MORGAN AND MORECAMBE OFFSHORE WIND FARMS: TRANSMISSION ASSETS

Applicants' Response to Secretary of State's Letter Dated 20 May 2026

Deadline: SoS Letter 2
Application Reference: EN020028

Document Numbers:
MOR001-FLO-CON-CAG-LET-0015
MRCNS-J3303-JVW-19136

Document Reference: S_SoSQ_14

June 2026
F01

Document status					
Version	Purpose of document	Approved by	Date	Approved by	Date
F01	SoS Letter 2	GL	June 2026	AB	June 2026

Prepared by:

Morgan Offshore Wind Limited, Morecambe Offshore Windfarm Ltd

Prepared for:

Morgan Offshore Wind Limited, Morecambe Offshore Windfarm Ltd

Contents

Tables

Figures

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	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. 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.
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.
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.
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.

Term	Meaning
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.
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.
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

Term	Meaning
	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 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

Term	Meaning
	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
AEoI	Adverse Effect of Integrity
AMM	Active Management Measure
BAE	BAE Systems
CAA	Civil Aviation Authority
CA	Compulsory Acquisition
CAP	Civil Aviation Publication
CIP	Copenhagen Infrastructure Partners
CNP	Critical National Priority
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
ES	Environmental Statement
EWG	Expert Working Group
FLL	Functionally Linked Land
HDD	Horizontal Directional Drilling
HGV	Heavy goods vehicle
HNDR	Holistic Network Design Review
HVAC	High Voltage Alternating Current
LAT	Lowest Astronomical Tide
MCA	Maritime and Coastguard Agency

Acronym	Meaning
MCZ	Marine Conservation Zone
MDS	Maximum Design Scenario
MHWS	Mean High Water Springs
MLWS	Mean Low Water Springs
MMO	Marine Management Organisation
MPS	Marine Policy Statement
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
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
TEP	Technical Engagement Plan
TJB	Transition Joint Bay
UK	United Kingdom
UXO	Unexploded Ordnance

Units

Unit	Description
%	Percentage
km	Kilometres
km^2	Kilometres squared
kV	Kilovolt
m	Metres
m^3	Metres cubed

1 Applicants' Response to Secretary of State's Letter Dated 20 May 2026

1.1 Introduction

1.1.1.1 On 20 May 2026 the Secretary of State published a letter (the SoS's letter) (C2-001) 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 this response.

1.2 Correspondence received since the close of the examination

1.2.1 Introduction

1.2.1.1 Points 6 to 8 of the letter from the Secretary of State (SoS) are in relation to responses to previous information requests made by the SoS on 12 March 2026 and post-examination submissions dated from 29 October 2025 to 29 January 2026. These are set out as follows:

*6. Responses were received from various parties to the questions raised in the first information request [C1-001], and these responses were published online on 17 April 2026. **All Interested Parties** are invited to comment upon these documents.*

*7. On 29 January 2026 the Examining Authority submitted to the Secretary of State various post -examination submissions dated from 29 October 2025 to 29 January 2026 [PIR-001 to PIR -009, DR -001 to DR -002]. The Secretary of State published these online on 27 April 2026. **All Interested Parties** are invited to comment upon these documents.*

*8. The **Applicants** are requested to provide comments regarding the points made by All Interested Parties in response to the first information request.*

1.2.2 Response

Points 6, 7 and 8

1.2.2.1 The responses to points 6, 7 and 8 of the SoS's letter are set out in the Applicants' Response to Interested Parties' Submissions at Secretary of State Consultation 1 (S_SoSQ_15).

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

1.3.1 Introduction

1.3.1.1 Points 9 to 22 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:

9. Natural England's advice on temporary mitigation measures in [C1-016] (response to question 6) was subject to it reviewing the Applicants ' updated Outline Ecological Management Plan ("OEMP") (Document Reference: J6/F07). ***Natural England*** *is requested to review the OEMP and confirm its advice.*

10. Without prejudice to the Secretary of State 's conclusions on the matter, the ***Applicants*** *are requested to provide further information to support their argument that land at the proposed substation sites is not functionally linked to the Ribble and Alt Estuary Special Protection Area ("SPA") for golden plover. This should include information on the dates and timings of the baseline surveys undertaken at the site and corresponding tidal states at the time of the surveys. The Applicants should confirm if these surveys are representative of a range of tidal conditions and variation in diurnal behavioural cycles of golden plover and provide sufficient evidence to support their position.*

11. Noting that Table 1.12 and 1.13 in [APP -093] present total monthly counts across the baseline survey area, the ***Applicants*** *are requested to provide further detail on the specific locations and associated counts where golden plover were recorded during these surveys.*

12. The ***Applicants*** *are requested to explain why [APP -092] presents golden plover survey data in terms of the mean distribution between 2022 -2024 using mean density/km2 (Figure 1.37) as opposed to presenting the distribution based on monthly peak survey counts by individual year such as for woodcock and snipe 3 (Figures 1.44 -47). The Applicants are asked to provide updated figures for golden plover density displaying monthly peak counts by year.*

13. Without prejudice to the conclusions of the Secretary of State 's Habitats Regulations Assessment, the ***Applicants*** *are requested to provide any further information to support their position that habitat loss at the proposed substation sites would not result in an adverse effect on the integrity of the SPA, even if a functional linkage to the SPA cannot be ruled out. The further information should as a minimum:*

a. quantify land use at the substation sites and how much of specific habitat types, e.g. pasture/arable land etc, will be lost;

b. quantify land use in the wider area around the substation site and provide detail on what specific habitats will remain available to impacted features such as golden plover;

c. provide information on how these sites are known to be used by golden plover and the potential for these habitats to support birds displaced by the substation site.

The Applicants are encouraged to work with Natural England to identify any other information relevant to this assessment.

14. The ***Applicants*** *are requested to explain if works at the substation sites such as balancing ponds and landscaping works provide opportunities for habitat enhancement works that could benefit golden plover.*

15. Noting disagreement between Natural England [C1 -016] and the Applicants [C1 - 029] on the additionality of the proposed alternative mitigation site at Crossens Outer and Banks Marsh, the Secretary of State invites ***Natural England*** *to submit further information, such as the management plan for the National Nature Reserve, and any evidence that funding is secured to undertake such works in the absence of the Proposed Development, to support its position.*

16. The ***Applicants*** *and* ***Natural England*** *are also requested to provide further information on the proposed delivery of the alternative mitigation site at Crossens Outer and Banks Marsh. This should clarify land ownership and responsibilities for securing and implementing long -term management, monitoring and adaptive management for the lifetime of the Proposed Development.*

17. The Secretary of State notes that Natural England considers the proposed measures at Crossens Outer and Banks Marsh will "likely enhance the environment within the NNR and contribute to positive management of the site. Implementing the

*measures to support management of the site could lead to positive environmental benefit" (Annex 1 of [C1 -016]). Without prejudice to the Secretary of State's conclusion on the matter, the **Applicants** and **Natural England** are requested to comment on the suitability of the proposed measures, to provide compensation for impacts to golden plover, should an AEoI on the Ribble 4 and Alt Estuary SPA not be ruled out due to habitat loss at the proposed substation site.*

*18. If the **Applicants** consider this a suitable compensation measure, they are requested to submit any additional information that would be necessary to support a derogation case, on a without prejudice basis.*

*19. The Secretary of State notes Natural England's response to question 13 in [C1 -016] and question 2 in [REP6 -190] in relation to the proposed Active Management Measures (AMM), and the Applicants ' response to point 9 of the first information request in [C1 -029] which states that it would not be appropriate to set trigger levels/threshold s at this stage. To ensure implementation of AMM does not downgrade the quality or effectiveness of the proposed mitigation sites, the **Applicants** are requested to propose wording for an additional mechanism in the Outline Wildlife Hazard Management Plan ("oWHMP ") to require that:*

a. If AMM are needed, the Applicants will provide Natural England with an assessment of how the AMM will impact any ornithology features of a special protection area utilising the mitigation areas and the associated impact on the quality and effectiveness of those mitigation areas;

b. If it is determined that the AMM have the potential to downgrade the quality and effectiveness of the mitigation areas, the Applicants must propose alternative AMM that respects the requirements of the mitigation areas whilst still delivering the required level of hazard management or provide alternative mitigation solutions specific to the affected species/features.

*20. **BAE Systems ("BAE")** is requested to update its bird strike risk assessment provided within [C1 -023] to include further explanation of the approach and methodology used in the assessment of risk and commentary on the findings of this risk levels. This should include:*

a. the approach to allocating the "Re assessed risk level"' risk scores to account for the proposed development;

b. an explanation of why risk levels for species groups such as waders and geese is considered to increase between the "Re assessed risk level " and the "Risk level with management ";

c. how proposed control measures in the outline Wildlife Hazard Management Plan [REP7 -034] have been considered within the allocation of the "Risk level with management " score;

d. discussion and conclusions on the assessed risk levels and their implications for aviation safety.

*21. The Secretary of State notes that throughout BAE's bird strike risk assessment , [C1-023] in relation to monitoring , the risk assessment refers to data sharing and reporting agreements with Blackpool Airport but states "no suggestions made for BAE Warton ". **BAE** is requested to provide a list of the information/reporting it 5 would expect from the **Applicants** to enable safe management of bird strike risk.*

*The **Applicants** are invited to propose data sharing and reporting arrangements with BAE to support the management of this information and related bird strike risk.*

*22. B**AE** is invited to explain why it has not been able to provide the complete data sets expected by the Applicants to inform the assessment of bird strike risk.*

1.3.2 Response

Overall Position on Ornithology and Bird Strike Risk (Points 10 – 22) (note each Point is also addressed separately below)

1.3.2.1 The Applicants have engaged positively with Natural England, and aviation stakeholders, in particular BAE, in advance of submission of this response, and can report significant positive progress.

1.3.2.2 The following paragraphs summarise the position, before responding directly to the SoS points.

Natural England

1.3.2.3 The engagement with Natural England focussed on the responses to Points 10 to 13 below which were provided to Natural England in draft for discussion. At a meeting on 19 June following receipt of this information, Natural England advised verbally that they consider Adverse Effect on Integrity (AEoI) can be ruled out in light of the responses to Points 10 – 13. The Applicants understood this is on the basis that the substation sites (i.e. the land where the substations and associated infrastructure will be located and the immediate vicinity where a golden plover count was recorded) are unlikely to represent Functionally Linked Land (FLL). As the substation sites represent a low chance of being FLL, mitigation is not required to rule out AEoI on the Ribble and Alt Estuaries SPA and Ramsar Site.

1.3.2.4 Natural England noted to the Applicants that this advice was subject to reviewing the final responses submitted to the SoS, but the Applicants can confirm that the responses included in this submission have not materially changed from the drafts shared with Natural England. The Applicants' expectation is that this verbal position will therefore be reflected in Natural England's responses to these Secretary of State points.

1.3.2.5 Notwithstanding Natural England's verbal position of no AEoI based on the information on Points 10 - 13, the Applicants are still committed to delivering mitigation for EIA impacts related to permanent loss of habitat for non-breeding waders (including lapwing, golden plover, snipe and curlew) at the substation sites. The EIA mitigation measures at the land south of Newton-with-Scales and alternative permanent mitigation measures at Lytham Moss are set out in full in the updated oEMP (J6/F08) and also the Alternative Ornithology Mitigation Note - Permanent (S_SoSQ_6/F02), which are attached to this submission.

1.3.2.6 It is noted that the mitigation measures set out in the updated oEMP (J6/F08) have been adapted since the previous iteration of the oEMP (C1-029.8) to reduce the risk of bird strike and improve acceptability to aviation stakeholders (taking into account the wildlife hazard management plan secured by Requirement 27), whilst also being sufficient to mitigate significant effects on non-breeding wading birds. Specifically, the measures at land south of Newton-with-Scales have been refined, and the alternative permanent mitigation at Lytham Moss introduced.

