



MORGAN AND MORECAMBE OFFSHORE WIND FARMS: TRANSMISSION ASSETS

Applicants' Response to Secretary of State's Letter Dated 08 July 2026 (C3-001)

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Prepared by:

**Morgan Offshore Wind Limited,
Morecambe Offshore Windfarm Ltd**

Prepared for:

**Morgan Offshore Wind Limited,
Morecambe Offshore Windfarm Ltd**

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Glossary

Term	Meaning
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.
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.
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.
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: 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).

Term	Meaning
Morgan and Morecambe Offshore Wind Farms: Transmission Assets	The offshore export cables, landfall, and onshore infrastructure for the Morgan Offshore Wind Project and the Morecambe Offshore Windfarm. This includes the offshore export cables, landfall site, onshore export cables, onshore substations, 400 kV grid connection cables and associated grid connection infrastructure such as circuit breaker compounds. Also referred to in this report as the Transmission Assets, for ease of reading.
Morgan Offshore Wind Project: Transmission Assets	The offshore export cables, landfall and onshore infrastructure required to connect the Morgan Offshore Wind Project to the National Grid.
Offshore Order Limits	See Transmission Assets Order Limits: Offshore (below).
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 Order Limits	See Transmission Assets Order Limits: Onshore (below).
Onshore substations	The onshore substations will include a substation for the Morgan Offshore Wind Project: Transmission Assets and a substation for the Morecambe Offshore Windfarm: Transmission Assets. These will each comprise a compound containing the electrical components for transforming the power supplied from the generation assets to 400 kV and to adjust the power quality and power factor, as required to meet the UK Grid Code for supply to the National Grid.
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: 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 on Integrity
CA	Compulsory Acquisition
DCO	Development Consent Order
EIA	Environmental Impact Assessment
ES	Environmental Statement
FLL	Functionally Linked Land
ISAA	Information to Support Appropriate Assessment
O&M	Operation and Maintenance
PDE	Project Design Envelope
SPA	Special Protection Area
TP	Temporary Possession
UK	United Kingdom

Units

Unit	Description
%	Percentage
km	Kilometres
m	Metres

1 Applicants' Response to Secretary of State's Letter Dated 08 July 2026

1.1 Introduction

- 1.1.1.1 On 08 July 2026 the Secretary of State published a letter (the Third Information Request) (C3-001) 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.

2 Part 1

2.1 Land Powers

2.1.1 Point 7

*7. The **Applicants** are requested to provide further updates regarding negotiations on any land rights agreements.*

2.1.2 Response

- 2.1.2.1 Morecambe 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.
- 2.1.2.2 For details on the updates with individual interested parties please refer to the updated Land Rights Tracker (S_D1_15/F08).
- 2.1.2.3 Morecambe is also progressing the necessary legal agreements and has agreed precedent documentation with landowner's legal representatives for 33 landowners. 15 of those precedent agreements have been issued in final form to interested parties' legal representatives. Work on securing the remaining legal agreements continues at pace.
- 2.1.2.4 In relation to the Tenant's interest in land needed for the Morecambe substation, Morecambe continue to try and engage with the Tenant (Mr Fare) through his agent and are open to the use of Alternative Dispute Resolution methods to resolve valuation differences.
- 2.1.2.5 The Morgan position in respect of voluntary negotiations remains as submitted at Deadline 7 and within the Land Rights Tracker.

2.2 Funding for Morgan Offshore Wind Project Transmission project

2.2.1 Point 8

8. On a without prejudice basis, assuming that compulsory acquisition (CA), temporary possession (TP) and all other land powers were to be refused for the Morgan Offshore Wind Project Transmission Assets Project, the Applicants are requested to provide updated versions of all relevant documents as necessary, which may include (but is not limited to): Statement of Reasons, Funding Statement, Book of Reference, Schedule of Changes to the BoR, draft Development Consent Order (DCO), Land Plan - Onshore, Land Rights Tracker, Access and Rights of Way Plans, Crown Land Plans, Section 135 Progress Tracker, and Planning Statement.

2.2.2 Response

2.2.2.1 Over the course of the decision stage, the three Information Requests made by the Secretary of State (C1-001 and C1-002, C3-001) create the potential for four consent scenarios. Notwithstanding that the Secretary of State's requests are made on a Without Prejudice basis, the Applicants have adopted a structured document submission designed to provide the Secretary of State with all of the material she requires to determine the application under each of these scenarios, without the need for any further information request. The Applicant's response to this Point explains the rationale and details the structure of the document submissions.

