



# Morecambe Offshore Windfarm: Generation Assets

## Development Consent Order Documents

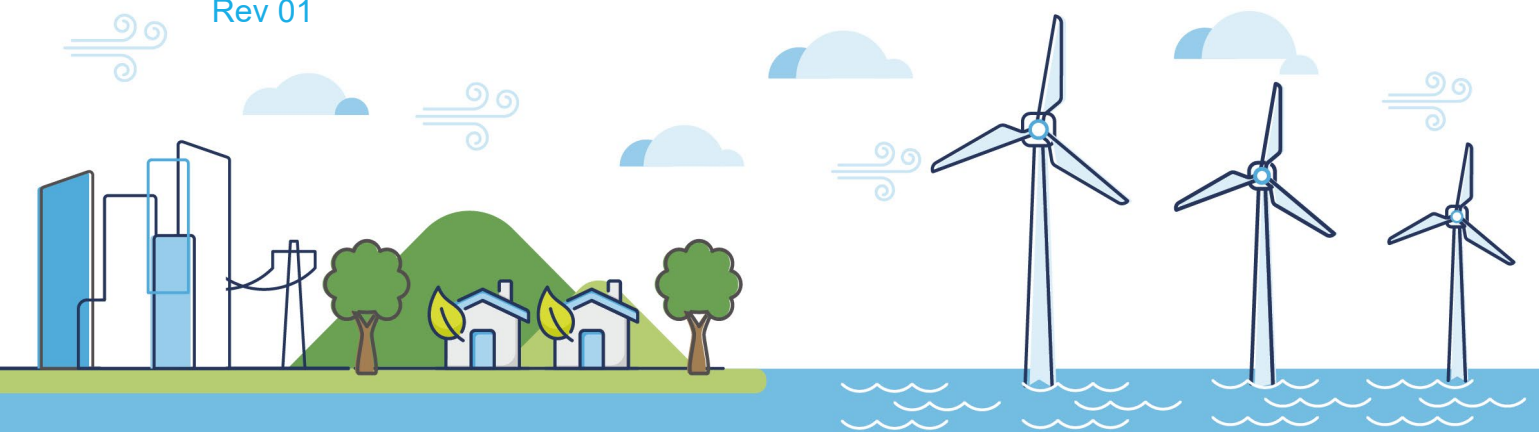
### Volume 1

### Cover Letter

PINS Document Reference: 1.1

APFP Regulation: 5(2)(q)

Rev 01



## Document History

<b>Doc No</b>	MOR001-FLO-CON-ENV-LET-0013	<b>Rev</b>	01
<b>Alt Doc No</b>	n/a		
<b>Document Status</b>	Approved for Use	<b>Doc Date</b>	May 2024
<b>PINS Doc Ref</b>	1.1	<b>APFP Ref</b>	5(2)(q)

Rev	Date	Doc Status	Originator	Reviewer	Approver	Modifications
01	30 <sup>th</sup> May 2024	Approved for Use	Morecambe Offshore Windfarm Ltd	Morecambe Offshore Windfarm Ltd	Morecambe Offshore Windfarm Ltd	n/a

30 May 2024



The Planning Inspectorate  
National Infrastructure Directorate  
Temple Quay House  
Temple Quay  
Bristol, BS1 6PN

Dear Sir or Madam

**Planning Act 2008**  
**The proposed Morecambe Offshore Windfarm Generation Assets**  
**PINS Reference EN010121**

Morecambe Offshore Windfarm Ltd (the Applicant) encloses an application for an Order granting development consent (the Application) pursuant to section 37 of the Planning Act 2008 (the 2008 Act).

**Subject of the application**

1. The Application is for development consent to construct and operate the proposed Morecambe Offshore Windfarm Generation Assets (the Project) located in English waters in the east Irish Sea. The Project is proposing up to 35 wind turbines and associated offshore infrastructure to generate a nominal electricity export capacity of 480 megawatts (MW).
2. The Project area, which is entirely offshore, will be located approximately 30km from the Lancashire coastline, 50km from the north coast of Wales and 59km from the coast of the Isle of Man. Development consent is required to the extent that development is, or forms part of, a Nationally Significant Infrastructure Project (NSIP) pursuant to sections 14(1)(a) and 15(3) of the 2008 Act. As the Project will have an overall capacity greater than 100 MW and is located entirely in English waters, it is an NSIP for the purposes of the 2008 Act. It is for this reason that the Project falls within the remit of the Secretary of State.

