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Deadline 3 – South Ribble Borough Council Response to Examining Authority’s Written Questions and Requests for information ExQ1)

Planning Inspectorate Ref: EN020028

Morgan and Morecambe Offshore Wind Farms Transmission Assets

This correspondence forms South Ribble Borough Council’s response to ExQ1 questions. Where only one part of a question is relevant to this Council, that point is noted prior to the relevant response.

**Q1.1.2 Cable Corridor**

***The Examining Authority (ExA) notes that the construction of the two separate 400kV grid connection corridors [AS-017] leading towards Penwortham substation would involve construction across, in places, steeply sloping land. Are any specific construction work methods necessary in these locations to deal with the gradients and are any particular mitigation and management measures proposed, including in respect of existing trees, hedges and general landscape maintenance?***

When dealing with the alteration of gradient levels in proximity to trees identified for retention, it is important that levels remain unchanged within the root protection area of the trees. Any development works within the root protection area of trees should be undertaken in accordance with BS5837 2012 and addressed within the Arboricultural Impact Assessment and Arboriculture Method Statement which should include any specialist temporary installation criteria for temporary tree protection measures/any permanent installation of tree protection/foundations within the root protection area of trees identified for retention.

**Q1.1.5 Construction Working Hours**

***Proposed construction hours are set out in Requirement 14 of Schedule 2A and 2B of the dDCO [REP2-004].***

***a) Requirement 14(2) for both projects provides for circumstances where works may take place outside the core working hours specified in 14(1). These include a range of works (a) to (g) including generalised elements such as “where continuous periods of construction are required” and “any other time-critical element”. Whilst noting that provision in 14(3) for such works to be subject to 48 hours’ advance notice to the***

***relevant planning authority, can the applicants provide a more detailed justification for the flexibility sought for the certain works identified in (a) to (g)?***

***b) Noting that core working hours from 7:00am until 7:00pm (Monday to Saturday) are proposed, with an hour before/ after for set-up and close down works, are there any particular locations where the proposed hours including mobilisation activities might be more likely to lead to issues of unreasonable noise and disturbance for local residents and/or other receptors? If so, what reduced working hours would be reasonable in such locations?***

***c) The recent 'Request for Information' letter from the Secretary of State for Energy Security and Net Zero regarding the Mona Offshore Wind project (EN010137) requested that the applicant provide, without prejudice, updated documents to refer to more restrictive working hours of 7:00am to 1:00pm on Saturdays. Please comment on this request in relation to the proposed development, including whether the construction working hours should be similarly amended.***

Point B: The applicant proposes working hours of 0700-1900 Monday to Saturday, plus an hour before and after for set-up and close down works (mobilisation); effectively 0600-2000 hours.

When considering noise sensitive receptors (NSR's) located around the Howick Cross Lane, Penwortham area, these extended hours are more likely to lead to issues of unreasonable noise, disturbance and loss of amenity in a neighbourhood which is primarily extremely tranquil. In such a locale, noise impacts will be more keenly experienced.

Restriction of construction/site work start and finish times, and days of operation will allow NSR's restorative periods of relative peace and quiet, minimise any health impacts from exposure to environmental noise, restrict annoyance, reduce exposure and conserve as much as possible a 'quiet' area in line with World Health Organisation guidelines.

As per all other construction developments in the South Ribble area, the conditioned hours of construction/site work are requested as between 0800 and 1800 Monday to Friday, and 0900 to 1300 Saturday, with no operation on Sundays/Bank Holidays. This should include 'mobilisation' as described above unless such works would not impact NSR's due to noise.

Point C: Proposed Saturday construction/working hours of between 0900 and 1300 including mobilisation) are considered reasonable and proportionate considering the close proximity of NSR's. Saturdays are part of the weekend period, and as such these times allow use of homes, gardens and outdoor spaces with minimal intrusion or loss of amenity from the proposed works.

Point A for applicants' response only.

#### **Q1.1.12 Outline Code of Construction Practice**

***The applicants Outline Code of Construction Practice (oCoCP) [APP-193] presents the framework and outline of measures to manage the environmental impacts during***

***the construction phase of the proposed development. The detailed oCoCP will be supported via a series of management plans (listed in Table 1.1. of the oCoCP), outline versions of which have also been provided with the application. It is therefore an important document for the construction process. Please confirm whether you are satisfied that the oCoCP is sufficiently robust, precise and enforceable to provide effective management and mitigation of potential environmental impacts during the construction phases***

The Council considers that this document refers to unreasonable times and days of construction works/operation and should be replaced with those as outlined above in the response to Q1.1.5 Construction Working Hours

