



The Planning Inspectorate

Our ref: XA/2025/100365/01-L01

By email

Interested Party No. 20053904

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Your ref: EN020032

Date: 20 May 2025

Dear Sir

DEADLINE 1 - WRITTEN REPRESENTATIONS.

We submitted our Relevant Representation (RR) [RR-677] dated 27/01/2025. The applicant provided a response to these representations in the subsequent document [PDA-010] *Procedural deadline A Submission - Annex 3.2.3 Response to RR- Environment Agency (RR677)*

The Written Representations presented below have been made in response to [PDA-010].

Environment Agency position

Overall we are satisfied that we are in continuing productive discussions with the Applicant and that progress is being made across all the issues raised in RR-677.

Regarding Ecology – There is on-going discussion to ensure future engagement with the Environment Agency is secured regarding otter mitigation measures; otter habitat creation and wetland habitat creation.

Regarding Flood Risk – There is on-going discussion to ensure that there is adequate consultation through the use of Protective Provisions and the disapplication of FRAPS, for works affecting main river or in the floodplain. Also to ensure that temporary storage of soil does not divert or obstruct the movement of floodwaters.

Regarding Geology, hydrogeology and ground conditions – There is on-going discussion to ensure that future engagement with the Environment Agency is secured regarding the required Hydrogeological Risk Assessment(s) and Foundation Works Risk Assessment(s) to protect ground water resources and groundwater dependant terrestrial ecosystems.

Regarding Consultation Timescales - We maintain our position that the Environment Agency requires 21 days to review consultations on matters specified in requirements.

Detailed Responses.

Our detailed responses to each point raised in [PDA-010] are set out below.

Ref RR-0677	Topic	Environment Agency comment in response to [PDA-010]
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0677.1	Ecology: Potential impact of EMF on fish	<u>This Ref. can be closed.</u> We are satisfied with the conclusion that the depth of cable burial below the River Ribble of 7-45m will mean that EMF will be negligible at the riverbed and therefore no impact on fish.
0677.2	Ecology EA consultation regarding outstanding Biodiversity issues: <ul style="list-style-type: none"> • detailed Biosecurity Plan • water vole surveys • mitigation measures for otters • Habitat creation and improvement proposals at Lea Marsh Fields and Dow Brook. 	<ul style="list-style-type: none"> • Biosecurity Plan – This can be closed. We are satisfied that we will consult on the detailed Biosecurity Plan under Requirement 8 of the dDCO [APP-005], to be approved in consultation with the Environment Agency. • Water voles – This can be closed. We are satisfied with the response. See Ref 0677.12 • Mitigation for otters - On-going discussion. This will be covered under the Ecological Management Plan, Requirement 12, for which the EA requests to be added as consultee. • Habitat creation for otter - On-going discussion. This will be detailed in the Biosecurity Benefit Statement for which the EA requests to be added as consultee.
0677.3	Flood Risk EA requests early involvement in detailed project design	This matter is on-going. To ensure there is adequate consultation through the use of Protective Provisions and the disapplication of FRAPS.
0677.4	Geology <ul style="list-style-type: none"> • Hydrogeological Risk Assessment required. • Foundation Works Risk Assessment required. 	This matter is on-going. <ul style="list-style-type: none"> • Hydrogeological risk assessment (HyRA) for all HDD or any other trenchless utility installation methods is proposed to be secured through Requirement 8. We are satisfied with this approach, but for clarity, a hydrogeological risk assessment must be listed under sub-paragraph (2) of Requirement 8 of the dDCO [APP-005]. An outline Hydrogeological risk assessment should be provided in support of the Outline CoCP [APP-193] <p>The EA has requested a plan to show the maximum design scenarios for the dewatering and Transition joint bays to show location of the entry pits, the depth</p>

