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14 September 2026

Dear [REDACTED] and [REDACTED]

PLANNING ACT 2008**APPLICATION FOR DEVELOPMENT CONSENT FOR THE MORGAN AND MORECAMBE OFFSHORE WIND FARMS TRANSMISSION ASSETS**

This decision was made by the Minister, Baroness Curran, on behalf of the Secretary of State for Energy Security and Net Zero.

1. Introduction

- 1.1. I am directed by the Secretary of State for Energy Security and Net Zero ("the Secretary of State") to advise you that consideration has been given to the Examining Authority's ("ExA") report dated 29 January 2026. The ExA consisted of four examining inspectors: David Cliff, Jonathan Gorst, Richard Morgan, and Maria Rokicka. The ExA conducted an examination ("the Examination") into the application submitted on 21 October 2024 ("the Application") by Morgan Offshore Wind Limited, and Morecambe Offshore Windfarm Limited ("the Applicants") for a Development Consent Order ("DCO") ("the Order") under Section 37 of the Planning Act 2008 ("the Planning Act") for the Morgan and Morecambe Offshore Wind Farms Transmission Assets and associated development ("the Proposed Development"). In this letter the Secretary of State will refer to the Morgan Offshore Wind Project: Transmission Assets ('Project A' in the DCO) as "Morgan TA", and Morecambe Offshore Windfarm: Transmission Assets ('Project B' in the DCO) as "Morecambe TA". The Secretary of State further defines the 'Morgan Project' as including both the Morgan TA, and the previously consented Morgan Offshore Wind Project: Generation Assets. The 'Morecambe Project' is defined as including both the Morecambe TA, and the previously consented Morecambe Offshore Wind Farm: Generation Assets. The Application was accepted on 18 November 2024. The Examination began on 29 April 2025 and closed on 29 October 2025. The

Secretary of State received the ExA's Report of Findings and Conclusions and Recommendation to the Secretary of State ("the ExA's Report") on 29 January 2026.

- 1.2. On 12 March 2026 the Secretary of State issued a letter seeking information from Interested Parties ("IPs") on several matters ("the first information request") [C1-001]¹. This letter also invited all IPs to comment on letters received by the Secretary of State from the Applicants on 30 January and 12 February 2026.
- 1.3. On 26 March 2026 the Secretary of State issued a Written Ministerial Statement ("WMS") announcing that the statutory deadline for the decision had been reset to 14 May 2026 because of the pre-election period for local elections in England. On 14 May 2026 the Secretary of State issued a further WMS resetting the statutory deadline to 14 September 2026.
- 1.4. On 20 May 2026 the Secretary of State issued a letter seeking further information ("the second information request") [C2-001]². This letter also invited all IPs to comment on responses received from the first information request, and to comment on submissions published on 27 April 2026.
- 1.5. On 8 July 2026 the Secretary of State issued a letter seeking further information ("the third information request") [C3-001]³. This letter also invited all IPs to comment on responses received from the second information request.
- 1.6. On 10 August 2026 the Secretary of State issued a letter seeking further information ("the fourth information request") [C4-001]⁴.
- 1.7. On 17 August 2026 the Secretary of State issued a letter seeking further information ("the fifth information request") [C5-001]⁵.
- 1.8. The Order, as applied for, would grant development consent for the transmission infrastructure required to connect the Morgan Offshore Wind Project: Generation Assets, and the Morecambe Offshore Wind Farm: Generation Assets, to the existing National Grid substation at Penwortham. The offshore elements of the transmission assets are located in the east Irish Sea wholly within English offshore and inshore waters. The onshore elements are located within the local authority areas of Fylde Borough Council ("FBC"), Blackpool Borough Council ("BBC"), South Ribble Borough Council ("SRBC"), Preston City Council, and Lancashire County Council ("LCC"). The key components include the following [ER 1.3.8-10]:

Offshore works:

¹ <https://nsip-documents.planninginspectorate.gov.uk/published-documents/EN020032-002693-Information request 12.03.26 M+M OWF TA.pdf>

² <https://nsip-documents.planninginspectorate.gov.uk/published-documents/EN020032-002789-SoS consultation 2.pdf>

³ <https://nsip-documents.planninginspectorate.gov.uk/published-documents/EN020032-002860-Third Information Request 08.07.2026.pdf>

⁴ <https://nsip-documents.planninginspectorate.gov.uk/published-documents/EN020032-003003-Fourth Information Request 10.08.2026 Redacted.pdf>

⁵ [https://nsip-documents.planninginspectorate.gov.uk/published-documents/EN020032-003022-Fifth Information Request 17.08.2026 Redacted \(002\).pdf](https://nsip-documents.planninginspectorate.gov.uk/published-documents/EN020032-003022-Fifth Information Request 17.08.2026 Redacted (002).pdf)

- Offshore export cables bringing the electricity generated to the landfall for onward transmission.

Intertidal⁶ works:

- works include the landfall site where the offshore export cables are jointed to the onshore export cables via transition joint bays.

Onshore works:

- onshore export cables bringing the electricity to the onshore substations;
- onshore substations: two electrically separate onshore substations (one for the Morgan Project and one for the Morecambe Project) will contain the components for transforming the power supplied via the onshore export cables up to 400 kV;
- 400 kV grid connection cables: taking the electricity from the onshore substations to the existing National Grid substation at Penwortham;
- environmental mitigation areas: temporary and/or permanent areas; and
- biodiversity benefit areas: temporary and/or permanent areas.

1.9. The full description of the Proposed Development is in Part 1 of Schedule 1 of the Order. The Applicants also seek compulsory acquisition (“CA”) and temporary possession (“TP”) powers.

1.10. There are a range of construction scenarios for the Proposed Development [ER 1.3.12-15]:

Scenario 1: “In isolation” construction scenario:

- **Scenario 1a:** Morgan TA only (i.e. the Morecambe Project does not proceed to construction);
- **Scenario 1b:** Morecambe TA only (i.e. the Morgan Project does not proceed to construction).

Scenario 2: “Concurrent construction” scenario: The Morgan TA and the Morecambe TA are constructed at the same time.

Scenario 3: “Sequential construction” scenario. The Morgan TA are constructed first and the Morecambe TA second, or vice versa. This includes:

- **Scenario 3a:** Immediate sequential construction of the transmission assets with no gap between completion of construction of the first project’s transmission assets and commencement of construction for the second project;
- **Scenario 3b:** Sequential construction with a gap between completion of construction of the first project’s transmission assets and commencement of construction for the second project.

1.11. Published alongside this letter on the Planning Inspectorate’s National Infrastructure Project website⁷ is a copy of the ExA’s Report. The ExA’s findings and conclusions are set out in Chapters 3 to 8 of the ExA’s Report, and the ExA’s summary of conclusions and recommendation is at Chapter 9. All numbered references, unless otherwise stated, are to paragraphs of the ExA’s Report [“ER *.*.”].

⁶ This term applies to the entire area between mean low water springs and the transition joint bays.

⁷ <https://national-infrastructure-consenting.planninginspectorate.gov.uk/projects/EN020032>

2. Summary of the ExA's Report and Recommendation

- 2.1. The principal planning issues considered during the Examination on which the ExA has reached conclusions on the case for development consent are set out in the ExA Report under the following broad headings:
- Overarching Issues (need, site selection and alternatives, and co-ordination between projects);
 - Air quality;
 - Aviation;
 - Climate change and greenhouse gas emissions;
 - Onshore ecology, biodiversity and intertidal ornithology;
 - Water environment and ground conditions;
 - Historic environment;
 - Land use and recreation;
 - Landscape and visual;
 - Green Belt and areas of separation;
 - Noise and vibration;
 - Socio-economic effects and human health;
 - Traffic and transport;
 - Fish and shellfish ecology;
 - Marine mammals;
 - Offshore ornithology;
 - Physical processes, benthic subtidal and intertidal ecology;
 - Shipping and navigation;
 - Other matters (commercial fisheries, good design, other sea users, and waste); and
 - Inter-related and cumulative effects.
- 2.2. The ExA recommended that, in light of its findings and conclusions on important and relevant matters set out in the ExA's Report, the Secretary of State should withhold consent [ER 9.4.1]. The ExA considered the negative impacts of the Projects outweighed the positive impacts. The negative impacts included, but were not limited to, the harm arising from bird strike for aviation in relation to BAE Warton carrying great weight, and harm to onshore and intertidal biodiversity, including the adverse effects on the integrity of the Ribble and Alt Estuaries Special Protection Area [ER 6.3.26]. The ExA stated that should the Secretary of State consider that consent should be granted, the ExA recommended modifications to be made to the Order, and provided a list of matters that would need to be resolved to the Secretary of State's satisfaction [ER 9.4.3].
- 2.3. Unless indicated otherwise in the paragraphs below, the Secretary of State agrees with the findings, conclusions and recommendations of the ExA as set out in the ExA's Report, and the reasons for the Secretary of State's conclusions are those given by the ExA in support of their conclusions and recommendations.

3. Summary of the Secretary of State's Decision

- 3.1. On 4 October 2022, the Secretary of State issued a direction [APP-229] under Section 35 of the Planning Act, that the Proposed Development should be treated as a development of national significance for which development consent is required.⁸
- 3.2. The Secretary of State granted development consent for the Morgan Offshore Wind Project: Generation Assets on 29 August 2025, and for Morecambe Offshore Windfarm: Generation Assets application on 1 December 2025.
- 3.3. National Policy Statements ("NPSs") EN-1 2024, EN-3 2024 and EN-5 2024 have effect in relation to the Proposed Development, in accordance with paragraph 1.3.10 of NPS EN-1 2024, and consequently the Application is to be determined under the provisions of Section 104 of the Planning Act. Section 104(2) of the Planning Act requires the Secretary of State, in deciding an application, to have regard to any relevant National Policy Statement. Subsection (3) requires that the Secretary of State must decide the application in accordance with the relevant NPS except to the extent that one or more of subsections (4) to (8) apply.
- 3.4. The Secretary of State has considered the Application in light of the relevant NPSs and has further concluded that subsections (4) to (8) of Section 104 are not applicable in this case. In particular, having considered the overall planning balance and, for the reasons set out in this letter, the Secretary of State has concluded that the public benefits associated with the Proposed Development outweigh the harm identified, and that development consent should therefore be granted.
- 3.5. The Applicants' letter of 30 January 2026 to the Secretary of State [PID-001] noted that Morgan Offshore Wind Limited's parent companies (JERA Nex bp ("JNbp") and EnBW) had decided not to proceed with the Agreement for Lease for the Morgan Project. The letter stated that The Crown Estate ("TCE") was considering next steps, with the aim of ensuring the continued development of the site by another developer, TCE viewed the Morgan Project as a continuing and live project. The Applicants' letter noted that their announcement does not affect the Morecambe Project, whose parent company remains committed to its delivery. Having fully considered the positions of the Applicants and TCE, at paragraph 6.37 below, the Secretary of State concludes that CA, TP and other land powers should be refused for Morgan TA.
- 3.6. The Secretary of State has decided under Section 114 of the Planning Act to make, with modifications, an Order granting consent for the proposals in the Application. This letter is a statement of the reasons for the Secretary of State's decision for the purposes of Section 116 of the Planning Act and the notice and statement required by regulations 31(2)(c) and (d) of the Infrastructure Planning (Environmental Impact Assessment ("EIA")) Regulations 2017 ("the EIA Regulations").
- 3.7. In making the decision, the Secretary of State has complied with all applicable legal duties and has not taken account of any matters which are not relevant to the decision.

⁸ <https://www.gov.uk/government/publications/morgan-and-morecambe-offshore-wind-farms-s35-direction-planning-act-2008>

4. The Secretary of State's Consideration of the Application

- 4.1. The Secretary of State has considered the ExA's Report and all other material considerations, including representations received after the close of the ExA's Examination and responses to the consultation letters. 2302 Relevant Representations were made in respect of the Application. Written Representations, responses to questions and oral submissions made during the Examination were also taken into account by the ExA. The Secretary of State has had regard to the Local Impact Reports submitted by LCC [REP1-085], BBC [REP1-068], FBC [REP1-078], and SRBC [REP1-227], environmental information as defined in regulation 3(1) of the EIA Regulations, and to all other matters which are considered to be important and relevant to the Secretary of State's decision as required by Section 104 of the Planning Act including relevant policy set out in the NPSs EN-1, EN-3 and EN-5.
- 4.2. The Secretary of State notes that, in accordance with the transitional provisions set out in Section 1.6 of EN-1, the 2024 NPSs had effect for the ExA's consideration of this Application. As such, the Secretary of State has had regard to the 2024 NPSs in making this decision. On 24 April 2025, a consultation on the draft revisions to NPS EN-1, EN-3 and EN-5 was launched and revised NPSs were laid in Parliament on 13 November 2025, which came into effect on 6 January 2026 ("the 2025 NPS"). Whilst the 2025 versions of the NPSs do not have effect for this Application, they are capable of being important and relevant considerations in the Secretary of State's decision-making process and have been considered accordingly in the making of this decision. The government also published a consultation on a revised National Planning Policy Framework ("NPPF") on 16 December 2025, but this document was not published until after the Examination closed. The NPPF was recently updated on 17 August 2026. Where the Secretary of State refers to the NPPF in this letter, these are references to the 2024 version, which was the version in effect during the Examination and the majority of the determination period. However, the Secretary of State has considered the updated NPPF, and finds that there is nothing contained within the updated NPPF publications which would lead her to reach a different decision on the Application.
- 4.3. The Secretary of State agrees with the ExA's conclusions and the weight it has ascribed in the overall planning balance [ER 6.2.1] in respect of the following issues:
- Air Quality – neutral weight [ER 4.2.36]
 - Noise and Vibration – a little negative weight [ER 4.11.84]
 - Socio-economic effects and human health – a little positive weight [ER 4.12.53]
 - Fish and Shellfish Ecology – a little negative weight [ER 4.14.29]
 - Marine Mammals – a little negative weight [ER 4.15.57]
 - Offshore Ornithology – a little negative weight [ER 4.16.29]
 - Shipping and Navigation – a little negative weight [ER 4.18.29]
 - Other Matters: Commercial Fisheries – neutral weight [ER 4.19.33]
 - Other Matters: Other Sea Users – neutral weight [ER 4.19.93]
 - Other Matters: Waste – neutral weight [ER 4.19.99]
 - Inter-related and Cumulative Effects – neutral weight [ER 4.20.47]
- 4.4. The Secretary of State notes that the weighting descriptors used by the ExA differ from those laid out at page 175 of NPS EN-1. Having reviewed the ExA's considerations and

conclusions, the Secretary of State considers the ExA's 'little' equates to 'limited', and the term used by the ExA 'very great' equates to 'substantial'. The Secretary of State will use the descriptors as laid out in NPS EN-1 when ascribing her weightings in this decision letter and whilst the terminology used will differ to this limited extent, the difference in terminology does not indicate a disagreement with the ExA unless this is specifically stated.

- 4.5. The Secretary of State has further commentary and analysis to add beyond that set out in the ExA's Report, including commentary on matters regarding which further information has been sought. These issues, and the Secretary of State's weightings, are as follows:
- Overarching Issues (Need, Site Selection and Alternatives, and Co-ordination between Projects) – substantial positive weight (see paragraph 4.8)
 - Aviation – limited negative weight (see paragraph 4.45)
 - Climate Change and Greenhouse Gas Emissions – no weighting as this is accounted for in the Overarching Issues Section (see paragraph 4.50)
 - Onshore Ecology, Biodiversity and Intertidal Ornithology – significant negative weight (see paragraph 4.81)
 - Water Environment and Ground Conditions – limited negative weight (see paragraph 4.82)
 - Historic Environment – moderate negative weight (see paragraph 4.90)
 - Land Use and Recreation – moderate negative weight (see paragraph 4.101)
 - Landscape and Visual – moderate negative weight (see paragraph 4.109)
 - Green belt and Areas of Separation – substantial negative weight (see paragraph 4.113)
 - Traffic and Transport – limited negative weight (see paragraph 4.117)
 - Physical Processes, Benthic Subtidal and Intertidal Ecology – limited negative weight (see paragraph 4.139)
 - Good design – limited negative weight (see paragraph 4.147)
- 4.6. The Secretary of State has added a new Section at paragraph 4.24 to 4.28 titled 'Viability', due to the Applicants' 30 January 2026 letter [PID-001] stating that Morgan Offshore Wind Limited's parent companies had decided to not proceed with the Agreement for Lease.

Overarching Issues

The need for the Proposed Development

- 4.7. The ExA concluded that the proposed transmission assets would make a significant and important contribution to meeting the urgent need for new renewable energy generating capacity established by 2024 NPS EN-1, through facilitating the connection of the proposed separate Morecambe and Morgan Generation Assets to the National Grid, and thereby supporting the transition to a low carbon, net zero economy [ER 3.1.14]. The ExA was satisfied that the overarching need argument for the Proposed Development is clear and compelling [ER 3.1.21]. Therefore, the ExA ascribed the need for the Proposed Development very great (substantial) positive weight in the planning balance [ER 3.1.21].
- 4.8. The Secretary of State agrees with the ExA, and ascribes substantial weight to the need for the Proposed Development (using the weighting descriptors set out in NPS EN-1).

Site Selection and Alternatives

- 4.9. The ExA considered a number of concerns raised by IPs on site selection and alternatives, including from Newton with Clifton and Freckleton Parish Councils (“NCFPC”) and Lancashire Association of Local Councils Fylde Area Committee Energy Working Group (“EWG”) [ER 3.2.37-36-27]. NCFPC and EWG proposed an alternative cable route via the Stanah substation and the Hillhouse Technology Enterprise Zone (“HTEZ”) instead of connecting at the existing Penwortham substation proposed by the Applicants [ER 3.2.36]. Both NCFPC and the EWG argued that this would be a significantly cheaper option compared to the proposed cable route, avoiding key areas of issue [ER 3.2.39] and would be an ‘obviously material’ alternative [ER 3.2.40]. They estimated that the alternative route has the potential to lead to estimated savings of approximately £904 million [ER 3.2.39].
- 4.10. National Grid Electricity Transmission plc (“NGET”) commented on the feasibility of this alternative route and provided several reasons why NGET did not propose building a new substation on the HTEZ for these projects [ER 3.2.46]. NGET confirmed that the connection points had been decided through the National Energy System Operator’s (“NESO”) Holistic Network Design (“HND”) process, in which four key design principles were considered when recommending the cable route, including; minimising environmental impact, minimising community impact, ensuring it is deliverable and operable, and that the connection point is economic and efficient [REP3-088]. NGET went on to confirm that connecting the wind farms to Stanah would require installing additional equipment, significantly increasing the size of the substation, and a new high voltage overhead line to transmit the power to Penwortham [ER 3.2.47]. The ExA noted that NCFPC and EWG did not appear to have included the costs of these upgrades in their estimated savings [ER 3.2.56].
- 4.11. The ExA noted that this alternative route would not only require an alternative point of interconnection, it would also be a change to the HND recommendation and the Applicants’ contracted point of interconnection, which was offered by NESO on the basis of the HND, and is not within Applicants’ control [ER 3.2.44]. Paragraphs 2.2.1-2 of 2024 NPS EN-5 (unchanged in the 2025 version) also state that initiating and terminating points of new electricity networks infrastructure is not substantially within the control of the applicant and siting is determined by the location of new generating stations or other infrastructure requiring connection to the network, and/or system capacity and resilience requirements determined by the Electricity System Operator (now NESO) [ER 3.2.54].
- 4.12. The ExA highlighted that paragraphs 4.3.22-24 of 2024 NPS EN-1 (which remains unchanged in the 2025 version) make clear that only alternatives that can meet the objectives of the proposed development need to be considered and that the Secretary of State should be guided in considering alternative proposals by whether there is a realistic prospect of the alternative delivering the same infrastructure capacity (including energy security, climate change and other environmental benefits) in the same timescale as the proposed development [ER 3.2.58]. Furthermore, the Secretary of State should not refuse an application for development on one site simply because fewer adverse impacts would result from developing similar infrastructure on another suitable site and should have regard as appropriate to the possibility that all suitable sites for energy infrastructure of the type proposed may be needed for future proposals [ER 3.2.58].
- 4.13. The ExA noted that 2024 NPS EN-1 paragraph 4.3.29 (which remains unchanged in the 2025 version) states that where an alternative is first put forward after an application is made, the Secretary of State may place the onus on the person proposing the alternative to provide

the evidence for its suitability and the Secretary of State should not necessarily expect the applicant to have assessed it [ER 3.2.59].