1.3.2.7 The update of the measures at land south of Newton-with-Scales is a mitigation approach where the existing habitats would be maintained to provide wintering refuge with active measures only triggered where bird populations either increase or decrease beyond agreed thresholds, as (set out in the final WHMP). As the relevant wading bird species already utilise the area and existing habitats are suitable for these species, no additional enhancement measures are required at this stage; the function of the mitigation area is simply to provide suitable undisturbed sanctuary habitat during the wintering period which would mitigate for any potential disturbance caused by the loss of habitats associated with the substations. In an email dated 4 June 2026, Natural England acknowledged the potential benefits of the land south of Newton-with-Scales mitigation, particularly in providing a sanctuary area with minimal disturbance. The further detailed information requested by Natural England has been incorporated into the oEMP (J6/F08).

1.3.2.8 Whilst not specifically discussed with Natural England prior to this submission, the alternative permanent measures within Lytham Moss function in the same way as land south of Newton-with-Scales (i.e. providing alternative suitable habitat which is currently used by the target species) and therefore should be considered acceptable to Natural England as mitigation of significant EIA impacts. Further details on Lytham Moss as an alternative mitigation area for the potential effects of permanent habitat loss are set out in the updated Alternative Ornithology Mitigation Note - Permanent (S_SoSQ_6). Initial discussions with the landowner's agent indicate that they would, in principle, be interested in this becoming a permanent mitigation area, if required.

1.3.2.9 As a result, both the monitoring and management requirements for these mitigation areas are streamlined, supported by a clear, focused and robust framework. The associated active measures are correspondingly more straightforward and deliverable, providing appropriate control over bird numbers to avoid bird strike risk, while ensuring they are effective in mitigating potential significant impacts on wading bird species.

Aviation Stakeholders

1.3.2.10 In parallel to the above, the Applicants provide in response to Points 21 and 22 a joint response with BAE, which sets out that recent constructive discussions (meetings held on 16th and 22nd June 2026) have moved to discussing specific updates to the oWHMP (such updates now included and acknowledged by BAE) and how the detailed WHMP can be successfully delivered. BAE are not expected to formally remove their objection (they maintained their objection to both Morecambe and Morgan generation assets), but the joint BAE and Applicants' response to Point 21 below now concludes in relation to the updated oWMHP:

"These measures will ensure that information is shared effectively and that bird strike risk at Warton will continue to be managed safely."

1.3.2.11 In relation to the Defence Infrastructure Organisation (DIO), in its response to the Secretary of State's first request for information (C1-020), the Defence Infrastructure Organisation confirmed (emphasis added):

"Whilst the submitted oWHMP is, in principle and subject to the acceptability of any Wildlife Hazard Plan submitted in accordance with requirements found at Schedule 2A, ***Requirement 27*** *and Schedule 2B, Requirement 27 in the draft Development Consent Order (Document reference: C1/F09, Rev: F09 22, dated October 2025),* ***acceptable to address the potential harm caused by the temporary construction mitigation areas proposed at*** *Lea Marsh (Works nos. 35A/35B and Works nos. 44A/44B) and* ***Lytham Moss*** *(Works nos. 35A/35B), it would not be considered acceptable to mitigate the potential harm caused by implementation of the permanent mitigation area south of Newton-with-Scales (Work nos. 49A/49B)."*

1.3.2.12 It is considered that the same conclusion holds for the proposed alternative permanent mitigation at Lytham Moss, as the permanent mitigation measures are in effect a reduced form of the temporary construction impact mitigation measures.

1.3.2.13 It is also noted that DIO's stated concerns in relation to land south of Newton-with-Scales (C1-020) focussed on the efficacy of that measure: *"The MOD do not consider it appropriate to seek to mitigate the intended effect of enhancing a habitat specifically to attract and support bird species by controlling the number of those bird species."* As noted above, Natural England has advised that an AEoI can be excluded on the Ribble and Alt Estuaries SPA and Ramsar Site without the need for mitigation at land south of Newton-with-Scales. Natural England has not raised any concerns about the efficacy of mitigation in relation to the EIA impacts, including in relation to the proposed wildlife hazard management plan which would ensure the mitigation measures do not exacerbate bird strike risk at the Warton aerodrome.

1.3.2.14 The Applicants also met with Blackpool Airport on 10 June 2026. Blackpool Airport confirmed that, subject to agreement on the monitoring and mitigation details (to be secured through the detailed Wildlife Hazard Management Plan by Requirement 27 of the DCO), they are satisfied that Lytham Moss, as proposed for permanent mitigation, would not give rise to an unmanageable bird strike risk from their perspective. It should also be noted that Blackpool Airport's position on the mitigation at the land south of Newton-with-Scales will not change from their previous position and will remain satisfied that bird strike risk will not increase.

1.3.2.15 As such, it is considered that the Secretary of State can be satisfied that proposed revised permanent mitigation at land south of Newton-with-Scales and the alternative permanent mitigation at Lytham Moss (both set out in the updated outline Ecological Management Plan (J6/F08)) are both capable of mitigating the significant residual EIA effects at the substation sites, without increasing bird strike at the Warton aerodrome (or at Blackpool Airport). The additional information has now been incorporated into the oEMP (J6/F08). The Secretary of State can be

further satisfied that Natural England does not consider the mitigation measures in the oEMP are necessary to avoid an AEoI at the SPA (and have not raised any concerns about the oEMP or the oWHMP in the context of EIA mitigation), and that a WHMP to manage bird risk acceptable to BAE and DIO can be agreed.

1.3.2.16 It is also important to note that both the oEMP and the oWHMP are outline plans, the full details of which would be developed post consent in consultation with all the relevant stakeholders. The process for this is set out in Requirements 12 (Ecological Management Plan) and 27 (Wildlife Hazard Management Plan) of the draft DCO (REP6-013). These requirements secure that development cannot commence without the approval of the detailed Ecological Management Plan and Wildlife Hazard Management Plan. Approval of these plans may be given only following consultation with the relevant stakeholders, including Natural England, BAE Systems and DIO. The Applicants consider, based on the substantial work to date (including the bird strike risk assessment) and the latest position of the key stakeholders set out above, that an appropriate balance can and will be achieved so that both these requirements can be discharged (albeit, as with all post consent plans, ultimately any residual risk to achieve this sits with the Applicants and not with the aerodrome or the SPA).

1.3.2.17 Responses to each of the Secretary of State's Points on these matters are set out individually below.

1.3.2.18 Note that the response to Points 10 – 13 were shared with Natural England in substantively the same form in advance of the meeting on 19 June.

Point 9

1.3.2.19 No response required from the Applicants.

Point 10

1.3.2.20 The Applicants note the SoS's request for further detail in relation to their position that the land at the proposed substation sites is not functionally linked to the Ribble and Alt Estuaries SPA for golden plover.

1.3.2.21 The Applicants confirm that two years of baseline surveys (2022/2023 and 2023/2024) were undertaken on a monthly basis between September and March, allowing for over-wintering species, including golden plover, to be recorded. This approach is in line with standard best-practice methodologies and was agreed with the Expert Working Group (EWG) as part of the Evidence Plan Process.

1.3.2.22 The wider survey area covers a much larger area than just the substation sites and includes the onshore cable corridor plus a 500 m buffer. The substation sites were part of the overall survey area, and it is noted that each monthly visit to the survey area, including the substation locations, took several days to complete.

1.3.2.23 The Applicants also note that the survey campaign over the wider area (including the substation sites) was carried out using two types of

survey. Transect surveys were designed to capture habitat use by flocking waterbirds (including golden plover), with fields scanned using binoculars and scopes from suitable vantage points, and walkover surveys, in which surveyors recorded all birds and aimed to come as close as possible to all areas of habitat. Full details of the methodologies and the survey coverage for each survey type can be found in F3.4.4 Volume 3, Annex 4.4: Onshore and intertidal ornithology survey methodologies (APP-095).

1.3.2.24 The survey dates, survey start and finish times, tidal states, and the dates and timings of coverage at each substation location are provided **Table 1.1**. **Table 1.1** indicates those survey days and timings where data were collected within the substation footprints and the surrounding area (i.e. a 500 m buffer from the substation sites; see **Figure 1.2** and **Figure 1.3**).

1.3.2.25 The two-year survey programme was designed to capture a range of tidal conditions and diurnal periods. The Applicants consider the survey data to be representative of the range of conditions (including tidal conditions) relevant to golden plover behaviour in terrestrial habitats around the Ribble and Alt Estuaries SPA. However, the Applicants note that golden plover is the least dependent of the wader species on tidal conditions, as it predominantly feeds in terrestrial habitats (pasture and arable land) around the estuary rather than intertidal habitats. Consequently, the tidal cycle is expected to have a minimal influence on its abundance within these terrestrial habitats.

1.3.2.26 The evidence demonstrates that the surveys were not confined to a limited tidal window or time of day but instead provide a sufficiently robust basis for assessment covering a range of tidal conditions and diurnal periods. The Applicant would stress that the diurnal driven and walked transects, which involved scanning fields with optics for waterbirds from public access land, were discussed and agreed with Natural England through the Evidence Plan Process (for full details on the methodologies see F3.4.4 Volume 3, Annex 4.4: Onshore and intertidal ornithology survey methodologies; APP-095). The method employed is widely used on other similar projects in the UK (e.g. transmission assets of offshore wind farm projects) to characterise the distribution and abundance of waterbirds and to identify functionally linked land (FLL) which may overlap with project boundaries (i.e. identifying habitats that are frequently used by significant numbers of birds and which play a role in maintaining or restoring a protected population to favourable conservation status; see Chapman and Tyldesley, 2016).

1.3.2.27 The survey data demonstrate this methodology is effective at identifying FLL. Site surveys confirmed functional linkage between the area at Lytham Moss and the Ribble and Alt Estuaries SPA for several waterbird species. The approach was therefore considered robust for determining FLL in respect of the HRA assessment and for informing mitigation design at Lytham Moss. Similar results were recorded at Newton Marsh (south of the substation sites) and at Newton-with-Scales, where high abundances of waterbirds were frequently observed during site-specific surveys using the same survey methods.

1.3.2.28 A summary of these data was presented in the Alternative Ornithology Mitigation Note - Temporary (S_SoSQ_5) and is reproduced below in **Figure 1.1** to demonstrate where high abundances of birds were regularly recorded using the same survey methods as employed at the substation sites. **Figure 1.1** demonstrates the likely presence of FLL at Lytham Moss, Newton Marsh SSSI and in the arable fields to the south of the Ribble. This largely coincides with the findings from a Natural England commissioned report to identify FLL in the area ((Bowland Ecology, 2021) (the "Bowland Ecology Report"). See **Figure 1.1**).

1.3.2.29 The survey data must also be considered in the context of established definitions of FLL. Authoritative sources, including the Bowland Ecology Report, consistently define FLL as land that is **regularly used** by **significant numbers** of qualifying species and which is **critical to, or necessary for**, maintaining or restoring a protected population to favourable conservation status (Chapman and Tyldesley, 2016; Bowland Ecology, 2021). The two-year survey programme, covering monthly visits across a range of tidal conditions and diurnal periods, consistently recorded zero counts for golden plover within the vicinity of the proposed substation sites (with the exception of one survey out of 24, in which 104 birds were recorded in the zone of influence of permanent habitat loss effects (i.e. adjacent to the permanent substation access track; see further response to Point 11 below)). These data do not demonstrate regular use by significant numbers of the species, nor is there any evidence that these sites perform a critical or necessary ecological function in supporting the golden plover feature of the Ribble and Alt Estuaries SPA.

1.3.2.30 For these reasons, the Applicants maintain that the survey effort and results are sufficient to conclude with a high degree of confidence that the land at the proposed substation sites is not functionally linked to the Ribble and Alt Estuaries SPA for golden plover.