#### **Q1.1.13 Statements of Common Ground (SoCG)**

***Deadline 3 (7 July 2025) includes the submission of updated SoCG, including summaries of the principal areas of disagreement and statement of commonality. Relevant parties where a SoCG has been requested should fully engage with the SoCG process. The ExA requests fully considered SoCGs including summaries of the principal areas of disagreement. For statutory undertakers, where there is documented evidence that matters, including protective provisions, are agreed and no other matters of disagreement remain, then a statement from parties to this effect would suffice. In the absence of such a statement, where protective provisions are being negotiated and even if agreement is expected to be reached, then a brief and focused SoCG or position paper should be progressed, focusing on the matters where differences remain between the respective parties, rather than an unnecessarily long SoCG. It is not sufficient for these to be just recorded in the applicants' Land Rights Tracker as this is not a document that is necessarily agreed with the relevant statutory undertaker.***

The applicant has engaged with the Council with regards to the SoCG and has approached its statutory consultees to allow for similar discussion. The date of these meetings would be after closure of Deadline 3, but to date matters identified on the SoCG have been agreed between the applicant and Council as being ongoing points of discussion. This approach is acceptable so far to the Council.

#### **Q1.3.1 New/Recently Consented Developments**

***The applicants' response [REP2-031] to paragraphs 4.6.1 to 4.6.4 of Preston City Council's written representation [REP1-095] appears to take account of the consented developments at Pheonix Park and Land off Riversway in terms of overall cumulative effects but it is not clear that these consented developments have been assessed in terms of the specific effects of the proposed development upon their users and occupiers.***

***a) Noting that the Land off Riversway residential development has commenced, can the applicants provide details of their assessment of the impacts of the proposed development upon these receptors, on the basis that they could be in use/occupied prior to the commencement of either Project A or Project B?***

***b) Are there any other recent developments, where updates are required to assess the impacts of the proposed development upon their current/future occupiers***

See response to Question Q5.1.28 below

**Q2.1.6 Article 2 (Development Consent etc Granted By the Order)**

***a) This article would grant development consent for both projects, subject to development consent being granted for the associated generation assets. Notwithstanding that paragraphs (2) and (3) may be removed as appropriate if the generation assets are granted prior to the making of the Order, is the current drafting of these paragraphs suitably robust and enforceable for its intended purpose?***

***b) What would the implications be for this article if the decisions on either the Morgan or Morecambe generation assets were subject to legal challenge?***

***c) The applicants are asked to explain in further detail what happens to each relevant article, if consent is refused for one of the generation assets but granted for the other, to ensure that this DCO would only grant powers to give effect to the one project.***

***d) Further to (c) if one of the generation asset projects not be granted, or not implemented, what would the implications of this be for the works and land plans? Would amended plans need to be submitted to reflect the reduced order limits and order land?***

The Council feels that paragraphs 2 and 3 if retained would be suitably robust for their intended purpose, and enforceable (point a). Points B-D for applicants' response only.

**Q2.1.17 Article 36 (Trees Subject to Tree Preservation Orders (TPO))**

***Paragraph 1.10.1.2 of the Tree survey and arboricultural impact assessment – Part 1 of 2 [APP-128] says that at the time of submission, there is currently no impact on TPO trees. Bearing in mind paragraph 22.3 of Advice Note Fifteen: drafting Development Consent Orders, does this remain to be the position? If there are not TPO trees likely to be affected, is this article necessary and, if it is, should there be provision for consent to be required prior to any works to, currently unknown, trees subject to a TPO?***

It is noted that construction access 19A19B and cable corridor 34A34B are shown on BP-GBR-MORG-REG-0185 (APP-167) by ref MGMC141 as running through a protected woodland, but otherwise there do not appear to be any other trees that would warrant protection aside from the existing within South Ribble.

**Q2.3.3 Hearing Timetable**

***Remaining issues relating to the requirements will be considered at a subsequent issue specific hearing on the dDCO and further written questions if required. In order to provide for the efficient use of hearing time, the local authorities and any other relevant party are requested to consider the drafting of the draft requirements in Schedule 2 (A and B) and provide details of any disagreed matters, along with alternative drafting where applicable and any suggested additional requirements.***

***Where applicable this may be done within the Statement of Common Ground between the applicants and the relevant interested party***

Notwithstanding Section 4 (Substation works) which lie outside of the South Ribble Planning Authority boundary and as such wording relating to Section 4 has not been checked, the drafting of Schedule 2 (A&B) appears acceptable apart from Section 14 which includes construction hours beyond what is deemed acceptable in inhabited locations. This objection to construction hours has been highlighted in Relevant and Written representation, and also by questions Q1.1.5, Q1.1.12 (above) and Q14.1.10 below.