- 4.14. The ExA noted that the Applicants set out their approach to alternatives and site selection in detail, including the proposed offshore and onshore cable route and choice of sites for the proposed substations [ER 4.2.82]. Whilst noting the submissions suggesting an alternative cable route via Stanah and HTEZ, the ExA concluded it to be an immature and inchoate suggestion that should carry very little weight in the planning balance [ER 3.2.83]. The ExA concluded that, overall, the Applicants had adequate regard to site selection and alternatives and that the legislative requirement under regulation 14(2)(d) of the EIA Regulations to consider alternatives as part of the EIA process has been met [ER 3.2.87].
- 4.15. The Secretary of State received several representations expressing concerns relating to the proposed cable route, including from NCFPC [C2-007], and EWG [C2-030]. These mostly highlighted a failure to assess the alternative route, and considering the alternative route was preferable, restating concerns raised during the Examination [ER 3.2.37].
- 4.16. As part of its response to the Secretary of State's second information request, FBC reiterated its concerns about the Applicants' proposed route and submitted an economic review, commissioned by three councils (LCC, FBC and Wyre Council), on the onshore cable connection options for the Morgan, Morecambe and Mooir Vannin projects [C2-021].
- 4.17. The economic review assessed the proposed route through Stanah/HTEZ and an additional route connecting to Blackpool Airport Economic Zone. The economic review and grid connection feasibility assessment estimated that the Stanah/HTEZ route could deliver cost savings of £287m compared with the Applicants' proposed route. The Secretary of State notes that this figure does not appear to include infrastructure upgrade costs required beyond the new substation at Stanah. The review concluded that the Stanah/HTEZ route *"represents a fundamentally different routing and electrical strategy meaning it could be classed as a new or significantly modified [grid connection] application, introducing a heightened risk of queue deferral, potential delaying delivery timescales."* The report acknowledges that the corridor proposed using the Stanah connection through to Penwortham *"presents a significant technical restraint due to existing high utilisation"* and that further study would be required. The grid connection assessment states that the option has *"non-trivial risks across: transmission reinforcement scope and cost uncertainty, land availability and constructability, and regulatory and queue position risk"*.
- 4.18. In response to the third information request, the Applicants noted that FBC's economic assessment evaluated a fundamentally different strategic infrastructure arrangement involving a third project, Mooir Vannin, which lies outside of the territorial waters of England and is not yet consented. The Applicants considered therefore that FBC's proposal is not an alternative that could be delivered through this Application and would not be in control of the Applicants [C3-017.1]. The EWG submission [C2-030], proposed a similar route to the Economic Assessment, and the Applicants confirm their position remained effectively the same as set out in Section 2.2 of their Closing Statement [REP7-042]. Representations on this issue were also received from LCC (7 December 2025 [DR-001], 27 January 2026, 17 April 2026, and 20 August 2026), Ofgem (on 22 July 2026) and from six Labour MPs (on 2 September 2026). The Secretary of State has taken all representations into consideration.

The Secretary of State's Conclusion on Site Selection and Alternatives

- 4.19. The Secretary of State has considered all IPs' concerns, FBC's economic review, and the Applicants' response, and finds nothing to alter the ExA's conclusion that the suggested Stanah/HTEZ option does not appear to be a viable or feasible alternative to the Proposed Development. There remains considerable uncertainty regarding the potential new infrastructure and upgrades of existing infrastructure required, which is supported in the Councils' own economic review and grid connection feasibility assessment. There is also uncertainty as to the feasibility, timescales and full costs related to the suggested alternative. Paragraph 4.3.9 of 2024 NPS EN-1 (which remains unchanged in the 2025 version) states that the NPS does not contain any general requirement to consider alternatives or to establish whether the proposed project represents the best option from a policy perspective (whilst noting the specific requirements in relation to CA and habitats sites). Despite the additional economic assessment carried out by the councils, the Secretary of State agrees with the ExA that this remains an immature and inchoate alternative when considering the HND process, NGET's comments and relevant 2024 NPS EN-1 policy. The Secretary of State agrees with the ExA that the Applicants have taken a reasonable approach to the point of interconnection.
- 4.20. The Secretary of State agrees with the ExA that adequate regard was had to site selection and alternatives.

Coordination Between Projects

- 4.21. The ExA found that the Applicants' justification of the need for the projects to be electrically independent and to retain construction flexibility was reasonable as, amongst other considerations, two separate commercial entities are delivering the two separate projects [ER 3.4.1]. The ExA acknowledged the measures taken by the Applicants to achieve coordination and collaboration where this is reasonably possible and the ExA was satisfied that the Applicants' approach was robustly justified [ER 3.4.2]. Overall, the ExA was generally satisfied that the Proposed Development took adequate account of relevant policies in the 2024 versions of NPS EN-1 and NPS EN-5 in terms of co-ordination between the Morgan TA and Morecambe TA projects [ER 3.4.3].
- 4.22. The Secretary of States notes that NESO's Electricity Transmission Design Principles were published on 30 June 2026, to which the 2025 NPS-EN5 (paragraph 2.9.20) refers, however they were not in place when this application was created, submitted and examined. The Secretary of State has therefore decided it would not be appropriate to judge the application against these design principles at this late stage in the process. However, the Secretary of State notes that many of the policies upon which the design principles are based, such as 2024 EN-5, and the Holford and Horlock Rules, were in place when the application was developed and where relevant were taken into account by the Applicants in the design of the Proposed Development.
- 4.23. The Secretary of State agrees with the ExA's assessment and is satisfied that the Applicants have properly explained the approach they have taken to coordination, and that options for coordination have been considered and evaluated appropriately in line with paragraph 2.15.1 of EN-5.

Viability

- 4.24. Section 1.4 of the Explanatory Memorandum sets out the approach the Applicants have taken in the draft DCO (“dDCO”) in respect of the works proposed for the two electrically independent projects [ER 8.2.1]. It explains that the numbered works in Schedule 1 of the dDCO are split into Project A (Morgan TA) and Project B (Morecambe TA), and the split between projects is also reflected in the relevant Schedules of the dDCO [ER 8.2.1]. The drafting of the dDCO was amended during the Examination to clearly differentiate where necessary between Project A and Project B [ER 8.2.1]. The Secretary of State notes there are a range of construction scenarios for the Proposed Development [ER 1.3.12-15] as mentioned above at paragraph 1.10, including a scenario in which either Project A or Project B can go ahead, in isolation (i.e. where the other project does not proceed to construction). The Applicants’ Environmental Statement (“ES”) considered the range of scenarios, including either project being developed alone, [REP6-038], and the ExA notes that overall construction durations are set out in table 3.4, and pages 44 to 46 set out the indicative construction programmes for the Proposed Development [ER 1.3.16].
- 4.25. In relation to viability, the Secretary of State has considered whether the DCO as granted allows at least one viable project to be brought forward and completed. The Secretary of State considers that the Morecambe Project is viable and likely to be developed, regardless of any uncertainty in relation to the Morgan Project. As set out in paragraphs 6.38 to 6.42, the Morecambe Project is fully financially backed by its developer and there are no outstanding questions as to its viability.
- 4.26. The Applicants’ letter of 30 January 2026 to the Secretary of State [PID-001] noted that Morgan Offshore Wind Limited’s parent companies (JNbp and EnBW) had decided not to proceed with the Agreement for Lease for the Morgan Project. The letter stated that TCE was considering next steps, with the aim of ensuring the continued development of the site by another developer, and TCE viewed the Morgan Project as a continuing and live project. The Applicants’ letter noted that their announcement does not affect the Morecambe Project, whose parent company remains committed to its delivery. TCE noted on 22 June 2026 [C2-026] that they had begun engaging with the market and expected to be in a position to commence the re-letting of the Morgan Project in early July 2026, and aim to have a new developer in place by Q4 2026. The Secretary of State notes that as of 24 July 2026 the TCE website states that TCE has launched an accelerated tender for the Morgan Project⁹.
- 4.27. The Secretary of State agrees with the TCE that the Morgan Project remains viable and is likely to be brought forward by a new developer without significant delay. However, the Secretary of State acknowledges that there is some residual uncertainty in relation to the Morgan Project, and she has therefore decided to add a new Article 3(2) to the DCO. This new Article prevents work in relation to Project A commencing until a new developer has committed to the Morgan Project and has provided the Secretary of State with an up-to-date funding statement and confirmation that an Agreement for Lease has been signed. This will ensure that no planning impacts can result from the Project A elements of this DCO until a new developer is on board with access to the necessary funds to complete the Morgan Project and compensate any impacted parties where appropriate.

- 4.28. The Secretary of State is therefore of the view that the DCO will allow the viable Morecambe TA to be completed, and noting the steps TCE has taken, combined with the amendment to Article 3(2), the Secretary of State is satisfied that the Morgan TA is viable, but that if for any reason the Morgan Offshore Wind Project: Generation Assets does not progress, then no harm attributable solely to Morgan TA can occur.

Aviation

- 4.29. At the close of Examination, the Proposed Development included three ornithology mitigation areas as set out in the outline Ecological Management Plan (“oEMP”) [REP6-115]:
- a. Fairhaven Saltmarsh – which proposed measures such as wardening and fencing to reduce recreational disturbance of bird species;
 - b. Lytham Moss – which proposed habitat enhancement/creation and supplementary feeding measures to mitigate temporary construction impacts;
 - c. Land south of Newton with Scales (“Newton-with-Scales”) – which proposed permanent habitat enhancement measures to mitigate permanent habitat loss. This would also provide incidental temporary mitigation during construction.
- 4.30. NPS EN-1 paragraph 5.5.37 states that where a proposed development may affect defence assets, an assessment of potential effects should be carried out. EN-1 paragraph 5.5.41 notes that developments near aerodromes should take into account bird strike risk, and environmental mitigation should be designed so as not to increase bird strike risk to the airport for developments within 13km (this can vary). EN-1 paragraph 5.5.50 states that the Secretary of State should be satisfied that the proposal has been designed, where possible, to minimise adverse impacts on the operation and safety of aerodromes and that realistically achievable mitigation is carried out on.

Bird strike risk to Blackpool Airport

- 4.31. Fairhaven Saltmarsh and Lytham Moss fall within the 13km wildlife hazard management zone for Blackpool airport. Blackpool Airport Operation Limited (“BAOL”) raised objections to Lytham Moss as it considered any increase in bird levels at the site could pose an unacceptable bird strike risk to aviation safety [ER C.1.10.27].
- 4.32. The Applicants undertook a bird strike risk assessment for Blackpool Airport [REP5-106] and BAOL agreed with the Applicants that the Fairhaven Saltmarsh mitigation area is unlikely to affect the bird strike risk level to Blackpool Airport [ER.C.1.10.32]. The Applicants added Requirement 27 to secure a wildlife hazard management plan (“WHMP”) to mitigate potential bird strike risk and with this measure in place BAOL was satisfied that a robust risk assessment had been undertaken and sufficient controls were secured through the outline WHMP (“oWHMP”) to ensure there would be no increased bird strike risk at Blackpool Airport [ER.C.1.10.32]. The Applicants and BAOL submitted a joint policy statement to this effect [REP6-181].
- 4.33. The ExA was satisfied the test in paragraph 5.5.60 of NPS EN-1 had been met for Blackpool Airport [ER 4.3.29] and concluded that, with mitigation in the form of Requirement 27, there would be no significant effects on Blackpool Airport [ER.4.3.93].

Bird strike risk to Warton Aerodrome

- 4.34. Warton Aerodrome is a military airfield operated by BAE Systems (“BAE”). All three mitigation areas fall within the 13km wildlife hazard management zone for Warton Aerodrome [ER.C.1.10.28].
- 4.35. At the close of the Examination both BAE and the Defence Infrastructure Organisation (“DIO”) / Ministry of Defence (“MoD”) had objections on the grounds of aviation safety as they considered that the proposed mitigation areas could increase the risk of bird strike to aviation [ER 4.3.88]. The Applicants had not submitted a bird strike risk assessment for Warton Aerodrome and the ExA considered this meant the requirements of paragraph 5.5.37 of 2024 NPS EN-1 were not met, and this was a significant failing in the Application [ER 4.3.88], especially given that the oWHMP acknowledged a risk to Warton Aerodrome which needs to be managed [ER 4.3.91].
- 4.36. The ExA also considered the Applicants had not met the 2024 NPS EN-1 policy requirements in paragraphs 5.5.37, 5.5.41, or 5.5.50 [ER 4.3.89]. The ExA found the level of harm to be significant and considered it would be an unacceptable risk to the operations of BAE Systems at Warton Aerodrome and attached great negative weight to this issue [ER 4.3.95].

Further information requested by the Secretary of State

- 4.37. In the first information request the Secretary of State asked DIO and BAE to clarify specifically which mitigation areas were of concern and to comment on the oWHMP. DIO [C1-020] considered the oWHMP would adequately manage risk at Lytham Moss but not Newton-with-Scales, whilst BAE [C1-023] did not consider the oWHMP would sufficiently manage the bird strike risk. DIO and the Applicants were also asked whether including thresholds and triggers for management were appropriate at this stage. DIO [C1-020] highlighted concerns that such measures were incompatible with the purpose of the mitigation and the Applicants [C1-029.39] advised that these should be set post-consent and based on evidence as doing so now would be theoretical.
- 4.38. In the first information request, the Secretary of State also asked BAE to provide the necessary data and asked the Applicants to undertake a bird strike risk assessment. The Applicants [C1-029.39] responded that they had received less data than expected from BAE but submitted a risk assessment based on the data received [C1-029.26]. This concluded no increased risk of bird strike following controls in the oWHMP. BAE submitted its own risk assessment, which concluded an increased risk of bird strike [C1-023].
- 4.39. The Secretary of State reviewed both assessments and found it unclear how BAE had allocated risk levels and how proposed control measures had been considered in its assessment, making it challenging to draw meaningful comparison between both assessments. In the second information request BAE was asked to update its assessment to address these issues and explain why it was unable to provide the full data requested by the Applicants. BAE responded [C2-027] that it did not have time to update the bird strike risk assessment and advised that it could be better informed post-consent. BAE maintained concerns regarding mitigation areas, and recommended early and ongoing engagement with the Applicants to address these issues should the Secretary of State grant consent.

- 4.40. As discussed in paragraphs 4.65 to 4.81 of this decision letter, the Secretary of State sought significant further information in relation to the need for and potential alternatives to the mitigation areas. The Applicants have proposed alternative mitigation measures to address temporary construction impacts, which the Secretary of State considers to be more suitable, and they have removed the Lytham Moss mitigation area from the final oEMP [C3-008.4]. Similarly, the Secretary of State concludes that the Newton-with-Scales mitigation area is not required to mitigate HRA impacts as discussed in paragraph 4.69 of this decision letter. However, mitigation is still required for significant adverse effects identified in the Environmental Statement and to deliver this, the Applicants have therefore presented an updated approach to the Newton-with-Scales mitigation area as discussed in paragraph 4.73 of this decision letter. The new approach is based on maintaining a sanctuary area and does not include habitat modifications, supplementary feeding, or vegetation management and has been updated in the oEMP [C2-029.16; C3-008.4].
- 4.41. The Applicants submitted an updated bird strike risk assessment within [C3-008.9] following these changes to the proposed mitigation areas. This highlights a reduced need for measures in the oWHMP to ensure there is no increase in bird strike risk. DIO [C3-020] advised that following these updates to the oWHMP [C3-008.9] and oEMP [C3-008.4] it considered these measures acceptable and, subject to retention of Requirements 4, 5, 6, 8 and 27 in the Schedules 2A and 2B to the Order, it was content to remove its objection on the ground of bird strike risk to aviation safety. The Secretary of State asked BAE to confirm its final position in the fifth information request. BAE [C5-004] confirmed its position was the same as DIO and removed its objection.

The Secretary of State's conclusions on Aviation

- 4.42. The Secretary of State is content there is no potential bird strike risk from the proposed Lytham Moss mitigation area as this has now been removed. The Secretary of State is also content the Fairhaven Saltmarsh mitigation area does not present an unmanageable risk of bird strike to Warton Aerodrome. She also concludes that, as the revised measure at Newton-with-Scales does not include habitat modifications, supplementary feeding, or vegetation management, any risk of attracting additional bird numbers or increased bird strike risk, is expected to be negligible. This view is supported by BAE and DIO who have now removed their objections.
- 4.43. However, to ensure there will be no increased risk to aviation from the revised Newton-with-Scales mitigation area, the Secretary of State has amended Requirement 27 to require the Secretary of State's approval of the detailed wildlife hazard management plan, in consultation with BAE, MOD and BAOL. The Secretary of State has also amended Requirement 12 to require that, prior to the LPA approving any ecological management plan relevant to the Newton-with-Scales mitigation area, the Secretary of State must confirm there is no increased bird strike risk.
- 4.44. The Secretary of State will not approve the WHMP or provide confirmation to the LPA if there is considered to be an unmanageable risk to aviation safety. Should this occur, the Applicants are expected to use their best endeavours to identify alternative mitigation options which do not present a bird strike risk. If it is demonstrated that no alternative mitigation is available, the Secretary of State may approve a revised WHMP based on the removal of the Newton-with-Scales mitigation area from the relevant EMP.

- 4.45. The Secretary of State considers the policy requirements in paragraphs 5.5.37, 5.5.41, and 5.5.50 of 2025 NPS EN-1 are now met. The Applicants and BAE have submitted risk assessments of the potential effects regarding bird strike, and the Secretary of State is content that the revisions to the mitigation proposals and Requirements 12 and 27 will ensure the Proposed Development does not result in an unmanageable bird strike risk. With these measures in place, the Secretary of State concludes there will be no significant residual adverse effects on Aviation from the Proposed Development. However, noting that control measures in the oWHMP are needed to support this conclusion she considers that limited negative weight should be attributed against Aviation in the planning balance.

Climate Change and Greenhouse Gas Emissions

- 4.46. The ExA considered that the Proposed Development would have a beneficial effect on reducing greenhouse gas (“GHG”) emissions, and as this benefit is already attributed weight in the overarching need case for the Proposed Development, it should not be counted twice in the planning balance [ER 4.4.48]. The ExA concluded there were no climate change matters weighing for or against the order being made [ER 4.4.48]. The Secretary of State has further considerations on climate change matters in the paragraphs below.
- 4.47. The ExA considered that the Applicants had adequately addressed the Orsted IPs comments regarding the climate change assessment and wake effects [ER 4.4.44], and the Secretary of State agrees. Overall, the Secretary of State agrees with the ExA that the Proposed Development would help reduce GHG emissions, and considers that the Applicants’ climate change assessment is policy-compliant.
- 4.48. The Applicants confirmed that sulphur hexafluoride (“SF6”) would be used within the Gas Insulated Switchgear (GIS) proposed for the Applicants’ 275kV and 400kV substations [ER 4.4.32]. Both the 2024 and 2025 NPS EN-5 state that, at the design stage, applicants should consider carefully whether the Proposed Development could be reconceived to avoid using assets reliant on SF6 [ER 4.4.31]. EN-5 notes that SF6 is an insulating and arc-suppressant gas used in high-voltage switchgear for electricity networks, which is a potent greenhouse gas, and requires that applicants provide evidence of their reasoning on the use of SF6-reliant assets. The Applicants’ GHG assessment was based on the current assumed worst-case scenario that the GIS technology used for the onshore substations would be SF6 reliant, stating that SF6-free switchgear alternatives are an emerging market, but the alternatives do not have an established operational track record at high-voltage levels, and are not yet proven or commercially viable [REP3-056]. The Applicants confirmed [REP3-056] that decommissioning plans will be developed and implemented, as secured in the dDCO, and will include procedures for the safe handling, removal and disposal of SF6 in line with industry best practice and relevant legislation. The ExA considered that the Applicants had provided a reasonable justification on why using SF6 reliant switchgear may be required, in accordance with NPS EN-5 [ER 4.4.43].
- 4.49. The Secretary of State considers the development of SF6-free switchgear is an important and rapidly developing area, noting that advancements may have continued with the availability of SF6-free high voltage switchgear since the Applicants made their assessments in their 2024 Sulphur Hexafluoride Report [APP-028]. The Secretary of State has noted the explanation provided by the Applicants in respect of the use of SF6-reliant assets. She considers that further compliance with NPS EN-5 can be achieved by requiring the Applicants to continue to investigate whether ongoing developments in technology may enable the use of SF6-free GIS post-consent. The Secretary of State has amended

Requirement 4 (Substation Works) to require that details in this regard are provided to the local planning authority for approval along with other details relating to substation works. She notes that decommissioning plans are secured in the DCO. With this amendment, the Secretary of State considers the Applicants' approach to be compliant with EN-5.

The Secretary of State's Conclusion on Climate Change and Greenhouse Gas Emissions

- 4.50. The Secretary of State considers that the weighting for the section on Overarching Issues (need, site selection, and co-ordination between projects) already accounts for the Proposed Development's contribution to addressing the effects of climate change. Therefore, the Secretary of State has not ascribed the Climate Change section a further weighting.

Onshore Ecology, Biodiversity and Intertidal Ornithology

- 4.51. The ExA concluded that important issues remained unresolved regarding onshore ecology, biodiversity and intertidal ornithology [ER 4.5.211] and ascribed great negative weight [ER 4.5.218]. A significant effect remained due to the partial loss of Mill Brook Valley Biological Heritage Sites ("BHS") [ER 4.5.214], and the ExA considered the effect should be treated as significant in accordance with 5.4.42 of NPS-EN1 [ER 4.5.214]. The ExA noted there were also unresolved matters that introduced material levels of uncertainty to the overall conclusions in relation to appropriateness of proposed mitigation hierarchy for ornithological receptors, and whether the proposed mitigation strategy could feasibly be delivered [ER 4.5.216]. The ExA noted from the ES that, in the absence of any further mitigation measures, predicted effects range up to moderate adverse, which is considered significant [ER 4.5.217].