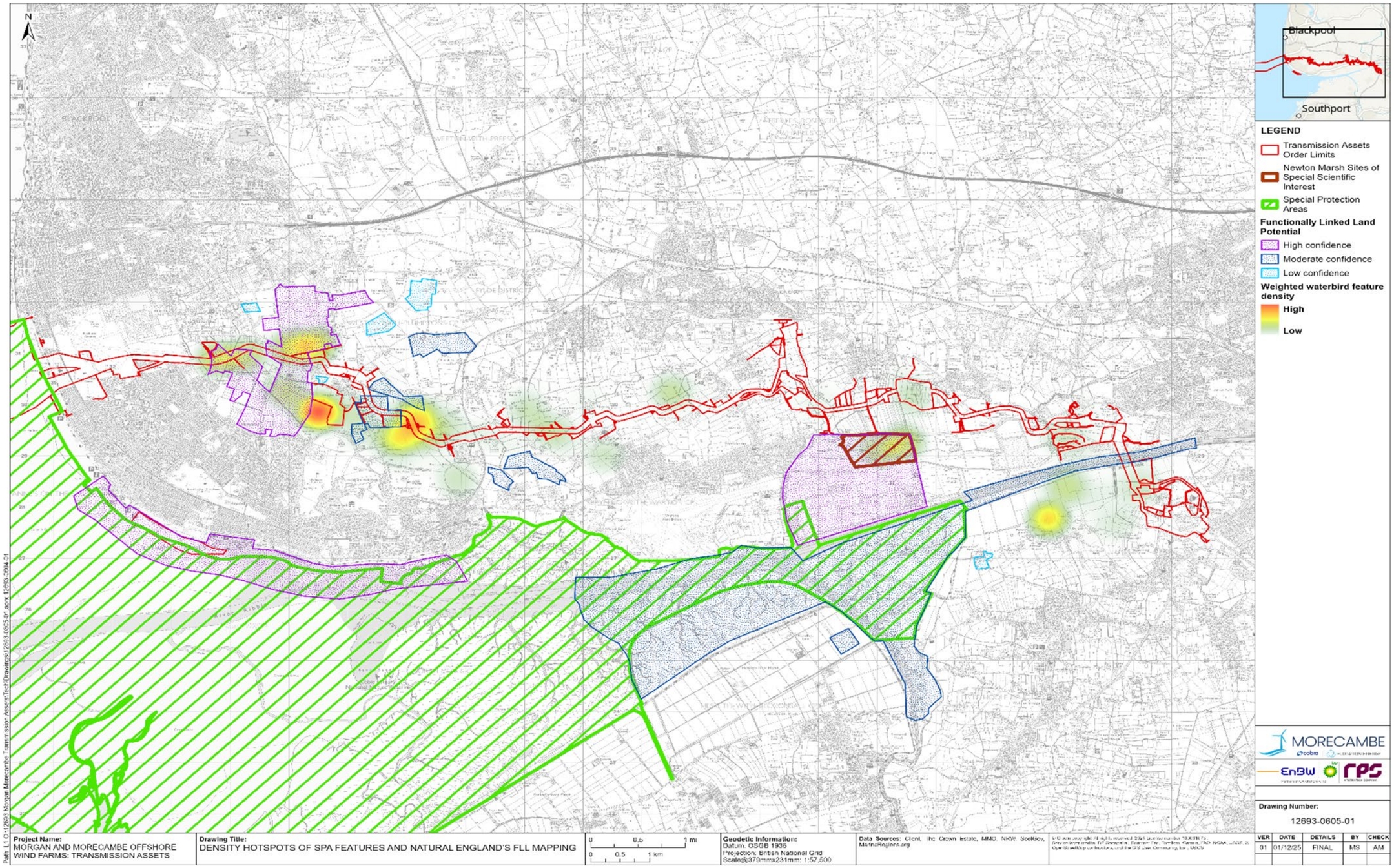


Figure 1.1: The Applicants survey data showing hotspots of waterbird distribution (weighted to percentage of current SPA populations rather than number of birds to account for bias from those species present in very high numbers) as compared to Natural England's own assessment of FLL taken from Bowland Ecology Report, 2021.

Table 1.1: Table showing survey timing and dates of monthly visits within the part of the cable corridor coinciding with the substation sites (including 500 m buffer around substations) and tidal state (i.e. as shown in Figure 1.2 and Figure 1.3).

Year	Month	Date	Survey type	Survey start	Survey finish	Low water at Hutton Marsh (Ribble Estuary)	High water at Hutton Marsh (Ribble Estuary)	Sunrise	Sunset	Additional notes
2022/23	September	28/09/2022	Transect	Approx. 09:00	Approx. 16:00	11:08	13:23	06:56	18:47	Ebb past low and high to ebb Reconnaissance visit
	October	25/10/2022	Transect	Approx. 09:00	Approx. 16:00	09:35	11:47	07:58	17:52	Low water past high to ebb
	November	16/11/2022	Transect	09:00	13:30	13:15	16:08	07:40	16:11	Flood to high water
		24/11/2022	Walkover	08:10	12:30	08:45	10:56	07:54	16:01	Low past high to ebb
	December	15/12/2022	Transect	10:00	16:00	12:41	15:25	08:00	15:52	Flood to high water
	January	10/01/2023	Transect	08:45	14:45	10:24	13:03	08:04	16:13	Ebb past low to high
	February	16/02/2023	Transect	08:00	14:45	04:41	07:01	07:14	17:17	High to ebb
		22/02/2023	Walkover	08:00	13:00	10:16	12:36	07:14	17:35	Ebb past low to high
		25/02/2023	Walkover	08:40	10:10	12:17	14:37	07:08	17:40	Ebb
	March	08/03/2023	Transect	07:15	13:40	09:21	11:50	06:32	17:52	Ebb past low and high back to ebb
2023/24	October	03/10/2023	Transect	10:17	15:04	12:07	14:23	07:04	18:36	Ebb past low and high back to ebb This is the September survey visit which overran into October due to weather and surveyor constraints
		31/10/2023	Transect	09:36	15:30	09:58	12:20	06:52	16:38	High water
	November	15/11/2023	Transect	08:37	14:51	09:38	11:57	07:18	16:13	Floodwater to high water
	December	07/12/2023	Walkover	10:56	14:52	04:19	06:29	07:52	15:53	Ebb
		14/12/2023	Transect	08:44	15:06	09:22	11:43	07:59	15:52	High water to ebb
	January	18/01/2024	Transect	09:24	15:15	14:00	16:28	07:58	16:24	Low water
		26/01/2024	Walkover	08:06	11:51	09:11	11:40	07:49	16:38	Low to high water
	February	01/02/2024	Walkover	08:51	13:51	12:22	14:49	07:41	16:49	Low to high water
		21/02/2024	Transect	09:04	13:58	07:03	09:26	07:05	17:25	Ebb
		22/02/2024	Transect	07:23	12:51	07:51	10:12	07:03	17:27	Low to high water
	March	04/03/2024	Walkover	10:16	14:35	14:13	16:42	06:39	17:47	Low water
		05/03/2024	Walkover	08:28	13:28	03:02	05:39	06:37	17:48	High water to ebb
		06/03/2024	Walkover	07:55	13:17	04:57	07:16	06:35	17:50	High water to ebb
		21/03/2024	Transect	09:43	15:17	06:47	09:03	06:01	18:16	High water to ebb

Point 11

1.3.2.31 The Applicants have presented below figures showing monthly golden plover counts across the baseline survey area, including within the vicinity of the proposed substation sites, over a 14-month survey period (i.e. covering two overwintering periods). As indicated in **Table 1.1**, while surveys were undertaken over 14 months, the areas in the vicinity of the substations were surveyed on multiple occasions during some of those months, with this part of the Onshore Order Limits being visited on 24 separate days over the survey duration.

1.3.2.32 The map displays the specific locations at which golden plover flocks and individuals were recorded, together with the associated counts in the vicinity of the substation sites (**Figure 1.2** and **Figure 1.3**). Maps showing distribution of golden plover across the entire Order Limits were presented (at a resolution of 1 ha squares) during examination in the Onshore Terrestrial Waterbird Note Rev (REP4-120) for context.

1.3.2.33 It should be noted that golden plover was absent from the vicinity of the substation sites during the first year of site-specific surveys (September 2022 to March 2023; **Figure 1.2**), with the only records of golden plover in the vicinity of these locations being on a single day in January 2024 (**Figure 1.3**). These golden plover were recorded in proximity of a permanent substation access track, hence identifying 104 golden plover as potentially impacted by permanent habitat loss. No golden plover were recorded within the substation footprints during the two years of site-specific surveys (see **Figure 1.2** and **Figure 1.3**).

1.3.2.34 It should also be noted that when the golden plover were recorded close to the substation sites on 18 January 2024, the days preceding this were characterised by a spell of cold weather, with daily maximum temperatures below average from 6 January onwards (Met Office, 2024; see **Figure 1.4**). It is therefore possible that these conditions displaced birds into less optimal areas, which may explain the atypical use of the area adjacent to the substation footprints.

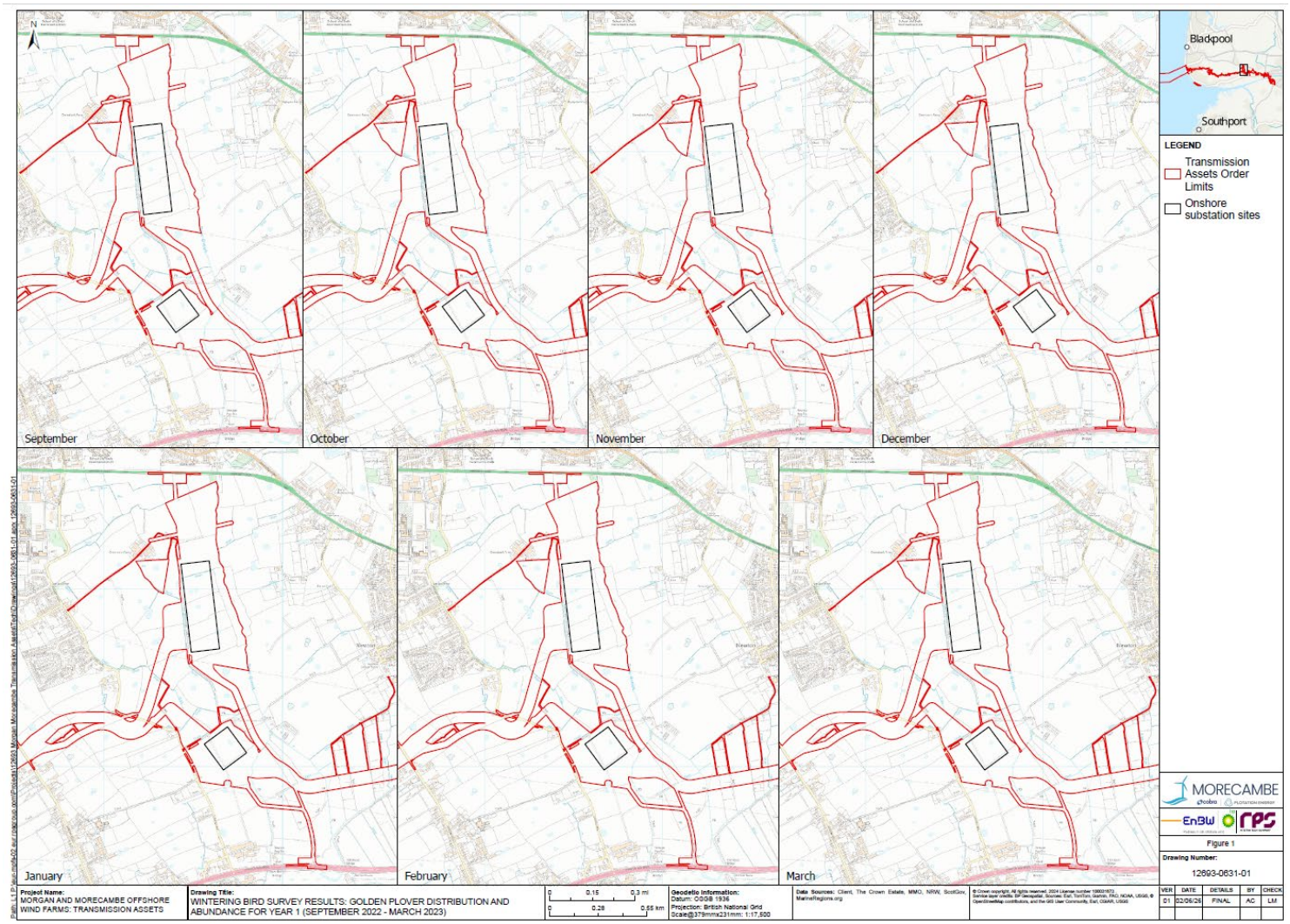


Figure 1.2: Distribution and abundance of golden plover within and in the vicinity of the substation footprint during the site-specific surveys (September 2022 to March 2023). Note: no golden plover were recorded during the 2022-2023 survey season and are not seen.

