, particularly in relation to grazing and cow movement near the active construction site and temporary construction compound? How could this effect milk yield per cow? What health and safety risks could arise for both farm workers and construction staff due to potential cow distress? What additional mitigation measures could be implemented to reduce risks and impact to both livestock and people?
2. How practical will the management of the herd be during and post construction with the mitigation options proposed?
3. Based on the preferred mitigation strategies, what are the expected impacts on the herd's health, welfare, and productivity?
4. What potential impacts on herd health and welfare could arise from grazing or moving cows near the proposed southern-most substation following the completion of development? How might this affect the ability to move cows past the construction site, what additional impact might it have on time taken to move cows and what effect could this have on production?
5. What impact could mitigation proposals' have on nutrition, nutritional requirements, production and herd health?
6. Considering the current health status and genetic integrity of the closed herd, would it be reasonable to temporarily open the herd for restocking if a reduction in cow numbers is

necessary to maintain business viability during the construction phase? What are the practical implications of this and any potential disease risks.

7. What other mitigation options could be considered?

Fundamentally there is a requirement to understand whether there is an opportunity for the dairy unit to continue at Lower House Farm during the construction phase from a practical perspective in addition to the financial analysis required, which will be required as a follow on.

I trust the above details and attachments provide you with sufficient information to prepare for the meeting on Monday.

Please do not hesitate to contact me if you have any immediate queries.

I look forward to meeting you on Monday afternoon.

With kind regards,

Yours sincerely,



Greg Ricketts | Director

m: [REDACTED]

e: [REDACTED]@gscgrays.co.uk | www.gscgrays.co.uk

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## **APPENDIX 3**

**Email to Dr Owen Atkinson, sent 25th September 2025, with  
Report requirements**

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**RE: Morgan & Morecambe Offshore Wind Farms - J Fare & Fare Farms Ltd - Lower House Farm - Background Information**


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From [REDACTED]@gscgrays.co.uk>

Date Thu 2025-09-25 13:32

To Owen Atkinson [REDACTED]

Cc [REDACTED]@flotationenergy.com>; [REDACTED]@gscgrays.co.uk>; [REDACTED] MA (Cantab) MRICS [REDACTED]@gscgrays.co.uk>

 1 attachment (1 MB)

20241107\_22003214\_PLN\_INFO\_12837.1.pdf;

Good afternoon Owen,

Further to my email this morning, please see below the questions which we would like you to address as part of your review, along with a copy of the most recent scheme map prepared by Dalcour Maclaren.

1. What are the anticipated impacts on the health and welfare of the milking herd during the development phase, particularly in relation to grazing and cow movement near the active construction site and temporary construction compound? How could this effect milk yield per cow? What health and safety risks could arise for both farm workers and construction staff due to potential cow distress? What additional mitigation measures could be implemented to reduce risks and impact to both livestock and people?
2. How practical will the management of the herd be during and post construction with the mitigation options proposed?
3. Based on the suggested mitigation strategies, what are the expected impacts on the herd's health, welfare, and productivity?
4. What potential impacts on herd health and welfare could arise from grazing or moving cows near the proposed southern-most substation following the completion of development? How might this affect the ability to move cows past the construction site, what additional impact might it have on time taken to move cows and what effect could this have on production?
5. What impact could mitigation proposals' have on nutrition, nutritional requirements, production, and herd health?
6. Considering the current health status and genetic integrity of the closed herd, would it be reasonable to temporarily open the herd for restocking if a reduction in cow numbers is necessary to maintain business viability during the construction phase? What are the practical implications of this and any potential disease risks.
7. What other mitigation options could be considered?

Fundamentally there is a requirement to understand whether there is an opportunity for the dairy enterprise to continue at Lower House Farm during the construction phase from a practical perspective in addition to the financial viability which we are assessing.

I trust the above is clear.

If you have any queries whatsoever, please do not hesitate to contact either me, Greg or Rory.

With kind regards,

[REDACTED]

[REDACTED] | Senior Farm Business Consultant

m: [REDACTED]  
e: [REDACTED]@gscgrays.co.uk | [www.gscgrays.co.uk](http://www.gscgrays.co.uk)

On Friday, 26th September, GSC Grays will be holding a company conference, and our offices will be closed for the day. In the event that you have an urgent matter which has to be dealt with that day, please email me with "Urgent" at the start of the subject line, and I will endeavour to deal with this during breaks in the conference.