Impacts on Lytham St. Anne's Dunes Site of Special Scientific Interest ("SSSI")

- 4.52. At the end of the Examination NE, FBC, LCC and NCFPC had outstanding concerns in relation to impacts on Lytham St. Annes SSSI [ER 4.5.89]. The ExA concluded that there are sufficient control mechanisms forming part of the application and within the commitments, including the updated CoT128, secured through Requirement 8 of Schedules 2A and 2B to the Order, to ensure the outstanding matters can be adequately managed post-consent, so that no significant effects result to the SSSI [ER 4.5.87-108].
- 4.53. However, the Secretary of State notes that the Applicants submitted an updated outline Landfall Construction Method Statement [REP6-151] at Deadline 6 [ER 4.5.101]. NE advised in its closing statement [REP7-050] that it had been unable to undertake a thorough review of all Deadline 6 submissions due to the short turnaround between Deadlines 6 and 7 [ER 4.5.102]. NE were therefore invited to comment on the updates to this document in the first information request.
- 4.54. In response NE [C1-016] highlighted that the updated document had resolved a number of its concerns but that some remained outstanding. In particular, NE reiterated concerns raised during Examination regarding the need for more detailed technical information on cable layout and cable burial depth and related impacts on hydrology. The ExA has considered these matters at [ER 4.5.103] and [ER 4.5.104-107] respectively and the Secretary of State notes that NEs outstanding concerns relate to details of commitments and codes of construction practice, including the outline Hydrogeological Risk Assessment and the outline Landfall Construction Method Statement. She further notes that Requirement 8 of Schedules 2A and 2B to the Order includes NE as a consultee in the discharge of related detailed codes of construction practice and agrees with the ExA's conclusion [ER 4.5.108]

that control mechanisms will ensure the outstanding matters can be adequately managed post-consent, such that no significant effects result.

European Protected Species (“EPS”) Licence for Sand Lizard

- 4.55. The ExA noted concerns raised by IPs and LPAs regarding disturbance to sand lizard [ER 4.5.117]. The ExA was content that any risks to sand lizard and its habitat can be mitigated through the EPS licencing process even though no EPS licence had been issued. Following the close of Examination, the Applicants updated the Secretary of State [PID-002] that the draft sand lizard mitigation licence application made to NE on the 14 October 2025 had been accepted and provided a letter of no impediment from NE in support of this position. The Secretary of State therefore agrees with the ExA that adequate controls are in place to mitigate potential disturbance to sand lizard [ER 4.5.119].

Developing on areas of restorable peat

- 4.56. The ExA outlined concerns raised by IPs during the Examination in relation to development on areas of peat and highlighted NE’s request [REP5-184; REP6-190] that works should not commence until targeted pre-construction peat surveys are completed to ensure the Proposed Development firstly avoids impacts and, where they cannot be avoided, mitigates or compensates for them [ER 4.5.170 et seq.]. At the close of the Examination the ExA agreed that NE’s request for targeted pre-construction surveys is appropriate in the context of The England Peat Action Plan 2021 and concluded that provision for a compensation mechanism would be appropriate if significant risk to the restorability of the deep peat mass could not be avoided through other measures [ER 4.5.185]. However, the ExA did not secure a compensation mechanism and determined that the persisting uncertainty, together with the lack of provisions to ensure full adherence to the mitigation hierarchy (including compensation) gives rise to the potential for small level of unmitigated harm to occur to peatlands [ER 4.5.186].
- 4.57. In the first information request the Secretary of State requested updates to the outline Soil Management Plan (“oSMP”) to address this matter. The Applicants updated the OSMP [C1-029.6] to clarify that no construction works will be undertaken in non-surveyed areas until further targeted pre-construction surveys have been completed. These surveys will inform the detailed design of appropriate mitigation measures.
- 4.58. The Applicants also introduced a compensation mechanism that will provide funding to a peatland restoration scheme in circumstances where there remains a significant risk that areas of deep peat cannot be restored to their existing condition using the measures set out in the Peat Management Plan(s). COT81 has been updated to reflect this.
- 4.59. The Secretary of State is satisfied that Requirement 8 of Schedules 2A and 2B to the Order adequately secures the Applicants commitments to further surveys, the implementation of mitigation measures and the delivery of compensation where necessary. She concludes that the small level of unmitigated harm identified by the ExA will now be avoided, mitigated or compensated for, leaving no significant residual effects to peatland.

Onshore biodiversity benefits and biodiversity net gain

- 4.60. In the first information request the Secretary of State proposed amended wording to Requirement 26 of Schedules 2A and 2B to the Order and the Applicants were invited to comment. This proposed amendment was intended to require approval of the detailed

biodiversity benefit scheme prior to the commencement of any onshore works and associated harm, in line with biodiversity net gain Requirements the Secretary of State has placed on other recently consented projects.

- 4.61. The Applicants [C1-029.39] explained that Requirement 26 is linked to defined “biodiversity benefit works” which include works packages where biodiversity benefit works are proposed to be co-located with other works (namely substations), as well as areas within the Order limits which comprise solely biodiversity benefit works. They expressed concern at linking the Requirement to other onshore works where no biodiversity benefit is being delivered. Having reviewed the response the Secretary of State is content that the Order defines “biodiversity benefit works” to include, amongst others, the works numbers expected to result in permanent loss of habitat (Work 21A/B), against which the Applicants are proposing biodiversity net gain. The Secretary of State therefore accepts the Applicants’ argument that it is appropriate to retain the original drafting which links Requirement 26 specifically to the defined biodiversity benefit works.
- 4.62. The ExA highlight that IPs made representations against the Applicants’ approach to calculating biodiversity net gain [ER.4.5.158-64]. In particular, that net gain is only offered against permanent losses associated with substation works and the Applicants’ consideration of temporary impacts which are not restored within two years to still be temporary. The Secretary of State notes these issues have also been highlighted in representations made during the determination stage.
- 4.63. The Secretary of State notes NE’s position that the Applicants have adequately followed the mitigation hierarchy in respect of no biodiversity net loss [ER.4.5.157]. She concludes that, whilst it would be desirable for temporary impacts to be accounted for, there is no statutory or policy requirement for the Applicants to do so for DCO applications accepted for examination before 2 November 2026. The Secretary of State therefore agrees with the ExA [ER.4.5.165;168] that Requirement 26 will provide for at least 10% net gain in relation to areas of permanent habitat loss associated with the permanent above-ground infrastructure and will comply with the relevant local policies. The Secretary of State has amended the wording of Requirement 26 to specifically secure a minimum of 10% against the relevant individual unit types and secure use of the latest BNG metric.
- 4.64. The Applicants seek CA powers over land plots at Lea Marsh to deliver their BNG [ER.7.6.33-4]. The ExA stated that it was not convinced these land plots met the statutory test (set out in Section 122 of the Planning Act) that the land should be “required for the development”. However, as explained further at paragraphs 6.59 to 6.61, the Secretary of State has concluded that CA powers for these plots should be included in the final DCO. These powers are only granted in relation to the plots required for Project B (Morecambe TA), for reasons which are explained in paragraphs 6.6 to 6.42.

Mitigation measures for and impacts to onshore and intertidal ornithology

- 4.65. The Applicants have proposed mitigation areas for temporary and permanent impacts to ornithology at Fairhaven Saltmarsh, Lytham Moss and at land south of Newton-with-Scales. Concerns regarding increased risk of bird strike to aviation from these proposed mitigation areas, and the Secretary of State’s conclusions in this regard, are addressed in Section 4 of this letter under the heading “Aviation”.

- 4.66. The need for these mitigation areas in the context of impacts to Special Protection Areas (“SPAs”) and Ramsar sites is considered in Section 5 of the Secretary of State’s HRA (“the HRA”), where the Secretary of State has concluded, following consideration of further information received during the determination period, that she can exclude an adverse effect on integrity (“AEol”) of all SPAs and Ramsar sites without the need for mitigation areas. The need for mitigation areas in relation to the assessment of EIA-scale effects is considered below.
- 4.67. Temporary habitat loss and disturbance and displacement impacts to non-breeding waders from the landfall works are assessed as moderate adverse [Table 4.41 REP5-040]. The ES does not state whether this is significant in EIA terms. For the avoidance of doubt, the Secretary of State considers it would be significant on a precautionary basis. The measures at the Fairhaven Saltmarsh are presented as mitigation for these effects and with these in place, the Applicants conclude that the residual impacts are minor adverse (not significant). The Secretary of State considers that any bird-strike risk associated with this mitigation area is manageable, as discussed in Section 4 of this decision letter under the heading “Aviation”. The Fairhaven Saltmarsh mitigation area has been retained in the Applicants oEMP [C3-008.3] which is secured via Requirement 12 of Schedules 2A and 2B to the Order and the Secretary of State has retained access rights to publicly owned land to deliver the measure within the Order. The Secretary of State therefore concludes that with this mitigation area secured there will not be any significant residual EIA effects to non-breeding waders from the landfall works.
- 4.68. The Application included further mitigation areas to mitigate for temporary impacts from onshore construction activities at Lytham Moss and Newton-with-Scales. Section 5.3 of the HRA considers alternative measures to the Lytham Moss and Newton-with-Scales mitigation areas for temporary impacts from onshore construction activities. The Secretary of State concludes that these alternative measures represent a better use of the mitigation hierarchy and are therefore preferable to relying on Lytham Moss and Newton-with-Scales to mitigate for these temporary impacts and to rule out an AEol. In the third information request the Secretary of State asked the Applicants to update the oEMP to ensure these alternative measures were secured over less favourable scenarios. The Applicants submitted an updated oEMP [C3-008.3] that includes these alternative measures and removes temporary mitigation measures at Lytham Moss and Newton-with-Scales mitigation areas.
- 4.69. The Secretary of State notes that in Table 4.41 of ES Volume 3, Chapter 4: Onshore and Intertidal Ornithology [REP5-040] temporary habitat loss and disturbance and displacement impacts to non-breeding geese, ducks and swans and non-breeding wader from onshore works are assessed as moderate adverse. The ES does not state whether this is significant in EIA terms. For the avoidance of doubt, the Secretary of State considers it would be significant on a precautionary basis. The ES relies on the Lytham Moss and Newton-with-Scales mitigation areas to provide mitigation for this significant adverse effect and concludes that, with the mitigation in place, residual impacts will be minor adverse and therefore not significant in EIA terms. With the removal of these areas from the oEMP, the Applicants also submitted a without prejudice ES Addendum [C3-008.41] which sets out that the alternative measures now included in the oEMP avoid impacts to non-breeding waterfowl and waders and the effectiveness of this mitigation is considered to apply equally for EIA purposes as it does for HRA purposes (paragraphs 2.4.2.2-4). The Secretary of State is content that sufficient mitigation is secured for these impacts, without reliance on the Lytham Moss or Newton-with-Scales mitigation areas and residual effects to these species will be minor adverse and not significant in EIA terms.

- 4.70. To ensure the powers provided by the Order reflect these updates, the Secretary of State, in the third information request, asked the Applicants to amend all relevant documentation, including the Order limits, to remove any powers from the Order relating to the (no longer required) Lytham Moss mitigation area. The Applicants made these amendments [C3-017.1], and the Secretary of State is content that the Order does not include any powers in respect of the Lytham Moss site.
- 4.71. Section 5.3 of the HRA also considers the need for permanent mitigation provided by the Newton-with-Scales mitigation area. Following further information requests from the Secretary of State, agreement was reached between the Applicants and Natural England that the Newton-with-Scales mitigation area is not required to mitigate HRA impacts to golden plover from permanent habitat loss of functionally linked land; the Secretary of State agrees with this conclusion in her HRA.
- 4.72. However, in Table 4.41 of ES Volume 3, Chapter 4: Onshore and Intertidal Ornithology [REP5-040] the Applicants assess the impact of onshore works on non-breeding waders more generally as moderate adverse. The ES does not state whether this is significant in EIA terms but the Applicants reference significant EIA effects to non-breeding waders at the substation site in [C2-029.2] and the Secretary of State considers these effects would be significant.
- 4.73. The Applicants [C2-029.2] therefore proposed refined measures at the Newton-with-Scales mitigation area, which are updated to “reduce the risk of bird strike and improve acceptability to aviation stakeholders ... whilst also being sufficient to mitigate significant EIA effects to non-breeding wading birds”. The updated approach is to maintain existing habitat as a sanctuary area for the relevant wading birds already using the area. No additional enhancement measures are required (paragraph 1.3.2.6-7). The oEMP [C2-029.16] and oWHMP were updated to reflect this new approach and active enhancement/creation measures for Newton-with-Scales were removed from the outline plans.
- 4.74. In the third information request, the Secretary of State asked the Applicants to confirm the land plots required to deliver the revised measure. The Applicants confirmed in response to point 12 [C3-008.11] that all plots are required to cover the impacts of both projects; that the land south of Newton-with-Scales has been divided so that Morgan TA and Morecambe TA each has appropriate mitigation for the impacts of that project; and that the decision on the grant or refusal of CA powers for Morgan TA will not result in a deficiency of CA powers for Morecambe TA. The Secretary of State is content, in light of her decision to refuse the grant of CA powers to Morgan TA, that sufficient powers have been granted for the correct plots for the Applicants to deliver the measure (see Section 6 of this letter for further detail).
- 4.75. The Secretary of State’s rationale on bird strike risk associated with the revised measures is set out earlier in Section 4 of this letter under the heading “Aviation”. She considers that the revised approach to the Newton-with-Scales mitigation area offers a reduced risk of bird-strike compared to earlier habitat enhancement approaches. However, should an unmanageable bird strike risk be identified post-consent, the Secretary of State expects the Applicants to use their best endeavours to find a solution to address the bird strike risk that allows the Newton-with-Scales mitigation area to be delivered, or to subsequently attempt to find an alternative solution whereby the risk of bird strike is managed. The Secretary of State will not approve a WHMP under Requirement 27 of the Order (which will, in turn, prevent approval by the LPA of a relevant EMP) unless she is content that any measure does not present an unacceptable increased bird strike risk. For that reason, she concludes on the

worst-case basis that mitigation measures for this effect might not be deliverable and that the residual effect of permanent habitat loss to non-breeding waders remains moderate adverse and is significant in EIA terms.

- 4.76. The Secretary of State's second information request sought information on alternative mitigation and potential compensation areas. NE [C2-025] advised that the Applicants' proposals at Crossens Outer and Banks Marsh were not additional to existing management measures and therefore did not represent mitigation or compensation. The Secretary of State considers the information provided demonstrates that the Applicants have explored alternative mitigation and compensation options in accordance with the mitigation hierarchy, however all identified options were considered undeliverable.
- 4.77. As required by paragraph 5.4.42 of the 2024 NPS EN-1 the Secretary of State concludes that significant harm to non-breeding waders might not be avoided, mitigated or compensated for. The Secretary of State therefore ascribes significant negative weight to this issue in accordance with paragraph 5.4.43 of the 2024 NPS EN-1 and paragraph 5.4.44 of the 2024 NPS EN-1.

The Secretary of State's Conclusion on Onshore Ecology, Biodiversity and Intertidal Ornithology

- 4.78. The ExA concluded there was significant doubt whether the Applicants' ornithology mitigation strategy was deliverable and whether the Application complied with paragraph 4.3.4 of 2024 NPS EN-1. In light of the alternative mitigation commitments and additional consideration of alternative mitigation and compensation options outlined above, the Secretary of State is content that the mitigation hierarchy has been fully explored, and the Application is therefore compliant with paragraphs 4.3.4 and 5.4.42 of 2024 NPS EN-1. The Secretary of State considers that, on the evidence available at this time, the proposed measures would not present an increased bird strike risk to Warton Aerodrome. However, when considering the final WHMP in line with Requirement 27, there remains the possibility that the Secretary of State may conclude that measures at Newton-with-Scales cannot be delivered whilst managing any risk to aviation safety at an acceptable level, and no feasible and deliverable alternative mitigation or compensation is available. If this is the case, then it remains possible that there could be significant residual EIA effects to non-breeding waders as a result of permanent habitat loss at the substation sites.
- 4.79. In line with paragraph 5.4.43 of 2024 NPS EN-1 the Secretary of State considers the worst-case residual significant adverse effect on non-breeding waders should be assigned significant negative weight in the planning balance and agrees with the ExA [ER.4.5.214] that the residual significant effect identified at Mill Brook Valley BHS should also be assigned significant negative weight.
- 4.80. Section 4.6 of 2024 NPS EN-1 advises that the Secretary of State should give appropriate weight to environmental and biodiversity net gain in her decision making. Given that temporary impacts exceeding two years were excluded from the overall net gain calculations, the Secretary of State agrees with the ExA [ER.4.5.212] that neutral weight should be assigned to BNG.
- 4.81. Overall, considering these residual significant effects, the other harms identified by the ExA and the limited biodiversity net gain, the Secretary of State concludes that significant negative weight should be attributed to Onshore Ecology, Biodiversity and Intertidal Ornithology.

Water Environment and Ground Conditions

- 4.82. Following comments from NCFPC on 10 April 2026 [C1-007], the Secretary of State asked in the second information request, for the Applicants and the Environment Agency (“EA”) to clarify whether they had considered the flood data issued by the EA in its “Flood Zones plus Climate Change” series¹ issued on 27 August 2025 and to provide relevant updates if appropriate. The EA responded on 22 June 2026 [C2-024] stating it was satisfied that the approach taken by the Applicants, based on the data available at the time, remains appropriate, and it did not suggest that the further flood data should be incorporated into the Flood Risk Assessment. The Secretary of State notes the explanation provided by the EA, along with the Applicants’ response on this issue, and considers this matter now resolved. The Secretary of State agrees with the conclusions reached by the ExA in relation to effects on water environment and ground conditions, and ascribes limited negative weight in the planning balance.

Historic Environment

- 4.83. The ExA considered impacts on the historic environment carry little negative weight in the planning balance [ER 4.7.98]. The ExA considered that the need for and the benefits of the Proposed Development would outweigh the less than substantial harm identified that would result to the significance of designated heritage assets, and there is a clear and convincing justification for the harm [ER 6.3.21]. The ExA reached the same conclusion when considering non-designated heritage assets [ER 6.3.21].
- 4.84. Given other planned works to the Penwortham substation outside of this application, the Secretary of State requested further information in the first information request on potential environmental impacts of the proposed works to the substation and whether an assessment could be undertaken on the cumulative effects on Hesketh Farmhouse, to address 2024 NPS EN-1 5.9.27-28 and Regulation 3 of the Infrastructure Planning (Decisions) Regulations 2010 [ER 4.7.95]. The Secretary of State is satisfied with the Applicants’ response to this [paragraph 1.13.2.18 of C1-029.39], outlining their analysis and conclusion that the Proposed Development should not cause harm to Hesketh Farmhouse’s heritage significance. The Applicants concluded, and the Secretary of State agrees, that any effects arising from any other proposed developments would not constitute cumulative effects.
- 4.85. In Chapter 5 of the ES [APP-096] the Applicants concluded that there would be up to a moderate adverse effect arising from loss of, or harm to, buried archaeological remains and deposits during the construction phase and up to minor adverse effects during the operation phase, and that the level of uncertainty would be addressed through a programme of mitigation in the outline Onshore and Intertidal Written Scheme of Investigation (“OIWSI”) [ER 4.7.27].
- 4.86. The ExA noted that LCC had agreed that the archaeological evaluation could be completed post development consent, but questioned whether the evaluation carried out to date had been sufficiently comprehensive to adequately characterise the heritage and archaeological value of the site [ER 4.7.73]. LCC’s outstanding issue in the Statement of Common Ground (“SoCG”) was the programme of survey work, including the trial trenching, that was yet to be completed by the Applicants [ER 4.7.72].
- 4.87. Given that the Applicants committed to a further programme of archaeological investigation including additional trial trenching in the outline OIWSI [ER 4.7.93], and approval of the

detailed OIWSI would be secured by Requirement 11 of Schedules 2A and 2B of the dDCO [ER 4.7.74], the ExA was satisfied that there would be no significant effects upon onshore archaeology [ER 4.7.79].

- 4.88. However, the Secretary of State notes that whilst Historic England agreed with the outline OIWSI [ER 4.7.93] it had advised at paragraph 4 of RR-0839 that the reliance on embedded mitigation measures, such as recording archaeology before any loss, would not reduce harm or magnitude of impact. Historic England did not agree with the downgrading of residual impact and conclusion of residual effects as “not significant” in EIA terms.

The Secretary of State’s Conclusion on Historic Environment

- 4.89. Whilst the Secretary of State agrees with the majority of the ExA’s conclusions in relation to the historic environment, the Secretary of State does not agree with the ExA’s conclusion of no significant effects in relation to loss of, or harm to, buried archaeological remains and deposits during construction. The Secretary of State considers that measures in the outline OIWSI such as recording archaeology before any loss do not reduce harm or the magnitude of effect. The Secretary of State’s conclusion aligns with paragraph 5.9.16 of 2024 EN-1. Therefore the Secretary of State agrees with Historic England’s advice outlined in paragraph 4.88 above. Taken together with the incomplete trial trenching and the uncertainty as to residual damage, the Secretary of State concludes that after the implementation of the OIWSI, residual moderate adverse effects will remain from loss of, or harm to, buried archaeological remains and this will be significant in EIA terms.
- 4.90. The Secretary of State therefore disagrees with the ExA’s conclusions that little negative weight should be ascribed to historic environment and has increased the weighting to moderate negative weight in the overall planning balance.