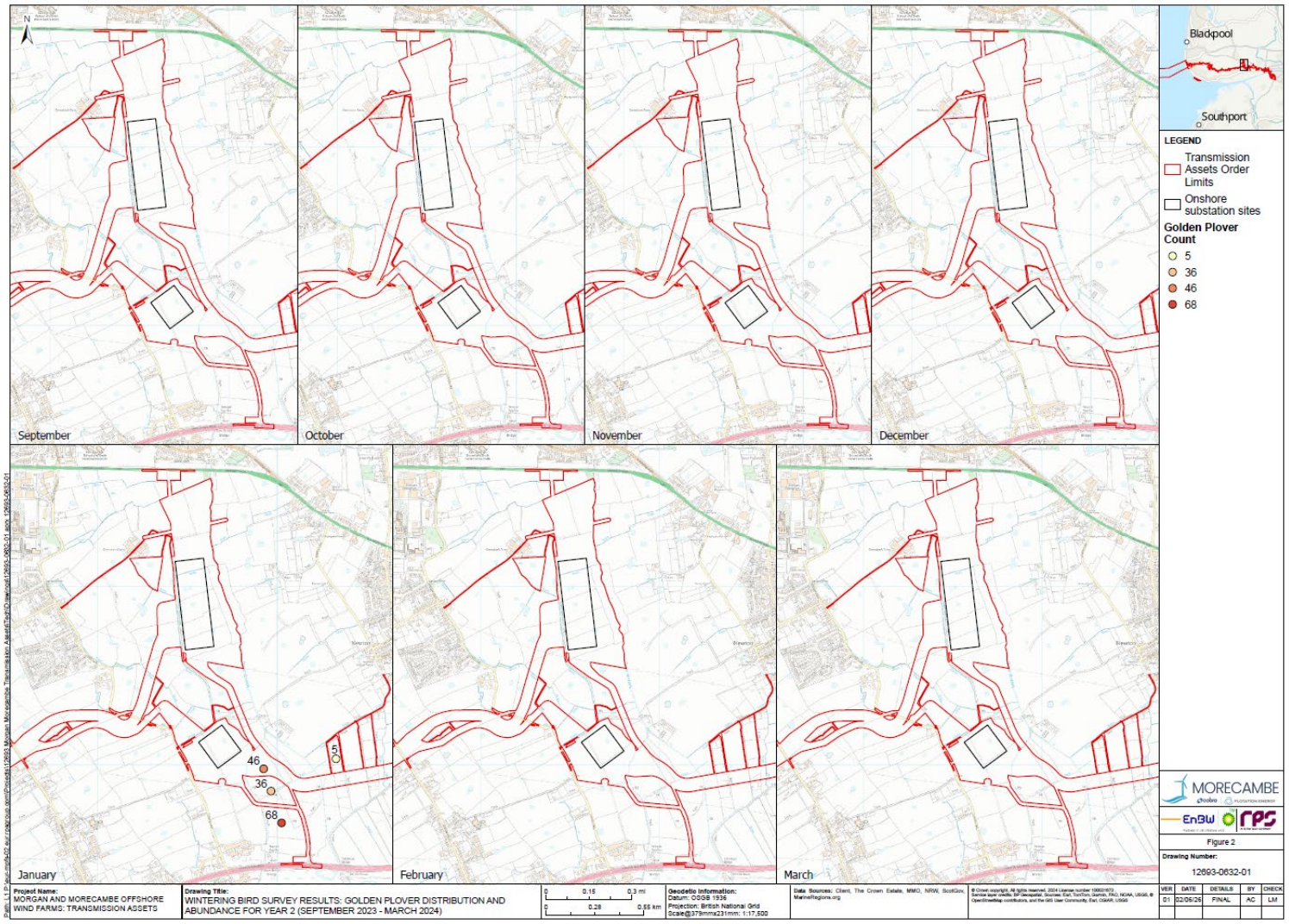


Figure 1.3: Distribution and abundance of golden plover within and in the vicinity of the substation footprint during the site-specific surveys (September 2023 to March 2024).

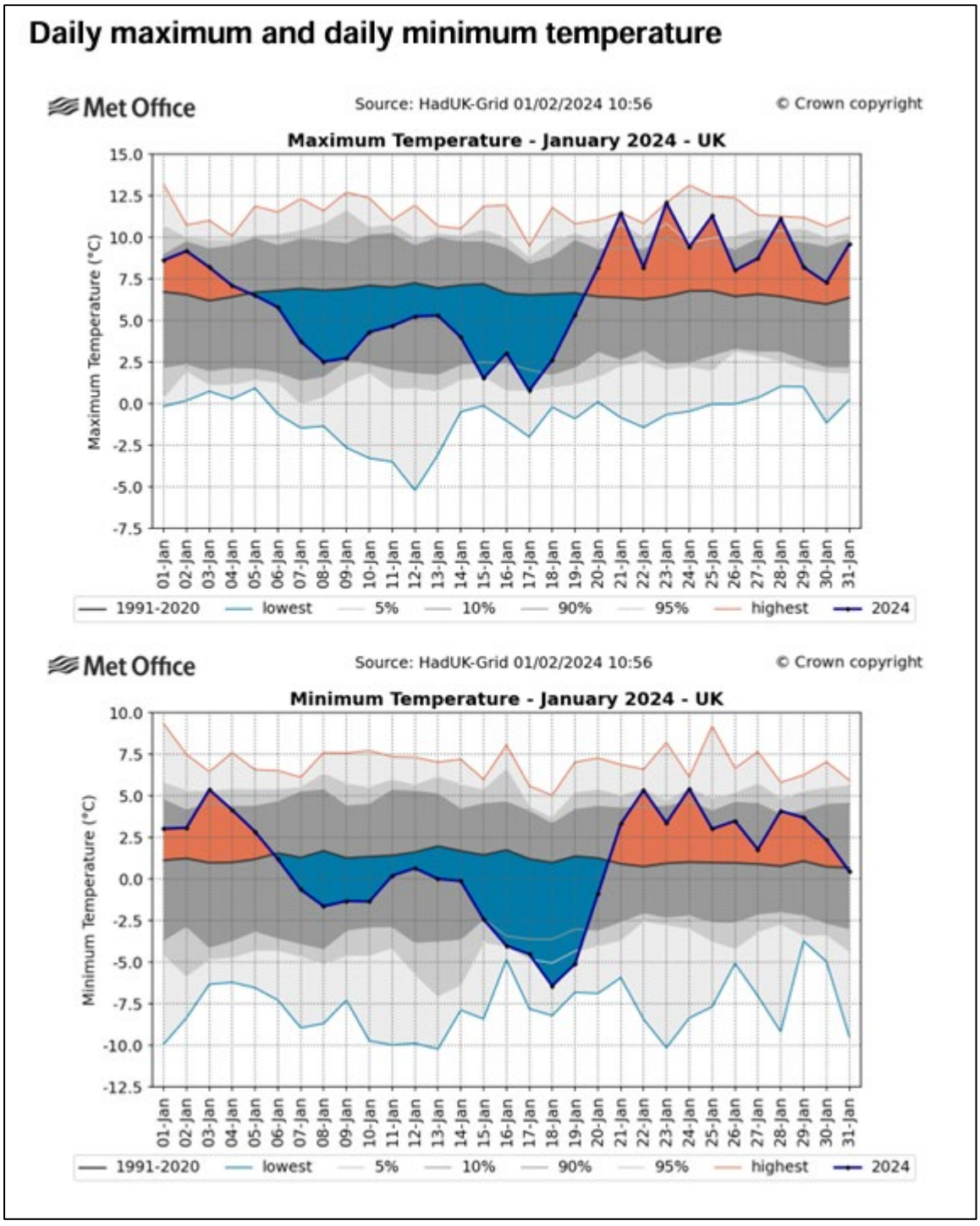


Figure 1.4: Extract of Met Office minimum and maximum temperature data for the UK in January 2024

Point 12

1.3.2.35 Golden plover survey data were originally presented as mean density/km² across the 2022–2024 survey period to provide an overall indication of spatial distribution across the survey area.

1.3.2.36 In response to the Examining Authority's request, updated figures have been prepared showing monthly peak counts by year (**Figure 1.2** and **Figure 1.3** provided in response to Point 11 above), in a format

consistent with the presentation used for woodcock and snipe in the application documents.

1.3.2.37 The approach adopted in the application documentation was to present mean bird density for the SPA features across the survey area as this provides a more robust representation of spatial patterns in distribution and helps identify those areas with consistently high levels of activity and/or high abundances of birds (e.g. those areas which may be classified as FLL). Mapping all raw sightings for these most abundant species would have introduced visual clutter and reduced interpretability, particularly where records were numerous and spatially clustered. For non-SPA features, such as woodcock and snipe, all sightings were mapped as point count. However, the data presented in **Figure 1.2** and **Figure 1.3** now provides a similar level of resolution for golden plover at and in the vicinity of the substation sites.

Point 13

1.3.2.38 The habitats at the substation sites are predominantly characterised by pasture, with areas of arable land. These are subject to intensive rotational farming practices in line with similar practices in the wider landscape. The total permanent habitat loss across both substation sites equates to 22.35 ha (see Table 1.3 of the Alternative Ornithology Mitigation Note – Permanent (S_SoSQ_6)), all of which would affect pasture habitats and arable lands only. The golden plover recorded in the vicinity of the footprint of the substation sites (**Figure 1.2** and **Figure 1.3**) were engaged in loafing behaviour and there was no indication that this area was being used for foraging, demonstrating the limited value of the site to golden plover.

1.3.2.39 As set out in Table 1.3 of the Alternative Ornithology Mitigation Note – Permanent (S_SoSQ_6), the loss of habitats at the substation sites represents <0.1% of the available pasture and arable habitats within 10 km of the Ribble and Alt Estuaries SPA (i.e. the foraging range for golden plover; Copernicus Land Monitoring Service, 2020). The habitats affected are not distinctive within the wider landscape which is characterised primarily by pasture and arable fields. The dominance of these habitat types in the vicinity of the Ribble and Alt Estuaries SPA is clearly demonstrated in habitat mapping undertaken within and around the Order Limits during baseline characterisation surveys. Table 1.6 of APP-077 demonstrates that the majority of the onshore survey area (i.e. >60%) was characterised by either grassland (e.g. improved grassland or poor semi-improved grassland) or arable land, with additional more preferred habitat also available to golden plover (e.g. saltmarsh, intertidal mudflat). While these baseline characterisation surveys did not cover the entire habitat available for golden plover in the vicinity of the SPA, they do demonstrate the dominance of habitats of similar character and value to golden plover in the wider landscape. Golden plover are known to forage in intensively managed arable farmland (Mason and Macdonald, 1999; Gillings et al., 2007) as well as on pasture habitats. The species is also flexible in its feeding ecology and may use intertidal habitats at certain times of year.

1.3.2.40 The habitats which will potentially be subject to permanent habitat loss by virtue of being adjacent to the access track to the substation sites are not distinctive within the foraging range of golden plover, and there is no indication that this area is important for loafing or foraging golden plover. This is supported by the site-specific survey evidence discussed in response to Points 10 to 12 above, which showed infrequent use of the substation sites and surrounding area by this species for loafing. Golden plover was recorded in only one of 14 months surveyed, with the only records made on one day out of 24 days surveyed in the area near the substation sites over the two overwintering periods. This clearly demonstrates that the substation sites and the section of the onshore Order Limits around the substation sites are not preferred habitat for non-breeding golden plover.

1.3.2.41 As such, even if this habitat was classified as FLL (noting the Applicants' position that it is not FLL), the Applicants' position is that the loss of this land would not represent an AEoI (which is aligned with Natural England's verbal communication on 19 June 2026). The Applicants position is based on consideration of the conservation objectives for the Ribble and Alt Estuaries SPA and the Natural England commissioned report of authoritative decisions on FLL (Chapman and Tyldesley, 2016). Following Chapman and Tyldesley (2016), FLL fulfils a (potentially important) role in maintaining and restoring a protected population at favourable conservation status and is necessary for that population to be sustained. The evidence is clear that the habitats lost at the substation sites are not critical to maintain the golden plover population in favourable conservation status. This is supported by Natural England's supplementary advice on conservation objectives for non-breeding golden plover at the Ribble and Alt Estuaries SPA (see **Table 1.2**), which states that both the supporting habitat (extent, distribution and availability) and the non-breeding population (abundance) attributes are currently in good condition and meeting their conservation targets.