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**From:** [REDACTED]@gscgrays.co.uk>

**Sent:** 25 September 2025 10:48

**To:** Owen Atkinson [REDACTED]

**Cc:** [REDACTED]@flotationenergy.com>; [REDACTED]@gscgrays.co.uk>; [REDACTED] MA (Cantab) MRICS [REDACTED]@gscgrays.co.uk>

**Subject:** Morgan & Morecambe Offshore Wind Farms - J Fare & Fare Farms Ltd - Lower House Farm - Background Information

Dear Owen,

Following our call this morning, I write to outline the expected physical impact of the proposed substations and cable routing for Morgan & Morecambe Offshore Wind Farms on J Fare & Fare Farms Ltd at Lower House Farm, Freckleton.

### Development Scenarios

The Stage One report that we prepared in early 2025 was prepared on the basis of the following assumptions:

1. Development of both Morgan and Morecambe substations and cabling would be concurrent.
2. That the full land-take for both projects would be required for the full duration of construction.
3. Development could be expected to last for 7 years, inclusive of reinstatement works.

For this second stage, we have been asked to consider 5 development scenarios:

1. Concurrent Development
2. Sequential A1 - Morgan first followed immediately by Morecambe
3. Sequential A2 - Morecambe first followed immediately by Morgan
4. Sequential B1 - Morgan first followed by Morecambe after a time-gap of to 4 years
5. Sequential B2 - Morecambe first followed by Morgan after a time-gap of to 4 years

Regarding timescales, we understand that the works associated with Morgan are expected to take 36 months and the works associated with Morecambe are expected to take 30 months. These timescales are exclusive of reinstatement works which would follow, with a duration of 12 months. The reinstatement period is an allowance for the groundworks and reseeded etc required to return the

temporary land-take areas to a workable condition only and that the recovery period of the yielding potential of this land is in addition to this. Based on research we have undertaken, we understand this period could last between 6 and 12 years.

Based on most recent land-take assessment provided to us, the total land-take would be 30.98ha, including both temporary and permanent land-take, split 14.80ha to Morgan and 16.21ha to Morecambe.

Please find attached a summary slide that we prepared on behalf of the projects which compares these scenarios on a timeline.

## Mitigation Options

### Engineering Options

The mitigation options, as illustrated by the attached plans, are based on proposals from the projects' engineering team. We have made a number of amendments to the original proposals with a view to improving their practicality, within the constraints of the requirements of the projects, although we acknowledge the Fare's concerns raised in many aspects of these.

#### *Concurrent Scenario*

Under the concurrent scenario, engineering mitigations focus on providing access to graze as much of the holding as is theoretically possible. Two options have been considered in this respect.

**Option 1** – If access to the north of the green lane is deemed possible, provided by the rerouting of the main spine track alongside Lower Lane up to the green lane. Access across the green lane is provide either by a gated crossing (manual or automated) or an underpass. The track continues to the western boundary with Lower Land before crossing the TWA and cable route to rejoin the existing track network. The crossing of the could be divided with a solid fence, although a 4-5-meter-wide crossing of this track would be required by the projects for a haul road. The crossing of the cable route would be permanent, with conduit buried in advance of the rest of the main works starting and the track laid over the top. This could provide a buffer of around 10 meters between the cow track and ongoing excavation works. Where severed land areas to the far north and east of the holding are expected to be of a size that could theoretically be grazed, crossing points are included.

**Option 2** – If access to the north of the green lane is not deemed possible, the main spine track is rerouted alongside Lower Lane up to the green lane to provide a route of access to the fields across Lower Lane.

#### *Sequential Scenarios*

Under the scenarios in which the projects are developed sequentially, either with one immediately following the other or with the gap of up to 4 years, the form of the engineering mitigations proposed mirror those set out under the Option 1 explanation for the concurrent development scenario, but with the timing of installation varied according to the phasing of each project.

## Farming Practice Options

In conjunction with the engineering mitigations outlined above, we have considered a number of farming practice mitigation options which would be required under each scenario. The explanations below do not indicate any preference for any given option, nor do they reflect a refined list which considers the practical or philosophical limits specific to the Fare's businesses. It is also not intended as an exhaustive list and we are aware that some of the options, such as a transition to beef production, would be possible to some degree under most development scenarios.