Land Use and Recreation

- 4.91. The ExA gave moderate negative weight to land use and recreation due to residual harms remaining [ER 4.8.58].

Bridleway

- 4.92. The ExA raised a query regarding bridleway 5-5-BW-16 near the proposed substations, which had been damaged by vehicles undertaking surveys [ER 4.8.48]. The ExA observed that the bridleway deteriorated over a seven-month period and urged the Applicants to reinstate the bridleway to satisfy paragraphs 5.11.30-31 of 2024 NPS EN-1 [ER 4.8.48]. In the first information request the Secretary of State asked the Applicants to clarify whether the dDCO or supporting documents provide a process to ensure that adverse impacts to Public Rights of Way (“PRoW”), including impacts arising during pre-construction works are remedied in a timely manner. The Applicants were asked to propose wording in the dDCO, if there were currently no provisions in place.
- 4.93. The Applicants confirmed in their response to the Secretary of State [C1-029.39] that they had updated the outline PRoW Management Plan (J1.5/F07) to clarify that, in addition to construction activities, management measures will apply to onshore site preparation as defined in Article 2 of the dDCO. The Applicants confirmed that any temporary impacts on PRoW arising from onshore site preparation works will be remedied as soon as reasonably practicable. The Applicants also confirmed that the outline PROW states that onshore and intertidal works for either project cannot commence until a code of construction practice,

which includes a PRow management plan, has been approved for that stage in consultation with several bodies. The Secretary of State considers this matter to be sufficiently addressed by the Applicants.

Fylde Borough Council Section 106 agreement

- 4.94. In the first information request, the Secretary of State asked the Applicants and FBC to update on whether Section 106 agreements relating to Blackpool Road Recreation Ground ("BRRG") had been completed.
- 4.95. FBC responded on 13 April 2026 [C1-015] stating an advanced draft agreement of the BRRG Section 106 was in circulation with Morecambe Offshore Windfarm Limited and negotiations were ongoing, but there were many outstanding points of dispute. FBC noted that, once agreed, it is intended that a second Section 106 agreement for Morgan TA will be entered into, and this would mirror the one agreed by Morecambe Offshore Windfarm Limited. FBC noted that, although the Applicants proposed a deed of covenant on 8 April 2026, further amendments to Article 6 were required because the Section 106 obligations were not directly enforceable against the landowner. FBC noted the Applicants agreed on 8 April 2026 to enter into a deed of indemnity, but no draft has been received, and FBC considered further wording was needed in the dDCO to ensure that the indemnity was entered onto.
- 4.96. The Applicants also responded on 13 April 2026 [C1-029.39], stating progress had been made on BRRG mitigation, and considered a Section 106 Agreement would be reached, and that Requirement 28 of Schedules 2A and 2B is sufficient to secure this prior to the commencement of works. The Applicants consider a deed of indemnity is not necessary, but proposed to FBC on 8 April 2026 that it would provide a deed of indemnity for the Section 106 Agreement, and were preparing a draft. The Applicants considered FBC's proposed amendments to Article 6 are not necessary, and considered it more appropriate for this to be dealt with by way of the Section 106 Agreement itself. The Applicants considered the current drafted Article 6 follows a precedent and the proposed amendments would not be in accordance with DCO drafting principles. The Applicants confirmed that they have suggested some additional wording which could be added to the Section 106 Agreement directly, which the Applicants consider would address FBC's concerns on this point. They note that the new developer for Morgan TA, would be bound by the DCO Requirements, and therefore be obliged to enter into a Section 106 agreement before being able to commence works. FBC requested a suite of wider mitigation measures to be secured within the Section 106 agreement, but the Applicants considered the dDCO already secures appropriate mitigation for all identified impacts.
- 4.97. Following the Secretary of State's second information request on 20 May 2026, the Applicants replied on 22 June 2026 in the 'S_SoSQ_15' [C2-029.3] stating a draft deed of indemnity was provided on 20 May 2026.
- 4.98. On 7 August 2026, Morecambe Offshore Wind Limited and Fylde Borough Council submitted a joint letter [C3-017.2] confirming that positive progress has been made in relation to the Section 106 agreement and it is considered likely that an agreement will be finalised in advance of the DCO decision date.
- 4.99. The ExA concluded that if the Section 106 agreement was yet to be executed at the time the DCO is made, Requirement 28 of Schedules 2A and 2B of the dDCO would provide a safeguard requiring that the relevant works at BRRG are not commenced until a Section 106

obligation in a form that is acceptable to FBC is entered into to secure appropriate mitigation measures [ER 4.8.33]. The ExA concludes the requirement is reasonable and necessary [ER 8.4.116].

- 4.100. The Secretary of State concludes that as the Section 106 agreement is not yet agreed, Requirement 28 is necessary. The Secretary of State agrees with the Applicants that FBC's proposed amendments to Article 6 are not required. In regard to the suite of wider mitigation measures that FBC requested, the Secretary of State agrees with the Applicants [C1-029.39] and the ExA [ER 8.4.118], that the DCO already secures appropriate mitigation for all identified impacts, and that the matters raised are already secured through the Requirements of the DCO and associated management plans.

The Secretary of State's Conclusion on Land Use and Recreation

- 4.101. The Secretary of State notes the response received to the query regarding PRoW and concludes that there is policy compliance in this regard. She notes that the ExA raised a particular concern in relation to Landholding 26, which is addressed in this letter at paragraphs [6.52 to 6.54], and that Requirement 28 is necessary as the Section 106 agreement is not yet agreed with FBC. Overall, the Secretary of State agrees with the ExA's findings in relation to land use and recreation and agrees that these matters should carry moderate negative weight in the planning balance.

Landscape and Visual

- 4.102. The ExA considered that significant effects would remain from the two proposed substations and assigned moderate weight against landscape and visual effects in the planning balance [ER 4.9.85]. The ExA considered that the Applicants' approach to minimising harm from the development is largely in accordance with 2024 NPS EN-1, NPS EN-3 and NPS EN-5 [ER 4.9.83]. However the ExA considered there were conflicts with the relevant policies of the Fylde Local Plan to 2032, and also with NPPF policies [ER 4.9.84].

Substation mitigation

- 4.103. The ExA expressed concerns around the adequacy of the proposed mitigation measures for the onshore substations [ER 4.9.81]. It found that, whilst 2024 NPS EN-5 recognises that new substations can give rise to landscape and visual impacts, both proposed substations would appear as large, dominant and incongruous features in a predominantly rural landscape [ER 4.9.78-79]. The ExA noted that the Applicants' proposed landscaping would reduce the visual effects, but also considered that additional landscape proposals could further reduce the visual and landscaping effects, although it also noted the challenge in providing screening landscaping that would blend successfully into the landscape [ER 4.9.64].
- 4.104. In the first information request, the Secretary of State asked the Applicants to propose options to further mitigate the landscape and visual impacts of the proposed substations and explain their potential effectiveness alongside any potential adverse impacts of these proposed options. The Applicants' response [C1-029.39] provided, amongst other things, examples of the types of additional landscape mitigation which could be secured post-consent. The Applicants state that the secured commitments and post-consent design development process would design any elements of the substations that remain visible above or through planting to appear coherent, well-considered, and visually ordered, thus

reducing potential effects. They maintained their position that appropriate, proportionate and deliverable mitigation would be delivered through the Landscape Management Plan and Design Principles, which are secured in Requirements 4, 6 and 7 of the DCO and will be approved FBC.

- 4.105. The Secretary of State has considered the concerns raised by the ExA and IPs on the adequacy of mitigation and reliance on post-consent process, and has considered the information provided by the Applicants both during and post Examination. She is satisfied that the approach secured in the DCO is appropriate, and will allow for further consideration and refinement of design and mitigation measures at a stage when more detailed information is available, with input from FBC, and provides an appropriate mechanism to secure the delivery of adequate and effective landscape mitigation post-consent.

Significance of effects

- 4.106. The Secretary of State notes that Chapter 10: Landscape and visual resources of the Environmental Statement ("LVIA") [APP-123] identifies only "major" adverse effects as significant, differing from the general approach adopted elsewhere in the Environmental Statement, where both "moderate" and "major" effects are generally considered significant [ER 4.1.2]. The Applicants were questioned on this during Examination [PD-008] [EV7-001] and clarified that moderate adverse effects are typically regarded as falling below the threshold at which landscape and visual effects are considered significant for EIA purposes and that the LVIA methodology remains robust and is consistent with the EIA Regulations and established industry guidance, including the *Guidelines for Landscape and Visual Impact Assessment* (GLVIA3) [REP4-103].
- 4.107. FBC's position [REP3-082 and REP4 134] was that where effects are considered not to be significant, they should not be completely disregarded and that moderate effects are important effects which should be considered [ER 4.9.30]. The Secretary of State notes that paragraph 10.11.4.4 of the LVIA makes clear that effects assessed as "moderate" are not automatically classified as significant in EIA terms but, are nevertheless accounted for within the overall assessment. The Applicants explained [REP3-056 and REP4-056] that the potential for effects to be underrepresented is addressed through the tiered assessment approach adopted in the LVIA and the wider Environmental Statement, which distinguishes between EIA significance and professional judgements relating to landscape sensitivity, susceptibility, and value.
- 4.108. The ExA [ER 4.9.31] agrees with FBC's position on moderate effects and concludes [ER 4.9.81] that the Applicants have underestimated the effects that would result from the proposed substations on the landscape character. However, the Secretary of State is satisfied that the Applicants' methodology for determining the significance of effects has been appropriately justified and she considers it is compliant with the *Guidelines for Landscape and Visual Impact Assessment* (GLVIA3) and can therefore be relied upon. Despite the difference in methodological approach to FBC and the ExA, the Applicants (LVIA Table 10.29) still identifies major residual adverse effects which the Secretary of State considers would be significant in EIA terms.

The Secretary of State's Conclusion on Landscape and Visual

- 4.109. The Secretary of State agrees with the ExA that the Applicants' approach to minimising harm from the Proposed Development is in accordance with 2024 NPS EN-1, NPS EN-3 and NPS

EN-5. The Secretary of State notes the conflict with the relevant policies of the Fylde Local Plan to 2032. Overall, she agrees with the ExA [ER 4.9.85] that significant adverse effects would remain from the two proposed substations, although she considers that measures secured in the DCO will ensure this harm is mitigated as far as possible. The Secretary of State assigns moderate weight against Landscape and Visual matters in the planning balance.

Green Belt and Areas of Separation

- 4.110. The ExA noted the proposed substations would be located outside of designated areas of separation [ER 4.10.50], but the Morgan TA substation would be located close to the boundary of a designated area of separation [ER 4.10.44]. The ExA was satisfied the Proposed Development would not result in harm to or compromise the function of a designated areas of separation, and therefore there would be no breach of Strategic Policy GD3 of the Fylde Local Plan to 2032 [ER 4.10.44].
- 4.111. The ExA considered that elements of the Proposed Development, most notably the two proposed onshore substations, would be inappropriate development in the Green Belt, and the harm to the openness of the Green Belt from the two substations would be significant and would materially undermine the purposes of the Green Belt, including to assist in safeguarding the countryside from encroachment and to check the unrestricted sprawl of large built-up areas [ER 4.10.45]. The ExA concluded that the Applicants had taken a reasonable approach to site selection and alternatives and, taking account of the proposed connection point at Penwortham, there do not appear to be any suitable sites for one or both substations outside of the Green Belt [ER 4.10.47]. The ExA concluded that the harm should be given great/substantial negative weight [ER 4.10.49 / ER 6.3.16].
- 4.112. The ExA assessed the planning balance, including the Green Belt consideration, as set out in NPPF paragraph 153. Paragraph 153 states that inappropriate development is harmful to the Green Belt and should not be approved except in very special circumstances, and substantial weight should be given to any harm to the Green Belt [ER 6.3.23]. The NPPF goes on to state that very special circumstances, which may include the wider environmental benefits associated with renewable energy, will not exist unless the potential harm to the Green Belt is clearly outweighed by other considerations (paragraph 160) [ER 6.3.23 et seq.]. The ExA concluded that the renewable energy benefits from the Proposed Development should carry substantial weight and attributed very great (substantial) positive weight to these benefits [ER 6.3.25], but also found that the harm to the Green Belt should be given great negative weight [ER 6.3.16]. The ExA considered that all harms arising from the Proposed Development needed to be considered in the Green Belt balancing exercise, noting that paragraph 153 of the NPPF states “and any other harm resulting from the proposal...” [ER 6.3.27]. The ExA noted the other harms that would arise in relation to the Proposed Development include, but are not limited to, the harm arising from bird strike for aviation, to which they attributed great weight, and harm to onshore and intertidal biodiversity, including the adverse effects on the integrity of the Ribble and Alt Estuaries SPA [ER 6.3.26]. The ExA concluded that the harms would outweigh the benefits, and consequently, the very special circumstances necessary to justify development in the Green Belt do not exist [ER 6.3.28]. The ExA concluded the Proposed Development would therefore be contrary to the Green Belt protection aims of the NPPF, 2024 NPS EN-1 and policy GD2 of the Fylde Local Plan to 2032 [ER 6.3.28].

The Secretary of State's Conclusion on Green Belt and Areas of Separation

- 4.113. The Secretary of State agrees with the ExA in relation to areas of separation. She also agrees that the Applicants have taken a reasonable approach to site selection, and this issue is addressed at paragraphs [4.9 - 4.20] above. However, the Secretary of State also agrees with the ExA that the two proposed onshore substations, would be inappropriate development in the Green Belt, causing significant the harm to the openness of the Green Belt, and undermining the purposes of the Green Belt. In accordance with 5.11.37 of EN-1, the Secretary of State considers that the harm to the Green Belt should be given substantial negative weight.
- 4.114. In Section 7 of this letter, the Secretary of State will go on to consider the planning balance. The Secretary of State will also set out her conclusions on whether very special circumstances exist, and if they do whether those are sufficient to clearly outweigh the harm to the Green Belt by reason of inappropriateness and any other harm resulting from the Proposed Development.

Traffic and Transport

- 4.115. The ExA was satisfied that the Applicants' assessment within the ES, which includes an integrated transport assessment, considered all relevant potential transport effects during the construction, operation and decommissioning phases of the Proposed Development alone and cumulatively with other projects in accordance with Section 5.14 of 2024 NPS EN-1 [ER 4.13.65]. Overall, the ExA found that there would be no significant adverse effects or significant cumulative effects on the surrounding transport infrastructure arising from the Proposed Development [ER 4.13.68]. However, given there would be some temporary minor adverse effects on driver delay, non-motorised user delay, non-motorised user amenity and road safety during construction the ExA concluded that effects on traffic and transport carry a little negative weight [ER 4.13.69].
- 4.116. In response to the Secretary of State's third information request, NCFPC raised concerns regarding cumulative transport impacts from the nearby proposed Grange Farm Solar Farm [C3-008.11]. The Parish Councils quote parts of the Grange Park Farm applicant's Highway Technical Note which appears to suggest that cumulative impacts are avoided purely because the timings of the construction of the projects do not overlap. The Parish Councils then note that the potential timescales for Grange Park Solar Farm's construction have now changed so there is a risk of cumulative impacts.

The Secretary of State's conclusion on Traffic and Transport

- 4.117. The Secretary of State notes the complete text in the Highway Technical note (dated August 2025, and brought to the Secretary of State's attention at the end of July 2026), which accompanies the Grange Park Farm planning application submitted to Fylde Borough Council (24/0541). She notes the details therein regarding the extent of potential for overlap, and the option for cumulative transport impacts, if any, to be mitigated through the Grange Park Solar Farm planning permission, if granted, at detailed design stage. In addition, Requirement 9 of the DCO will require a construction traffic management plan for each stage of development to be approved by the relevant highway authority. Any remaining cumulative impacts or conflicts will be addressed at that stage by the relevant highway authority. The Secretary of State therefore agrees with the ExA's conclusions on Traffic and Transport, and ascribes limited negative weight.

Physical Processes, Benthic Subtidal and Intertidal Ecology

- 4.118. The ExA was satisfied that the Applicants had fully addressed the potential effects on marine physical processes [ER 4.17.128], and that there would be no adverse effects on coastal and transitional waters [ER 4.17.129]. The ExA considered that any effects on marine and coastal processes and geomorphology would be sufficiently mitigated and managed [ER 4.17.130]. The ExA concluded that there would be no significant adverse effects on marine physical processes from the Proposed Development, that the Applicants have followed the mitigation hierarchy and that they have met the tests in NPS EN-1, NPS EN-3, the UK Marine Policy Statement and the relevant Marine Plans [ER 4.17.131].
- 4.119. The ExA was also satisfied that the Applicants' assessment included adequate information to understand the potential effects on benthic subtidal and intertidal ecology and therefore accords with Sections 4.3 and 4.5 of 2024 NPS EN-1 and Section 2.8 of 2024 NPS EN-3 [ER 4.17.132]. The ExA did not, however, conclude on the significance of those effects.
- 4.120. The ExA was also satisfied that the Applicants had followed the Marine Conservation Zones ("MCZ") assessment process, however, contrary to the Applicants' conclusions, they found that the loss of 3.04ha of subtidal sand and subtidal mud interest features due to the placement of cable protection within the Fylde MCZ would hinder the conservation objectives of the site, meaning that a stage 2 MCZ assessment with 'Measures of Equivalent Environmental Benefit' ("MEEB") was required [ER 4.17.133].
- 4.121. With the MEEB Requirement secured in the dDCO, the ExA concluded that physical processes, benthic subtidal and intertidal ecology carry little weight against the making of the order [ER 4.17.136].
- 4.122. The Secretary of State noted there were a number of outstanding and unresolved matters, particularly from NE, and sought further information to inform her conclusions on significance of effects to Physical Processes, Benthic Subtidal and Intertidal Ecology and on the risk of hindering the conservation objectives of the Fylde MCZ. These are considered below.

Maximum design scenario ("MDS") for sandwave clearance

- 4.123. At the close of Examination NE was concerned with the way the sand wave clearance volume had been derived. The ExA acknowledged this point but agreed with the Applicants that it is ultimately a matter for them whether the Proposed Development can be constructed within the parameters specified within the dDCO and the MDS as assessed within the EIA [ER 4.17.72-75].
- 4.124. On review of the issue the Secretary of State was not clear from the Applicants' documents how they had calculated the MDS volume for sandwave clearance as the parameter stated did not provide a maximum depth of lowering. In the first information request the Applicants were asked to update the outline Offshore Cable Specification and Installation Plan ("OCSIP") to include the MDS by area and to explain how the MDS by volume was calculated. The Applicants submitted an updated CSIP [C1-029.10] with these amendments. The Applicants [C1-029.39] also highlighted errors in their Sandwave Clearance Calculations including those for within the Fylde MCZ which they corrected in the CSIP [C1-029.10], Schedule of Changes to the Draft Development Consent Order [C1-029.16] and the Dredging and Disposal Site Characterisation Plan [C1-029.14]. The Applicants also make it clear at paragraph 1.5.2.9 of [C1-029.39] that these corrections reduce the MDS and

therefore the error does not undermine the conclusions of any of its environmental assessments.

- 4.125. As part of the second information request, all IPs were invited to comment on responses to the first information request and no representations were received on this issue.
- 4.126. The Secretary of State has updated the Order to include the correct sandwave clearance volumes as proposed by the Applicants [C1-029.16] and is content that the correct MDS is now accurately secured within the Order. She agrees with the Applicants' rationale that the error does not increase the significance of effects on physical processes or benthic subtidal and intertidal ecology as the actual impact from sandwave clearance will be lower than that assessed within ES Volume 2, Chapter 1: Physical processes [REP7-008] and Volume 2, Chapter 2: Benthic subtidal and intertidal ecology [REP7-010].

Impacts to suspended sediment concentration from unexploded ordnance ("UXO") clearance

- 4.127. During the Examination NE raised concerns regarding the MDS for UXO clearance [REP6-179, REP6-193]. In response to the first information request NE [C1-016] highlighted its maintained objection that impacts to suspended sediment concentrations ("SSC") from UXO clearance are not assessed within the ES.
- 4.128. The Secretary of State notes that ES Chapter 1 (Table 1.12) sets out that impacts to SSC from UXO clearance are considered negligible and therefore are scoped out of the EIA. The Secretary of State is content with the justification provided and therefore considers that impacts to SSC have been appropriately considered and will not result in significant adverse effects.

Impacts on physical processes from nearshore cable protection

- 4.129. Throughout Examination NE were concerned with how the impacts to physical process from nearshore cable protection had been assessed. It maintained that there was insufficient information provided on scour and cable protection in the nearshore area and called for project-specific modelling [ER 4.17.52]. Based on the ground conditions, the Applicants stated that they do not expect to need nearshore cable protection [ER 4.17.54] and highlighted that if it is required Commitment 45 [REP6-042] will limit any change in water depth to no more than 5% which in practical terms would be 0.25m in 5m water depth [ER 4.17.54-55].
- 4.130. The ExA considered that the Applicants had provided sufficient detail on cable protection and that Commitment 45 will limit the depth of nearshore cable protection if it is required [ER 4.17.58-60]. However, the Secretary of State considered that, provided the Applicants receive written permission from the MMO in consultation with the MCA and Trinity House, the requirements of the dDCO did not limit this as the Applicants suggested. Therefore, in the first information request, the Secretary of State asked the Applicants to clarify how potential impacts to physical processes and designated sites from nearshore cable protection have been assessed for the scenario where nearshore cable protection exceeding 5% water depth is required and approval is granted from the relevant authority. The Applicants [C1-029.39] explained that the MDS assessed within ES Volume 2, Chapter 1: Physical Processes [REP7-008] considers mitigation, including Commitment 45 and the associated 5% depth limit. However, they did not explain how impacts beyond this were assessed.