1.3.2.42 Where the relevant attributes are already at favourable status and meeting their targets, the loss of a negligible area of similar habitat cannot materially increase the risk of those attributes falling below their target thresholds. The loss of land at the substation sites would represent a negligible proportion of the available similar land (i.e. <0.1% of pasture and arable land within 10 km of the SPA) and would not affect the favourable conservation status of golden plover. On this basis, and whether or not the land in question is considered to constitute FLL, the competent authority can be satisfied beyond reasonable scientific doubt that the Projects will not result in an AEoI on the Ribble and Alt Estuaries SPA in respect of non-breeding golden plover.

1.3.2.43 It should also be noted, and as set out in the Alternative Ornithology Mitigation Note – Permanent (S_SoSQ_6), that the measures proposed at Crossens Outer and Banks Marsh will further improve the favourable conservation status of golden plover by improving habitat quality and reducing recreational disturbance in an area known to host thousands of individuals which use this area for various essential behaviours roosting, feeding and loafing. These measures have recently been

awarded funding and, as such, will be taken forward by Natural England alone, rather than in collaboration with the Applicants or with any linkage to or reliance on the Transmission Assets. Notwithstanding this distinction, the delivery of these works (irrespective of the party responsible) will provide benefits to bird populations and contribute to an increase in favourable conservation status, beyond the already favourable position of golden plover. Noting that this feature is currently in favourable conservation status (**Table 1.2**), these management measures will provide further resilience to a number of species, including golden plover populations in the Ribble and Alt Estuaries SPA. This provides further confidence that there is no residual risk of AEoI when considering the overall favourable conservation status and the conservation objectives of the SPA.

Table 1.2: Natural England's supplementary advice for non-breeding golden plover in the Ribble and Alt Estuaries SPA

Species	Attribute	Target	Season	Supporting notes
Golden plover, non-breeding	Supporting habitat: extent, distribution and availability of supporting habitat for the non-breeding season	Maintain the extent, distribution and availability of suitable habitat (either within or outside the site boundary) which supports the feature for all necessary stages of the non-breeding/wintering period (moulting, roosting, loafing, feeding) at: 11,678 ha (intertidal sand and muddy sand); 672 ha (intertidal mud); 78 ha (intertidal mixed sediments); 2,292 ha (coastal saltmarshes and saline reedbeds); 191 ha (freshwater and coastal grazing marsh).	Year round – to ensure the habitat remains suitable for when the feature is present	This target may apply to supporting habitat which also lies outside the site boundary. Inappropriate management and direct or indirect impacts which may affect the extent and distribution of habitats may adversely affect the population and alter the distribution of birds. Site-specifics: Some roosting and feeding sites are, in part, coincident with the Ribble Estuary NNR and the RSPB Reserve at Marshside and as such will be subject to relevant management plans. The extent provided should only be used as a guide for specific saltmarsh features (Atlantic salt meadows (Glauco-Puccinellietalia maritimae) and Salicornia and other annuals colonising mud and sand) as they may either not be present or may indicate the presence of other related saltmarsh types as they have been aggregated during the extent and reference calculations. **There is evidence from survey or monitoring that shows the feature to be in a good condition and/or currently un-impacted by anthropogenic activities.**

Species	Attribute	Target	Season	Supporting notes
Golden plover, non-breeding	Non-breeding population: abundance	Maintain the size of the non-breeding population at a level which is above 3,598 individuals, whilst avoiding deterioration from its current level as indicated by the latest mean peak count or equivalent.	Non-breeding (winter and/or passage) season	This will sustain the site's population and contribute to a viable local, national and bio-geographic population. Due to the mobility of this feature and the dynamic nature of population change, the target-value given for the population size of this feature is considered to be the minimum standard for conservation / restoration measures to achieve. This minimum-value may be revised where there is evidence to show that a population's size has significantly increased as a result of natural factors or management measures and has been stable at or above a new level over a considerable period (generally at least 10 years). The values given here may also be updated in future to reflect any strategic objectives which may be set at a national level for this feature. Given the likely fluctuations in numbers over time, any impact-assessments should focus on the current size of the site's population, as derived from the latest known or estimated level established using the best available data. This advice accords with the obligation to avoid deterioration of the site or significant disturbance of the species for which the site is classified, and seeks to avoid plans or projects that may affect the site giving rise to the risk of deterioration. Similarly, where there is evidence to show that a feature has historically been more abundant than the stated minimum target and its current level, the ongoing capacity of the site to accommodate the feature at such higher levels in future should also be taken into account. Maintaining or restoring bird abundance depends on the suitability of the site. However, factors affecting suitability can also determine other demographic rates of birds using the site including survival (dependent on factors such as body condition which influences the ability to breed or make foraging and / or migration movements) and breeding productivity. Adverse human impacts on either of these rates may precede changes in population abundance (eg by changing proportions of birds of different ages) but eventually may negatively affect abundance. These rates can be measured / estimated to inform judgements of likely impacts on abundance targets. Unless otherwise stated, the population size will be that measured using standard methods such as peak mean counts or breeding surveys.

Species	Attribute	Target	Season	Supporting notes
				This value is also provided recognising there will be inherent variability as a result of natural fluctuations and margins of error during data collection. While we will endeavour to keep these values as up to date as possible, local Natural England staff can advise whether the figures stated are the best available.
				Site-specifics: The population target is based on the count period from 1993/4 - 1997/8 (Natural England (NE), 2002). Golden plover numbers within the site have stabilised, and evidence suggests redistribution within the site has occurred over time (Ross-Smith et al., 2013). **There is evidence from survey or monitoring that shows the feature to be in a good condition and/or currently un-impacted by anthropogenic activities.**

Point 14

1.3.2.44 The landscaping features around the substation sites, including balancing ponds, would not be expected to provide any direct benefit to golden plover, as the proposed habitats and landscaping are not characteristic of their preferred loafing or foraging habitats.

Point 15

1.3.2.45 It is the Applicants' understanding that the Natural England National Nature Reserve (NNR) team has, since the SoS' letter, now been awarded funding for the Crossens Outer and Banks Marsh measures and as such, these will not be taken forward by the Applicant.

Point 16

1.3.2.46 As set out above, it is the Applicants' understanding that the Natural England National Nature Reserve team has now been awarded funding for the Crossens Outer and Banks Marsh measures and as such, these will not be taken forward by the Applicant.

1.3.2.47 In any event, as set out at the beginning of the Applicants' response to Points 9 – 22, as of a meeting on 19 June, Natural England's advice is that AEoI on Ribble and Alt Estuaries SPA can likely be ruled out and the Applicants understand this to be without reliance on mitigation, on the basis that the substation sites are unlikely to comprise FLL.

Point 17

1.3.2.48 As set out in previous responses above, it is the Applicants' understanding that the Natural England National Nature Reserve team has now been awarded funding for the Crossens Outer and Banks Marsh measures. Whilst the Applicants will not be able to deliver these

measures (albeit compensation will not be required as AEoI have been ruled out), the Applicants note and support Natural England's position that the proposed measures at Crossens Outer and Banks Marsh will enhance the environment within the NNR and contribute to its positive management, delivering environmental benefits. These enhancements will reduce disturbance and improve habitats for a number of species, including golden plover. In doing so, the measures will provide significant benefits to golden plover, enhancing the environment within the NNR and contributing to the favourable conservation status of golden plover in the Ribble and Alt Estuaries SPA. As such, the environmental benefits associated with the proposed management interventions are expected to be realised irrespective of the party delivering them.

Point 18

1.3.2.49 Following the advice from Natural England at the meeting on 19 June that they consider AEoI can be ruled out, and mindful of minimising unnecessary documentation, the Applicants do not consider it necessary or proportionate to submit a without prejudice derogation case.

1.3.2.50 The Applicants have prepared a without prejudice derogation case, which can be provided should the Secretary of State consider it would assist him following a review of these responses. However, for the reasons set out above, the Applicants now consider this matter to be resolved and, accordingly, the derogation case is no longer required.

Point 19

1.3.2.51 The Applicants note that habitat management measures are the principal day-to-day mechanism for managing bird strike risk at Blackpool Airport and Warton Aerodrome. Active Management Measures (AMM) are typically used to manage the residual bird strike risks and are required to be sufficiently dynamic to respond to immediate issues in the event that habitat management is not feasible. The Applicants confirm that AMMs are an essential element of managing bird strike risk and that its proposed approach aligns with CAP772 guidance.

1.3.2.52 The AMMs listed in the outline Wildlife Hazard Management Plan (S_D3_8) are standard measures from CAP772 guidance and are employed by other airports (including Blackpool Airport). By their nature, AMMs are reactive measures that are deployed quickly and safely and following an agreed protocol, which includes communications with the airport. The AMMs are listed in an (increasing) order of impact and follow the principle of escalation. Section 1.4.4 of the Outline Wildlife Hazard Management Plan (S_D3_8 F05) also explains that not all AMMs are appropriate for all species or situations i.e. species react differently to the measures. The Applicant confirms that the specific AMM for each target species will be confirmed in the detailed Wildlife Hazard Management Plan and will be aligned to the measures listed in the Outline Wildlife Hazard Management Plan and relevant aviation

safety guidance (e.g. CAP772). The detailed Wildlife Hazard Management Plan will be prepared in consultation with Natural England, BAE and the Ministry of Defence as secured in Requirement 27 Schedule 2A and 2B of the draft DCO. The Applicants note that AMMs are used as part of the bird control plan for the Queensway Scheme Housing Development, which forms part of Blackpool Airport's Wildlife Hazard Risk Assessment and Management Plan (submitted at Deadline 1 (REP1-115)).

1.3.2.53 If the deployment of AMMs is required, the timing, duration and frequency of the measures will be recorded and will be considered alongside the results of the wider monitoring campaign. The Applicants will use this information to assess the potential impacts of the AMM on ornithology features.

1.3.2.54 If monitoring records show that the trigger/threshold levels are frequently exceeded (and subsequently AMM deployed), the habitat management measures will be reviewed and adjusted to reduce the potential wildlife habitat attractant whilst not downgrading the effectiveness of the mitigation area. The Applicants' position is that this is the preferred approach rather than proposing alternative AMMs, which would not be in line with the standard measures from aviation guidance. Therefore, the Applicants have not updated the Outline Wildlife Hazard Management Plan to include alternative AMMs.

Point 20

1.3.2.55 No response required.

Point 21

1.3.2.56 The following is an agreed joint response between BAE and the Applicants.

1.3.2.57 The Applicants and BAE held a constructive meeting on 16 June 2026, during which it was agreed that data sharing and reporting arrangements will be set out within the Communication Protocol to be included in the detailed Wildlife Hazard Management Plan, to be secured through DCO Requirement 27 and developed post-consent in accordance with the oWHMP (S_D3_8/F06).

1.3.2.58 Importantly, the Applicants will align reporting with BAE's existing protocols and established communication channels. It is proposed that bird monitoring data (e.g. flight activity and abundance of target species) will be recorded and reported at regular intervals, to be agreed with BAE (and DIO). In contrast, surveillance data and other information required to inform decisions on the deployment of AMM will necessitate a more dynamic, real-time system for recording on-the-ground observations, which will also be agreed through the finalisation of the detailed Wildlife Hazard Management Plan. BAE Systems (Warton Aerodrome) have active technologies which enable the monitoring of bird movements via radar. This could be considered as part of any solution, post-consent.

1.3.2.59 The specific arrangements will be agreed with BAE through the development of the Communication Protocol as part of the approval of

the Wildlife Hazard Management Plan. While it was always the Applicants' intention for these matters to be addressed within the Plan, the oWHMP has now been explicitly updated to ensure that this level of detail is included (with BAE acknowledging these updates to the oWHMP). Table 1.5 and Section 1.5 have been revised accordingly (S_D3_8/F06).