#### *Concurrent Scenario*

Under the concurrent scenario, changes to the farming system considered include:

- a. A reduced herd, maintaining a similar farming system to that which is currently employed. This has only been considered to be theoretically possible under the engineering mitigation Option 1.

- b. A reduced herd, changing to a partially housed system with cows grazed on the less-impeded southern part of the holding through the day and overnight forage provided by zero grazed grass harvested from the available areas that cannot be accessed by the herd. This has only been considered under the engineering mitigation Option 2.
- c. A reduced herd, changing to a fully housed system with available land cut for silage and the balance of feed required imported.
- d. The herd size is maintained, changing to a fully housed system with available land cut for silage and the balance of feed required imported.
- e. Dispersal of the dairy herd with a change to a partially housed beef enterprise.

### Sequential Scenarios

Under the sequential scenarios, changes to the farming system considered include:

- a. A reduced herd, maintaining a similar farming system to that which is currently employed. This has only been considered to be theoretically possible under the engineering mitigation Option 1.

### Production System & Performance

Please find attached all of the physical performance and production details that we have been provided. This includes:

- Internal 13-month production monitoring report
- Arla milk statements
- BGS farm walk booklet
- BCMS summary report
- AHDB genetics report

Following the meeting on Monday, the Fare's agreed to provide a summary report on grassland productivity from Agrinet. Once we receive this, I will forward it to you.

I trust the attached documents are clear and helpful. I appreciate that you will not have a chance to review these in advance of our call at 11am.

With kind regards,

[REDACTED]

[REDACTED] | Senior Farm Business Consultant

m: [REDACTED]

e: [REDACTED]@gscgrays.co.uk | [www.gscgrays.co.uk](http://www.gscgrays.co.uk)

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**In the event that you have an urgent matter which has to be dealt with that day,**

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## **APPENDIX 4**

**GSC Grays Report 2 (October 2025), “Summary of Veterinary Experts Commentary on the Practicality of Maintaining a Grazing System”**

## **Response of Dr Owen Atkinson FRCVS to the Submissions of Mr Andrew Coney on behalf of Mr and Mrs Fare and Fare Farms Limited (Deadline 6)**

**On instructions of Mr Greg Ricketts, Director GSC Grays, received by email dated 26th March 2026**

1. I have been asked to respond to the specific criticisms of my report contained in Section 2 of Mr Coney's submission, dated 21st October 2025. I do so in my capacity as an independent expert, and my response is governed by the same duty to the Inquiry that governed my original report. I address the substantive criticisms in turn.

### **On the scope of the two veterinary reports and the question of whether they conflict**

2. Mr Coney's submission characterises my report and that of Mrs Bland as reaching fundamentally opposed conclusions, and suggests that GSC Grays have improperly preferred my views over those of Mrs Bland, who he describes as having produced a "considered, balanced and evidenced" report (paragraph 2.3.19). I respectfully submit that this characterisation misunderstands the relationship between the two reports and, in particular, the scope of analysis each of us undertook.
3. Both Mrs Bland and I were given identical instructions. The questions put to each of us were the same seven questions (appended for convenience), accompanied by the same overarching requirement: to understand whether there is an opportunity for the dairy unit to continue at Lower House Farm during and after the construction phase from a practical perspective.
4. Both of us were aware, through the materials provided, of three mitigation strategies that had been discussed, but neither of us were instructed that this should be a pre-defined list of mitigation options from which we could not deviate. Mrs Bland sets out at the opening of her report three options - partial herd reduction with daytime-only grazing during the construction phase, a fully housed system during the construction phase, and conversion to beef.
5. In confining her report to those three options, Mrs Bland did not engage substantively with Question 7 of the instructions, which asked what other mitigation options could be considered, nor with the overarching question about dairy viability more broadly. I engaged with both fully, and it is this engagement which led me to identify and develop the mitigation

pathway I consider most practical and most consistent with the Fare farming operation: a consolidated, single autumn block-calving grazing herd of approximately 200 cows, following a short-term moderate herd reduction during the construction phase if necessary, with infrastructure modifications including a re-routed cow track and, where feasible, underpasses to more easily access the entire grazing platform.