- 4.131. The Secretary of State notes that NE had previously expressed concerns regarding mitigation measures for impacts to marine physical processes, including within the Fylde MCZ [REP6-179]. In the first information request NE was therefore invited to explain its outstanding concerns and recommend how these could be addressed. NE clarified the concerns relating to nearshore cable protection and reiterated that the Applicants should avoid or minimise nearshore cable protection or provide further details on the parameters of nearshore cable protection and modelling to inform an assessment of impacts to sediment transport processes [C1-016].
- 4.132. In the second information request the Secretary of State asked the Applicants to update Commitment 45 or provide a new commitment to explicitly require consultation with NE if it is necessary to deploy any cable protection between the Lowest Astronomical Tide and the Depth Of Closure; 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. The Applicants updated the wording of Commitment 45 to require approval of the CSIP and the Cable Burial Risk Assessment, in consultation with NE, before nearshore cable protection could be added [C2-029.2]. The Applicants also suggest amending Condition 18(1) of the Deemed Marine Licences at Schedules 14 and 15 to the Order to require consultation with the appropriate Statutory Nature Conservation Body. The Secretary of State has included this amendment to the final Order.
- 4.133. With the updates to the Order and Commitment 45, the Secretary of State considers that should nearshore cable protection be required, any impacts to marine physical process will be assessed and managed. Consequently, the Secretary of State agrees with the ExA's position that significant adverse effects from nearshore cable protection can be ruled out.

The Secretary of State's MCZ Assessment

- 4.134. NE raised concerns during Examination and the decision stage regarding sandwave recovery, boulder clearance and UXO clearance/removal within the Fylde MCZ. [ER 4.17.61; 76-78 and C1-016]. The Secretary of State considered these matters relevant to the assessment of impacts within the Fylde MCZ and sought further information which is discussed in Section 4.2 of the Secretary of State's MCZ Assessment ("the MCZA").
- 4.135. The Secretary of State also requested further information regarding cable protection requirements and the Schedule for the MEEB. These matters are also discussed in Section 5.3 of the MCZA.
- 4.136. Having considered the Applicants' MCZ Screening and Stage 1 Assessment Report [REP7-006], Stage 2 MCZ Assessment [REP7-031], the ExA's conclusions, the further information received and all other relevant information, the Secretary of State agrees with the ExA that due to permanent habitat loss from cable protection, there may be a significant risk of the Proposed Development hindering the achievement of the conservation objectives stated for the Fylde MCZ. However, having considered the tests in Section 126 (7) of the Marine and Coastal Access Act 2009 she is satisfied that:
- a. there is no other means of proceeding with the act which would create a substantially lower risk of hindering the achievement of those objectives,
 - b. the benefit to the public of proceeding with the act clearly outweighs the risk of damage to the environment that will be created by proceeding with it, and

- c. the person seeking the authorisation will undertake, or make arrangements for the undertaking of, measures of equivalent environmental benefit to the damage which the act will or is likely to have in or on the MCZ.

The Secretary of State's Conclusion on Physical Processes, Benthic Subtidal and Intertidal Ecology

- 4.137. Following the clarifications and additional commitments received during the decision stage the Secretary of State is satisfied that there would be no residual significant adverse effects on marine physical processes from the Proposed Development, that the Applicants have followed the mitigation hierarchy and that they have met the tests in NPS EN-1, NPS EN-3, the UK Marine Policy Statement and the relevant Marine Plans.
- 4.138. The Secretary of State concludes there will be residual minor adverse (but not significant) effects on benthic subtidal and intertidal ecology and therefore accords with Sections 4.3 and 4.5 of 2024 NPS EN-1 and Section 2.8 of 2024 NPS EN-3.
- 4.139. Recognising these residual adverse effects, the Secretary of State considers that limited negative weight should be attributed Physical Processes, Benthic Subtidal and Intertidal Ecology.

Good design

- 4.140. The ExA noted that functional and operational factors influence the overall design for the Proposed Development, and that the Applicants have provided justification for their site selection and their approach to co-ordination [ER 4.19.52]. Section 4.7 of 2024 NPS EN-1 discusses the benefits of good design in mitigating the adverse impacts of a project, and how applicants should consider how good design can be applied to a project during the early stages of the project lifecycle [ER 4.19.35]. The ExA concluded that the Applicants had gone some way to meeting the requirements of 2024 NPS EN-1, and policy GD7 of the Fylde Local Plan [ER 4.19.52]: the outstanding issues are discussed below.
- 4.141. The ExA noted that the outline Design Principles document would provide a robust framework for the post-consent evolution of design but, given that much of the detailed design work would take place post-consent, the design information available as part of the Application was limited in some respects [ER.4.19.53]. The ExA considered that the Applicants could have done more at the pre-application stage to set out the design of the substations, including landscaping, and this could have led to further development of the Applicants' landscape strategy, including areas of proposed landscaping [ER 4.19.50].
- 4.142. The ExA also considered that the Applicants' approach to environmental mitigation and biodiversity areas had left unresolved issues regarding potential bird strike and related HRA issues [ER.4.19.54]. In terms of other environmental effects, the ExA noted that the Applicants' approach had adequately demonstrated how effects could be minimised [ER.4.19.54].
- 4.143. Taking these matters into account, the ExA concluded that good design should carry moderate negative weight in the planning balance [ER 4.19.56].

Substation design and mitigation

- 4.144. During the Examination LCC and FBC raised concerns about the indicative nature of the design information, questioning why greater specificity could not be provided at the

Examination stage [ER 4.19.40]. Noting the concerns of the ExA, LCC and FBC regarding the limited substation design, in the first information request, the Secretary of State requested information from the Applicants regarding options to further mitigate the landscape and visual impacts of the proposed substations. The Applicants' response [C1-029.39] provided examples of the types of additional landscape mitigation which could be secured post-consent and maintained their position that these matters will be addressed in the Landscape Management Plan and Design Principles, which are secured in Requirements 4, 6 and 7 of the DCO and will be approved FBC. The Secretary of State has set out her conclusions on this issue in the Landscape and Visual Section of this letter, at paragraphs 4.102 - 4.109 above.

- 4.145. The Secretary of State agrees with the ExA and IPs that much of the detailed design work will take place post-consent, and the design information available as part of the Proposed Development has limitations. However having considered the Applicants' response [C1-029.39], the Secretary of State is satisfied that the Applicants' proposed approach, will allow for the refinement of design and mitigation measures at a stage when more detailed information is available and appropriate mechanisms are in place to secure adequate further evolution of design post-consent.

Other impacts of the Proposed Development

- 4.146. Issues regarding potential bird strike and related HRA issues, which also relate to good design, have been discussed at paragraphs 4.29 to 4.45, paragraphs 4.51 to 4.81, and paragraphs 5 to 5.4. Following submission of further information from the Applicants in response to information requests, the Secretary of State has concluded (at paragraph 4.45) that the Proposed Development would not result in unmanageable bird strike risk, and (at paragraph 5.4) that the Proposed Development would not adversely affect the integrity of any protected sites. Therefore, the Secretary of State considers the Applicants have now adequately demonstrated how these adverse effects can be minimised, from a perspective of good design (although residual significant adverse EIA effects remain).

The Secretary of State's Conclusion on Good Design

- 4.147. The Secretary of State agrees with the ExA that the Applicants have gone some way to meeting the requirements of Section 4.7 2024 NPS EN-1, and policy GD7 of the Fylde Local Plan, and noting the further progress made during the determination process she concludes that matters relating to good design should carry limited negative weight in the planning balance.

5. Habitats Regulations Assessment ("HRA")

- 5.1. The Secretary of State has undertaken an HRA to assess the impacts of the Proposed Development on Special Areas of Conservation, SPAs and Ramsar sites (collectively referred to as "protected sites" in the HRA) in line with her duties under the Conservation of Habitats and Species Regulations 2017 and the Conservation of Offshore Marine Habitats and Species Regulations 2017. The HRA is published alongside this letter. The paragraphs below must be read alongside the HRA which sets out in full the Secretary of State's consideration of these matters.
- 5.2. The Secretary of State concludes that the Proposed Development is likely to have a significant effect on the protected sites identified in Section 3.2 of the HRA. The Secretary

of State has undertaken an Appropriate Assessment in respect of the Conservation Objectives of these protected sites to determine whether the Proposed Development, either alone or in-combination with other plans or projects, will result in an AEoI on any of these protected sites.

- 5.3. The ExA, in Section 5.4 of the ExA's Report, concluded that an AEoI could not be excluded for the Ribble and Alt Estuaries SPA and Ramsar site and several other sites, due to permanent and temporary loss of supporting habitat, and disturbance and displacement, from the Proposed Development alone and in combination, [ER.5.4.2-3].
- 5.4. The Secretary of State sought substantial further information since the close of the Examination and additional mitigation commitments from the Applicants, in response to three information requests. Considering this additional information, alongside that presented during Examination, and subject to the mitigation measures as secured in the final Order, the Secretary of State is satisfied that the Proposed Development, either alone or in-combination with other plans or projects, will not have an adverse effect on the integrity of any protected sites.

6. Compulsory Acquisition, and other land powers

- 6.1. The ExA concluded that the planning balance did not lie with the granting of consent for the Proposed Development and, therefore, a compelling case in the public interest for the granting of CA and similar powers was not made out [ER 7.7.1]. However, the ExA noted that if the Secretary of State was minded to grant consent for the Proposed Development then, having considered all of the material submitted to the Examination, the ExA had reached the following conclusions concerning the granting of CA and TP powers [ER 7.7.2]:
 - overall, the application site had been appropriately selected;
 - subject to specified exceptions, all reasonable alternatives to CA had been explored;
 - Morgan Offshore Wind Limited would have access to the necessary funds and the dDCO provides a mechanism where the necessary funding can be guaranteed. The Secretary of State has reached a different conclusion regarding funding for Morgan Offshore Wind Limited, which is set out at paragraphs 6.6 to 6.37;
 - Morecambe Offshore Windfarm Limited did not convince the ExA that it had adequate funding to meet any blight claim, and this should be rectified before any powers of CA are granted over the site of the proposed Morecambe TA substation on land plots 11-109B, 13-008B, 13-009B, and 13-020B. Following the first information request, the Secretary of State has made a new conclusion on this issue which is set out at paragraphs 6.38 to 6.426.42;
 - subject to the exceptions (at paragraphs 6.1 to 6.5), there is a clear need for the land included in the Book of Reference ("BoR") to be subject to CA or TP;
 - there is a need to secure the land and rights required (save for the listed exceptions at paragraphs 6.1 to 6.5) to construct, operate and maintain the Proposed Development within a reasonable time, and the Proposed Development represents a significant public benefit to weigh in the balance;
 - except for the specific biodiversity benefit area plots at Lea Marsh, in cases relating to individual objections the ExA concluded that CA and TP powers were justified to enable implementation of the Proposed Development. The Secretary of State has

reached a different conclusion in regard to the biodiversity benefit area plots, which is set out at paragraphs 6.59 to 6.61;

- the powers sought in relation to Statutory undertakers (“SUs”) met the conditions set out in s127 and s138 of the Planning Act and the CA Guidance;
- in respect of open space, the relevant parts of the order land, when burdened with the order right, would be no less advantageous than it was before. Accordingly, on the basis of s132(2)(a) of the Planning Act, an exemption to special parliamentary procedure is merited in respect of the proposed CA of rights over this land as set out in the preamble to the Applicants' final dDCO [REP6-013];
- the consent required by s135(1) to include a provision authorising the CA of interests in Crown land, held otherwise than by or on behalf of the Crown, had not been forthcoming. However, consent has now been granted, and the Secretary of State has made a new conclusion at paragraphs 6.49 to 6.50.

- 6.2. The ExA recommended that CA powers should not be granted for the BNG land plots, and that reference to them should be removed from the Book of Reference [ER 7.6.45]. The ExA recommended excluding CA powers for: Plots 16-033A, 16-056A, 16-057, 16-058A, 16-059, 16-060A, 16-061B, 16-062, 16-063B, 16-065A, 16-066 and 16-069A [ER 7.7.6]. The ExA recommended the Secretary of State seek clarification from the Applicants on the precise details of the plots that would need to be excluded [ER 7.6.46]. The Secretary of State discusses this further at paragraphs 6.59 to 6.61.
- 6.3. The ExA noted that in respect of River Ribble - Duchy of Lancaster land – 16-107B, 16-108B, 16-109A, 16-110A, 16-111B, 16-112B, 16-113A, 16-114, 16-115, and 16-116A, that the Applicants had not been able to clarify during the Examination whether some of these plots are owned by the Duchy of Lancaster or by Hesketh Farms Limited and the Applicants should attempt to clarify this for the Secretary of State [ER 7.7.7]. The Secretary of State discusses this further at paragraph 6.50.
- 6.4. The ExA was not aware of any outstanding objections regarding the drafting of protective provisions (“PPs”) in the dDCO in respect of all PPs except those with LCC, and was not aware of any reason why they would not provide sufficient protection to ensure there would be no serious detriment to SUs carrying on their undertaking, apart from the outstanding disagreement with LCC as the lead local flood authority (“LLFA”) [ER 8.5.8]. The PPs for the LLFA were not agreed by the end of the Examination [ER 8.5.9]. The Secretary of State discusses this further at paragraph 6.43.
- 6.5. The ExA concluded that if the Secretary of State found the case for development consent was made out, the CA and TP powers sought by the Applicants would be justified and should be granted [ER 9.2.13]. The ExA also concluded that the CA powers should be included in the DCO, including the versions of PPs in the dDCO [ER 7.7.4], and the ExA also stated that TP powers included in the dDCO should be authorised [ER 7.7.4-5]. The ExA concluded that, subject to the consideration of plots affected by outstanding objections from APs, and issues outstanding at the end of the Examination, the tests in Section 122(2) and Section 122(3) of the Planning Act are capable of being met [ER 7.3.12].

Funding for the Morgan TA (Project A) CA, TP and other land powers

- 6.6. The Applicants' letter of 30 January 2026 to the Secretary of State [PID-001] noted that Morgan Offshore Wind Limited's parent companies (JNbp and EnBW) had decided not to

proceed with the Agreement for Lease for the Morgan Project. The letter stated that TCE was considering next steps, with the aim of ensuring the continued development of the site by another developer, and TCE viewed the Morgan Project as a continuing and live project.

- 6.7. In light of the Applicants' letter, the Secretary of State considered the guidance document 'Planning Act 2008: Guidance related to procedures for the compulsory acquisition of land' (September 2013, Department for Communities and Local Government)' ("the September 2013 Guidance"), which states the following:
- *"The applicant should be able to demonstrate to the satisfaction of the Secretary of State that all reasonable alternatives to compulsory acquisition (including modifications to the scheme) have been explored."* (paragraph 8)
 - *"They should also be able to demonstrate that there is a reasonable prospect of the requisite funds for acquisition becoming available. Otherwise, it will be difficult to show conclusively that the compulsory acquisition of land meets the two conditions in section 122."* (paragraph 9)
 - *"Applicants should be able to demonstrate that adequate funding is likely to be available to enable the compulsory acquisition within the statutory period following the order being made, and that the resource implications of a possible acquisition resulting from a blight notice have been taken account of."* (paragraph 18)
 - *"Applicants should seek to acquire land by negotiation wherever practicable. As a general rule, authority to acquire land compulsorily should only be sought as part of an order granting development consent if attempts to acquire by agreement fail."* (paragraph 22)
- 6.8. The Secretary of State has also considered 'Guidance on the compulsory purchase process' (Updated 17 June 2026, Ministry of Housing, Communities & Local Government) ("the June 2026 Guidance") which states:
- *"A compulsory purchase order should only be made where there is a compelling case in the public interest and reasonable efforts have been made by the acquiring authority to negotiate the purchase of land by agreement".* (paragraph 12.3)
 - *"Any decision about whether to confirm an order made under section 226(1)(a) will be made on its own merits, but the factors which the confirming authority can be expected to consider include: ... the potential financial viability of the scheme for which the land is being acquired. A general indication of funding intentions, and of any commitment from third parties, will usually suffice to reassure the confirming authority that there is a reasonable prospect that the scheme will proceed. The greater the uncertainty about the financial viability of the scheme, however, the more compelling the other grounds for undertaking the compulsory purchase will need to be."* (paragraph 131.1)
- 6.9. In the first information request, the Secretary of State requested that Morgan Offshore Wind Limited provide information regarding its viability, and the necessary funding to underpin both the CA powers sought and any potential claims for blight, and to explain whether the dDCO still provided a clear mechanism to guarantee the necessary funding.
- 6.10. The Applicants responded on 13 April 2026 [C1-029.39] and updated the Funding Statement, to note that JNbp and EnBW remained the shareholders for Morgan Offshore Wind Limited, and therefore the position regarding blight had not changed, however it also noted it was the shareholders' intention to step away as soon as possible following the

Secretary of State's decision. In light of JNbp and EnBW's decision not to continue to develop the Morgan Project, the Applicants proposed additional wording within Article 33 (Funding) to require any future developer of Morgan TA to provide a new funding statement to the Secretary of State for approval before any CA powers could be exercised, within three years of the Order coming into force, which would need to satisfy the requirements of CA guidance, including provision for blight claims. The Applicants also updated the Statement of Reasons ("SoR") [C1-029.20] to discuss the proposed new Article 33 wording (paragraph 1.12.1.1), and stated that Morgan Offshore Wind Limited considered there was sufficient funding to meet any blight claims (paragraph 1.12.1.2). Morgan Offshore Wind Limited noted that nothing in the Planning Act or the relevant guidance restricted or prevented the granting of a DCO with conditional CA powers, and that this is supported by recent amendments made to the Acquisition of Land Act 1981 by Section 183 of the Levelling up and Regeneration Act 2023 [C1-029.39, paragraph 1.14.2.4]. Morgan Offshore Wind Limited noted that if the Secretary of State was not satisfied that the relevant CA tests could be met, the Secretary of State could grant development consent for the Morgan TA works, but withhold CA powers. They noted that any future developer could, through its Electricity Act generation licence could seek to secure the CA powers, but this would involve additional time (likely 12-18 months) and costs [C1-029.39, paragraph 1.14.2.5].

- 6.11. In the first information request the Secretary of State also requested TCE to provide further information regarding if and when another developer was likely to be found for the Morgan Project. The Secretary of State also requested TCE to provide further information regarding any funding or guarantee mechanisms which could be made available to ensure that financial liabilities, such as CA powers or claims for blight, could be met. TCE responded on 13 April 2026 [C1-017] stating its intention to identify a new project company by Q1 2027. TCE noted that there are standard provisions which set out the steps to be taken by TCE when an Agreement for Lease is terminated, including the right to require any relevant consents, and grid connection agreements to be transferred to TCE or to an alternative company identified by TCE. TCE noted that the dDCO already prevented the exercise of CA powers until the financial security conditions in Article 33 are approved by the Secretary of State, providing assurance that liabilities will be met by any new project company.
- 6.12. In the first information request, the Secretary of State also asked the Applicants and Greenbank Farm's agent to provide an update, including whether agreement had been reached in relation to rights of access sought by the Applicants. Greenbank Farm's agent responded on 30 March 2026 [C1-004] and noted that the Applicants had stated that all negotiations for the Morgan TA agreements had been paused, and voluntary agreements were to be progressed on a bipartite basis (Morecambe TA only), and the option plans were being updated to remove any land or references to Morgan TA.
- 6.13. In the first information request, the Secretary of State also asked the Applicants and BBC to provide an update on the ongoing negotiations in relation to the Blackpool Airport site. BBC responded on 13 April 2026 [C1-027] stating that Morgan Offshore Wind Limited had issued an exit notice from the co-operation agreement with Blackpool Airport. The Applicants' response, also received on 13 April 2026 [C1-029.39] stated that Morecambe Offshore Windfarm Limited had agreed that it would meet Morgan Offshore Wind Limited's obligations under the co-operation agreement.
- 6.14. Noting these responses, in the second information request the Secretary of State asked whether Morgan Offshore Wind Limited's current shareholders would continue to promote the Morgan Project until a sale or transfer to an alternative developer, including continuing

to negotiate all voluntary agreements. The Secretary of State also asked whether the current shareholders would meet any statutory blight claims that may arise, in the event that an alternative developer had not been found at the time of any such claims being made.