**Q2.4.1 Approval of Reserved Matters**

***This Schedule sets out a procedure for the approval of reserved matters under the requirements and any related appeals. Set out any relevant comments on the content of Schedule 12. For any elements that are not agreed, provide suggested alternative drafting and the justification for it***

Of concern to the Council when assessing Section 12 are:

- Section 4(3) – ‘Where the consultee requires further information, they must notify the discharging authority in writing specifying the further information required within 10 days of receipt of the consultation’. It is extremely unlikely that statutory consultees will respond within 10 days. The standard consultation period is 21 days which due to staffing and resource issues is currently a timescale that many consultees already struggle to adhere to.
- Sections 5(1) and 5(2) — ‘(1) Any consultee who receives a consultation under paragraph 4(3) must respond to that request within 10 days from receipt unless subparagraph (2) of this paragraph applies, or a longer period is agreed with both the undertaker and the discharging authority. (2) Where any consultee requests further information in accordance with the timescales set out in paragraph 4(3) then they must respond to the consultation within 10 working days from the receipt of the further information requested, or a longer period is agreed with both the undertaker and the discharging authority’ – expectation of such a fast turnaround is unacceptable. The Council requests a 21-day consultation period as standard.

**Q3.1.1 Commitments**

***Project Commitment (CoT) 33 [REP2-011] states “An Outline Dust Management Plan (DMP) has been prepared as part of the Outline CoCP and submitted as part of the application for development consent. Detailed CoCP(s) will be developed in accordance with the Outline CoCP. The measures in the detailed DMP(s) will accord with guidance set out by the Institute of Air Quality guidance Management (IAQM, 2024) where appropriate and practicable, and will include measures for monitoring and reporting dust levels, and dust suppression and mitigation measures during construction and operation.”***

- a) Define the process of identification of what is considered "where appropriate and practicable"?**
- b) Do you consider this approach to be adequate**

Point B: The approach is adequate. Point A is for the applicants' response only.

### **Q3.1.3 Air Quality Assessment Baseline**

***Air quality assessment baseline in the Environmental Statement (ES) Air quality (9.6.1.6) [APP-121] states that "Concentrations measured during 2020 and 2021 may have been affected by the COVID-19 lockdowns and are not therefore necessarily representative of current concentrations as outlined in the ExQ1 Question to: Question: IAQM Position Statement on 'Use of 2020 and 2021 Monitoring Datasets' (IAQM, 2021). Nevertheless, measured concentrations have been considered to ensure the assessment is conservative." Is this information representative of the current air quality baseline, given it was predominantly gathered during the COVID19 pandemic when air quality data could have been disproportionately affected?***

Considering the area in South Ribble subjected to possible Air Quality effects arising from the development, use of 2020/2021 Datasets can be considered representative and fit for purpose.

### **Q3.1.4 Meteorological Data Used for Dispersion Modelling**

***Air quality assessment baseline in the ES Air quality chapter [APP-121] Table 9.29 states that "Uncertainties arise from any differences between the conditions at the met station and the development site, and between the historical met years and the future years. These have been minimised by using meteorological data collated at a representative measuring site. The model has been run for a full year of meteorological conditions. This means that the conditions in 8,760 hours have been considered in the assessment."***

- a) Explain why one year of meteorological data is considered sufficient?**
- b) How have seasonal and annual variations in weather patterns been considered?**
- c) Are the local authorities satisfied with the approach in relation to meteorological data used in the dispersion modelling?**

Point C: The Council is satisfied with the approach in relation to meteorological data used in dispersion modelling. Points A-B for the applicants' response only.

### **Q3.1.7 Air Quality Effects During Construction**

***NPS EN-1 paragraph 5.7.9 states that construction should be undertaken in a way that reduces emissions, such as the use of low emission mobile plant during construction as appropriate, and that consideration should be given to making this mandatory in DCO requirements.***

- a) Explain how are you going to comply with this policy? Has consideration been given to a commitment to the use of low emission vehicles or plant?**
- b) Should this be a mandatory requirement, and if not, why not**

Point B: Low emission and/or quiet running plant is readily available, and the Council is concerned that this is not a mandatory requirement, rather than 'as appropriate'. The Council requests that low emission equipment is mandated to accord with the South Ribble Climate Emergency Action Plan July 2021 which seeks to reduce the Boroughs' carbon emissions including that of the Built Environment. Point A for the applicant's response.