2.2.2.2 The Applicants have prepared a single updated draft Development Consent Order (S_SoSQ_34) which incorporates all the Without Prejudice changes previously proposed by the Applicants in response to the First and Second Information Requests, together with the Without Prejudice changes now requested by the Secretary of State in the Third Information Request. These changes include the removal of land powers for Morgan (C2-029.4), the removal of plots relating to Lytham Moss (in response to Third Information Request), and the biodiversity benefit change (C1-028.39 Section 1.17.2), as well as other changes which the Applicants had separately proposed, including the inclusion of an agreed Requirement and Protective Provisions for the benefit Blackpool Airport (S-SoSQ_17 Blackpool Airport Protective Provisions – Joint Statement). These are all also set out in the Schedule of Changes to the draft Development Consent Order (dDCO) (S_SoSQ_35) which also includes amendments that would need to be made to the Explanatory Memorandum (the Applicants note this document is not updated following Information Requests but can do so if requested when the Secretary of State has settled on drafting options).

2.2.2.3 This approach to the dDCO (S_SoSQ_34) is intended to support the Secretary of State in reaching a decision by having all potential drafting permutations in one dDCO. The Applicants also recognise that the Secretary of State will, if granted, prepare her own final version of the Order in the validated SI template, and so did not consider it would be helpful to provide a separate version for each consent scenario. The Applicants also note that an update to the Explanatory Memorandum has

not been requested and similarly consider it would not serve a useful purpose at this stage, in addition to the Schedule of Changes to the draft Development Consent Order (S_SoSQ_35), given that the EM will not be a certified document pursuant to Article 42 and Schedule 18 of the dDCO. The dDCO is discussed further at paragraph 2.2.2.23 below.

2.2.2.4 In addition to the single dDCO (S_SoSQ_34), in order to support the Secretary of State in considering drafting options, the Applicants have prepared and submitted multiple versions of the Certified Documents and relevant supporting documents, tailored to the four scenarios envisaged by the Secretary of State's Information Requests. It is noted that the documents provided in all scenarios are based on the assumption of a baseline where Morgan CA, TP and land powers are removed, albeit the Applicants' position on this matter also remains on a Without Prejudice basis.

2.2.2.5 Each of the four scenarios, and the documents submitted to support each scenario are set out below.

Consent Scenario 1: All Morgan CA, TP and land powers refused.

2.2.2.6 In Point 8 of the Third Information Request the Secretary of State made a first request (the others being in Point 10 and 11) for a without prejudice suite of updates to documents that would reflect "Compulsory Acquisition (CA), Temporary Possession (TP) and all other land powers being refused" for the Morgan Offshore Wind Project Transmission Assets Project. The Applicants refer to this as Consent Scenario 1 and provide the following updated documents in addition to the updated dDCO (S_SoSQ_34) (which contains drafting to give effect to Scenario 1):

- Without Prejudice Removal of Morgan Land Powers - Statement of Reasons (S_SoSQ_21)
- Without Prejudice Removal of Morgan Land Powers - Funding Statement (S_SoSQ_22)
- Without Prejudice Removal of Morgan Land Powers - Book of Reference (S_SoSQ_23)
- Without Prejudice Removal of Morgan Land Powers, Lea Marsh Plots and Lytham Moss - Schedule of Changes to the Book of Reference (S_SoSQ_63)
- Without Prejudice Removal of Morgan Land Powers - Land Plan – Onshore (S_SoSQ_27)

2.2.2.7 For the avoidance of doubt, powers of CA, TP and all other land powers are still sought for Morgan. The updates made to these documents are therefore wholly on a without prejudice basis but reflect the fact that development consent is still being requested for Morgan OWL for Project A, so there is no change to the Order limits and the relevant information on Project A is retained, but they only refer to Morecambe OWL and Project B seeking or being granted CA, TP or other land powers. It is noted that on the land plans, the Project A only plots are shown as 'white'

land (on the basis the Order Limits are unchanged), as is customary on such plans for plots where no CA or TP powers are sought.