6. Critically, Mrs Bland never evaluated this option. Her conclusion that the dairy business cannot viably continue is a conclusion reached in relation to the three specific options she chose to consider. It is not, and cannot properly be read as, a global verdict on the viability of dairy farming at Lower House Farm under any mitigation scenario. The apparent conflict between our reports is therefore substantially narrower than Mr Coney implies.
7. In fact, where our reports do address the same three options, they are broadly aligned. Neither Mrs Bland nor I recommend a fully housed system as a reasonable expectation for this farming family. Neither of us treats temporary cessation and restocking as a straightforward proposition. Both of us acknowledge the practical merits but reduced profitability of a beef enterprise. The genuine disagreement between our reports concerns a mitigation option that Mrs Bland did not evaluate - not one on which she reached a different conclusion to me.

### **On the desktop nature of my assessment and my independence (paragraphs 2.3.11 and 2.3.19)**

8. Mr Coney criticises my report as a desktop exercise and implies that Mrs Bland's site visit gives her conclusions greater weight. I would make the following observations.
9. I was instructed by my client, GSC Grays, to undertake a desktop assessment of the farm. The absence of a farm visit does not affect the independence or validity of my assessment, which is based on the information available to me at the time.
10. In the absence of a site visit, I undertook a thorough and systematic review of an extensive body of documentary evidence, listed at paragraphs 11 to 13 of my report. This included five years of Arla milk statements, a detailed farm costings report, fertility, stocking rate and culling analysis, AHDB genetic data, OS mapping, Google Maps and streetview imagery, and detailed development plans from Dalcour Maclaren. I also received detailed verbal briefings on the farm layout from GSC Grays representatives who had visited the site. The volume and quality of this evidence base is considerable, and in many respects provides a more structured and objectively verifiable foundation for analysis than impressions formed during a single site visit.

11. Furthermore, I clearly stated my assumptions and areas of uncertainty at paragraphs 22 to 24 of my report. Transparency about the limits of one's evidence base is a mark of rigorous expert practice, not a weakness. Identifying what one does not know with certainty, and then proceeding on clearly stated reasonable assumptions, is the appropriate methodology for an expert in circumstances such as these. My stated assumptions were reasonable and well-founded in my extensive professional experience of dairy systems of this kind.
12. I would also observe that Mrs Bland is, by her own account, personally acquainted with Mr Fare through a shared grazing discussion group and describes him as "well known in the area" and someone she has met on several occasions. Whilst I have no reason to question Mrs Bland's professionalism, I would note that my position as an expert who has no prior personal relationship with either party, who has not visited the farm and formed impressions of it in the farmer's presence, and who has approached the matter entirely through documentary evidence, gives my assessment a degree of dispassionate independence that is of genuine value in these proceedings.

**On the contextualisation of farm profitability (paragraph 2.3.12 of Mr Coney's submission)**

13. Mr Coney submits that I am "not comparing like with like" when I contextualise this farm's financial performance against national benchmarks in paragraphs 30 to 42 of my report, and asserts that the business is "widely recognised as one of the most efficient Dairying businesses in the North West of England." I do not dispute that. Indeed, my report is explicit in acknowledging that this is a well-managed, profitable, and highly skilled farming operation.
14. The purpose of that contextualisation was not to diminish Mr Fare's achievements or to suggest that his business is in any way ordinary. It was to assist a reader who may not be familiar with dairy farm economics to understand the financial landscape within which this farm sits, in order that any assessment of a mitigated enterprise could be viewed proportionately. I also considered it appropriate to set out transparently the basis on which I reached my understanding of this farm's financial performance. Prior to my instruction, material had been submitted suggesting that this farm's profitability was so exceptional that any reduced-scale alternative would represent an unacceptable outcome. I considered it relevant and appropriate to examine whether that characterisation was well-founded.
15. My conclusion - that the farm's financial performance, whilst reflecting excellent management and farming skill, was not necessarily exceptional relative to comparable dairy enterprises during the period assessed - was not an attack on Mr Fare's abilities. It was a measured

professional observation intended to ensure that compensation and mitigation discussions are grounded in accurate benchmarking rather than overstated comparisons. The farm's performance remains, on any analysis, impressive; my observations simply place it in an honest industry context.