1.3.2.60 These measures will ensure that information is shared effectively and that bird strike risk at Warton will continue to be managed safely.

Point 22

1.3.2.61 The following is an agreed joint response between BAE and the Applicants.

1.3.2.62 The Applicants acknowledge that BAE Systems could not share data earlier in the examination process due to a lack of an NDA between the two parties. This NDA is now in place to support future data sharing.

1.3.2.63 As noted in response to Point 21, the Applicants and BAE met to discuss bird strike data and associated requirements. It was agreed that relevant data will be shared with the Applicants post consent to support the finalisation of the Wildlife Hazard Management Plan (in accordance with the oWHMP (S_D3_8/F06)).

1.3.2.64 The sensitivity of certain data was also discussed, and parties further agreed to work closely to ensure that monitoring and data collection align with BAE's requirements and are handled appropriately.

1.3.2.65 The data to be shared post consent is likely to include information such as:

- **Management of bird strike**: to understand how monitoring, dispersal, and control of birds is currently undertaken by BAE.
- **Risk matrix or bird strike risk assessment in current use**: to ensure the Applicants' assessment considers the latest risk information and can be integrated with BAE's own approach as far as possible.
- **Method Statement for Wildlife Management**: to better understand how BAE monitors and controls wildlife in proximity to the Aerodrome.
- **13 km Aerodrome Wildlife Survey**: to better understand how BAE monitors bird activity across the wider area, including identifying fluctuations and areas of high usage.
- **Wildlife Hazard Management Plan**: to identify key risk areas and understand existing passive and active measures, including reporting and communication protocols, to inform the Applicants' approach.
- **Strike Rate Probability Index**: used to track bird strike occurrences and assess risk at Warton Aerodrome.

1.4 Marine Physical Processes, Subtidal and Intertidal Ecology

1.4.1 Introduction

1.4.1.1 Points 23 to 29 of the SoS's letter are in relation to Marine Physical Processes, Subtidal and Intertidal Ecology and are set out as follows:

*23. The **Applicants** are requested to commit to pre - and post - construction surveys of geomorphological receptors at the intertidal work area. This is to establish a baseline prior to construction works and then evidence that the area has been fully reinstated (in line with commitment 27) and has fully recovered from temporary impacts.*

*24. The Secretary of State notes the Applicants do not anticipate needing to install cable protection between the Lowest Astronomical Tide ("LAT") and Depth of Closure ("DoC") however , he also notes that, provided the Applicants receive written permission from the MMO in consultation with the MCA and Trinity House, the draft DCO does not prevent this. The **Applicants** are therefore requested to update CoT45 or provide a new commitment to explicitly require consultation with Natural England if it is necessary to deploy any cable protection between LAT and DOC; and to require the Applicants to provide the necessary information and modelling to inform an assessment of impact on sediment transport processes from the proposed cable protection.*

*25. The **Applicants** are requested to update the commitments to adaptive management/remedial action in the Offshore In Principle Monitoring Plan to include consideration of impacts identified within the Marine Conservation Zone (" MCZ ") assessment alongside the Environmental Impact Assessment .*

*26. Noting Natural England's request in [REP5 -179] the **Applicants** are requested to commit to the use of a precise method of sediment disposal within the Fylde MCZ to ensure sediment is deposited over areas of the same seabed type and to mitigate potential impacts to other habitat features . If this is not possible, the Applicants are requested to explain why.*

*27. To further reduce impacts within the Fylde MCZ the **Applicants** are requested to update the Outline Offshore Cable Specification and Installation Plan to restrict the use of a boulder plough within the MCZ (i.e. to only allow use of a boulder grab) and to require that any relocated boulders will not be deposited to form linear structures. If this is not possible, noting the Applicants position at 3.3.1.2 in [REP7 - 042], the **Applicants** are requested to explain why a boulder grab would not be appropriate for a high density of boulders.*

*28. Noting Natural England's advice in [C1 -016] regarding Unexploded Ordnance ("UXO ") clearance, the **Applicants** are invited to explain whether it is feasible to relocate UXO from within to outside the Fylde MCZ prior to detonation. If it is so , the **Applicants** are requested to commit to this approach.*

*29. Following confirmation from the Marine Recovery Fund Operator that there is expected to be sufficient capacity in the Marine Protected Area (" MPA ") designation and/or extension s measure to meet the without prejudice MEEB requirements (1.5.2.29 in [C1 -029]) the **Applicants** are requested to explain why it is necessary to retain project -led measures in the without prejudice benthic compensation schedule.*

1.4.2 Response

Point 23

1.4.2.1 The Applicants have updated the Commitment Register (F1.5.3/F09) CoT115 and the Offshore In Principle Monitoring Plan (OIPMP)

(J20/F07) to secure pre-construction baseline surveys and post-construction recovery surveys for geomorphological receptors in the intertidal work area.

1.4.2.2 The Applicants have consulted with the MMO, who confirmed that they are satisfied with the proposed amendments to the Commitment Register and OIPMP. The updated commitment wording has been reviewed by Natural England, and the updated documents were also shared.

Point 24

1.4.2.3 CoT45 in the Commitments Register (F1.5.3/F09) has been updated to include "No cable protection will be deployed between Lowest Astronomical Tide (LAT) and Depth of Closure (DoC) without the prior written approval from the licencing authority when approving the CSIP and Cable Burial Risk Assessment, in consultation with Natural England." This is also clearly secured through the updates to Table 5 and Section 7 in the Outline Offshore Cable Specification and Installation Plan (OCSIP) (J15/F06). Delivery of the Outline OCSIP (J15/F06) is secured by condition 18(e)(i) of the Deemed Marine Licences under Schedule 14 and 15 of the DCO (REP6-013), which requires cable specification, installation and monitoring details (in accordance with the outline offshore cable specification and installation plan) to be submitted to, and approved in writing by the MMO.

1.4.2.4 The Outline OCSIP (J15/F06) already includes a commitment to pre-construction surveys (Section 4.2). And as set out in Section 7 of the Outline OCSIP (J15/F06) this information will inform the production of the final Cable Protection Plan. In order to receive approval from the MMO, in consultation with Natural England, the CSIP and CBRA contain the necessary information and modelling to inform an assessment of impact on sediment transport processes from the proposed cable protection in order for those documents to be approved.

1.4.2.5 The Applicants have consulted with the MMO, who confirmed that they are satisfied with the above wording. The updated commitment wording has been reviewed by Natural England, and the updated documents were also shared.

1.4.2.6 Notwithstanding that the MMO have the ability to consult with any additional parties who they may consider appropriate as part of the discharge process, the Applicants note that the Secretary of State could choose to secure the MMO's consultation with Natural England in relation to any proposed cable protection within the LAT and the DoC by amending the DCO so that Condition 18(1) of the Deemed Marine Licences at Schedules 14 and 15 read as follows: "*The licensed activities or any stage of those activities must not commence until the following (insofar as relevant to that activity or stage of activity) have been submitted to and approved in writing by the MMO, in consultation with* ***the appropriate SNCB****, Trinity House, the MCA and UKHO as appropriate".*

1.4.2.7 The Applicants also wish to note that should cable protection be required in shallow water, protection will be sufficiently low profile/tapped to cause minimal changes to wave, tide and sediment transport. In practice this would likely use tapered cable protection, such as mattress units, typically 0.3m in height, which are specifically designed to allow sediment transport to continue unhindered.

Point 25

1.4.2.8 The Applicants have updated Section 1.4.2 and Table 1.2 of the OIPMP (J20/F07) to reflect that adaptive management would apply to impacts predicted in the MCZ assessment, as well as the EIA. The updated OIPMP has been shared with Natural England.

Point 26

1.4.2.9 At this stage, it is not possible for the Applicants to confirm the exact method of sediment disposal within the Fylde MCZ.

1.4.2.10 The Applicants highlight that, as secured in Condition 18(1)(e) of Schedules 14 and 15 to the draft DCO (REP6-013), no sandwave clearance can be undertaken until the finalised OCSIP has been submitted to and approved in writing by the MMO. The Applicants have suggested above, in response to point 24, that Condition 18(1) could be amended to require the MMO to consult with the relevant SNCB, and consider that should the Secretary of State choose to make this amendment this would be an appropriate mechanism to deal with any concern in relation to sediment disposal, as Natural England (as the relevant SNCB) would have the opportunity to provide further comment post-consent, when the OCSIP has been submitted for approval. Section 6.5 of the OCSIP will be required to set out detail of the method of sediment disposal, as is set out in the outline OCSIP. As secured in CoT116, spoil material will be disposed within the Transmission Assets Order Limits in the immediate vicinity from where it is dredged. No offsite disposal would be required for the Transmission Assets as detailed in the Dredging and Disposal – Site Characterisation Plan (C1-029.14). As secured in CoT47 the Applicants have committed to using a Controlled Flow Excavator for all sandwave clearance in the Fylde MCZ. Using this methodology material arising from sandwave clearance by controlled flow excavation, within the Fylde MCZ, will naturally disperse within the immediate vicinity of the portion of the Transmission Assets Order Limits from which it was displaced, ensuring that material remains within the same sediment cell and that material is not lost from the system. Material will not be physically removed from the system but allowed to settle around the seabed from which it originated.

1.4.2.11 Therefore, whilst it is not possible to currently commit to a precise method of sediment disposal, within the Fylde MCZ the Applicants consider that the current methodology laid out in Section 6.5 of the Outline OCSIP (J15/F06), and secured in CoT47, ensures that sediment is deposited over areas of the same seabed type and mitigates potential impacts to other habitat features.

Point 27

1.4.2.12 The Applicants have updated the Commitments Register (F1.5.3/F09) to include CoT142 “Within the Fylde MCZ, boulder ploughs will not be used for the purpose of boulder clearance, and any boulders that are relocated will be redeposited in similar habitat type and randomly to avoid the creation of linear structures which may disrupt sediment transport.” This is also in line with the updates to Table 5 and Section 6.4 in the Outline OCSIP (J15/F06), and delivery of the Outline OCSIP (J15/F06) is secured by condition 18(e)(i) of the Deemed Marine Licences under Schedule 14 and 15 of the DCO (REP6-013).

1.4.2.13 The updated commitment wording has been reviewed by Natural England, and the updated documents were also shared.

1.4.2.14 Where a high density of boulders is seen, a plough would typically be required to clear the offshore export cable installation corridor. Where medium and low densities of boulders are present, a subsea grab is expected to be employed. The Outline OCSIP (J15/F06) geotechnical data indicates that boulders are present in a low density across the majority of the export cable corridor, but are distributed sporadically along the corridor routes. In this instance, the Applicants are therefore able to commit to not using a boulder plough within the Fylde MCZ.

1.4.2.15 The required boulder clearance width is 20m and boulders would be relocated circa 10m either side from the centreline of each cable. Due to this limited distance, boulders would, inevitably, be relocated to areas of similar habitat, and seabed characteristics would remain unchanged. Also, due to the low density and sporadic nature of the boulders coupled with the limited relocation distance, the methodology already ensures that linear structures, with the potential to interfere with baseline sediment transport regimes, would not be formed.

Point 28

1.4.2.16 During seabed preparation, if the presence of a UXO is confirmed, it would either be: avoided through micrositing of infrastructure; recovered for disposal at an alternate location; or, cleared through controlled *in-situ* low order clearance. The method will depend on factors such as the condition of the UXO and will be subject to the UXO clearance contractors’ safety assessment.

1.4.2.17 As detailed in Annex A of the Outline Marine Mammal Protocol (REP4-070) the suitability of a UXO for relocation depends on its condition (sufficiently structurally sound to remain intact) and location (as greater distances represent a higher safety risk, and factors such as weather need to be considered). It therefore may not be possible for all UXOs to be relocated, and it would be considered dangerous to attempt to relocate a UXO that does not meet the strict suitability requirements – as an uncontrolled detonation during relocation would have the potential to cause greater risks to personnel and environmental receptors than controlled in situ low order clearance detonation.

1.4.2.18 Therefore, whilst the Applicants will take measures to minimise clearance occurrences and to implement a mitigation hierarchy with regard to UXO clearance as set out in CoT64 of the Commitments Register (F1.5.3/F09), it is not possible to commit to relocating UXO from within, to outside, the Fylde MCZ prior to detonation.