- 6.15. Morgan Offshore Wind Limited responded on 22 June 2026 [C2-029.2], stating that the future negotiation of all voluntary agreements was most appropriately continued by the successor developer. Morgan Offshore Wind Limited provided a Schedule of Proposed Changes to the dDCO to remove CA powers relating to Morgan TA, and proposed two options for the drafting. Option 1 would only remove CA powers to acquire land and rights. Option 2 would include removing all powers which related to interference with rights in land, including temporary use and ancillary powers. Morgan Offshore Wind Limited considered Option 2 was not necessary or appropriate because the level of interference arising from temporary use and ancillary powers is of a lower level, and so the engagement already undertaken was proportionate to allow the powers to be granted, and Article 33 already prohibits Morgan Offshore Wind Limited from exercising any of these powers until financial security is in place. Morgan Offshore Wind Limited considered that Option 1 was more appropriate, because it would still ensure there would be no statutory blight claims.
- 6.16. In the second information request, the Secretary of State asked the Applicants to confirm if any other land rights agreements had been exited, noting that Morgan Offshore Wind Limited had issued an exit notice to Blackpool Airport. The Applicants responded on 22 June 2026 [C2-029.2] stating no other land agreements had been exited.
- 6.17. In the second information request, the Secretary of State asked TCE to confirm whether there were any circumstances in which it would take responsibility for continuing land rights negotiations, and provide financial security to meet claims arising from blight, until an alternative developer was in place.
- 6.18. TCE responded on 22 June 2026 [C2-026] stating it did not consider that there were circumstances in which it would assume responsibility for ongoing land rights negotiations, or for the provision of financial security in respect of blight claims. TCE also noted it expected to be in a position to commence the re-letting of the wind farm site in early July 2026, and it aimed to have a new developer in place by Q4 2026. TCE also noted it did not consider it necessary for development consent to be granted without CA powers [C1-017].
- 6.19. In the second information request, the Secretary of State also asked the Applicants and TCE to confirm whether the Morgan Project would remain viable in planning terms for an alternative company should the DCO be granted without including CA powers for Morgan TA.
- 6.20. In their response of 22 June 2026 [C2-029.2] the Applicants confirmed that the Morgan Project would remain viable in planning terms and would remain an attractive commercial opportunity (paragraph 1.6.2.4). The Applicants listed various reasons for this, which included; (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, noting that any additional time and costs associated with alternative options would not undermine deliverability or acceptability in planning terms of Morgan TA (paragraph 1.6.2.31). The Applicants noted, amongst other things, that the indicative construction scenarios would allow for time to be factored in for securing necessary land rights (paragraph 1.6.2.18). They noted much of the preparatory work has already been carried out in seeking CA powers in the DCO, a timescale of 12 to 18 months

was considered ample, and the additional cost would not be prohibitive to a new developer (paragraph 1.6.2.20). The Applicants also noted a new developer for the Morgan Project could apply for a change application to reinstate CA powers in this DCO, or apply for a Compulsory Purchase Order under the Electricity Act 1989.

- 6.21. TCE also responded on 22 June 2026 [C2-026] stating it was satisfied that Morgan TA would remain viable without CA powers, particularly given that a new promoter would not need to undertake a full DCO application. TCE considered there was a realistic and deliverable pathway to securing the necessary land rights within the statutory implementation period. TCE was confident, based on the programme for re-letting the wind farm site, and the progress made by the Applicants in relation to voluntary negotiations to date, that there was sufficient time to recommence negotiations with landowners, and, if necessary, make use of CA powers. TCE did not consider that a period of 12 to 18 months, would be prohibitive.
- 6.22. In the third information request, the Secretary of State asked the Applicants to provide updated versions of all relevant documents, to reflect the scenario in which CA, TP and other land powers were refused for Morgan TA.
- 6.23. The Applicants responded on 22 July 2026 [C3-008.11] setting out the potential for four consenting scenarios, based on the information requests sent by the Secretary of State, and provided further documents for all four scenarios:
 - *“Scenario 1: All Morgan CA, TP and land powers refused”;*
 - *“Scenario 2: All Morgan CA, TP and land powers refused, together with Lytham Moss removed from the Order Limits”;*
 - *“Scenario 3: All Morgan CA, TP and land powers refused, together with biodiversity benefit CA powers at Lea Marsh removed from Morecambe”;* and
 - *“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”.*
- 6.24. The Applicants noted that they still considered all CA and similar powers, should be granted for Morgan TA (paragraph 2.2.2.4). At paragraph 2.2.219 they noted the four scenarios were in line with Option 2 (as summarised in paragraph 6.15 above). The Applicants noted the dDCO, as amended, still included five articles providing ancillary land powers which could result in a claim for compensation, but considered these should be retained under all four scenarios, because the powers in the articles would not result in any party being dispossessed from their property on a permanent or temporary basis, and equivalent powers to several of the Articles are already available to the Applicants (paragraph 2.2.21 et seq.). The Applicants also stated that *“the Morgan position in respect of voluntary negotiations remains as submitted at Deadline 7”* (paragraph 2.1.2.5).
- 6.25. TCE responded on 22 July 2026 [C3-006] and stated that Morgan Offshore Wind Limited had agreed to assist TCE to transfer the relevant DCOs, and the grid connection agreement, to the winning bidder following conclusion of the tender process, and this effectively meant that there would be no gap in liability between JNbp and EnBW, and a new developer.

- 6.26. The Secretary of State noted that as of 24 July 2026 the TCE website states that TCE has launched an accelerated tender for the Morgan Project¹⁰.
- 6.27. The Secretary of State received various responses from IPs regarding this issue, and has considered all these responses. FBC [PIR-009] asked *"the Secretary of State to seek from the Applicants immediate clarification of the Development and its delivery including time frames and funding, and, for protections to be put in place for the promoter to demonstrate the scheme is deliverable and there is sufficient funding to meet all the compensation and mitigation measures"*. FBC [PIR-009] also requested *"that the Secretary of State ensures (including by provisions in the DCO) that no relevant part of the development can be carried out and no compulsory acquisition powers exercised unless and until it can be demonstrated that the Development is deliverable and funding is in place"*.
- 6.28. NCFPC [C1-007] stated *"as the developers of the Morgan offshore windfarm have withdrawn their support for that project, there is no longer a compelling case in the public interest to grant compulsory acquisition powers for the Morgan elements of the project"*. They [C1-007] also stated *"the Applicants are required to fund any successful blight claims that are made. If the companies behind the Morgan part of the project have withdrawn, who will pay for such claims for that part of the project? This adds to the case that that element of the project should not be consented"*.

The Secretary of State's conclusion on funding for the Morgan TA (Project A) CA, TP and other land powers

- 6.29. The Secretary of State has considered all the responses to the information requests. The Secretary of State has sought, via the information requests to the Applicants and TCE, to inform her decision as to whether CA powers could be granted in respect of Morgan TA.
- 6.30. The Secretary of State notes that the Applicants and TCE have given reasons to support a grant of CA powers for Morgan TA, as highlighted above at paragraphs 6.10 to 6.25. The Secretary of State does not accept their reasoning, as discussed below.
- 6.31. The Secretary of State does not consider that the responses from the Applicants or TCE resolve her concerns about payment of blight claims. In order to be satisfied that blight claims could be met, the Secretary of State would require a full funding statement from the existing shareholders for the Morgan Project, and a formal agreement or security that the existing shareholders will remain financially liable for any such claims until a new undertaker is appointed, but even in that scenario there would be residual uncertainty that a new developer with the required funds to cover these claims will be found to take the project forward. The Secretary of State notes that TCE is not prepared to provide a short-term guarantee whilst the bidding process and any subsequent transfer of the Morgan Project is taking place [C2-026]. Consequently, the Secretary of State is not assured regarding the financial viability of the scheme, as required by paragraph 131.1 of the June 2006 Guidance, nor is she satisfied that the requirements in paragraphs 9 and 18 of the September 2013 Guidance referred to at paragraph 6.7 above have been met – specifically, she is not assured that adequate funding is likely to be available to enable the CA within the statutory period following the

order being made, nor that the resource implications of a possible acquisition resulting from a blight notice have been satisfactorily taken account of.

- 6.32. In addition to the above, the Secretary of State considers Morgan Offshore Wind Limited have failed to satisfy paragraphs 8 and 22 of the September 2013 Guidance and paragraph 12.3 of the June 2026 Guidance regarding expectations relating to voluntary negotiations.
- 6.33. The Secretary of State expressed concerns regarding whether Morgan Offshore Wind Limited would continue to negotiate land rights for CA for land required for Morgan TA, in the second information request. Morgan Offshore Wind Limited stated it was their intention to step away as soon as possible following the Secretary of State's decision [C1-029.39], and it considered that the future negotiation of all voluntary agreements was most appropriately continued by the successor developer [C2-029.2]. Morgan Offshore Wind Limited also stated [C3-008.11] that "the Morgan position in respect of voluntary negotiations remains as submitted at Deadline 7". TCE stated it did not consider that there were circumstances in which it would be necessary to assume responsibility for ongoing land rights negotiations [C2-026]. After reviewing all responses to the information requests, the Secretary of State concludes that the current developers for Morgan TA have ceased negotiating CA land rights, and consequently that Morgan Offshore Wind Limited has not demonstrated that all reasonable alternatives to CA have been explored. The guidance is clear that Applicants should seek to acquire land by negotiation wherever practicable, and the authority to acquire land compulsorily should only be sought as part of an Order granting Development Consent if attempts to acquire by agreement fail. By ceasing negotiations, the Secretary of State concludes that Morgan Offshore Wind Limited have not demonstrated this.
- 6.34. The Secretary of State concludes that it is appropriate in the circumstances to decline to grant CA rights in respect of Morgan TA as part of this DCO, and agrees with the Applicants that the necessary rights can be secured at a later date should a new developer take over the Morgan Project.
- 6.35. The Secretary of State has considered whether she should adopt the Applicants' proposed Option 1 or Option 2, in respect of the extent of the land rights to be removed from the Order. She agrees with Morgan Offshore Wind Limited that blight liability does not attach to TP powers, but nonetheless considers Option 2 is more appropriate. Given the uncertainty relating to the funding of the Morgan Project, it is considered more appropriate to remove powers relating to interference with rights in land, including those at Articles 24, 28, 29 and 30 of the DCO, noting that these powers have associated provisions which require compensation to be paid to relevant parties for any losses arising from the possession or use of the land. Option 2 is also the more practical and neater approach for landowners, in that CA and TP powers will be dealt with together as the subject of a future application by the new developer. This would avoid placing relevant landowners in the undesirable position of having TP rights in the DCO in the interim period, potentially creating long term uncertainty about whether their land will be impacted. The Secretary of State notes that there are some ancillary powers which remain in the DCO, as noted by the Applicants in their response to the third information request [C3-008.11]. For the reasons set out by the Applicants in paragraphs 2.2.2.23-24 of that letter, the Secretary of State is content for these powers to remain in the DCO. She notes that the additional provision at Article 3(2) (as discussed at paragraph 4.27, above) creates further protection, ensuring that no negative impacts arise to landowners relating to Morgan TA until a new developer is in place.

- 6.36. The Secretary of State has considered the four potential scenarios advanced by Morgan Offshore Wind Limited. The Secretary of State considers that the Applicants' Scenario 2 (to refuse all Morgan CA, TP and land powers, and to remove the Lytham Moss site from the Order Limits) is the most suitable. The Secretary of State considers including CA powers for the biodiversity benefit land at for Lea Marsh at paragraphs 6.59 to 6.61. The Secretary of State discusses Lytham Moss at paragraphs 4.65 to 4.70.
- 6.37. The Secretary of State considers that CA, TP and other land powers should not be given to Morgan TA. The Secretary of State has also added a new Article 3(2) which states Morgan TA must not be commenced or any powers conferred on it by the Order exercised, until a new Agreement for Lease has been entered into with TCE and the new developer has provided the Secretary of State with written confirmation of this agreement and an up-to-date funding statement. The Secretary of State has deleted and amended all the wording for all CA, TP and other land powers in the DCO for Project A to say "NOT USED", so the powers can readily be added in the event a new developer makes a successful amendment application.

Funding for the Morecambe TA (Project B) CA, TP and other land powers

- 6.38. During the Examination farm businesses significantly impacted by the Proposed Development raised concerns regarding whether Morecambe Offshore Windfarm Limited had adequate funding to meet potential blight claims [EV5-003], [EV5-006], [PD-011], [EV11-006] [APP-104] [ER 7.6.90 and 7.6.97]. The ExA concluded that Morecambe Offshore Windfarm Limited had not convinced it that it had adequate funding, and requested that this be rectified prior to any CA powers being granted [ER 7.7.2].
- 6.39. The ExA was not satisfied by the company accounts [REP5-135] submitted by Morecambe Offshore Wind Limited, as they showed the company had no assets (no income, no expenditure and no employees) save for inter-company loans which were repayable on demand [ER 7.6.97 and 7.6.102]. The ExA asked Morecambe Offshore Wind Limited to provide further information regarding its financial position and ability to pay for any blight claims, and Morecambe Offshore Windfarm Limited provided a letter of comfort from the parent company Copenhagen Infrastructure Partners [REP6-180] which the ExA considered could not be relied upon by any individual affected [ER 7.6.98 and 7.6.102]. The ExA noted Morecambe Offshore Windfarm Limited referred to Article 33(2) in the dDCO in this regard, but this did not provide a mechanism for compensation to an affected party for a blight claim if the DCO is granted, but CA and TP powers have not been exercised [ER 7.6.104]. The ExA also noted that the SoR had very little detail regarding funding for Morecambe Project, the only reference being 1.1.1.3 [ER 7.6.103].
- 6.40. In the first information request, the Secretary of State requested Morecambe Offshore Windfarm Limited to provide further information in this regard. The Applicants responded on 13 April 2026 [C1-029.39], and updated the SoR to include a new paragraph at 1.2.1.4, which states that the ultimate parent company of the Morecambe Project is Copenhagen Infrastructure Partners' ("CIP") fifth flagship fund, 'Copenhagen Infrastructure V SCSp' ("CI V"), and that details of the financial position, including the audited accounts of CI V, are included in the Funding Statement. The paragraph also states that CIP (acting through CI V) will meet any liabilities arising from the development of the Morecambe Project. The Applicants also note that [REP6-180] reiterates the funding commitments set out at paragraph 1.5.2.6 of the Funding Statement [REP4-011] which discusses that CI V recently closed with commitments exceeding EUR 12 billion, making it one of the largest energy

transition infrastructure funds globally, backed by over 180 institutional investors [C1-029.39, paragraph 1.15.2.2]. The Applicants note that in combination with Article 33 (Funding) of the dDCO that adequate funding is and will be available for both CA, and acquisition resulting from blight, for Morecambe Offshore Windfarm Limited [C1-029.39, paragraph 1.15.2.5]. They note the only additional comfort possible would be a parent company guarantee from CI V, but such an approach is not preceded by other offshore wind DCOs which have also been promoted by Special Purpose Vehicle entities owned by parent companies [C1-029.39, paragraph 1.15.2.4].

The Secretary of State's conclusion on Funding for the Morecambe TA (Project B) CA, TP and other land powers

- 6.41. The Secretary of State noted the concerns raised by farm businesses and the ExA, and the Applicants' response to the Secretary of State's information request [C1-029.39].
- 6.42. The Secretary of State disagrees with the assertions made by Morecambe Offshore Windfarm Limited regarding Article 33 (Funding). The Secretary of State agrees with the ExA that Article 33 provides funding in relation to compulsory purchase, but not for blight claims, which could be triggered as soon as the DCO is made. However, the Secretary of State considers that the Applicants' response and updates in the SoR and Funding Statement demonstrate that there is sufficient funding from Morecambe Offshore Windfarm Limited's parent company CI V. The Secretary of State considers Morecambe Offshore Windfarm Limited has access to adequate funding to meet any blight claim and that there would be no logical reason for it, or its parent company, to refuse to fund such a claim. The Secretary of State agrees that a parent company guarantee is not required in the circumstances.

Protective Provisions

- 6.43. The Secretary of State notes the various updates to PPs, which have been agreed and are included in the DCO:
- On 14 January 2026, NGET [PIR-006] stated that it wished to withdraw its objection as it had reached agreement with the Applicants, and its preferred PPs were included in Deadline 6 version of the rDCO.
 - On 19 January 2026, Network Rail Infrastructure Limited ("NR") [PIR-008] confirmed that it had entered into agreements with the Applicants, addressing NR's concerns. The Applicants responded to the Secretary of State's fourth information request [C4-001.1] stating PPs with NR were added to the dDCO from Deadline 6 onwards.
 - The Applicants [C1-029.39] and LCC") responded to the Secretary of State's first information request on 13 April 2026 saying they had reached agreement on PPs, subject to an agreed amendment to Article 7 of the dDCO [C1-014]. The Secretary of State has made the amendment.
 - The Canal and River Trust ("CRT") responded to the Secretary of State's first information request on 10 April 2026 [C1-006], and the Applicants responded on 13 April 2026 [C1-029.39], both stating PPs were agreed.
 - In response to the Secretary of State's second information request on 7 July 2026 in a joint response the Applicants, BBC and Blackpool Airport, stated they have agreed to the inclusion of PPs. These have been added to the DCO as Part 13 to Schedule 10.

- 6.44. The ExA stated that the progress tracker confirmed that agreement had been reached with GTC pipelines on a side agreement to amend part 1 of the PPs [ER 8.5.7]. On 15 January 2026, GTC Pipelines Limited [PIR-007] stated that it had entered into an agreement, and wished to withdraw its earlier representation.

Outstanding Issues regarding Land Powers

- 6.45. As set out at paragraphs 6.6 to 6.37 above, CA, TP and other land powers for Morgan TA are not included in the DCO, and a new developer for the Morgan Project will need to make a separate application for these powers in due course.

Other land right agreements

- 6.46. In the information requests, the Secretary of State asked for updates regarding outstanding land right agreements. The Applicants responded on 22 June 2026 [C2-029.2] stating Morecambe Offshore Windfarm Limited continues to progress negotiations with landowners in relation to securing voluntary agreements and has now reached agreement with 66% of the affected landowners. In the third information request, the Secretary of State asked for further updates. The Applicants noted that Morecambe Offshore Windfarm Limited is progressing the necessary legal agreements and has agreed precedent documentation with landowners for 33 agreements, and work on securing the remaining legal agreements continues. As per paragraph 6.37, the Secretary of State has not granted CA, TP and other land powers in respect of Morgan TA, and consequently any issues relating to land powers for Morgan TA only are not considered further in this letter. Issues in respect of outstanding land agreements relating to Morecambe TA are discussed below.

Canal and River Trust

- 6.47. In the first information request, the Secretary of State asked the CRT and the Applicants to provide updates.
- 6.48. CRT state on 10 April 2026 [C1-006] an outstanding matter remains regarding land negotiations in relation to draft Heads of Terms (HoTs) relating to rights over CRT's leased land. The Applicants responded 13 April 2026 [C1-006] stating they continue to discuss the outstanding matter. However, the Secretary of State notes that the latest version of the Land Rights Tracker [C3-008.6] states that Morecambe Offshore Windfarm Limited has determined that no land rights are now required from CRT land, and HoTs negotiations are no longer being progressed.

Duchy of Lancaster, His Majesty's Coastguard, and the Secretary of State for Transport

- 6.49. In the first information request, the Secretary of State asked the Duchy of Lancaster, His Majesty's Coastguard, the Secretary of State for Transport and the Applicants to confirm whether outstanding matters have been resolved in respect of compliance with Section 135 of the Planning Act. The Applicants responded on 13 April 2026 [C1-029.39] stating the Duchy of Lancaster have provided their consent, and the Applicants have included the Article 39 amendments in the Schedule of Changes to the dDCO, requested by the Duchy of Lancaster. This was confirmed by the Duchy of Lancaster on 14 April 2026 [C1-031]. The Applicants also provided a letter from His Majesty's Coastguard giving consent under Section 135, and a letter from the Secretary of State for Transport giving consent. The Secretary of State considers these matters resolved for Morgan TA, and Morecambe TA.

- 6.50. In the first information request, the Secretary of State asked the Applicants and the Duchy of Lancaster to clarify ownership of landholdings, as requested by the ExA in paragraph 6.3 above. The Applicants responded on 13 April 2026 [C1-029.39], stating that the Applicants and the Duchy of Lancaster agree that the plots listed in the Secretary of State's question are held under various owners and provided a list of all the plots in question. The Applicants noted this is in accordance with the current BoR. The Duchy of Lancaster replied on 14 April 2026 [C1-031] clarifying the ownership of landholdings. The Secretary of State considers this matter now resolved for Morgan TA, and Morecambe TA.

Eastham Hall Farm

- 6.51. In the first information request, the Secretary of State asked the Applicants and the Affected Parties at Eastham Hall Farm to provide an update in respect of the rights sought over this land, including whether agreement has now been reached. The Eastham Hall Farm representative responded on 13 April 2026 [C1-021] stating negotiations are ongoing, including on heads of terms. The Applicants responded on 13 April 2026 [C1-029.39] stating that progress is being made. In the second information request [C2-001] the Secretary of State asked for further updates. The Eastham Hall Farm representative responded on 22 June 2026 [C2-020] stating the issues surrounding access on Ballam Road have been agreed, but there remain outstanding issues regarding Saltcotes Road access and the mitigation area. The Applicants responded on 22 June 2026 [C2-029.2] stating the last meeting was 11 June 2026 and the outstanding matters are of a commercial nature. The Secretary of State notes that further progress has been made and it is hoped that agreements can be reached to acquire rights voluntarily. The ExA concluded that the land rights sought over Eastham Hall Farm are for a legitimate purpose and that they are necessary and proportionate and that there is a compelling case for the powers to be granted [ER 7.6.25]. The Secretary of State agrees with the ExA's conclusions insofar as they relate to Morecambe TA only.