**On construction timetabling uncertainty and contractor coordination (paragraph 2.3.14 of Mr Coney's submission)**

16. Mr Coney argues that my mitigation proposals are fundamentally flawed because neither I nor the Schemes have certainty about the timing or nature of construction, and that my reliance on communication between the construction contractors and the farm is, in his words, "frankly laughable." I address these two points in turn.
17. On the question of timetabling uncertainty, I acknowledged this explicitly and at the outset of my report. Paragraphs 22 to 24 set out clearly the uncertainties I faced, including the five different potential development scenarios and the implications these have for the sequencing of grazing access. My mitigation proposals were developed precisely with that uncertainty in mind. Rather than designing a mitigation strategy that is contingent on a single fixed construction timetable, I identified an approach - a consolidated autumn block-calving herd of around 200 cows, reducing if necessary to 150 cows during all or part of the construction phase, with modified infrastructure - that is robust across a range of scenarios and adaptable to changing circumstances. I did not allow the existence of uncertainty to invalidate all potential mitigation strategies; instead, I allowed these uncertainties to inform the design of one.
18. On the question of contractor coordination, I would observe that an expectation of reasonable communication between a major infrastructure contractor and an affected farming business is not a novel or unreasonable assumption. Whilst the contractual arrangements between the Schemes and their contractors are outside my area of expertise, an expectation of reasonable operational coordination between a major infrastructure contractor and an affected farming business is not unusual, and would typically be a standard feature of responsible construction management in a project of this scale and sensitivity. My proposals in this regard - for example, scheduling the noisiest construction activities outside milking times, providing advance warning of sudden loud activities, and coordinating the timing of new cow track construction - are modest, practical and proportionate requests. Whether the Schemes have communicated satisfactorily with Mr Fare to date is a matter I am not in a position to assess, and I make no comment on it. However, the historical conduct of negotiations between the

parties does not determine whether effective on-site operational coordination is achievable in principle during a construction phase, and I remain of the view that it is.

**On paragraph 44 of my report (paragraph 2.3.13 of Mr Coney's submission)**

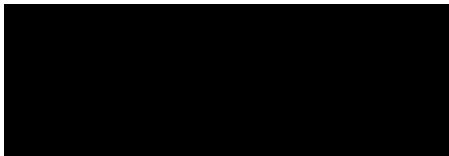
19. Mr Coney highlights paragraph 44 of my report, in which I state that I do not know the farm's precise grazing rotation routine, and argues that this admission undermines my ability to conclude that the proposed mitigation system could work. I disagree.
20. Paragraph 44 does not reflect ignorance of this farming system. It reflects an appropriate professional inference: that an award-winning, high-performing grazing herd of this type will, as a matter of reasonable expectation, be managed according to the well-established principles of rotational grazing that I understand implicitly and have applied whilst assessing the evidence. I did not need to know the exact timing of Mr Fare's current paddock movements to assess whether a modified system could be made to work. What I needed - and what I applied - was a thorough professional understanding of how grass-based block-calving systems function, combined with the specific data about this farm's land area, grass growth rates, and cow numbers. On that basis I was able to devise a grazing routine that is practically deliverable. The specific current routine is not the point; the point is whether a workable routine could be constructed for the modified scenario, and I am satisfied that it can.

**On the beef enterprise (paragraph 2.3.15 of Mr Coney's submission)**

21. Mr Coney suggests that I have not considered beef rearing at all. That is not correct. I address beef rearing explicitly at paragraph 83 of my report, where I state that it would be "eminently feasible in any circumstance" and would "offer the least risk and the greatest degree of flexibility." I did not dismiss or ignore it. I made a considered professional judgement that, precisely because it would be feasible under almost any construction scenario, it did not require detailed elaboration; and that the net farm income from a beef enterprise would be "considerably lower" than from a continued dairy operation, making it "less preferable than supporting an ongoing successful dairy operation."
22. The reason I concentrated my analysis on the continuation of dairy farming is not because I failed to consider beef, but because I concluded - as a matter of professional judgement - that the most appropriate mitigation would be one that preserves as much of the existing business value as possible. To focus my recommendations on the most profitable and most system-consistent mitigation option is not a flaw in my methodology; it is its purpose.