		<p>of dewatering and the period over which the dewatering would take place.</p> <ul style="list-style-type: none"> • A Foundation Works Risk Assessment is proposed to be secured through Requirement 8. We are satisfied with this approach, but for clarity, a Foundation Works risk assessment must be listed under sub-paragraph (2) of Requirement 8 of the dDCO [APP-005].
0677.5	<p>Amended Requirements</p> <p>To include consultation with the Environment Agency</p> <p>Requirement 4 – Substation works</p> <p>Requirement 6 – Landscaping</p> <p>Requirement 12 – Ecological Management Plan</p>	<p><u>This Ref. can be closed.</u></p> <ul style="list-style-type: none"> • Requirement 4 – This matter can be closed. We are satisfied with the response. • Requirement 6 – This point can be closed as it is repeated under 0677.2 above. We are satisfied that our concerns regarding habitat creation for otters will be covered in the Biodiversity Benefit Statement for which the EA requests to be added as consultee. • Requirement 12 – This point can be closed as it is repeated under 0677.2 above. The EA requests to be added as consultee, notably with regard to mitigation measures for otters.
0677.6	<p>Amended timescales</p> <p>EA requires 21 days to review consultations on matters specified in requirements.</p>	<p>This matter is on-going.</p> <p>We are not satisfied with the suggested wording ‘or a longer period is agreed with both the undertaker and the discharging authority’.</p> <p>We maintain our position that the Environment Agency requires 21 days to review consultations on matters specified in requirements.</p>
0677.7	Protective Provisions	<p>This matter is on-going.</p> <p>We are in on-going discussion regarding the final form of the protective provisions.</p>
0677.8	Remaining detailed points which have not been addressed	<p><u>This Ref can be closed.</u></p> <p>See points below.</p>
0677.9	Work Package Tracker	<p><u>This Ref. can be closed.</u></p> <p>The process of incorporating outstanding matters into the SoCG is on-going.</p>
0677.10	Consents Strategy	<p><u>This Ref can be closed.</u></p> <p>We are satisfied with the Consents and Licences document [APP-232].</p>

0677.1 1	Invasive non-native species technical report	<u>This Ref. can be closed.</u> We will review the errata sheet submitted at Deadline 1. We are satisfied that the Biosecurity protocol is listed under Requirement 8 of the dDCO [APP-005], to be approved in consultation with the Environment Agency.
0677.1 2	Water vole technical report	<u>This Ref. can be closed.</u> We are satisfied the response.
0677.1 3	Outline Ecological Management Plan	<u>This Ref. can be closed.</u> Section 1.6.4.28: This part of the Ref. can be closed. We are satisfied with the response. CoT128: This part of the Ref. can be closed, as it is covered under Ref.0677.4 above. CoT104: This part of the Ref. can be closed, as it is covered under Ref.0677.5 above.
0677.1 4	Onshore Biodiversity Benefit Statement Section 1.5.2.8 & 1.5.3.13: The EA support any plans to improve the condition of Dow Brook and the habitat creation at Lea Marsh Fields, particularly the creation of ditches. We request that we are consulted on any such proposals and Landscape Management Plan as they are developed through consultation under amended Requirement 6.	This matter is on-going. Section 1.5.1.3 of the Biodiversity Benefit Statement [APP-216] states that the habitat creation and enhancement proposals remain indicative at this stage in the DCO application process, and will be based on detailed landscaping designs for the onshore substations and biodiversity benefit area at Lea Marsh Fields. We wish to secure consultation on these landscaping designs, specifically where they are relevant to watercourse enhancement and creation as detailed in paras 1.5.2.8 (Dow Brook) and 1.5.3.13 (Lea Marsh Fields) of the Biodiversity Benefit Statement [APP-216].
0677.1 5	Otter survey technical report	<u>This Ref. can be closed.</u> We are satisfied with the approach to pre-commencement surveying for otter. The Environment Agen's request to be a consultee with regards to otter mitigation measures that will form part of the Ecological Management Plan is covered in Ref. 0677.2 above.
0677.1 6	Outline Pollution Prevention Plan	<u>This Ref can be closed.</u> We are satisfied with the response.
0677.1 7	Outline Dust Management Plan 1.4.5.1 Dust suppression:	This matter is ongoing. We maintain our position that para 1.4.5.1 of the outline Dust Management Plan [APP-195] should highlight that if water is