1.4.2.19 The Applicants have also provided a response, detailing the low risk of clearance activities taking place within Fylde MCZ, and the negligible impacts to Suspended Sediment Concentrations (SSCs) if clearance were to take place, in the Applicants Response to Interested Parties' Submissions at Secretary of State Consultation 1 (S_SoSQ_15).

Point 29

1.4.2.20 The Applicants consider that it is important to retain project-led measures, in addition to the potential reliance on the Marine Recovery Fund (MRF), in order to preserve flexibility where project-led measures were also available. In addition, the timescales of the MRF are uncertain and given the delivery programme of the Transmission Assets, project-led measures may be more suitable in order to ensure that delivery of the relevant measures can definitely be secured and delivered in the required timescales. Paragraphs 2 and 3 of Part A, and paragraphs 11 and 12 of Part B, of the Without Prejudice Benthic Compensation Schedule to the DCO (REP6-013), provide that the Secretary of State must ultimately approve either of the project-led measures, or any decision to rely on the MRF, meaning that the SoS could at this stage direct reliance on the MRF if there was a strong preference.

1.5 Flooding

1.5.1 Introduction

1.5.1.1 Point 30 of the SoS's letter is in relation to flooding and is set out as follows:

*30. In the Parish Councils' response [C1 -007] they note that the Environment Agency issued further flood data in its "Flood Zones plus Climate Change " series1 (issued 27 August 2025). The **Applicants** are requested to confirm if this has been considered and, if not, to provide any update s to the Flood Risk Assessment accordingly. The **Environment Agency** is also invited to confirm whether it considers this data should be incorporated into the Flood Risk Assessment.*

1.5.2 Response

Point 30

1.5.2.1 The Applicants note that the update that is referred to in C1-007 is an update to the Flood Map for Planning service of a new map layer which shows climate change projections for flood zones, replacing two existing layers. In the official guidance published by the Environment Agency to support the release of the new layer they state '*the new layer will not*

affect live applications as it is a simplification of our existing data and does not change our understanding of flood risk'[1].

1.5.2.2 The Applicants further highlight that the Flood Risk Assessment (FRA) (Volume 3, Annex 2.3 F01) and the hydrology assessment (Volume 3, Chapter 2 F01) were informed by location specific modelling data provided by the Environment Agency. This data included an allowance for climate change and on that basis it is deemed that a sufficient allowance for climate change has already been captured within the assessment.

1.6 Funding for the Morgan Offshore Wind Project Transmission Assets.

1.6.1 Introduction

1.6.1.1 Points 31 to 35 of the SoS's letter are in relation to funding for the Morgan Offshore Wind Project Transmission Assets and are set out as follows:

31. If the current shareholders of Morgan Offshore Wind Limited do not continue to promote the Proposed Development this may have implications for whether compulsory acquisition (CA) powers can be granted. In response to the last request for information:

a. The Applicants state that the intention of the shareholders of Morgan Offshore Wind Limited is to step away from the Morgan project as soon as possible following the Secretary of State's decision on 14 May 2026, and that if the decision is delayed beyond that date Morgan Offshore Wind Limited 's shareholders would need to consider whether they will continue to promote the proposed development [C1-029].

b. Agents SHP Valuers acting for Greenbank Farm state that negotiations for the Morgan Offshore Wind Farm agreements are being paused, and option plans updated to remove land or references to Morgan Offshore Wind Farm [C1-004].

c. Blackpool Borough Council state Morgan Offshore Wind Farm Ltd have issued an exit notice from the co -operation agreement [C1-027].

*32. To be able to grant CA powers, the Secretary of State must have certainty that any statutory blight claim could be met and that genuine efforts are being made to negotiate in relation to all land rights for which compulsory acquisition is sought. Noting that the statutory deadline for this decision has now been extended until 14 September 2026, the **Applicants** are asked to confirm:*

a. whether the current shareholders of Morgan Offshore Wind Limited will continue to promote the proposed development until there has been a sale or 7 transfer to an alternative developer , including continuing to negotiate all voluntary agreements ; and

b. whether the current shareholders of Morgan Offshore Wind Limited will meet any statutory blight claims that will arise from the grant of CA powers if development consent is granted , in the event that a n alternative developer has not been found at the time that any such claims are made.

33. In response to questions on land rights [C1-029], the Applicants discuss Morgan Offshore Wind Farm Limited notice to exit and the agreement for Morecambe Offshore Windfarm Limited to meet Morgan Offshore Wind Farm Limited's

[1] OFFICIAL-External-Briefing-FMfP-developer-update-August-2025-v1.pdf

*obligations under the cooperation agreement with Blackpool Airport. The **Applicants** are requested to confirm if this is the case for any other land rights agreements.*

*34. The Crown Estate notes in its response [C1 -017] that under the lease agreement, should Morgan Offshore Wind Farm Limited terminate the lease , The Crown Estate has the right to require that any relevant consents are transferred to The Crown Estate or an alternative company. To date , no alternative company is in place. **The Crown Estate** is requested to confirm whether there are any circumstances in which it would take responsibility for continuing land rights negotiations and providing financial security to meet claims arising from statutory blight, until an alternative developer is in place for the Morgan Offshore Wind Project Transmission Assets .*

*35. If the Secretary of State is not given the confidence he seeks in asking these questions and as a result CA powers are refused for the Morgan Offshore Wind Project Transmission Assets (referred to as " Project A " in the draft Development Consent Order) , then any alternative developer taking on the Morgan project would need to obtain all necessary land rights by negotiation or apply for a Compulsory Purchase Order under different legislation (for example the Electricity Act 1989). The Applicants note that this would require further time (12 -18 months) and incur additional costs [C1-029]. **The Applicants** and **The Crown Estate** are asked to confirm , with justification, that the Morgan Offshore Wind Project would remain viable in planning terms for an alternative company should development consent be granted for the transmission assets without any CA powers.*

1.6.2 Response

Point 31

1.6.2.1 No response by the Applicants requested.

Point 32

1.6.2.2 In response to Points 33 – 35 of the Secretary of State's first information request to the Applicants in May 2026 (C1-001), in relation to the grant of CA powers for Morgan, the Applicants confirmed that:

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

1.6.2.3 The Applicants recognise the Secretary of State's position that he may not be satisfied in relation to Morgan (Project A) that, during the interim period until a successor Project A developer is confirmed, there is sufficient certainty that any statutory blight claim could be met and that genuine efforts are being made to negotiate in relation to all land rights. The Applicants appreciate this decision is a matter for the Secretary of State.

1.6.2.4 As set out and justified in the response to Point 35 below, the Morgan Offshore Wind Project would remain viable in planning terms, and would remain an attractive commercial opportunity, for an alternative developer should development consent be granted for Project A even without any CA powers.

1.6.2.5 If the Secretary of State is minded to withhold CA powers for Project A, the Applicants have provided a without prejudice Schedule of Proposed Changes to the draft Development Consent Order to remove CA powers for Project A (S_SoSQ_16). Two without prejudice options for drafting are provided:

1.6.2.6 **Without Prejudice Drafting Option 1** - removal of CA powers for Morgan, specifically the powers to compulsorily acquire both land and rights in Articles 20, 22 and 24(1) and (3). As the Secretary of State is aware, Schedule 13 of the Town and Country Planning Act 1990 as it applies to Development Consent Orders allows the request for CA powers in an Application to trigger blight. By removing these Articles, there will be no statutory blight claims arising from the grant of CA powers for Project A; or

1.6.2.7 **Without Prejudice Drafting Option 2** – remove all powers which relate to interference with rights in land, in other words extending Option 1 to remove temporary use and ancillary powers. It is not considered that this second option is necessary or appropriate because: (i) blight liability does not attach to these powers; (ii) the level of interference is of a lower level and so the engagement already undertaken is proportionate to allow these powers to be granted; and (iii) Article 33 of the draft DCO (REP6-013) already prohibits Morgan from exercising any of these powers until financial security is in place and the Secretary of State has approved. So the Secretary of State must be satisfied with the financial provision of the successor developer of Morgan before any of these powers can be exercised. As such, without prejudice drafting option 1 is considered the more appropriate, if the Secretary of State were to withhold CA powers for Project A.

1.6.2.8 The Crown Estate has now commenced its re-tender process (see response to Point 34 below) and Morgan Offshore Wind Limited are engaging with The Crown Estate in relation to that process. The shareholders of Morgan Offshore Wind Limited consider that the future negotiation of all voluntary agreements is most appropriately continued by the successor developer. 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.

Point 33

1.6.2.9 The Applicants confirm that no other land agreements have been exited.

Point 34

1.6.2.10 Although not addressed to the Applicants, the Applicants note The Crown Estate has confirmed in a Press Release of 8 June 2026 (The Crown Estate to launch tender for Morgan offshore wind site in the Irish Sea) its intention to award the Morgan site to a new developer in late 2026 (earlier than the 'Q1 2027' date set out in the response from The Crown Estate to the Secretary of State's Consultation 1 (C1-017)).

1.6.2.11 The TCE Press Release states:

"The Crown Estate to launch tender for Morgan offshore wind site in the Irish Sea

The Crown Estate intends to launch a competitive tender process next month to bring the Morgan offshore wind site back to market, with a view to awarding it to a developer in late 2026.

The site with the potential for up to 1.5GW in the Irish Sea was brought to market through Offshore Wind Leasing Round 4 in 2021 but development was discontinued in January 2026.

Since then, The Crown Estate has reviewed several options to return the site to market and enable the potential it has to provide up to 1.5 million homes with clean, homegrown energy and create thousands of jobs.

Morgan secured a Development Consent Order (DCO) for its windfarm asset in August 2025 and is awaiting a decision on the DCO application for its transmission assets, a joint application with the transmission assets of the 480MW Morecambe offshore windfarm, now expected this September.

The site currently has a grid connection agreement with the National Energy System Operator (NESO). Further details about the site conditions, tender process and commercial model will be made available to developers shortly."

1.6.2.12 For completeness, the Applicants note that the process to transfer necessary consents set out in The Crown Estate's previous response (C1-017) and highlighted by the Secretary of State aligns with the standard transfer of benefit provisions in the draft DCO (Article 6, REP6-013).

Point 35

1.6.2.13 The Applicants confirm that, should development consent be granted for Project A without compulsory acquisition (CA) powers, the Morgan Offshore Wind Project would remain viable in planning terms for an alternative developer.

1.6.2.14 The consideration of whether the Morgan Offshore Wind Project would remain viable in planning terms for an alternative promoter comes down to: (1) the scope of the development consent granted for Project A; (2) programme viability within the timeframes of the consents (in relation to which timing of land assembly is considered); and (3) any other known or obvious impediments to delivery which are relevant in planning terms.

1.6.2.15 Each is considered below.

1.6.2.16 The response below also notes that the approach to design of the projects (independent but co-ordinated) remains appropriate in all scenarios.

The Scope of the Development Consent in the Transmission DCO

1.6.2.17 The works authorised by the Order would not be altered if the SoS were to grant development consent without CA powers for Project A. So in planning and consenting terms, all necessary works applied for by the current developer for the delivery of the Project A would be authorised through the grant of development consent and the deemed marine licences, which would in turn allow for delivery of the Morgan Offshore Wind Project (in conjunction with the already granted development consent order for the generation site).

Delivery within Authorised Timeframes

1.6.2.18 As can be seen from Table 3.4 and Plates 3.1- 3.3 of the Project Description (REP6-038) (which present the indicative construction scenarios), the Project A construction scenario is 36 months and there is a commitment to a maximum of a 4 year gap between the two projects' construction programme. As set out in response to Point 34 above, TCE will commence the leasing process for the Morgan wind farm site next month, with the intention of having a new developer in place later this year. Whilst the planning and consenting position for a project is distinct from the land rights position (which is essentially a commercial rather than planning consideration), the Programme included at the end of this response is clear that it allows for a period of renewed development activity by a new promoter including securing necessary land rights, and that period is within the time limits of The Morgan Offshore Wind Project Generation Assets Order 2025.