**On the suggestion that my conclusions are opinion rather than evidence (paragraphs 2.3.6, 2.3.16 and 2.3.17)**

23. I note in passing that Mr Coney's reference to 'Paragraph 1.15' of my report appears to be a mis-citation; the passage he quotes is at paragraph 115 of Section 4. Expert reports in proceedings such as these necessarily involve the application of professional judgement to available evidence. The distinction Mr Coney draws between "evidence" and "opinion" misunderstands the nature of expert evidence. My opinions are grounded in over 30 years of specialist experience in dairy systems, in the specific documentary evidence listed in my report, and in published research which I have cited. Where I have expressed uncertainty I have said so. Where I have made assumptions I have stated them. My conclusions are the product of a structured, transparent and well-evidenced analytical process, and I am satisfied they are capable of withstanding professional scrutiny.



Dr Owen Atkinson BVSc DCHP PGCert FRCVS  
RCVS Specialist in Cattle Health and Production  
Dairy Veterinary Consultancy Ltd

10th April 2026

## Appendix

Extract of instructions received from GSC Grays by [REDACTED] and myself:

### **Specialist Veterinary Input - Report Requirements**

*As discussed previously, there are a number of key issues and questions in regard to the practical ability to run the farm during the construction phase of the Wind Farms, in particular, but not exclusively limited to the following:*

- 1. What are the anticipated impacts on the health and welfare of the milking herd during the development phase, particularly in relation to grazing and cow movement near the active construction site and temporary construction compound? How could this effect milk yield per cow? What health and safety risks could arise for both farm workers and construction staff due to potential cow distress? What additional mitigation measures could be implemented to reduce risks and impact to both livestock and people?*
- 2. How practical will the management of the herd be during and post construction with the mitigation options proposed?*
- 3. Based on the preferred mitigation strategies, what are the expected impacts on the herd's health, welfare, and productivity?*
- 4. What potential impacts on herd health and welfare could arise from grazing or moving cows near the proposed southern-most substation following the completion of development? How might this affect the ability to move cows past the construction site, what additional impact might it have on time taken to move cows and what effect could this have on production?*
- 5. What impact could mitigation proposals' have on nutrition, nutritional requirements, production and herd health?*
- 6. Considering the current health status and genetic integrity of the closed herd, would it be reasonable to temporarily open the herd for restocking if a reduction in cow numbers is necessary to maintain business viability during the construction phase? What are the practical implications of this and any potential disease risks.*
- 7. What other mitigation options could be considered?*

*Fundamentally there is a requirement to understand whether there is an opportunity for the dairy unit to continue at Lower House Farm during the construction phase from a practical perspective in addition to the financial analysis required, which will be required as a follow on.*

## **APPENDIX 5**

**Response of Dr Owen Atkinson FRCVS to the Submissions of Mr  
Andrew Coney on behalf of Mr & Mrs Fare and Fare Farms Ltd  
(Deadline 6)**

## **DRAFT Response of Dr Owen Atkinson FRCVS to the Submissions of Mr Andrew Coney on behalf of Mr and Mrs Fare and Fare Farms Limited (Deadline 6)**

**On instructions of Mr Greg Ricketts, Director GSC Grays, received by email dated  
26th March 2026**

1. I have been asked to respond to the specific criticisms of my report contained in Section 2 of Mr Coney's submission, dated 21st October 2025. I do so in my capacity as an independent expert, and my response is governed by the same duty to the Inquiry that governed my original report. I address the substantive criticisms in turn.

### **On the scope of the two veterinary reports and the question of whether they conflict**

2. Mr Coney's submission characterises my report and that of Mrs Bland as reaching fundamentally opposed conclusions, and suggests that GSC Grays have improperly preferred my views over those of Mrs Bland, who he describes as having produced a "considered, balanced and evidenced" report (paragraph 2.3.19). I respectfully submit that this characterisation misunderstands the relationship between the two reports and, in particular, the scope of analysis each of us undertook.
3. Both Mrs Bland and I were given identical instructions. The questions put to each of us were the same seven questions (appended for convenience), accompanied by the same overarching requirement: to understand whether there is an opportunity for the dairy unit to continue at Lower House Farm during and after the construction phase from a practical perspective.
4. Both of us were aware, through the materials provided, of three mitigation strategies that had been discussed, but neither of us were instructed that this should be a pre-defined list of mitigation options from which we could not deviate. The three options which Mrs Bland sets out at the opening of her report - partial herd reduction with daytime-only grazing during the construction phase, a fully housed system during the construction phase, and conversion to beef - represent a scope of analysis she defined for herself.
5. In confining her report to those three options, Mrs Bland did not engage substantively with Question 7 of the instructions, which asked what other mitigation options could be considered, nor with the overarching question about dairy viability more broadly. I engaged