**Application Compliance**

3. The Application is made in the form required by section 37(3) of the 2008 Act. The Application documentation complies with the overall requirements of section 37 and the requirements set out in:
  - The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (the APFP Regulations)
  - The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017
  - Guidance published by the former Department for Communities and Local Government (DCLG)
  - Guidance published by the Department for Levelling Up, Housing and Communities (DLUHC) and
  - The Planning Inspectorate's Advice Note Six (version 11) on the preparation and submission of application documentation (May 2012).

## **Documentation submitted and application fee**

4. A draft Section 55 checklist (Document Ref: 1.4) has been included with this Application to assist with the Planning Inspectorate's compliance check. The Applicant is submitting the documents solely electronically as agreed with the Planning Inspectorate. We have transferred the following documents to the Planning Inspectorate:

- The completed and signed application form
- The Environmental Statement (ES) and
- Each of the other documents listed in the Guide to the Application (Document Ref: 1.3).

5. A fee in the sum of £8,796 has already been submitted to the account of the Planning Inspectorate using PINS reference "EN010121" and receipt has been acknowledged.

## **Description of the project**

6. The Application seeks consent for the development outlined in paragraph 1 above which is described in full in Schedule 1 to the draft Development Consent Order (draft Order) (Document Ref: 3.1) and in the ES, including the Project Description chapter (Document Ref: 5.1.5).

7. The proposed Order will authorise activities including:

- The construction and operation of up to 35 offshore wind turbine generators and their associated foundations
- The construction of up to two offshore substation platforms (OSP) and their associated foundations
- The construction of a network of subsea inter-array and platform link cables.

## **Consent flexibility**

8. The draft Order provides for flexibility in relation to the generating station and its associated development. The Applicant has given careful consideration to the guidance in the National Policy Statements and the Planning Inspectorate's Advice Note Nine: "Rochdale Envelope". In the Applicant's view, the inclusion of the flexibility provided for in the draft Order is fundamental to whether or not the draft Order is fit for purpose, and therefore whether or not the Project will proceed. Further explanation on the Applicant's approach to the Rochdale Envelope is contained within the EIA Methodology chapter of the ES (Document Ref: 5.1.6) and in the Explanatory Memorandum (Document Ref: 3.2).

9. The Environmental Impact Assessment (EIA) undertaken in support of the Application has considered and reflected the flexibility sought in the draft Order. As the EIA process assesses the full extent and worst-case impacts for each receptor based on the Project's design scenarios, the design envelope approach has been taken to allow for robust and meaningful environmental assessments. This matter is addressed in the ES and in all cases the parameters referred to in the draft Order have been assessed in the ES.

## **Pre-application consultation**

10. The Applicant has had careful regard to the pre-application consultation requirements of the 2008 Act, the guidance on pre-application consultation issued by DCLG, DLUHC and the Planning Inspectorate, and its pre-application discussions held with the Planning Inspectorate, as required by section 50 of the 2008 Act.

11. As required by section 37(3)(c) of the 2008 Act, the Application is accompanied by a Consultation Report (Document Ref: 4.1), which provides details of the Applicant's compliance with sections 42, 47, 48 and 49 of the 2008 Act. The responses of statutory and non-statutory consultees are listed and summarised in the Consultation Report, and these have informed the evolution of the Application and the Project overall.

## **Draft development consent order**

12. The draft Order includes the deemed marine licence (DML) for the Morecambe Offshore Windfarm Generation Assets, which are wholly outside 12 nm. Where possible or appropriate, the Applicant has taken comments received during statutory and non-statutory consultation into account in the documents submitted, including the draft Order and the DML. However, the Applicant expects to have further discussions to refine some details of the draft Order and DML following acceptance, as has taken place with other accepted NSIP applications.

## **Habitat regulations**

13. The Application documents include a Report to Inform an Appropriate Assessment (RIAA) as required by regulation 5(2)(g) of the APFP Regulations (Document Ref: 4.9). This identifies all relevant European sites following consultation with stakeholders and provides sufficient information for the competent authority to determine whether the Project is likely to have an adverse effect on the integrity of any European site.

