



The Planning Inspectorate

**Our ref:** XA/2025/100365/02-L01

By email

**Interested Party No.** 20053904

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**Your ref:** EN020032

**Date:** 3 June 2025

Dear Sir

## **DEADLINE 2 – COMMENTS ON SUBMISSIONS RECEIVED BY DEADLINE 1.**

We have reviewed relevant submissions received by Deadline 1 and would like to make the following comments:

### **[REP1-025, REP1-026, REP1-027] F3.2.3 Volume 3, Annex 2.3: Flood risk assessment - Part 1, Part 2, Part 3 RevF03**

We are in the process of reviewing the updated Flood Risk Assessment and will provide a response as soon as possible and before the next Deadline.

### **[REP1-029] F3.3.9 Volume 3, Annex 3.9: Water vole survey technical report (Tracked) - Rev F02**

This report provides results from the second, late-season, survey. We are satisfied with the conclusions of this report, that there are no changes to the conclusions from the first baseline survey.

### **[REP1-051] S\_D1\_6.6 Environment Agency Statement of Common Ground - Rev F01**

We agree with the Statement of Common Ground

## **Environment Agency position**

Our current position regarding the points raised in our Relevant Representation [RR-0677], and subsequently followed up in our Written Representation [REP1-076] is set out below.

Ref RR-0677	Topic	Position at Deadline 2
0677.2	<b>Ecology</b> <ul style="list-style-type: none"><li>mitigation measures for otters</li></ul>	<ul style="list-style-type: none"><li>Mitigation for otters - On-going discussion. This will be covered under the Ecological Management Plan, Requirement</li></ul>

	<ul style="list-style-type: none"> <li>• Habitat creation and improvement proposals at Lea Marsh Fields and Dow Brook.</li> </ul>	<p>12, for which the EA requests to be added as consultee.</p> <ul style="list-style-type: none"> <li>• 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.</li> </ul>
0677.3	<p><b>Flood Risk</b></p> <p>EA requests early involvement in detailed project design</p>	<p>This matter is on-going. To ensure there is adequate consultation through the use of Protective Provisions and the disapplication of FRAPS.</p>
0677.4	<p><b>Geology</b></p> <ul style="list-style-type: none"> <li>• Hydrogeological Risk Assessment required.</li> <li>• Foundation Works Risk Assessment required.</li> </ul>	<p>This matter is on-going.</p> <ul style="list-style-type: none"> <li>• 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]</li> </ul> <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 of dewatering and the period over which the dewatering would take place.</p> <ul style="list-style-type: none"> <li>• 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].</li> </ul>
0677.6	<p><b>Amended timescales</b></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</p>

		review consultations on matters specified in requirements.
0677.7	Protective Provisions	This matter is on-going. We are in on-going discussion regarding the final form of the protective provisions.
0677.1 4	<b>Onshore Biodiversity Benefit Statement</b> <b>Section 1.5.2.8 &amp; 1.5.3.13:</b> 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 7	<b>Outline Dust Management Plan</b> 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 9	<b>Hydrology and flood risk</b>  <b>Page 48 Row 3 column 4:</b> minimum vertical clearances	<b>Page 48 Row 3 column 4:</b> 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.

	<b>2.6.10.11 Page 77:</b> flood risk impacts from temporary works	<b>2.6.10.11 Page 77:</b> We await confirmation that there will be no flood risk effects from temporary construction works in the maximum design scenario.
0677.2 2	<b>Soil Management Plan</b>	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.

Yours faithfully

[Redacted Signature]

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