2.2.2.8 In Point 8 of the Third Information Request the Secretary of State also requested that the Applicant consider whether updates would be needed to the Land Rights Tracker, Access and Rights of Way Plans, Crown Land Plans, Section 135 Progress Tracker, and Planning Statement. The Applicants can confirm that the Land Rights Tracker has been updated (as referred to in Para 2.1.2). The Section 135 Progress Tracker has also been updated (S_D4_21/F05) to reflect agreement from all relevant parties being obtained. The Planning Statement (REP7-023) and its Appendices do not need to be updated. Other plans referred to do not require an update in relation to Consent Scenario 1.

2.2.2.9 The documents listed in Consent Scenario 1 act as the baseline for the other Consent Scenarios (Paragraphs 2.2.2.10 - 2.2.2.17 below), that have also been submitted on a without prejudice basis.

Consent Scenario 2: All Morgan CA, TP and land powers refused, together with Lytham Moss removed from the Order Limits.

2.2.2.10 In Point 11 of the Third Information Request, the Applicants were asked to update documentation relating to CA, TP, and all other land powers, to amend the proposed order limits and dDCO if appropriate and remove all powers related to temporary onshore ornithology mitigation areas e.g. temporary powers over plots 06-078 and 07-002 at Lytham Moss. The Applicants note that following the removal of plots 06-078 and 07-002, which are the temporary mitigation areas, the associated access plots (07-001, 07-003 and 07-004) are no longer required and so the Applicants propose their removal as well. In this document references to the removal of Lytham Moss or to plots 06-078 and 07-002 should also be read as including their associated access plots which would no longer be required. The Applicants have amended the following documents in the event that the Secretary of State was minded to refuse CA, TP and all other land powers for Project A and remove plots 06-078 and 07-002 and associated access plots from the Order Limits (referred to as Scenario 2):

- Without Prejudice Removal of Morgan Land Powers - Statement of Reasons (S_SoSQ_21)
- Without Prejudice Removal of Morgan Land Powers - Funding Statement (S_SoSQ_22)
- Without Prejudice Removal of Lytham Moss and Morgan Land Powers - Book of Reference (S_SoSQ_32)
- Without Prejudice Removal of Morgan Land Powers, Lea Marsh Plots and Lytham Moss - Schedule of Changes to the Book of Reference (S_SoSQ_63)
- Without Prejudice Removal of Lytham Moss - Location Plan(s) Onshore (S_SoSQ_37)

- Without Prejudice Removal of Lytham Moss - Onshore and Intertidal Order Limits Plan (S_SoSQ_38)
- Without Prejudice Removal of Lytham Moss - Works Plans - Onshore and Offshore (S_SoSQ_39)
- Without Prejudice Removal of Lytham Moss - Works Plans - Offshore and Intertidal (S_SoSQ_40)
- Without Prejudice Removal of Lytham Moss and Morgan Land Powers - Land Plan – Onshore (S_SoSQ_41)
- Without Prejudice Removal of Lytham Moss - Access to Works Plans (S_SoSQ_42)
- Without Prejudice Removal of Lytham Moss - Street Works Plan (S_SoSQ_43)
- Without Prejudice Removal of Lytham Moss - Public Rights of Way Plan (S_SoSQ_44)
- Without Prejudice Removal of Lytham Moss - Onshore Statutory and Non-Statutory Nature Conservation Sites (S_SoSQ_45)
- Without Prejudice Removal of Lytham Moss - Onshore Historic or Scheduled Monument Sites Plan (S_SoSQ_46)
- Without Prejudice Removal of Lytham Moss - Tree Preservation Order and Hedgerow Plan (S_SoSQ_47)
- Without Prejudice Removal of Lytham Moss - Crown Land - Onshore and Offshore (S_SoSQ_48)
- Without Prejudice Removal of Lytham Moss - Special Category Land – Onshore (S_SoSQ_49)
- Without Prejudice Removal of Lytham Moss - Location Plan(s) (Onshore and offshore) (S_SoSQ_50)
- Without Prejudice Removal of Lytham Moss - Commitments Register Schedule of Changes (S_SoSQ_51)
- Without Prejudice Removal of Lytham Moss - Outline Code of Construction Practice (S_SoSQ_53)
- Without Prejudice Removal of Lytham Moss - Commitments Register (S_SoSQ_54)
- Without Prejudice Removal of Lytham Moss - Outline Ecological Management Plan (S_SoSQ_55)
- Without Prejudice Removal of Lytham Moss - Environmental Statement (ES) Addendum (S_SoSQ_56)
- Without Prejudice Removal of Lytham Moss – Information to Support Appropriate Assessment (ISAA) Addendum (S_SoSQ_57)
- Without Prejudice Removal of Lytham Moss - Outline Wildlife Hazard Management Plan (S_SoSQ_64)