14. In preparing the report, the Applicant has been mindful throughout of the Planning Inspectorate's Advice Note Ten: "Habitat Regulations Assessment relevant to Nationally Significant Infrastructure Projects".

15. The RIAA concludes that the Project, together with mitigation and monitoring as proposed, is not expected to have an adverse effect on the integrity of any designated site. The RIAA has been discussed in detail with Natural England as part of the Evidence Plan process.

16. A 'Without Prejudice' Derogation Case for lesser black-backed gull has been set out (Document Ref: 4.11), should the Secretary of State disagree with the Applicant's assessment that no adverse effect on the integrity of this feature on the Morecambe Bay and Duddon Estuary and the Ribble and Alt Estuaries Special Protection Areas would result from the Project. The Without Prejudice Derogation Case presents Stage 3 (Assessment of Alternatives) and Stage 4 (Consideration of Imperative Reasons of Overriding Public Interest (IROPI) and Compensatory Measures) of the HRA process outlined in the Planning Inspectorate's Advice Note Ten.

## Other consents

17. The application form (Document Ref: 1.2) sets out brief details of the various consents not forming part of the draft Order which the Applicant will be seeking in relation to the Project. Further information on these consents is contained within the Other Consents and Licences document (Document Ref: 4.15).

## Other matters

18. Under Regulation 6(b)(i) of the APFP Regulations, an applicant is required to provide details of the proposed cable route and the method of installation for any cable. Whilst this application only pertains to the generation assets (and not the wider transmission works), the information relevant to any cable associated with the Project can be found in the Cable Statement (Document Ref: 4.2).

19. Under Regulation 6(b)(ii) of the APFP Regulations, an applicant is required to provide a statement in respect of Safety Zones. This information can be found in the Safety Zone Statement (Document Ref: 4.5).

20. Under regulation 5(2)(l) of the APFP Regulations an applicant is required to provide a plan of certain nature conservation sites and features and an assessment of any effects on those sites and features likely to be caused by the proposed development. There is an equivalent requirement under regulation 5(2)(m) in relation to certain historic sites and features. The plans are attached as separate documents (Document Refs: 2.6 and 2.7) but the assessments are provided in the ES and not as stand-alone documents.

21. Under regulation 5(2)(n) of the APFP Regulations, an applicant is required to provide a plan with any accompanying information identifying any Crown land. The Applicant considers that, while the Crown does not own the seabed beyond 12 nautical miles, it does hold rights to generate electricity on the continental shelf under the Energy Act 2004. As such, a Crown Land Plan (Document Ref: 2.2) has been submitted with the Application.

22. Regulation 5 of the APFP Regulations sets out a list of documents to accompany an application for development consent. As set out in Regulation 5, some of those documents are only to be submitted 'where applicable' to the development consent order being applied for. There are a number of documents that are not applicable to the development consent order sought for the Project and are therefore not submitted with the application. These are set out below for reference:

- Compulsory acquisition and land documents - the Draft Order (Document Reference 3.1) does not contain any articles that give powers to compulsorily acquire land or rights in land. The following documents are only of relevance to an application where compulsory powers are sought and are therefore not applicable to, and are not submitted with, the Application:
  - Book of reference (reg.5(2)(d))
  - Statement of Reasons and Funding Statement (reg. 5(2)(h))
  - Access and Rights of Way Plan (reg.5(2)(k)).

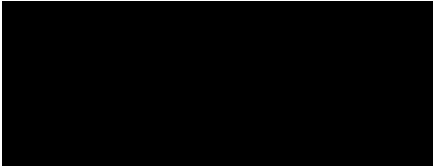
- As the Project is located entirely in the marine environment, no Flood Risk Assessment (reg.5(2)(e)) is required or has been undertaken as part of the application.

23. The Applicant is required to submit a draft Order in both a word version and PDF, together with a SI template validation report (Document Ref: 3.3) for the draft Order at submission.

24. The Applicant confirms that the Planning Inspectorate will be able to publish the Application (with any necessary redactions) on the Planning Inspectorate's webpage following acceptance.

We look forward to hearing from you in relation to the formal acceptance of the Application. If we can be of any assistance in that regard, please do not hesitate to contact us.

Yours sincerely



Sam Park  
Senior Project Manager, Morecambe