		obtained by local extraction, then this may require an abstraction licence. This potential need for a licence will then be identified in the detailed Dust Management Plan(s). Failure to recognise the need for an abstraction licence could result in subsequent unnecessary delays to site construction activities.
0677.1 8	River Ribble Crossing Potential for flood risk and environmental impacts.	<u>This Ref can be closed</u> Concerns are covered under RR-0677.3 above.
0677.1 9	<p>Hydrology and flood risk</p> <p>Glossary & Page 10,14</p> <p>Page 15 Row 3 column 2:</p> <p>Page 18 Row 2 column 2:</p> <p>Page 48 Row 3 column 4: minimum vertical clearances</p> <p>2.6.10.11 Page 77: flood risk impacts from temporary works</p>	<p>Glossary & Page 10,14: We await review of the errata sheet submitted at D1. We are satisfied with the explanation that the correct stand-off has been applied to Dow Brook which is fluvial within the search area for the substation.</p> <p>Page 15 Row 3 column 2: <u>This Ref can be closed.</u> We are satisfied that the new flood risk data will be taken into account at the detailed design stage.</p> <p>Page 18 Row 2 column 2: <u>This can be closed.</u> We are satisfied that the design of the outfall to Dow Brook will be in consultation with the Environment Agency, secured through Requirement 20.</p> <p>Page 48 Row 3 column 4: We recognise that CoT10 is a commitment to maintaining a minimum 2m vertical clearance below all main rivers, secured in Requirement 8, and through Protective Provisions Schedule 10 Part 9. We are currently in discussion with the applicant to ensure that the Protective Provisions are applicable to all potential works areas where the Environment Agency would need to be consulted at the detailed design stage.</p> <p>2.6.10.11 Page 77: We await the technical note at D1 to clarify that there will be no flood risk effects from temporary construction works in the maximum design scenario.</p>

	Page 89. Hydrology and flood risk Flood warning and evacuation	Page 89. <u>This Ref can be closed.</u> We are satisfied that flood warning procedures will be prepared as part of the detailed CoCP(s) in consultation with the Environment Agency.
0677.2 0	Flood risk assessment – Part 1 of 2	<u>This Ref can be closed.</u> We are satisfied with the response.
0677.2 1	Flood risk assessment – part 2 of 2	<u>This Ref can be closed.</u> Matter is covered under Ref.0677.3 above.
0677.2 2	Soil Management Plan	Further discussion required. The EA's concern is specifically regarding the potential for temporary soil storage to divert or obstruct the movement of flood waters. This concern does not appear to be addressed in the Outline Soil Management Plan [APP-200] and associated best practice guidance.
0677.2 3	Geology, hydrogeology and ground conditions	Table 1.14 Row 2 and Table 1.17 Row 2: <u>This Ref. can be closed.</u> We are satisfied with the response. Table 1.14 and Table 1.17 Row 2: <u>This Ref. can be closed.</u> We are satisfied with the response. Commitments: <u>This Ref. can be closed.</u> We are satisfied with the response.
0677.2 4	Schedule 10 Protective Provisions Part 9 2. (4) Typographical error	<u>This Ref can be closed.</u> This error will be corrected through the revised protective provisions.
0677.2 5	Additional Requirement: Hydrogeological Risk Assessment (HyRA)	<u>This Ref can be closed.</u> Covered in Ref.0677.4 above.
0677.2 6	Additional Requirement: Foundation Works Risk Assessment	<u>This Ref can be closed.</u> Covered in Ref.0677.4 above.
0677.2 7	Additional Requirement: Consultation with the Environment Agency on detail design	<u>This Ref. can be closed.</u> Matter covered under Ref.0677.3 above.
0677.2 8	Flood Risk Activity Permits (FRAPs)	<u>This Ref. can be closed.</u> Matter covered under Ref.0677.3 above.

Yours faithfully



Planning Specialist – National Infrastructure Team

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