



MORGAN AND MORECAMBE OFFSHORE WIND FARMS: TRANSMISSION ASSETS

Schedule of Proposed Changes to the Draft Development Consent Order including Draft Deemed Marine Licences

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1 **Without Prejudice Proposed Schedule of Changes of the draft Development Consent Order following the Secretary of State Information Request 2**

1.1.1.1 This document has been prepared in response to Secretary of State Information Request 2 (C2-001) Point 32 regarding the potential for the Secretary of State to grant development consent for Morgan without Powers of Compulsory Acquisition.

1.1 **Explanatory Notes**

1. The purpose of this document is to provide the changes to the Development Consent Order (“DCO”) which would be required, if the Secretary of State was minded to remove Morgan’s compulsory acquisition powers from the scope of the development consent order, it is provided by the Applicants on a without prejudice basis.
2. In the Schedule of Changes to the DCO (C1-029.16) (the “Schedule of Changes”) which was submitted further to the Secretary of State’s Request for Information on 12 March 2026, in column 2 the Applicants showed in track change the amendments they had made to the DCO. In this document the Applicants provide proposed amendments that the Secretary of State is invited to make, should the Secretary of State be minded to grant development consent for Project A but without powers of compulsory acquisition (and grant development consent, powers of compulsory acquisition and temporary possession for Project B). In column 3 of the Schedule of Changes to the DCO the Applicants provided a “Reason” for each amendment that had been made. In this document, however, the reason for all changes proposed is to create an Order which would grant development consent for Project A but without powers of compulsory acquisition and potentially temporary possession (and grant development consent, powers of compulsory acquisition and temporary possession for Project B), this document therefore contains no column to set out the individual reasoning for each change.
3. The starting principle for the Applicants’ consideration in preparing this document (i.e. proposing drafting which removes compulsory acquisition powers for Project A) was to remove the burden of prospective Blight from those parties who are caught by the provisions of Schedule 13 of the Town and Country Planning Act 1990 paragraph 24(c). For the avoidance of doubt, if the changes proposed within this document are incorporated to the DCO as made by the Secretary of State, the Applicants would not be seeking any powers of compulsory acquisition in relation to Project A and so parties with an interest in land which is shown as an “A” plot on the Land Plans (REF6-006) will no longer be affected by the potential for Blight in relation to their property.

4. These changes are based on the final version of the draft Development Consent Order (REP6-014) submitted at deadline 6 and later with proposed modifications in the Schedule of Changes.
5. Whilst the seeking of authority to compulsorily acquire land and permanent rights in land can trigger Blight liabilities, the Applicants would note that powers of Temporary Possession are not powers to “compulsorily acquire”, meaning that land which is subject to powers of Temporary Possession cannot result in Blight liabilities arising. However, in order to provide the Secretary of State with the necessary drafting amendments, should he wish to remove all powers from Project A which relate to interference with rights in land, optional drafting to account for this has been included within this document.
6. The Applicants have therefore identified two sets of drafting ‘options’ for the Secretary of State in the table below, which are denoted by column 3 headed ‘Option 1 or Option 2’.
 - a. Option 1 removes powers of compulsory acquisition for Project A – for the avoidance of doubt, this removes all potential for Project A Blight liabilities.
 - b. Option 2 - removes all powers of compulsory acquisition, as well as all other powers from Project A which relate to interference with rights in land.
7. The drafting choice to replace text with “Not Used” in the table below allows for Morgan (or a successor) to apply to have powers of Compulsory Acquisition reinstated into the DCO without need for any numerical amendments which could create unnecessary confusion for future versions of the Development Consent Order. This is an appropriate drafting mechanism, which has been used in other DCOs for this same reason.

Table 1: Table of proposed amendments to the draft Development Consent Order following Secretary of State Information Request 2

Article / Paragraph / Schedule number	Amendment	Drafting Option 1 (remove CA only) and / or Option 2 (remove all land powers)
Article 20 (Compulsory acquisition of land)	Delete all text from Article 20(1) and 20(3) and replace with “Not Used”.	Option 1 and Option 2
Article 21 (Time limit for exercise of authority to acquire land compulsorily)	1. Delete the text from Article 21(1) and replace with “Not Used”;	Option 1 and Option 2

Article 21 (Time limit for exercise of authority to acquire land compulsorily)	1. Delete the text from Article 21(1) and replace with “Not Used”; 2. Amend Article 21(3) as follows: <i>The authority conferred by article 29 (temporary use of land for carrying out the authorised project) ceases for Morgan at the end of the period referred to in paragraph (1) and for Morecambe at the end of the period referred to in paragraph (2), except that nothing in this paragraph prevents each undertaker Morecambe remaining in possession of land after the end of the relevant period, if the land was entered and possession was taken before the end of that relevant period.</i>	Option 2
Article 22 (compulsory acquisition of rights)	1. Amend Article 22(1) as follows: <i>(1) Subject to paragraphs (2) and (3) -</i> 2. Delete all text from Article 22(1)(a), 22(2), and 22(4) and replace with “Not Used”.	Option 1 and Option 2
Article 24 (Private Rights)	Delete all text from Article 24(1) and 24(3) and replace with “Not Used”.	Option 1
Article 24 (Private Rights)	Delete all text from Article 24(1), 24(3) and 24(5) and replace with “Not Used”	Option 2
Article 28 (Rights under or over streets)	Replace all references to “undertaker” with “Morecambe” except for in Article 28(5).	Option 2
Article 29 (Temporary use of land for carrying out the authorised project)	1. Delete all text from Article 29(1), 29(4), 29(6), 29(8), 29(15) and replace with “Not Used”. 2. Amend Article 29(3) as follows: <i>Not less than 40 days before entering on and taking temporary possession of land under this article the undertaker must serve notice of the intended entry on the owners and occupiers of the land and</i>	Option 2