2.2.2.11 The broader range of documents required to be updated to give effect to Consent Scenario 2 stems from the change to the Order limits requested

by the Secretary of State which means the complete removal of plots 06-078 and 07-002 and associated accesses from all documents that would be Certified Documents in the dDCO along with the removal of powers to carry out works within those plots. Consent Scenario 1 had already removed any TP powers for Morgan OWL over these plots (06-078 and 07-002 and associated accesses), this scenario advances the position by removing Morecambe OWL's TP powers over those plots and also removes the grant of development consent for either Project to carry out temporary mitigation works in the plots. The removal of Lytham Moss from the scope of the Order also impacts on Ornithology mitigation which means this scenario requires an update to the Commitments Register, Outline Code of Construction Practice, Outline Wildlife Hazard Management Plan, Outline Ecological Management Plan (oEMP) and the production of an ES Addendum and an ISAA Addendum so that the Secretary of State can be confident that the removal of this mitigation has been subject to assessment (noting that the Lytham Moss mitigation would be replaced by an equally effective mitigation measures (seasonal restriction on working and screening), set out in the Alternative Ornithology Mitigation Note – Temporary (C1-029-29)).

- 2.2.2.12 The ES Addendum and ISAA Addendum confirm that there are no material changes to the ES or the ISAA as a result of the removal of the temporary mitigation areas for onshore ornithology at Lytham Moss and land south of Newton-with-Scales, or the amended Order Limits.

Consent Scenario 3: All Morgan CA, TP and land powers refused, together with biodiversity benefit CA powers at Lea Marsh removed from Morecambe.

- 2.2.2.13 In considering Consent Scenario 1 and Consent Scenario 2 the Applicants are conscious that in response to Point 43 of the Secretary of State's Information Request dated 12 March 2026 they provided Without Prejudice drafting which removed the biodiversity benefit land at Lea Marsh from the CA powers in the Order but, as that was a without prejudice offering, no updated application documents were provided – see the Schedule of Changes to the Draft Development Consent Order including Draft Deemed Marine Licences (C1.029.16). In the event that the Secretary of State wished to give effect to the removal of CA and TP powers for Morgan (which would automatically exclude biodiversity benefit land at Lea Marsh) and was not content for Morecambe to have CA powers over Lea Marsh (the Applicants refer to this as Consent Scenario 3), then the following documents have been updated to give effect to neither Project having CA powers at Lea Marsh to deliver biodiversity benefit:

- Without Prejudice Removal of Morgan Land Powers - Statement of Reasons (S_SoSQ_21)
- Without Prejudice Removal of Morgan Land Powers - Funding Statement (S_SoSQ_22)
- Without Prejudice Removal of Morgan Land Powers and Lea Marsh Plots - Book of Reference (S_SoSQ_59)

- Without Prejudice Removal of Morgan Land Powers, Lea Marsh Plots and Lytham Moss - Schedule of Changes to the Book of Reference (S_SoSQ_63)
- Without Prejudice Removal of Morgan Land Powers and Lea Marsh Plots - Land Plan – Onshore (S_SoSQ_58)

2.2.2.14 The changes made to the above documents are either a deletion of the relevant plot numbers or altering the colouring in plans to confirm that there are no CA powers exercisable, Lea Marsh remains within the Order Limits.

Consent Scenario 4: All Morgan CA, TP and land powers refused, together with Lytham Moss removed from the Order Limits and biodiversity benefit CA powers at Lea Marsh removed for Morecambe.