1.6.2.19 The Applicants would also like to note that in relation to voluntary agreements:

- a significant proportion of persons with an interest in land are shared with the Morecambe Offshore Wind Farm project, which is progressing its own land negotiations. Morecambe has confirmed in response to point 39 that heads of terms have been concluded for 66% of the onshore cable route and precedent option agreements for 24 land owners are now agreed, ready to be signed by individual land owners shortly (and an option for the substation site has also been concluded);
- as those negotiations continue to advance, they are expected to establish a clear framework and precedent agreements, which a future promoter of Project A could rely on; and
- it has already been demonstrated that key landowners (including for Project A substation and Blackpool Airport and Blackpool Council) are willing to enter into voluntary agreements (REP7-032 and C1-029.39).

1.6.2.20 In relation to compulsory acquisition, powers are available under other legislation if voluntary negotiations on any plots were not to conclude timeously. Morgan Offshore Wind Limited holds an Electricity Generation licence under Section 6 of the Electricity Act 1989. The same will be required of the new developer. Section 10 and Schedule 3 of the 1989 Act make provision for the compulsory purchase of land by the holder of a licence. A future change application to the transmission DCO to reinstate CA powers could be another alternative. Much of the preparatory work has already been carried out in seeking CA powers in the DCO, and a timescale of 12 – 18 months is considered ample. The additional cost would also not be prohibitive to a new developer in the context of normal offshore wind development budgets.

1.6.2.21 Taken together, this provides a credible basis to conclude that acquiring land rights could be progressed efficiently by a successor of Project A within the existing consent timescales.

1.6.2.22 The Applicants also note that Project A will also benefit in terms of timescales from the work done by Project B to discharge Requirements within the DCO. The wording of Requirements is identical for both projects (save in relation to Requirement 29 which the Applicants have proposed for Project A only) meaning that the second project to come forward will benefit from work carried out by the first, further reducing the programme pressure on the second progressing project.

Any other Impediments which are Relevant Considerations in Planning Terms

1.6.2.23 Through the application for CA powers as part of the DCO, the Applicants have already sought to demonstrate that any potential risks or impediments to implementation of the scheme have been properly managed.[2]

1.6.2.24 The Applicants have not identified any requirements, marine licence conditions or other matters secured by the draft DCO which are considered impediments to delivery or otherwise relevant to the viability of the Morgan Offshore Wind Project in planning terms.

Co-ordination and Good Design

1.6.2.25 The Secretary of State can take further comfort on the continuing viability of Morgan in planning terms (and also of Morecambe alone, and of the projects together) from the continuing importance of the good design and co-ordination objectives of the Transmission Assets, both alone and together. The project design is for two independently deliverable sets of transmission infrastructure (each Critical National Priority (CNP) in its own right) designed in a co-ordinated way to maximise the (limited) available space and minimise environmental impacts. All delivery scenarios (one project alone, both concurrently, or both sequentially) were envisaged from the outset, and assessed and consulted on.[3]

1.6.2.26 Therefore, the co-ordinated approach to design is best practice for each of the projects alone and together. This remains the case in all delivery scenarios. It is not necessary for both of these projects to progress in lockstep (or even for both to be delivered at all at this time) for this design approach – where each project considers the needs of other foreseeable projects – to be appropriate and important.

1.6.2.27 This approach is supported by the National Policy Statements, which recognise that achieving urgent climate, security of supply and affordability goals will require a significant number of CNP projects, and so each project must be designed in an efficient and co-ordinated way to ensure these overall objectives can be achieved within the UK's existing constraints and other priorities, while minimising impacts

[2] See Paragraph 19 Planning Act 2008: Guidance related to procedures for the compulsory acquisition of land

[3] Section 1.3 of the Explanatory Memorandum (REP6-016) (and for more detail see explanations of the assessment of the different scenarios submitted to Examination (Documents AS-070, REP1-060, and REP5-131)

(including avoiding piecemeal development and a proliferation of infrastructure).[4]

1.6.2.28 The focus of representations on alternatives has been on the Point of Interconnection (a Point of Interconnection at Stanah would be a different project – see 2.2.3.10 of the Applicants' Closing Statement REP7-042), alternative substation locations near the PoI at Penwortham have not been suggested. However, it is still supportive of the planning case that, for the reasons set out above, the Applicants' approach to routing and siting (which reflects the NPS, Horlock Rules and co-ordination) remains suitable for both projects, alone and together (ES Volume 1, Chapter 4: Site selection and consideration of alternatives (AS-026)).

1.6.2.29 Further to this, as was noted by the Applicants in response to Hearing Action Point 12, the approach taken to co-locating two substations within a single zone, but not siting them directly adjacent to one another, "*ensures that in a scenario where only one project is built, the substation would still be sited appropriately and allow for effective mitigation – rather than being sited along with a project that does not exist (and therefore does not align with the site selection principles*" (see Hearing Action Point ISH1_12 in REP1-037).

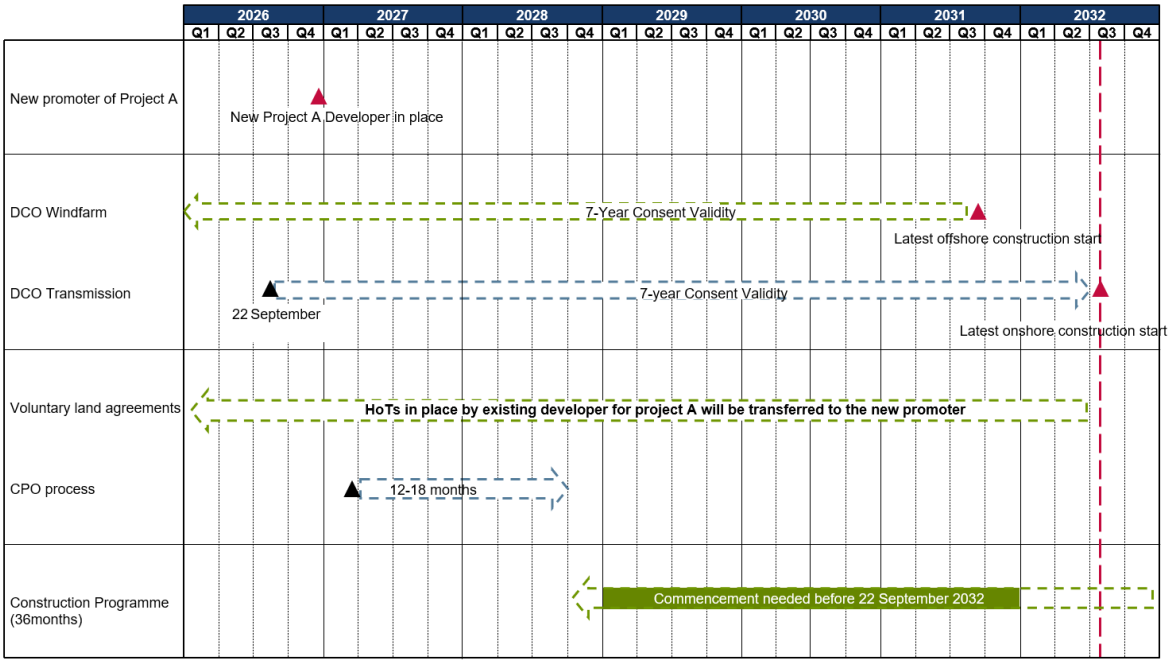
1.6.2.30 The Applicants stated in their submission to the Secretary of State, on 30 January 2026 (the "January update") that there is no impediment to granting consent for the Morecambe project alone – this conclusion still stands and is supported by the foregoing. However, the foreseeability of Morgan has only strengthened in the interim, (see response to Point 34 above and https://www.thecrownestate.co.uk/news/the-crown-estate-launch-tender-for-morgan-offshore-wind-site), and as such the change in developer of Morgan does not undermine the co-ordination objectives or design, or ultimately the planning viability, of Morgan (both alone and together with Morecambe).

Conclusions

1.6.2.31 The combination of: (i) a credible re-leasing timeline; (ii) the availability of alternative statutory routes to secure land rights; (iii) the progress made on voluntary negotiations for shared land interests; and (iv) the development programme, together demonstrate that any additional time or cost associated with alternative land assembly routes does not undermine the Project A's deliverability or planning acceptability. The continuing importance in all scenarios of the design approach (independent but co-ordinated) further supports this conclusion.

[4] or example, a "s*ignificant number of deliverable*" CNP infrastructure locations will be required and each location must "*maximise its capacity*" (EN-1 paragraph 4.2.21) and that proposals for such projects *"should demonstrate good design, particularly in respect of [...] opportunities for co-existence / co-location with other marine and territorial uses [...]"* (EN-3 paragraph 2.5.2). The NPSs also support a strategic approach to network planning, and the design of the Transmission Assets is supported by the Holistic Network Design (HND) (EN-1 (2025) paragraph 3.3.74 and EN-5 (2025) paragraph 2.13.9).

Project A – CPO timeframes relative to planning and construction viability- as per the DCO



1.7 Land Powers

1.7.1 Introduction

1.7.1.1 Points 36 to 39 of the SoS's letter are in relation to Land Powers and are set out as follows:

*36. **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.*

*37. **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, including whether agreement has been reached in this regard.*

*38. 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. **Blackpool Borough Council** has requested Protective Provisions be included in the draft Development Consent Order [C1- 027], the Applicant is requested to comment on these.*

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

1.7.2 Response

Point 36

1.7.2.1 Representatives of the Applicants and Eastham Hall Farm continue to participate in active and productive negotiations on the required land rights for the project. The matter in relation to the Ballam Road access has been agreed between the parties, the outstanding matters between

the parties are of a commercial nature. Representatives of the Applicants last met with the agent for Eastham Hall Farm on the 11 June 2026 and are hopeful that agreement can be reached shortly.

1.7.2.2 The works required to establish, manage, and maintain the mitigation land are set out in the oEMP (J6/F06).

Point 37

1.7.2.3 Blackpool Borough Council and Morecambe OWL have agreed the access agreement required for the access to Starr Gate. The agreement is circulating for signature at present with the aim to complete it shortly.

1.7.2.4 The Heads of terms for the land rights required at the Dunes for Morecambe OWL have also been agreed and will now progress to the legal teams to agree the required option agreement. The form of access agreement and Dunes HoTs could be replicated for Project A in due course.

Point 38

1.7.2.5 The following is an agreed joint response between Blackpool Borough Council, Blackpool Airport and the Applicants.

1.7.2.6 Blackpool Borough Council, Blackpool Airport and the Applicants are in the process of formalising an agreed position on Protective Provisions, principles are agreed and confirmations will be submitted to the Secretary of State as soon as possible.

Point 39

1.7.2.7 Morecambe OWL continue to progress negotiations with landowners in relation to securing voluntary agreements and has now reached agreement with 66% of the affected landowners. In terms of the overall linear length of the cable for Morecambe, this represents approximately 72% of the landholdings affected by the project.

1.7.2.8 Morecambe OWL is also progressing the necessary legal agreements and has agreed precedent documentation with landowner's legal representatives for 24 agreements. Work on securing the remaining legal agreements continues at pace.

2 References

Bowland Ecology (2021) *Identification of Functionally Linked Land supporting SPA waterbirds in the North West of England*. NERC361. Natural England

Chapman, C. & Tyldesley, D. (2016). *Functional linkage: How areas that are functionally linked to European sites have been considered when they may be affected by plans and projects - a review of authoritative decisions*. Natural England Commissioned Reports, Number 207.

Copernicus Land Monitoring Service (2020) CORINE Land Cover 2018 (raster 100 m), Europe, 6-yearly – version 2020_20u1, May 2020. DOI: 10.2909/960998c1-1870-4e82-8051-6485205ebbac.

Mason, C.F. and Macdonald, S.M., 1999. Habitat use by Lapwings and Golden Plovers in a largely arable landscape. Bird Study, 46(1), pp.89-99.

Gillings, S., Fuller, R.J. And Sutherland, W.J. (2007), Winter field use and habitat selection by Eurasian Golden Plovers Pluvialis apricaria and Northern Lapwings Vanellus vanellus on arable farmland. Ibis, 149: 509-520. Accessed: https://onlinelibrary.wiley.com/doi/10.1111/j.1474-919X.2007.00677.x