John Fare

- 6.52. The ExA noted that the Applicants sought CA powers in relation to Landholding 26, which is occupied by John Fare who runs a farming business, and is the proposed site for the Morecambe TA substation and works connected with laying of cables [ER 7.6.61-67]. The ExA considered that the business will very likely have to cease [ER 7.6.82], and that the Applicants' assessment(s) seem to contradict each other [ER 7.6.86]. However, the ExA concluded that Mr Fare will be entitled to compensation for the loss of his business, and CA powers were needed to ensure the substation could be built, so that the recently consented Morecambe Offshore Wind Farm: Generation Assets, would have a substation to connect to [ER 7.6.87-88]. The ExA recognised the urgent need for the Proposed Development [ER 7.6.88] and concluded that the public benefits outweigh the private loss and that there was a compelling case for the CA powers [ER 7.6.88].
- 6.53. The Applicants' Farm Business Assessment(s) [REP6-182] and comments from Mr Fare's agent [REP6-222] were submitted at Deadline 6, and further submissions from the Applicants [REP7-044] were submitted at Deadline 7. As these documents were submitted late in the Examination, in the first information request, the Secretary of State requested comments. Mr Fare's agent responded on 13 April 2026 [C1-019] that agreement has not been reached, the business would need to close, and that the current offer is not sufficient. The Applicants responded on 13 April 2026 [C1-029.39], stating that discussions are ongoing, and they made offers for the tenant to either vacate the landholding and become a

freehold owner of a suitable alternative farm, or to continue in co-existence with the Proposed Development. The Applicants state that the tenant and his business will be fully compensated, and CA powers are required to ensure that if agreement cannot be reached, the Proposed Development can be delivered.

- 6.54. Due to the scale of the economic impact on Mr Fare, the Secretary of State considers it disappointing that the Applicants did not progress negotiations in a more timely manner or manage to conclude negotiations to avoid the need for CA, and she agrees with the ExA's assessment that the farming business will very likely have to cease if these plots are compulsorily acquired. The Secretary of State notes that Mr Fare will be entitled to compensation for the loss of his business, and agrees with the ExA that the public benefit of the Proposed Development outweighs the private loss, and finds that there is a compelling case in the public interest for the CA powers sought.

Access to St Annes Beach via Starr Gate

- 6.55. In the first information request, the Secretary of State asked BBC and the Applicants to provide an update on negotiations relating to TP powers in respect of access to St Annes Beach via Starr Gate. BBC responded on 13 April 2026 [C1-027] stating there has been limited progress with material outstanding issues remaining. The Applicants also responded on 13 April 2026 [C1-029.39] stating that an agreement has been reached in principle that BBC will grant voluntary access rights across Starr Gate, and the access agreement is nearly in agreed form. In the second information request [C2-001], the Secretary of State requested further updates. The Applicants responded on 22 June 2026 [C2-029.2] stating Morecambe Offshore Wind Farm Limited and BBC have agreed the access agreement. The Applicants note that HoTs for land rights required at the dunes for Morecambe Offshore Wind Farm Limited have also been agreed and will now progress to the legal teams to agree the required option agreement. BBC did not respond to the second information request. Given the Applicants' recent update, the Secretary of State considers that the access agreement to St Annes Beach via Starr Gate appears to now be agreed with Morecambe Offshore Wind Farm Limited, and any further negotiations can, if necessary, continue after this decision is made. The ExA concluded that the powers of TP sought at the Starr Gate access are reasonably required for the Proposed Development and are justified in the public interest [ER 7.6.31]. The Secretary of State agrees with the ExA's conclusion, insofar as it relates to Morecambe TA. The ExA recommended that if no further agreement has been reached between the parties an additional paragraph, as suggested by BBC, should be included in Article 29 [ER 8.4.41], and the ExA included this change in the recommended DCO [ER 8.4.42]. The Secretary of State has retained this additional paragraph.

Land at Blackpool Airport

- 6.56. In the first information request, the Secretary of State asked the Applicants and BBC to provide an update on the ongoing negotiations in relation to rights sought by the Applicants over the Blackpool Airport site. BBC responded on 13 April 2026 [C1-027] stating there has been limited progress with outstanding issues remaining. The Applicants also responded on 13 April 2026 [C1-029.39] stating that discussions are ongoing and that a cooperation agreement was signed on 22 September 2025. They note Morgan Offshore Wind Limited has issued a notice to exit from the co-operation agreement, but it has been agreed that Morecambe Offshore Windfarm Limited will meet Morgan Offshore Wind Limited's obligations under the agreement, and wording for a new DCO Requirement has been agreed between the Applicants, Blackpool Airport and Blackpool Borough Council to require any

subsequent undertaker for Morgan TA to enter into the cooperation agreement. This has been included as Requirement 29 of the DCO.

- 6.57. In the second information request, the Secretary of State requested further updates. On 7 July 2026 in a joint response [C3-017.13] the Applicants, BBC and Blackpool Airport, stated they have agreed the wording of PPs and that all and any concerns relating to continuous, safe and efficient operation of the Airport have therefore been satisfied. The PPs have been included at Schedule 10, Part 13.
- 6.58. The Applicants' Land Rights Tracker [C3-008.6] indicates that detailed negotiations relating to land rights at Blackpool Airport are due to commence now that other land rights negotiations have concluded. The ExA concluded [ER 7.6.60] that land rights powers sought at Blackpool Airport were necessary and proportionate and there was a compelling case in the public interest to grant these powers. Insofar as they relate to Morecambe TA, the Secretary of State agrees with these conclusions.

Biodiversity benefit land at Lea Marsh

- 6.59. The Applicants sought CA powers over land plots at Lea Marsh to deliver the biodiversity net gain [ER.7.6.33-45]. The ExA considered that CA powers should not be granted for the BNG plots [ER 7.6.44-45]. The ExA referred to paragraph 8 of the September 2013 Guidance which states that "all reasonable alternatives to CA ... have been explored", and the provision in Section 122 of the Planning Act that "the land is required for the development" [ER 7.6.44]. The ExA also recommended seeking clarification from the Applicants on the precise details of the plots that would need to be excluded [ER 7.6.46].
- 6.60. In the first information request, the Secretary of State requested this information from the Applicants. The Applicants responded on 13 April 2026 [C1-029.39], and clarified the plots required and the changes which would be needed to Article 20 and Article 29 of the dDCO in the Schedule of Changes to remove the plots. The Applicants also updated the BoR to remove the plots. The Applicants raised concerns with removing the CA powers because, in that scenario, they would need to enter into voluntary agreements to secure land rights to carry out the biodiversity benefit works, and retaining the CA powers could assist in resolving any third party matters where a landowner is not willing to commit the land required on a voluntary basis. The Applicants noted the removal of CA powers for BNG plots would make it more likely that less BNG would be achieved, because it would be more likely they would need to pursue the purchase of Biodiversity Credits or funding of local biodiversity projects.
- 6.61. The Secretary of State has noted the Applicants' concerns and considers the provision of BNG to be an important part of the Proposed Development, which is required to facilitate or is incidental to the development for the purposes of Section 122(2). The Secretary of State also considers that there is a compelling case in the public interest for the land to be acquired compulsorily, as required by Section 122(3). In particular, the Secretary of State notes that, while the outline Biodiversity Benefit Management Plan [REP6-095] sets out alternative options if BNG cannot be secured locally (funding local biodiversity projects or contributing to a BNG fund) in applying the BNG hierarchy, the Secretary of State considers it is preferable for a project of this scale to deliver BNG on or near to the development where possible to ensure the maximum BNG possible. The Secretary of State notes the previous decision to grant CA powers in the Bramford to Twinstead Order, in support of delivering BNG in similar circumstances. The Secretary of State also notes the June 2026 Guidance has been recently updated to allow CA to include land for the purposes of facilitating BNG,

and the Secretary of State considers that the application of this principle includes circumstances where the alternative of funding local biodiversity projects or contributing to a BNG fund will equally be available. The Secretary of State therefore concludes that the tests in Section 122 are met and that the Applicants should retain the CA powers for these plots for Morecambe TA, and she has restored the relevant parts of Article 20 and Article 29 which relate to the biodiversity benefit scheme. However, as per paragraph 6.37, the Secretary of State considers that all CA, TP and other land powers for Morgan TA are refused, and the new developer for the Morgan Project will need to apply for these powers.

The Secretary of State's conclusion on CA, TP and all land powers

- 6.62. The Secretary of State concludes that CA, TP and other land powers should not be granted in relation to Morgan TA, because Morgan Offshore Wind Limited failed to satisfy the requirements of the September 2013 Guidance, and the June 2026 Guidance in regard to funding, blight notice considerations, and the expectations of voluntary negotiations. In these circumstances, the Secretary of State is not satisfied that there is a compelling case in the public interest for the land to be acquired compulsorily, as required by Section 122(3) of the Planning Act. The Secretary of State considers that these issues could be resolved if a new developer takes on Morgan TA, and demonstrates it has sufficient funding, including for blight claims, and is in a position to seek to acquire land by negotiation. The Secretary of State has added a provision at Article 3(2) of the Order which states Morgan TA must not be commenced or any powers conferred on it by the Order exercised, until a new Agreement for Lease has been entered into with TCE for the Morgan Offshore Wind Project: Generation Assets, and the new developer has provided the Secretary of State with written confirmation of this agreement and an up-to-date funding statement.
- 6.63. Apart from the above, the Secretary of State concludes that whilst some negotiations are ongoing, the powers sought are necessary to construct, operate, and maintain the Proposed Development, there is a compelling case in the public interest for CA and TP and that the powers sought satisfy the conditions set out in the relevant CA sections of the Planning Act and relevant guidance. Insofar as they relate to Morecambe TA, the Secretary of State concludes that the CA and TP powers, PPs, powers authorising the CA of SUs land and rights over land, and the powers authorising the extinguishment of rights and removal of apparatus of SUs, be granted. The Secretary of State has no reason to believe that the grant of the Order would give rise to any unjustified interference with human rights so as to conflict with the provisions of the Human Rights Act 1998.

7. Secretary of State's Consideration of the Planning Balance and Conclusions

- 7.1. The ExA recommended withholding consent because it considered the negative impacts, including the harm arising from bird strike to aviation, and harm to onshore and intertidal biodiversity, including the adverse effects on the integrity of the Ribble and Alt Estuaries SPA, outweighed the positive impacts [ER 6.3.26 and ER 9.4.1]. The ExA recommended some modifications that would need to be made to the Order and a list of matters that would need to be resolved to the Secretary of State's satisfaction if the Secretary of State considered consent should be granted [ER 9.4.3]. The Secretary of State now considers these matters to be resolved.

Overall planning balance

- 7.2. The Secretary of State agrees with the ExA's conclusions and the weight it has ascribed in the overall planning balance in respect of the following issues:
- Air Quality – neutral weight
 - Water Environment and Ground Conditions – limited negative weight
 - Land Use and Recreation – moderate negative weight
 - Noise and Vibration – limited negative weight
 - Socio-economic effects and human health – limited positive weight
 - Traffic and Transport – limited negative weight
 - Fish and Shellfish Ecology – limited negative weight
 - Marine Mammals – limited negative weight
 - Offshore Ornithology – limited negative weight
 - Shipping and Navigation – limited negative weight
 - Other Matters: Commercial Fisheries – neutral weight
 - Other Matters: Other Sea Users - neutral weight
 - Other Matters: Waste – neutral weight
 - Inter-related and Cumulative Effects – neutral weight
- 7.3. The paragraphs below summarise the planning balance weightings ascribed to those matters where the Secretary of State has further commentary and analysis to add.
- 7.4. The Secretary of State has ascribed substantial positive weight to the need case, to meeting the urgent need for renewable energy generating capacity. This weighting includes an allowance for the contribution the Proposed Development would make to assisting with addressing the effects of climate change. The Secretary of State considers that adequate regard has been had to site selection and alternatives. The Secretary of State is satisfied that the options for coordination between projects have been considered and evaluated appropriately.
- 7.5. With regards to viability, the Secretary of State considered the Applicants' letter of 30 January 2026 which noted that Morgan Offshore Wind Limited's parent companies had decided not to proceed with the Agreement for Lease for the Morgan Project. In light of this letter, the Secretary of State added a new Article 3(2), to ensure that no work can commence for Morgan TA until a new developer has been secured with access to the necessary funds, and has an Agreement for Lease. Noting the steps TCE has taken, combined with the amendment to Article 3(2), the Secretary of State is satisfied that the Proposed Development is viable, but that if for any reason the Morgan Offshore Wind Project: Generation Assets, does not progress then no harm attributable solely to Morgan TA can occur.
- 7.6. The Secretary of State has ascribed limited negative weight to aviation impacts. The Secretary of State notes the Applicants and BAE submitted risk assessments, and BAE and DIO have now withdrawn their objections. The Secretary of State is content that with the revised mitigation proposals and Requirements 27 and 12, the Proposed Development will not result in an unmanageable bird strike risk.

- 7.7. The Secretary of State has ascribed significant negative weight to onshore ecology, biodiversity and intertidal ornithology due to residual significant adverse effects on non-breeding waders and Mill Brook Valley BHS, the other harms identified by the ExA, and the limited biodiversity net gain.
- 7.8. The Secretary of State has ascribed moderate negative weight to historic environment because she does not consider that recording archaeology before any loss reduces either the harm of the loss or the magnitude of effect, and consequently she considers residual moderate adverse effects to buried archaeological remains will remain.
- 7.9. The Secretary of State ascribes moderate negative weight to landscape and visual impacts because significant adverse effects would remain from the two proposed substations, although she considers that measures secured in the DCO will ensure this harm is mitigated as far as possible.
- 7.10. With regard to physical processes, benthic subtidal and intertidal ornithology, the Secretary of State has ascribed limited negative weight due to residual minor adverse effects. This conclusion is reached following clarifications and additional commitments received during the decision-making stage.
- 7.11. With regard to good design the Secretary of State has ascribed limited negative weight because the Applicants have gone some way to meeting the requirements of Section 4.7 2024 NPS EN-1, and policy GD7 of the Fylde Local Plan, and notes the progress made during the determination process.
- 7.12. The Secretary of State has ascribed impacts on the Green Belt substantial negative weight because the two proposed onshore substations would be inappropriate development in the Green Belt, causing significant harm to the openness of the Green Belt, and undermining the purposes of the Green Belt.

Heritage balance

- 7.13. The Secretary of State has had regard to the duties under Regulation 3 of the Infrastructure Planning (Decisions) Regulations 2010, and paragraph 5.9.27 of NPS EN-1 notes that great weight should be given to the conservation of designated heritage assets. The Secretary of State considers the need for and the benefits of the Proposed Development outweigh the harm to the designated heritage assets, and that there is clear and convincing justification for the harm. The Secretary of State also considers the harm to non-designated heritage assets would be outweighed by the benefits of the Proposed Development. The Secretary of State concludes that impacts on the historic environment would accord with the relevant heritage aims of 2024 NPS EN-1, EN-3 and EN-5 along with Strategic Policy ENV5 of the Fylde Local Plan.

Green Belt consideration

- 7.14. The Secretary of State accords substantial negative weight to the harm to the Green Belt. However, the Secretary of State considers that there are very special circumstances which need to be balanced against this harm. The Secretary of State notes paragraph 5.11.37 of 2024 EN-1, which makes clear that very special circumstances may include the wider environmental benefits associated with increased production of energy from renewable sources. She considers the benefits of the Proposed Development from renewable energy carry substantial positive weight.

- 7.15. The Secretary of State agrees with the ExA that paragraph 5.11.37 of 2024 NPS EN-1 requires these very special circumstances to outweigh all harms arising from the Proposed Development. When conducting this balancing exercise, the ExA gave great negative weight to aviation impacts. However, following updates from the Applicants, BAE, and DIO, the Secretary of State concludes that the proposed measures would not present an increased bird strike risk to Warton Aerodrome and has therefore reduced the weighting to limited negative weight. The ExA also concluded that AEoI could not be excluded for the Ribble and Alt Estuaries SPA, but following information requests the Secretary of State is satisfied that the Proposed Development will not adversely affect the integrity of any protected sites. The ExA gave great negative weight to the impacts on onshore ecology, biodiversity and intertidal ornithology. Having considered the further information requested, the Secretary of State ascribes onshore ecology, biodiversity and intertidal ornithology matter significant negative weight, due to residual significant adverse effects on non-breeding waders and Mill Brook Valley BHS, the other harms identified by the ExA and the limited biodiversity net gain. In light of the alternative mitigation commitments and consideration of alternative mitigation and compensation options, the Secretary of State considers that the mitigation hierarchy has been fully explored.
- 7.16. In light of the progress made during the decision stage the Secretary of State now considers that, overall, the various harms have reduced sufficiently. The Secretary of State also notes there are still a range of harms, both in relation to the Green Belt and other harms as set out in the ExA's Report and this letter. Having carefully considered this matter, the Secretary of State concludes that the very special circumstances, in terms of the significant increase in production of renewable energy, now clearly outweigh the harm to the Green Belt and any other harm resulting from the Proposed Development.

Critical national priority

- 7.17. Due to the unresolved bird strike / aviation issue and outstanding HRA issue, the ExA concluded that the Applicants had not adequately demonstrated that all residual impacts had been avoided, reduced or mitigated, and concluded that the mitigation hierarchy had not been demonstrably applied [ER 6.3.36-37]. Therefore the ExA advised the Proposed Development was not one in which the presumption of consent for critical national priority ("CNP") infrastructure could be applied [ER 6.3.38].
- 7.18. The Secretary of State considers that the aviation issue has now been sufficiently addressed, the Proposed Development will not adversely affect the integrity of any protected sites, and the Applicants have now fully explored and applied the mitigation hierarchy. The Secretary of State also considers that the harms have reduced and concludes that the benefits now clearly outweigh the harms when considering the ordinary planning balance. The Secretary of State considers that whilst the Proposed Development does fall within the scope of CNP, there is not a need to consider whether the CNP policy is required to consent the Proposed Development.

Conclusion

- 7.19. For the reasons set out in paragraphs 6.6 to 6.37 above, the Secretary of State concludes that CA, TP and other land powers should be refused for Morgan TA. Following Morgan Offshore Wind Limited's parent companies' decision not to proceed with the Agreement for Lease, the Secretary of State considers there is inadequate security of funding to meet claims arising from blight or CA, TP and other land powers. Morgan Offshore Wind Limited

has also paused land negotiations, in conflict with the relevant guidance. The new developer will need to progress any required land acquisitions separately.

- 7.20. The Secretary of State however continues to conclude that the Proposed Development is a viable one for which development consent can be granted, but as an extra security has added a new Article 3(2), to ensure that no work can commence for Morgan TA until a new developer is on board with access to the necessary funds, and an Agreement for Lease.
- 7.21. For the reasons given in this letter, the Secretary of State concludes that the benefits of the Proposed Development outweigh its adverse impacts.
- 7.22. The Secretary of State concludes that development consent should be granted for the Morgan and Morecambe Offshore Wind Farms Transmission Assets and associated development. The Secretary of State does not believe that the national need for the Proposed Development as set out in the relevant NPSs is outweighed by the Development's potential adverse impacts, as mitigated by the proposed terms of the Order.
- 7.23. In reaching this decision, the Secretary of State confirms that regard has been given to the ExA's Report, the relevant Development Plans, the Local Impact Reports submitted by LCC, BBC, FBC and SRBC, the NPSs, NPPF, and to all other matters which are considered important and relevant to the Secretary of State's decision as required by Section 104 of the Planning Act. The Secretary of State confirms for the purposes of regulation 4(2) and 21 of the EIA Regulations that the environmental information as defined in regulation 3(1) of those Regulations has been taken into consideration.
- 7.24. The Secretary of State has therefore decided to make the Order granting development consent, including the modifications set out in Section 9 of this document.