2.2.2.15 In the event that the Secretary of State is minded to grant consent but wishes to reflect all three scenarios above in one permutation (Consent Scenario 4), the Applicants have provided the following suite of updated Without Prejudice documents which incorporate all of the changes referred to in the preceding Scenarios:

- Without Prejudice Removal of Morgan Land Powers - Statement of Reasons (S_SoSQ_21)
- Without Prejudice Removal of Morgan Land Powers - Funding Statement (S_SoSQ_22)
- Without Prejudice Removal of Morgan Land Powers, Lea Marsh Plots and Lytham Moss - Book of Reference (S_SoSQ_62)
- Without Prejudice Removal of Morgan Land Powers, Lea Marsh Plots and Lytham Moss - Schedule of Changes to the Book of Reference (S_SoSQ_63)
- Without Prejudice Removal of Morgan Land Powers, Lea Marsh Plots and Lytham Moss - Land Plan – Onshore (S_SoSQ_61)
- Without Prejudice Removal of Lytham Moss - Location Plan(s) Onshore (S_SoSQ_37)
- Without Prejudice Removal of Lytham Moss - Onshore and Intertidal Order Limits Plan (S_SoSQ_38)
- Without Prejudice Removal of Lytham Moss - Works Plans - Onshore and Offshore (S_SoSQ_39)
- Without Prejudice Removal of Lytham Moss - Works Plans - Offshore and Intertidal (S_SoSQ_40)
- Without Prejudice Removal of Lytham Moss - Access to Works Plans (S_SoSQ_42)
- Without Prejudice Removal of Lytham Moss - Street Works Plan (S_SoSQ_43)

- Without Prejudice Removal of Lytham Moss - Public Rights of Way Plan (S_SoSQ_44)
- Without Prejudice Removal of Lytham Moss - Onshore Statutory and Non-Statutory Nature Conservation Sites (S_SoSQ_45)
- Without Prejudice Removal of Lytham Moss - Onshore Historic or Scheduled Monument Sites Plan (S_SoSQ_46)
- Without Prejudice Removal of Lytham Moss - Tree Preservation Order and Hedgerow Plan (S_SoSQ_47)
- Without Prejudice Removal of Lytham Moss - Crown Land - Onshore and Offshore (S_SoSQ_48)
- Without Prejudice Removal of Lytham Moss - Special Category Land – Onshore (S_SoSQ_49)
- Without Prejudice Removal of Lytham Moss - Location Plan(s) (Onshore and offshore) (S_SoSQ_50)

2.2.2.16 Because this Consent Scenario 4 also includes the removal of Lytham Moss from the Order Limits, the following documents which are included within Consent Scenario 2 are also relevant and updated:

- Without Prejudice Removal of Lytham Moss - Commitments Register Schedule of Changes (S_SoSQ_51)
- Without Prejudice Removal of Lytham Moss - Outline Code of Construction Practice (S_SoSQ_53)
- Without Prejudice Removal of Lytham Moss - Commitments Register (S_SoSQ_54)
- Without Prejudice Removal of Lytham Moss - Outline Ecological Management Plan (S_SoSQ_55)
- Without Prejudice Removal of Lytham Moss - ES Addendum (S_SoSQ_56)
- Without Prejudice Removal of Lytham Moss - ISAA Addendum (S_SoSQ_57)
- Without Prejudice Removal of Lytham Moss - Outline Wildlife Hazard Management Plan (S_SoSQ_64).

2.2.2.17 The purpose of setting out this Consent Scenario approach and providing multiple versions of documents is to support the Secretary of State's ability to consider, on a Without Prejudice basis, each of the four main permutations (or 'scenarios') contemplated in the three Information Requests.

The Updated dDCO - Without prejudice removal of Morgan CA, TP and "all other land powers"

2.2.2.18 Each of the above scenarios is secured with drafting in the dDCO (S_SoSQ_34), and that drafting is submitted on a Without Prejudice basis. The Schedule of Changes to the draft Development Consent Order (S_SoSQ_35) should be read alongside the dDCO and confirms which

changes are proposed on a Without Prejudice basis and explains those which are fully supported by the Applicants (as noted in Section 2.2.2.2 above).