with both fully, and it is this engagement which led me to identify and develop the mitigation pathway I consider most practical and most consistent with the Fare farming operation: a consolidated, single autumn block-calving grazing herd of approximately 200 cows, following a short-term moderate herd reduction during the construction phase if necessary, with infrastructure modifications including a re-routed cow track and, where feasible, underpasses to more easily access the entire grazing platform.

6. Critically, Mrs Bland never evaluated this option. Her conclusion that the dairy business cannot viably continue is a conclusion reached in relation to the three specific options she chose to consider. It is not, and cannot properly be read as, a global verdict on the viability of dairy farming at Lower House Farm under any mitigation scenario. The apparent conflict between our reports is therefore substantially narrower than Mr Coney implies.
7. In fact, where our reports do address the same three options, they are broadly aligned. Neither Mrs Bland nor I recommend a fully housed system as a reasonable expectation for this farming family. Neither of us treats temporary cessation and restocking as a straightforward proposition. Both of us acknowledge the practical merits but reduced profitability of a beef enterprise. The genuine disagreement between our reports concerns a mitigation option that Mrs Bland did not evaluate - not one on which she reached a different conclusion to me.

### **On the desktop nature of my assessment and my independence (paragraphs 2.3.11 and 2.3.19)**

8. Mr Coney criticises my report as a desktop exercise and implies that Mrs Bland's site visit gives her conclusions greater weight. I would make the following observations.
9. I did wish to visit the farm. As I state explicitly at paragraph 10 of my report, I was unable to do so because permission was not granted. That decision I understand rested with the farmer, not with me or my instructing party. It would not be appropriate for the absence of a farm visit - where that absence resulted from the farmer's own decision - to be subsequently deployed as a criticism of the independence or quality of my assessment.
10. In the absence of a site visit, I undertook a thorough and systematic review of an extensive body of documentary evidence, listed at paragraphs 11 to 13 of my report. This included five years of Arla milk statements, a detailed farm costings report, fertility, stocking rate and culling analysis, AHDB genetic data, OS mapping, Google Maps and streetview imagery, and detailed development plans from Dalcour Maclaren. I also received detailed verbal briefings on the farm layout from GSC Grays representatives who had visited the site. The volume and quality of this evidence base is considerable, and in many respects provides a more structured

and objectively verifiable foundation for analysis than impressions formed during a single site visit.

11. Furthermore, I clearly stated my assumptions and areas of uncertainty at paragraphs 22 to 24 of my report. Transparency about the limits of one's evidence base is a mark of rigorous expert practice, not a weakness. Identifying what one does not know with certainty, and then proceeding on clearly stated reasonable assumptions, is the appropriate methodology for an expert in circumstances such as these. My stated assumptions were reasonable and well-founded in my extensive professional experience of dairy systems of this kind.
12. I would also observe that Mrs Bland is, by her own account, personally acquainted with Mr Fare through a shared grazing discussion group and describes him as "well known in the area" and someone she has met on several occasions. Whilst I have no reason to question Mrs Bland's professionalism, I would note that my position as an expert who has no prior personal relationship with either party, who has not visited the farm and formed impressions of it in the farmer's presence, and who has approached the matter entirely through documentary evidence, gives my assessment a degree of dispassionate independence that is of genuine value in these proceedings.