	<i>explain the purpose for which entry is taken in respect of land specified under paragraph (1)(a)(iii) or 2(a)(ii).</i> 3. Amend Article 29(10)(d) as follows: <i>Restore the land on which any works (including ground strengthening works) have been constructed under sub-paragraph (1)(e) by Morgan or sub-paragraph 2(e) by Morecambe insofar as the works relate to environmental mitigation works;</i> 4. Amend Article 29(14) as follows: Nothing in this article prevents the taking of temporary possession more than once in relation to any land specified in Schedule 7A (land of which only temporary possession may be taken – Project A) and Schedule 7B (land of which only temporary possession may be taken – Project B).	
Article 30 (Temporary use of land for maintaining the authorised project)	1. Delete all text from Article 30(1), and replace with “Not Used”. 2. Amend Article 30(3) as follows: <i>Paragraphs (1) and (2) do does not authorise the undertaker to take temporary possession of—</i>	Option 2
Article 31 (Statutory Undertakers)	Amend Article 31 as follows: <i>Subject to the provisions of Schedule 10 (protective provisions) the undertaker Morecambe may—</i>	Option 1 and Option 2
Article 33 (Funding)	Revert to previous draft of this Article as set out in REP6-014 and delete changes incorporated by the Schedule of Changes (C1-029.16) and then amend, such that Article 33 reads as follows:	Option 1 and Option 2

- 33.—(1) ~~Not Used~~ ~~Morgan must not exercise the powers conferred by the provisions referred to in paragraph (3) in relation to any land unless it has first put in place either—~~
- ~~(a) a guarantee and the amount of that guarantee approved by the Secretary of State in respect of the liabilities of Morgan to pay compensation pursuant to the provisions referred to in paragraph (3); or~~
 - ~~(b) alternative form of security and the amount of that guarantee approved by the Secretary of State in respect of the liabilities of Morgan to pay compensation pursuant to the provisions referred to in paragraph (3).~~
- (2) ~~Morecambe~~ ~~The undertaker~~ must not exercise the powers conferred by the provisions referred to in paragraph (3) in relation to any land unless it has first put in place either—
- (a) a guarantee and the amount of that guarantee approved by the Secretary of State in respect of the liabilities of ~~Morecambe~~ ~~the undertaker~~ to pay compensation pursuant to the provisions referred to in paragraph (3); or
 - (b) alternative form of security and the amount of that guarantee approved by the Secretary of State in respect of the liabilities of ~~Morecambe~~ ~~the undertaker~~ to pay compensation pursuant to the provisions referred to in paragraph (3).
- (3) The provisions are—
- (a) article 20 (compulsory acquisition of land);
 - (b) article 22 (compulsory acquisition of rights);
 - (c) article 24 (private rights);
 - (d) article 26 (acquisition of subsoil only);

- (e) article 28 (rights under or over streets);
- (f) article 29 (temporary use of land for carrying out the authorised project);
- (g) article 30 (temporary use of land for maintaining the authorised project);
- (h) article 31 (statutory undertakers); and
- (i) article 32 (recovery of costs of new connections).

(4) A guarantee or alternative form of security given in respect of any liability of ~~either Morgan or Morecambe~~ **the undertaker** to pay compensation under this Order is to be treated as enforceable against the guarantor or provider of security by any person to whom such compensation is properly payable and must be in such a form as to be capable of enforcement by such a person.

(5) Nothing in this article requires a guarantee or alternative form of security to be in place for more than 15 years after the date on which the relevant power is exercised.

(6) **Not Used** ~~Nothing in this article requires a guarantee or alternative form of security to be put in place by Morgan where—~~
~~(a) Morgan provides the Secretary of State with financial information sufficient to demonstrate that it has appropriate funding in place without a guarantee or alternative form of security to meet any liability to pay compensation under this Order in respect of the exercise of the relevant powers in paragraph (3); and~~

~~(b) The Secretary of State provides written confirmation that no such guarantee is required, such written confirmation not to be unreasonably withheld.~~

(7) Nothing in this article requires a guarantee or alternative form of security to be put in place by

~~Morecambe~~ the undertaker where—

(a) ~~Morecambe~~ The undertaker provides the Secretary of State with financial information sufficient to demonstrate that it has appropriate funding in place without a guarantee or alternative form of security to meet any liability to pay compensation under this Order in respect of the exercise of the relevant powers in paragraph (3); and

(b) The Secretary of State provides written confirmation to the undertaker that no such guarantee is required, such written confirmation not to be unreasonably withheld.

Schedules

Schedule 7A (Land of which only temporary possession may be taken – Project A)

Delete all text save for the Schedule title and replace with “Not Used”.

Option 2

Schedule 8A (Land in which only new rights etc. may be acquired – Project A)

Delete all text save for the Schedule title and replace with “Not Used”.

Option 1 and Option 2