- 2.2.2.19 In relation to the removal of Morgan CA, TP and all other land powers, the Applicants have adopted the Without Prejudice Drafting Option 2 approach set out in their Schedule of Proposed Changes to the Development Consent Order Submitted in response to the Secretary of State's Second Information Request (C2-029.4). These changes are set out in full in the dDCO (S_SoSQ_34) and are also set out in the Schedule of Changes to the Development Consent Order (S_SoSQ_35).
- 2.2.2.20 The Applicants explained in response to the Secretary of State's Second Information Request (para 1.6.2.7 C2-029.2) that the intention of Option 2 is to *"remove all powers which relate to interference with rights in land, in other words extending Option 1 [beyond removing the powers to compulsorily acquire both land and rights in Articles 20, 22 and 24(1) and (3)] to remove temporary use and ancillary powers."* Therefore, this approach aligns with the Secretary of State's request to assume that compulsory acquisition (CA), temporary possession (TP) and all other land powers were to be refused for Morgan.
- 2.2.2.21 In addition to Without Prejudice Drafting Option 2, to ensure a full and complete response to this Third Information Request, the Applicants have considered further whether there are any other powers sought in the dDCO applied for in relation to Morgan which might be considered "land powers." The Applicants note the dDCO (S-SOSQ_34) contains five further articles which provide ancillary land powers which can also result in a claim for compensation determined under Part 1 of the Land Compensation Act 1961 (determination of questions of disputed compensation). Specifically, these are:
- Article 13 (Temporary restriction of use of streets) (specifically in the event of suspension of any private right of way);
 - Article 17 (Authority to survey and investigate land);
 - Article 18 (Protective works to buildings) (specifically Article 18(4) providing powers of entry);
 - Article 35 (Felling or lopping of trees and removal of hedgerows); and
 - Article 36 (Trees subject to tree preservation orders).
- 2.2.2.22 These are contained in Part 3 (Streets), Part 4 (Supplemental Powers) and Part 6 (Miscellaneous and general) of the dDCO (S_SOSQ_34).
- 2.2.2.23 Ultimately these ancillary land powers will not result in any party being dispossessed from their property on a permanent or temporary basis. These are also not powers where it has been considered necessary or appropriate in other Development Consent Orders (insofar as the Applicants are aware) for financial security to be provided before they can be exercised (as is provided in the dDCO in Article 33 in relation to CA, TP and other land powers). In addition, equivalent powers to several

of these ancillary land powers are already available to the Applicants, as the holders of licences under Section 6 of the Electricity Act 1989, pursuant to Schedule 4, Paragraph 9 (Felling and lopping of trees etc.) of the Electricity Act 1989 and Section 172 (Right to enter and survey land) of the Housing and Planning Act 2016. It is also noted that Article 6 (Transfer of Benefit) of the dDCO requires Secretary of State approval for Morgan to transfer the benefit of the Order to a party which is not the holder of a licence under Section 6 of the Electricity Act 1989.

- 2.2.2.24 Therefore, the Applicants do not consider it proportionate to remove Morgan's use of these ancillary land powers in the same manner as has been proposed on a without prejudice basis for CA, TP and other land powers (i.e. in Without Prejudice Drafting Option 2). Instead, the Applicants consider these ancillary land powers should be retained on the basis that a key objective of the Development Consent Order regime is to consolidate the various consents and powers required to deliver nationally significant infrastructure projects into a single instrument, thereby providing certainty and efficiency for both the undertaker and interested parties.
- 2.2.2.25 However, should the Secretary of State have any concern in relation to Morgan funding for compensation as a result of exercising these ancillary land powers, she could choose to use Article 19 (in Part 4 of the dDCO, currently "not used") to include an Article that would operate in a similar way to Article 33 (Funding) (in Part 6 of the dDCO) and provide that Morgan may not use these ancillary land powers until such a time as a funding statement for any compensation implications stemming from the use of those has been provided and approved by the Secretary of State.
- 2.2.2.26 The following Articles have also been specifically considered by the Applicants, but are not considered to be ancillary land powers - Article 10 (Power to alter layout etc. of streets) because this is a power to carry out street works equivalent to that afforded to licence holders under Schedule 4 of the Electricity Act 1989 and not a power to interfere with private rights, Article 12 (Temporary closure of public rights of way) because it relates to specific public rights of way and not private rights, and Article 16 (Discharge of water) because it is subject to Part 5 of the DCO and does itself provide the land rights to carry out works. However, these Articles could also be included by the Secretary of State in Article 19 for completeness if she was so minded.

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

2.3.1 Points 9, 10, 11 and 12

9. Natural England is invited to review the Applicants' response [C2-029] and confirm its position on adverse effects on integrity (AEOI) outlined in [C2-025].

