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National Infrastructure Planning
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AND BY EMAIL:

MorganOffshoreWindProject@planninginspectorate.gov.uk and
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16 January 2025

Dear Sirs,

Planning Act 2008 and the Infrastructure Planning (Examination Procedure) Rules 2010

Application by Morgan Offshore Wind Limited for an Order Granting Development Consent for the Proposed Morgan Offshore Wind Farm Generation Assets (PINS Reference N010136); and

Application by Morecambe Offshore Windfarm Ltd for an Order Granting Development Consent for the Proposed Morecambe Offshore Windfarm Generation Assets (PINS Reference EN010121)

I write further to the above and the Examining Authority's written questions and requests for information issued on 18 December 2024 (ExQ1, in relation to the Morecambe Offshore Wind Project) and 19 December 2024 (ExQ2, in relation to the Morgan Offshore Wind Project). This letter deals with the following questions:

- (a) Reference 1GEN2 (ExQ1, Morecambe Offshore Wind Project)

"At D1 the Applicant set out a note on the judgement of the High Court in the case of R (Parkes) v Secretary of State for the Home Department [2024] EWHC 1253 (Admin) [REP1-088]. This set out its view that the Application site did not represent 'land' or 'Crown land'. It also noted the Agreement for Lease between The Crown Estate and the Applicant and that, in the light of previous DCO decisions, the Applicant considers that no book of reference is required.

The Crown Estate is asked:

- (i) *does it have any views on the opinions set out the Note [REP1-088], that is, does it agree with the analysis or have any different view?*
- (ii) *subject to the grant of the DCO and any terms therein and any other necessary and separate consents, does The Crown Estate believe that it would be able to grant the necessary rights for the undertaking of the Proposed Development?"*

- (b) Reference GEN 2.10 (ExQ2, Morgan Offshore Wind Project)

"The Crown Estate is asked to:

- (i) *Review the Applicant's answer to ExQ1 GEN 1.18 (pages 17-20 [REP3-006]) and confirm if it agrees with the Applicant's interpretation of 'land' further to the judgement of the High Court in the case of R (Parkes) v Secretary of State for the Home Department [2024] EWHC 1253 (Admin), and that a Book of Reference is not required to be submitted.*

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- (i) *Subject to the grant of the DCO and any terms therein and any other necessary and separate consents, the Crown Estate is asked whether it is confident that it would be able to grant the necessary rights for the undertaking of the Proposed Development.*"

The Commissioners will be responding under separate cover to the other written questions identified for their attention.

In this letter:

"the Applicants" shall mean Morgan Offshore Wind Limited and Morecambe Offshore Windfarm Limited;

"the Commissioners" shall mean the Crown Estate Commissioners;

"Draft DCOs" shall mean the Applicants' draft development consent orders:

- (a) Draft Morgan Offshore Wind Project: Generation Assets Order (reference S_D4_8, Version F06, dated 10 December 2024); and
- (b) Draft Morecambe Offshore Windfarm Generation Assets Order (reference 3.1, Revision 03, dated 12 December 2024).

"Orders" shall mean the Morgan Offshore Wind Project: Generation Assets Order and the Morecambe Offshore Windfarm Generation Assets Order once made by the Secretary of State.

The Commissioners agree with the Applicants' overall conclusions that there is no 'land' forming part of the Crown Estate which is subject to the Orders. There is no onshore Crown land forming part of the Crown Estate included in the limits of the Orders and the seabed that is included in the limits of the Orders is not 'land' for the purpose of section 235 of the Planning Act 2008. Because of this, there is no need for a book of reference including Crown land or any provisions in the Draft DCOs authorising the acquisition of third party interests in Crown land.

Instead, the necessary rights and interests in the offshore Crown land that the Applicants require for the undertaking of the Proposed Developments are dealt with in the Agreements for Lease granted by the Commissioners.

This being said, the Draft DCOs nevertheless contain "Crown rights" wording at Article 10. The Commissioners are satisfied with this wording.

I trust that the Commissioners will be kept informed as to progress regarding the Orders as the Examinations progress.

Yours sincerely,

[REDACTED]

Ian Cox-Owen

Offshore Wind Regional Portfolio Manager - South East and Irish Sea

For and on behalf of the Crown Estate Commissioners