**On the contextualisation of farm profitability (paragraph 2.3.12 of Mr Coney's submission)**

13. Mr Coney submits that I am "not comparing like with like" when I contextualise this farm's financial performance against national benchmarks in paragraphs 30 to 42 of my report, and asserts that the business is "widely recognised as one of the most efficient Dairying businesses in the North West of England." I do not dispute that. Indeed, my report is explicit in acknowledging that this is a well-managed, profitable, and highly skilled farming operation.
14. The purpose of that contextualisation was not to diminish Mr Fare's achievements or to suggest that his business is in any way ordinary. It was to assist a reader who may not be familiar with dairy farm economics to understand the financial landscape within which this farm sits, in order that any assessment of a mitigated enterprise could be viewed proportionately. I also considered it appropriate to set out transparently the basis on which I reached my understanding of this farm's financial performance. Prior to my instruction, material had been submitted suggesting that this farm's profitability was so exceptional that any reduced-scale alternative would represent an unacceptable outcome. I considered it relevant and appropriate to examine whether that characterisation was well-founded.

15. My conclusion - that the farm's financial performance, whilst reflecting excellent management and farming skill, was not necessarily exceptional relative to comparable dairy enterprises during the period assessed - was not an attack on Mr Fare's abilities. It was a measured professional observation intended to ensure that compensation and mitigation discussions are grounded in accurate benchmarking rather than overstated comparisons. The farm's performance remains, on any analysis, impressive; my observations simply place it in an honest industry context.

### **On construction timetabling uncertainty and contractor coordination (paragraph 2.3.14 of Mr Coney's submission)**

16. Mr Coney argues that my mitigation proposals are fundamentally flawed because neither I nor the Schemes have certainty about the timing or nature of construction, and that my reliance on communication between the construction contractors and the farm is, in his words, "frankly laughable." I address these two points in turn.
17. On the question of timetabling uncertainty, I acknowledged this explicitly and at the outset of my report. Paragraphs 22 to 24 set out clearly the uncertainties I faced, including the five different potential development scenarios and the implications these have for the sequencing of grazing access. My mitigation proposals were developed precisely with that uncertainty in mind. Rather than designing a mitigation strategy that is contingent on a single fixed construction timetable, I identified an approach - a consolidated autumn block-calving herd of around 200 cows, reducing if necessary to 150 cows during all or part of the construction phase, with modified infrastructure - that is robust across a range of scenarios and adaptable to changing circumstances. I did not allow the existence of uncertainty to invalidate all potential mitigation strategies; instead, I allowed these uncertainties to inform the design of one.
18. On the question of contractor coordination, I would observe that an expectation of reasonable communication between a major infrastructure contractor and an affected farming business is not a novel or unreasonable assumption. Whilst the contractual arrangements between the Schemes and their contractors are outside my area of expertise, an expectation of reasonable operational coordination between a major infrastructure contractor and an affected farming business is not unusual, and would typically be a standard feature of responsible construction management in a project of this scale and sensitivity. My proposals in this regard - for example, scheduling the noisiest construction activities outside milking times, providing advance warning of sudden loud activities, and coordinating the timing of new cow track construction - are modest, practical and proportionate requests. Whether the Schemes have

communicated satisfactorily with Mr Fare to date is a matter I am not in a position to assess, and I make no comment on it. However, the historical conduct of negotiations between the parties does not determine whether effective on-site operational coordination is achievable in principle during a construction phase, and I remain of the view that it is.

**On paragraph 44 of my report (paragraph 2.3.13 of Mr Coney's submission)**

19. Mr Coney highlights paragraph 44 of my report, in which I state that I do not know the farm's precise grazing rotation routine, and argues that this admission undermines my ability to conclude that the proposed mitigation system could work. I disagree.
20. Paragraph 44 does not reflect ignorance of this farming system. It reflects an appropriate professional inference: that an award-winning, high-performing grazing herd of this type will, as a matter of reasonable expectation, be managed according to the well-established principles of rotational grazing that I understand implicitly and have applied whilst assessing the evidence. I did not need to know the exact timing of Mr Fare's current paddock movements to assess whether a modified system could be made to work. What I needed - and what I applied - was a thorough professional understanding of how grass-based block-calving systems function, combined with the specific data about this farm's land area, grass growth rates, and cow numbers. On that basis I was able to devise a grazing routine that is practically deliverable. The specific current routine is not the point; the point is whether a workable routine could be constructed for the modified scenario, and I am satisfied that it can.

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Dr Owen Atkinson BVSc DCHP PGCert FRCVS  
RCVS Specialist in Cattle Health and Production  
Dairy Veterinary Consultancy Ltd

31st March 2026

## Appendix

### Extract of instructions received from GSC Grays by Mrs Bland and myself:

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