*10. Noting that the Applicants have not made the case that avoidance/reduction of temporary disturbance effects is not feasible, and without prejudice to the Secretary of State's conclusions, the **Applicants** are requested to update the outline Ecological Management Plan, the associated appendices and all other documents relevant to mitigation for temporary impacts to onshore ornithology, including the Commitments*

Register, to remove scenarios relying on measures at Lytham Moss and land south of Newton with Scales to provide mitigation for temporary disturbance and temporary habitat loss impacts to ornithology species (i.e. scenarios 1 and 2). These documents should retain the scenario which utilises seasonal working and screening to avoid adverse effects (i.e. scenario 3).

11. Without prejudice to Secretary of State's conclusions, the **Applicants** are requested to update documentation relating to CA, TP, and all other land powers, to amend the proposed order limits and dDCO if appropriate and remove all powers related to temporary mitigation areas in scenarios 1 and 2 e.g. temporary powers over plots 06-078 and 07-002 at Lytham Moss.

12. The **Applicants** are requested to confirm which plots at land south of Newton with Scales (currently plots 14-012A, 14-013A, 14-014 14-015, 14-016A, 14-017, 14-018, 14-019A, 14-020, 14-021, 14-025A, 14-026A, 14-027A, 14-030 for Morgan and 14-028B, 14-029B, 14-030, 14-031B, 14-032, 14-033B, 14 034B, 14-035 and 14-036 for Morecambe) are required to deliver the mitigation proposed for significant EIA effects, given the revised management proposals for the site. If any changes are required, the Applicant is requested to update documentation relating to CA, TP, and all other land powers.

2.3.2 Response

Point 9

2.3.2.1 No response required.

Point 10

2.3.2.2 The Applicants confirm that, without prejudice to their position and in response to the Secretary of State's request, the oEMP (S_SoSQ_55), Commitments Register (S_SoSQ_54) and all other documents relevant to temporary onshore ornithology mitigation have been updated to remove the scenarios relying on Lytham Moss and land south of Newton-with-Scales (as described in the Alternative Ornithology Mitigation Note – Temporary (C1-029.29) as ornithological mitigation Scenarios 1 and 2). Scenario 3 from the same note, utilising seasonal working and screening, is retained and secured as the mitigation for temporary ornithological impacts. These updated documents are part of the suite of documents identified as required for Consent Scenario 2 and Consent Scenario 4 versions set out in **Section 2.2.2** of this submission.

2.3.2.3 While the Applicants recognise that the mitigation in Scenario 3 accords with the first step of the mitigation hierarchy by avoiding effects at source, the Applicants' primary position is that the mitigation proposed in Scenarios 1 and 2 should be retained in the oEMP and related documents, so as to maintain optionality, for the reasons set out below.

2.3.2.4 Firstly, all three mitigation scenarios outlined in the oEMP (C2-029.16) and described in the Alternative Ornithology Mitigation Note – Temporary (C1-029.29) were appropriately assessed, and for each scenario, it was concluded that there would be no Adverse Effect on Integrity (AEoI) on the Ribble and Alt Estuaries SPA and Ramsar site. Natural England confirmed (C2-025) that it was satisfied with the proposed measures and agreed that AEoI could be ruled out regardless of the mitigation option implemented. Scenarios 1 and 2 are therefore removed at the Secretary of State's request, rather than there being any deficiency in the measures

or disagreement with Natural England. Since each mitigation scenario would yield the same no-AEol conclusion, retaining them would not pose any disadvantage to the European site, and their removal is not considered an ecological or legal necessity.

2.3.2.5 Secondly, the Applicants maintain, as set out at paragraph 1.2.1.1 of the Alternative Ornithology Mitigation Note - Temporary (C1-029.29), that delivery of the mitigation areas remains their preferred mechanism for mitigating the temporary impacts. The environmental mitigation areas at Lytham Moss and the land south of Newton-with-Scales would, in addition to addressing the temporary impacts to target species (e.g. geese, swans and certain waders), have the potential to provide additional foraging and roosting resources for non-target species (e.g. redshank), whilst continuing to keep bird strike risk within acceptable levels (in accordance with the Outline Wildlife Hazard Management Plan (C2-029.18)). While the Applicants recognise that Scenario 3 accords with the first step of the mitigation hierarchy by avoiding effects at source, the removal of Scenarios 1 and 2 from the oEMP and related documents removes options that would have secured those wider ecological benefits.