8. Other Matters

Equality Act 2010

- 8.1. The Equality Act 2010 includes a public sector "general equality duty" ("PSED"). This requires public authorities to have due regard in the exercise of their functions to the need to eliminate unlawful discrimination, harassment and victimisation and any other conduct prohibited under the Equality Act 2010; advance equality of opportunity between people who share a protected characteristic and those who do not; and foster good relations between people who share a protected characteristic and those who do not. The "protected characteristics" are: age; disability, gender reassignment; marriage and civil partnerships¹¹; pregnancy and maternity; race; religion and belief; sex and sexual orientation.
- 8.2. In considering this matter, the Secretary of State (as decision-maker) must pay due regard to the aims of the PSED. This must include consideration of all potential equality impacts highlighted during the Examination. There can be detriment to affected parties but, if there is, it must be acknowledged and the impacts on equality must be considered.
- 8.3. The Applicants' Public Sector Equality Duty Statement was updated at Deadline 6 to reflect discussions with the Wrea Green Equitation Centre ("WGEC") and updates to relevant documents [ER 7.6.145], but due to its late submission, WGEC did not have the opportunity

¹¹ In respect of the first statutory objective (eliminating unlawful discrimination etc.) only.

to comment [ER 9.2.15]. Therefore, the ExA could not be totally satisfied that the impacts upon those persons with a protected characteristic had been considered and that they were not disadvantaged [ER 7.6.146]. In the first information request the Secretary of State invited WGECC to comment on the updated assessment. WGECC responded on 10 April 2026 [C1-008] stating that the Applicants had agreed to erect fencing and promised a bund, but concerns remained about noise and vibration and its potential impacts on horses and disabled riders, along with traffic impacts. The Applicants also responded to the Secretary of State on 13 April 2026 [C1-029.39] stating they had met with WGECC on 20 and 26 March 2026. The Applicants restated their commitment to continued engagement with WGECC throughout detailed design, as detailed in the outline Construction Noise and Vibration Management Plan (“oCNVMP”), the outline Communications Plan, and Managing Construction Noise at Equestrian Receptors Technical Note. The Applicants confirmed that an equine veterinarian or other suitable specialist will be appointed to advise on mitigation measures during construction, and that this is detailed in the oCNVMP, secured in the dDCO. The Applicants also responded on 22 June 2026 [C2-029.3] to the Secretary of State’s second information request, confirming their commitment to continued engagement. They referred to the equestrian noise study submitted at Deadline 6 (REP6-183), which identified measures to mitigate the effects on WGECC and its users with protected characteristics. In response to WGECC’s concerns about traffic impacts, the Applicants note that the potential impact of the Proposed Development on vehicles was considered in APP-108, which concluded that, for all impacts, once mitigation is implemented the effects would be not significant. This was agreed with National Highways (REP6-131) and LCC (REP7-027). A detailed Construction Traffic Management Plan will be produced, as secured by Requirement in the DCO. The Secretary of State has considered WGECC’s comments, and although WGECC still have some outstanding concerns, she notes the steps taken so far and the Applicants’ commitment to continued engagement with WGECC throughout the detailed design phase, and the Plans secured in the DCO. Based on the further updates received, the Secretary of State considers overall that the impacts upon those persons with a protected characteristic have been sufficiently considered.

- 8.4. The Secretary of State is confident that, in taking this decision, she has paid due regard to the aims of the PSDD when considering the potential impacts of granting consent.

Natural Environment and Rural Communities Act 2006

- 8.5. The Secretary of State notes the “general biodiversity objective” to conserve and enhance biodiversity in England, Section 40(A1) of the Natural Environment and Rural Communities Act 2006 and considers the application consistent with furthering that objective, having also had regard to the United Nations Environmental Programme Convention on Biological Diversity of 1992, when making this decision.
- 8.6. The Secretary of State is of the view that the ExA’s Report, together with the Environmental Impact Assessment considers biodiversity sufficiently to inform the Secretary of State in this respect. In reaching the decision to give consent to the Proposed Development, the Secretary of State has had due regard to conserving biodiversity.

9. Modifications to the draft Order

- 9.1. In this section, the Secretary of State further considers three matters in relation to the draft order that were considered by the ExA – construction hours, the time limit to start

construction and the time limit to exercise CA powers – before moving on to describe other amendments she has made to the draft Order recommended by the ExA.

Construction hours

- 9.2. At the close of the Examination, the Applicants' proposed core construction hours were between 7:00-19:00 on weekdays and 7:00-13:00 on Saturdays, with an hour either side on weekdays for mobilisation activities [ER 8.4.85]. Following discussions during the Examination and comments from FBC, NCFPC, and LCC [ER 8.4.86], the ExA proposed amendments to Requirement 14 of the dDCO to reflect its view that there should not be mobilisation periods an hour either side of core construction hours on weekdays, to achieve an appropriate balance between construction efficiency and the protection of residential amenity [ER 4.11.82].
- 9.3. In the first information request, the Secretary of State asked the Applicants to provide updated documents to reflect the exclusion of mobilisation periods. The Applicants responded on 13 April 2026 [C1-029.39], stating they do not agree the removal of mobilisation activities is required, however provided updated versions of the outline Code of Construction Practice, and the outline CNVMP, to confirm no activities will take place outside core construction hours, other than the arrival and departure of the workforce at the site, and movement around the transmission assets to the place of work.
- 9.4. Noting the Applicants had not removed the mobilisation periods, in the fourth information request, the Secretary of State asked the Applicants again. The Applicants responded [C5-001.1] repeating their response in C1-029.39. Noting the Applicants' response, in the fifth information requests, the Secretary of State asked again. The Applicants responded [C5-002.1] and provided revised versions of the relevant which removed all reference to mobilisation activities.
- 9.5. The Secretary of State is disappointed that it took three requests for the Applicant to provide the requested updates. The Secretary of State agrees with the ExA that mobilisation periods an hour either side of core construction hours on weekdays should be excluded, and following the Applicants' updates considers this issue is now resolved, and this position is reflected in the DCO and control documents accordingly.

Time period for construction

- 9.6. The ExA queried the Applicants' proposed seven year time period for construction works to start [ER 7.6.149], and considered the time period should be reduced to the standard five year period [ER 7.6.151].
- 9.7. The Applicants stated that a seven year commencement period for construction works is critical to address the inherent uncertainties associated with the projects including supply chain, project financing, and the Contracts for Difference process [ER 7.6.150 and 8.4.66]. The Applicants' position on construction durations, is that the sequential construction scenario (with a maximum four-year gap between projects) could amount to an overall period of 10 years, however in that scenario, active construction activities would only take place for a total combined period of 66 months [ER 8.4.69]. The Applicants state that the concurrent scenario would have an indicative total duration of 36 months [ER 3.3.28].
- 9.8. FBC, SRBC, LCC and NCFPC considered that a seven year commencement period was too long, and that five years was more appropriate [ER 8.4.67]. The ExA did not consider

that the Applicants had provided sufficient justification for the seven-year time period, and considered there was no evidence that the Applicants' reasons had caused significant delays on other similar developments [ER 7.6.151]. The ExA noted that seven years would potentially result in both a long lead-in time before commencement and an elongated total period over which both projects would be carried out, under the sequential construction scenario [ER 8.4.71]. The ExA noted a reduction in the commencement period to five years would reduce the maximum possible gap between construction of the projects from four to two years [ER 8.4.73]. The ExA noted that recently made offshore windfarm orders, including those for the Morgan and Morecambe Generation Assets, had a seven-year period, but the ExA considered that the particular circumstances of the Proposed Development warranted careful consideration [ER 8.4.70].

- 9.9. The Secretary of State has considered the views from all IPs, the ExA and the Applicants. The Applicants have identified various complexities with delivering wind farms which may impact the construction timeline, however failed to identify a specific reason which will delay the start of construction of the transmission project with a high degree of certainty, and consequently the Secretary of State considers the Applicants have not provided a compelling reason to extend the standard five year construction commencement time period. The Secretary of State granted a seven-year construction commencement period for Morgan Offshore Wind Project: Generation Assets because its delivery was reliant on this Proposed Development which at the time was still in Examination, and therefore there was uncertainty on the timelines. However, this point has now fallen away. A seven-year construction period was granted for the Morecambe Offshore Wind Farm: Generation Assets to align it the with Morgan Offshore Wind Project: Generation Assets. The Secretary of State concludes that, on balance, the five-year time period is appropriate, and has amended the DCO accordingly at Requirement 1 (Time Limits).

Time period for exercise of authority to acquire land compulsorily

- 9.10. In their application, both Applicants requested a seven-year time limit to exercise the authority necessary for CA, TP and other land powers, as secured by Article 21 [ER 8.4.25]. The Applicants' reasons were the same as those set out at paragraph 9.7 [ER 7.6.150]. The ExA queried the need for the seven-year period [ER 7.6.150]. The ExA noted that, under the sequential construction scenario, the works on the two projects would not be undertaken at the same time, which would extend the impacts on landowners and particularly on farming businesses [ER 7.6.152]. The ExA noted that extending the time limit to seven years imposes the possibility of two years of further uncertainty on landowners [ER 7.6.152]. The ExA considered five years was justified in this case given the specific circumstances [ER 8.4.25] and for similar reasons to those discussed regarding the period for commencing construction, and recommended amending the time period Article 21, to five years [ER 8.4.26].
- 9.11. The Secretary of State has reconsidered the time limit which will be applicable to Morecambe TA only, in light of the Secretary of State's decision to refuse the CA, TP and other land powers for Morgan TA. The Secretary of State notes that the new developer for Morgan TA will need to find an alternative route to land acquisition, most likely by way of a separate application for these powers, which the Morgan Offshore Wind Limited stated could take 12-18 months [C2-029.2]. On balance, the Secretary of State considers it appropriate to allow Morecambe TA seven years to account for the impacts of this delay. The Secretary of State considers this is likely to help coordination between the Morecambe TA, and the new Morgan TA developer. The Secretary of State notes that if CA, TP and other land powers for

Morecambe TA are limited to five years, this could force Morecambe TA to push ahead, potentially precluding the option of a coordinated construction period with Morgan TA. The Secretary of State has therefore amended Article 21, to seven years.

Other amendments made to the Order provided by the ExA

9.12. Following consideration of the dDCO provided by the ExA, the Secretary of State has also made the following other modifications to the Order:

- An amendment to the preamble to clarify that modifications have been made to the powers of compulsory acquisition;
- In Article 2 (interpretation):
 - i. an amendment to the definition of “maintain” to exclude works giving rise to any materially new or different environmental effects to those identified in the environmental statement, for clarification and consistency with other DCOs;
 - ii. an amendment to the definition of “Project A biodiversity benefit works” to delete “24A” which the Secretary of State concludes has been included in error;
- In Article 3 (development consent etc. granted by the Order):
 - (i) an amendment to Article 3(1)(a) and Article 3(1)(b) to include associated development and ancillary works, as these are not included in the definitions of Project A and Project B;
 - (ii) an amendment to Article (3)(2) for reasons set out at paragraph 4.27, above.
- An amendment to Article 7 (application and modification of legislative provisions) to include disapplications and modifications following the agreement of PPs between the Applicants and the LLFA;
- An amendment to Article 8 (defence to proceedings in respect of statutory nuisance) to limit the grounds of defence in respect of challenges brought in relation to a statutory nuisance to noise only, in line with the majority of DCO precedents and the Infrastructure Planning (Model Provisions) (England and Wales) Order 2009;
- An amendment to Article 16 to delete paragraph (9) which provided for deemed consent in the absence of a response to a request for consent to discharge water into any watercourse, public sewer or drain or to make new openings into any public sewer or drain. This is an unusual provision, and unlike other circumstances where such deemed consent of named individuals may be allowed for by the order, this provision has wide scope and the Secretary of State is not satisfied that all those who may be affected by such deemed consent have been party to this Examination;
- In Part 5, Articles 20 (compulsory acquisition of land), 21 (time limit for exercise of authority to acquire land compulsorily), 22 (compulsory acquisition of rights), 24 (private rights), 29 (temporary use of land for carrying out the authorised project), 30 (temporary use of land for maintaining the authorised project) and 33 (funding) amendments have been made to remove powers of acquisition for Morgan Offshore Wind Limited, for the reasons set out at paragraph 6.6-6.37, above;

- An addition to Article 20(4), 24(5) and 29(3) to clarify that compulsory acquisition powers in respect of specific plots may not be exercised by Morecambe Offshore Windfarm Limited until the biodiversity benefit scheme has been approved;
- In Article 21 (time limit for exercise of authority to acquire land compulsorily), an amendment to Article 21(2) to allow Morecambe Offshore Windfarm Limited seven years to exercise the authority necessary for CA, TP and other land powers, and a corresponding amendment to Article 27 (Modification of Part 1 of the 1965 Act);
- In Article 45 (requirements, appeals etc), an amendment to confirm that Schedule 12 (approval of matters specified in requirements) does not have effect in relation to Requirement 27, which is discharged by the Secretary of State, and therefore not suitable for the process set out in Schedule 12;
- In Schedule 2A and 2B:
 - (i) the addition of paragraph 3 to Requirement 4 (substation works) for the reasons set out at Paragraph 4.50;
 - (ii) Amendment to paragraph 1(b) and paragraph 4 of Requirement 12 (ecological management plan) to include additional requirements for consultation and to ensure that no ecological management plan can be agreed in relation to the Newton-with-Scales mitigation area until the Secretary of State has approved the Wildlife Hazard Management Plan, for reasons set out at Paragraph 4.44;
 - (iii) Amendment to paragraph 2 of Requirement 26 (biodiversity benefit) to make provisions to ensure that the biodiversity benefit scheme demonstrates specified biodiversity net gains using the latest metric;
 - (iv) Amendment to paragraph 1 and addition of paragraph 2 of Requirement 27 (wildlife hazard management plan) to include provisions relating to the approval of the wildlife hazard management plan by the Secretary of State;
- In Schedule 2A, insertion of Requirement 29 (cooperation with Blackpool Airport) to require a cooperation agreement to be secured prior to commencement of specified works, as agreed between the Applicants and relevant APs;
- Amendment to Schedule 6A (Access to Works – Project A) and to Schedule 6B (Access to Works – Project A) to remove rights of access in respect of the Lytham Moss site;
- Deletion of Schedule 7A (land of which only temporary possession may be taken – Project A) and Schedule 8A (land in which only new rights may be required -Project A) to reflect the removal of land powers for Morgan Offshore Wind Limited;
- Insertion of Part 13 in Schedule 10 (Protective Provisions) to include protective provisions for Blackpool Airport, as agreed between the Applicants and relevant APs;
- An amendment to Part 1 of Schedule 11A (removal of hedgerows – Project A) and Part 1 of Schedule 11B (removal of hedgerows – Project B) to delete references to specified hedgerows relating to the Lytham Moss site;

- In Schedule 12 (approval of matters specified in requirements), addition of provisions to ensure that deemed consent provisions are drawn to the attention of discharging authorities when applications for discharge are made, an approach consistent with other DCOs, and deletion of provisions which would conflict with the deemed discharge provisions;
- In Schedule 13, an amendment to require that arbitration hearings are held in public unless an application for a private hearing is granted, consistent with other DCOs;
- In Part 1 of Schedule 14 (Marine Licence 1: Morgan Offshore Wind Project Transmission Assets) and Part 1 of Schedule 15 (Marine Licence 2: Morecambe Offshore Windfarm Transmission Assets):
 - (i) Amendment to sub-paragraph (g) of paragraph 2 (details of licensed marine activities) for clarification of disposal volume limits;
 - (ii) Amendment to sub-paragraph 1 of paragraph 18 (pre-construction plans and documentation) to include provision for consultation with SNCBs.
- In Part 1 of Schedule 16 (Marine Licence 3: Morgan Offshore Wind Project Transmission Assets - River Ribble) and in Part 1 of Schedule 17 (Marine Licence 4: Morecambe Offshore Windfarm Transmission Assets - River Ribble) amendments to remove the definition of “authorised deposits” from paragraph 1 and to remove paragraph 2(b). Both provisions refer to a list of authorised deposits, said to be included at paragraph 4. However, there is no list of authorised deposits, and these references have therefore been removed to achieve consistency within these Schedules;
- In Schedule 19 (benthic compensation) amendments have been made as discussed in Section 5.3 of the MCZA.

9.13. In addition to the above, the Secretary of State has made various changes to the dDCO which do not materially alter its effect, including changes to conform with the current practice for statutory instruments and changes in the interests of clarity and consistency.

10. Challenge to decision

10.1. The circumstances in which the Secretary of State’s decision may be challenged are set out in the Annex to this letter.

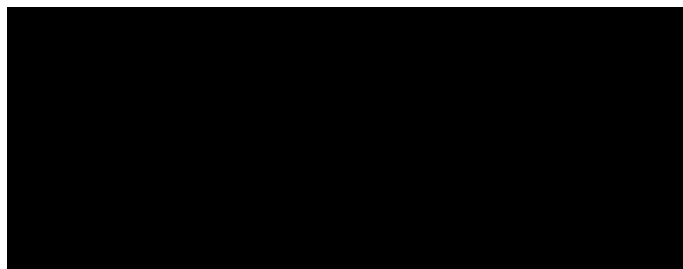
11. Publicity for decision

11.1. The Secretary of State’s decision on this Application is being publicised as required by Section 116 of the Planning Act and regulation 31 of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017.

11.2. Section 134(6A) of the Planning Act provides that a compulsory acquisition notice shall be a local land charge. Section 134(6A) also requires the compulsory acquisition notice to be sent to the Chief Land Registrar, and this will be the case where the Order is situated in an area for which the Chief Land Registrar has given notice that they now keep the local land charges register following changes made by Schedule 5 to the Infrastructure Act 2015. However,

where land in the Order is situated in an area for which the local authority remains the registering authority for local land charges (because the changes made by the Infrastructure Act 2015 have not yet taken effect), the prospective purchaser should comply with the steps required by Section 5 of the Local Land Charges Act 1975 (prior to it being amended by the Infrastructure Act 2015) to ensure that the charge is registered by the local authority.

Yours sincerely,



OBE

Deputy Director, Energy Infrastructure Planning Delivery

ANNEX A: LEGAL CHALLENGES RELATING TO APPLICATIONS FOR DEVELOPMENT CONSENT ORDERS

Under Section 118 of the Planning Act 2008, an Order granting development consent, or anything done, or omitted to be done, by the Secretary of State in relation to an application for such an Order, can be challenged only by means of a claim for judicial review. A claim for judicial review must be made to the Planning Court during the period of six weeks beginning with the day after the day on which the Order or decision is published. The decision documents are being published on the date of this letter on the Planning Inspectorate website at the following address:

<https://national-infrastructure-consenting.planninginspectorate.gov.uk/projects/EN020032>

These notes are provided for guidance only. A person who thinks they may have grounds for challenging the decision to make the Order referred to in this letter is advised to seek legal advice before taking any action. If you require advice on the process for making any challenge you should contact the Administrative Court Office at the Royal Courts of Justice, Strand, London, WC2A 2LL (0207 947 6655).

ANNEX B: LIST OF ABBREVIATIONS

Abbreviation	Reference
AEol	Adverse Effects on Integrity
BAOL	Blackpool Airport Operation Limited
BAE	BAE Systems
BBC	Blackpool Borough Council
BHS	Biological Heritage Sites
BoR	Book of Reference
BRRG	Blackpool Road Recreation Ground
CA	Compulsory Acquisition
CIP	Copenhagen Infrastructure Partners'
CI V	Copenhagen Infrastructure V SCSp'
CNP	Critical National Priority
CNVMP	Construction Noise and Vibration Management Plan
CRT	Canal and River Trust
CSIP	Cable Specification and Installation Plan
DCO	Development Consent Order
dDCO	draft DCO
DIO	Defence Infrastructure Organisation
DP	Design Principles document
EA	Environment Agency
EIA	Environmental Impact Assessment
EMP	Ecological Management Plan
EPS	European Protected Species
ES	Environmental Statement
EWG	Lancashire Association of Local Councils Fylde Area Committee Energy Working Group
ExA	The Examining Authority
FBC	Fylde Borough Council
GHG	Greenhouse Gas
GIS	Gas Insulated Switchgear
HND	Holistic Network Design
HoTs	Heads of Terms
HRA	Habitats Regulations Assessment
HTEZ	Hillhouse Technology Enterprise Zone
IPs	Interested Parties
JNbp	JERA Nex bp
LCC	Lancashire County Council
LLFA	Lead Local Flood Authority
LVA	Landscape and Visual resources of the Environmental Statement
MCZ	Marine Conservation Zones
MCZA	Marine Conservation Zones Assessment
MDS	Maximum Design Scenario
MEEB	Measures of Equivalent Environmental Benefit

MoD	Ministry of Defence
NCFPC	Newton with Clifton and Freckleton Parish Councils
NESO	National Energy System Operator
NGET	National Grid Electricity Transmission plc
NPPF	National Planning Policy Framework
NPSs	National Policy Statements
NR	Network Rail Infrastructure Limited
OCSIP	Offshore Cable Specification and Installation Plan
OIWSI	Onshore and Intertidal Written Scheme of Investigation
OLS	Obstacle Limitation Surfaces
PPs	Protective Provisions
PRoW	Public Rights of Way
PSED	Public Sector “general equality duty”
SF6	Sulphur Hexafluoride
SMP	Soil Management Plan
SoCG	Statement of Common Ground
SoR	Statement of Reasons
SPA	Special Protection Area
SRBC	South Ribble Borough Council
SSC	Suspended Sediment Concentrations
SSSI	Site of Special Scientific Interest
SUs	Statutory Undertakers
The Applicants	Morgan Offshore Wind Limited, and Morecambe Offshore Windfarm Limited
The EIA Regulations	The Infrastructure Planning Environmental Impact Assessment Regulations 2017
the ExA’s Report	The ExA’s Report of Findings and Conclusions and Recommendation to the Secretary of State
the Planning Act	The Planning Act 2008
the Proposed Development	Morgan and Morecambe Offshore Wind Farms Transmission Assets and associated development
the Secretary of State	Secretary of State for Energy Security and Net Zero
TCE	The Crown Estate
TP	Temporary Possession
UXO	Unexploded Ordnance
WGEC	Wrea Green Equitation Centre
WHMP	Wildlife Hazard Management Plan
WMS	Written Ministerial Statement