2.3.2.6 Finally, reliance on Scenario 3 alone carries potential programme and deliverability implications, as it requires that no construction occurs between October and March inclusive within the identified sensitive areas of the onshore export cable corridor (oEMP, C2-029.16), materially constraining the available working window. Detailed design and construction programming will be undertaken post-consent; therefore, the precise phasing and sequencing of works cannot be fixed at this stage. For a Nationally Significant Infrastructure Project delivering low-carbon energy, to which the National Policy Statements attach substantial weight in respect of timely delivery, retaining appropriately assessed mitigation options would provide valuable resilience against programme risks associated with factors such as weather and ground conditions that will only be fully understood as detailed design progresses, without detriment to the European site.

2.3.2.7 Accordingly, while the requested updated documents have been provided on a Without Prejudice basis, the Applicants' primary position remains that temporary mitigation Scenarios 2 and 3 are appropriate in light of the mitigation hierarchy in order to retain optionality to facilitate the project's deliverability, providing resilience against programme and construction risks that will only be fully understood once detailed design and phasing are progressed post-consent.

Point 11

2.3.2.8 The Applicants confirm, without prejudice to their position and in response to the Secretary of State's request, that they have updated documentation relating to compulsory acquisition (CA), temporary possession (TP), and all other land powers, to amend the proposed order limits and dDCO to remove all powers related to the temporary mitigation areas in mitigation Scenarios 1 and 2 (as described in Alternative Ornithology Mitigation Note - Temporary (C1-029.29)) e.g. temporary

powers over plots 06-078 and 07-002 and associated access at Lytham Moss. These documents are fully listed in **Section 2.2.2** which explains Consent Scenario 2 and Consent Scenario 4.

- 2.3.2.9 These updates have been made without prejudice to the Applicants' position that temporary mitigation Scenarios 1 and 2 should be retained in the oEMP and related documents, so as to maintain optionality to facilitate the project's deliverability, providing resilience against potential programme and construction risks that will only be fully understood once detailed design and phasing is progressed post-consent. The Applicants' full justification for this position is set out in their response to Point 10 above.

Point 12

- 2.3.2.10 Should the Secretary of State conclude that mitigation for potentially significant permanent EIA effects on non-breeding waders is required, the Applicants confirm that all plots on the land south of Newton-with-Scales indicated in the Land Plan – Onshore (S_SoSQ_49) are required for that purpose. This is because the proposed measures (maintenance of existing habitats through grassland and rush management, and reduced disturbance during the overwintering period) are required to be delivered across the respective land parcels to achieve the necessary level of EIA mitigation for each of the Morgan and Morecambe Transmission Projects and cannot be restricted to specific discrete areas (S_SoSQ_49). It is however noted that the plots comprising the land south of Newton-with-Scales have been divided so that each of Morgan and Morecambe has appropriate mitigation for the impacts of that project, and so the Secretary of State's decision on the grant of CA powers for Morgan will not result in a deficiency of CA powers for Morecambe (and Morgan recognises that it will need to secure the necessary land rights through negotiation or alternative compulsory process).
- 2.3.2.11 The Applicants note that there are two clarifications within the list of plots identified within the Secretary of State's Point 12:
- Plot 14-030 – Point 12 lists this as a current plot required for Morgan Offshore Wind Farm: Transmission Assets. Plot 14-030 is only needed to deliver EIA mitigation for the Morecambe Offshore Windfarm: Transmission Assets. It is not needed for the Morgan Offshore Wind Project: Transmission Assets for EIA mitigation. However, Morgan requires this plot for permanent access and Temporary Possession (TP) powers for cable installation.
 - Plot 14-036 – Point 12 lists this as a current plot required for Morecambe Offshore Wind Farm: Transmission Assets only. Plot 14-036 is needed by both Morgan and Morecambe Offshore Wind Farms: Transmission Assets to provide access to other plots; therefore, permanent rights and TP are required regardless of the need for EIA mitigation.

3 Part 2

3.1.1 Point 13

13. Responses were received from various parties to the questions raised in the second information request [C2-001], and these responses were published online on 29 June 2026. The Applicants and All Interested Parties are invited to comment upon these responses.

3.1.2 Response

3.1.2.1 The Applicants' response to submissions by Interested Parties following the second information request (C2-001) will be provided by 23:59 on 7 August 2026.