#### **Q5.1.28 Crown Land**

***In paragraph 19 of their representation [REP1-097] South Ribble Borough Council query that one parcel of Crown Land has already been developed and will therefore not be available for the intended use by the applicants as a route for construction access. The applicants have addressed this in their response [REP2- 031]. Please clarify whether this response resolves the position?***

Response REP2-031 states that *'the Applicants note the response and the recent development of the 49.99MW Battery storage facility which interacts with plot 18-005 (REP1-004). The Applicants are in on-going discussions with the landowner regarding the proposed access in this location and the ability for the projects to co-exist so the access route can be used. In addition, the Applicants highlight that Article 47 of the draft DCO submitted at Deadline 2 (C1/F04) has been updated to clarify that any other development, or part thereof, which benefits from an existing planning permission and overlaps with the Order Limits, will be able to proceed. This amendment ensures that the DCO does not prevent the implementation of separately consented developments within the same geographical area'*

The Council welcomes this approach to working with the third-party developer, and to the amendments of Article 47 of the Draft DCO.

#### **Q6.1.10 Commitments**

***CoT16 [REP2-010] states "All vegetation requiring removal will be undertaken outside of the bird breeding season. If this is not reasonably practicable, the vegetation requiring removal will be subject to a nesting bird check by a suitably qualified ecological clerk of works. If nesting birds are present, the vegetation will not be removed until the young have fledged or the nest failed."***

***a) Define under what circumstances it wouldn't be "reasonably practicable"?***

***b) Do you consider the proposed wording to be adequate?***

Point a) is for applicants' response.

Point b): The Council considers the proposed wording to be adequate.

#### **Q6.1.11 Commitments**

***CoT31 [REP2-010] states "Ponds identified during the route planning and site selection process have been avoided where possible. During construction any newly***

***identified ponds will be avoided through micro-siting of the onshore export cable corridor and 400 kV grid connection cable corridor where reasonably practicable.”***

***a) Define "reasonably practicable". How is the decision made and on what basis. What if it's not deemed "reasonably practicable".***

***b) Do you consider the proposed wording to be adequate?***

Part (a) of the question is for the applicant to answer.

As regards part (b), the wording should include a commitment to provide replacement ponds if ponds are to be lost.

#### **Q6.1.13 Commitments**

***CoT101 [REP2-010] states “Where high concentrations of peat are identified these, will be avoided where practicably possible for the placement of the plant and infrastructure to avoid the possibility of ground gas build up. Where this is not possible, further investigation and appropriate monitoring will be identified undertaken, if necessary”.***

***a) Explain how you will determine if it’s “practicably possible” to avoid high concentrations of peat that are identified.***

***b) Explain the decision-making process in relation to determining if further investigation and appropriate monitoring is necessary.***

***c) Do you consider the proposed wording to be adequate***

Parts (a) and (b) of the question are for the applicant to answer.

As regards part (c), the current wording is inadequate because it does not refer to the need for a peat management protocol to be followed if impacts on peat cannot be avoided. The Outline Soil Management Plan should be referred to (APP-200), since this document describes acceptable peat management measures.

#### **Q6.1.14 Commitments**

***CoT126 [REP2-010] “To mitigate for potential temporary habitat loss associated with Mill Brook Valley Biological Heritage Site, temporary construction compounds will be micro-sited to avoid the site wherever reasonably practicable.”***

***a) Define “wherever reasonably practicable”.***

***b) Explain how you will mitigate for potential temporary habitat loss if it’s not deemed “reasonably practicable”.***

***c) Do you consider the proposed wording to be adequate***

Parts (a) and (b) are for the applicant to answer.

As regards point (c), we would advise that the wording is amended to read “To mitigate *and compensate* for potential temporary habitat loss associated with Mill Brook Valley Biological Heritage Site, temporary construction compounds will be micro-sited to avoid the site wherever reasonably practicable, *and mitigation and compensation measures will be proposed if avoidance is not reasonably practicable*’



#### **Q6.2.1 Biodiversity Calculations**

- a) Provide reasoning for the proposed percentage (%) in the biodiversity benefit strategy - 59.62% increase for the habitat, 20% for watercourse, 41.37% for hedgerow.**
- b) Explain in detail the methodology used and why the scheme won't fully comply with future biodiversity net gain requirements i.e why the whole length of the corridor has not been assessed?**
- c) The ExA requests the BNG metric spreadsheet used for the calculations is submitted into the examination.**
- d) Confirm whether clarity exists on how the calculations have been done and is there agreement on the methodology and the spatial areas for which the calculations have been presented?**

Parts (a) to (c) are for the applicants to answer.

As regards part (d) an explanation has been provided concerning the methodology and how the calculations have been done, although –

- The areas presented for habitat creation and enhancement are described as 'indicative' throughout. Calculations will need to be re-visited when these areas are confirmed.
- It is stated that where access could not be obtained habitat calculations were based on existing datasets. It would be useful to understand the proportion of land where access was not available and where there was reliance on existing datasets.
- In addition to the BNG metric spreadsheet, it would be useful to have sight of the details of the habitat condition assessments undertaken to complete the biodiversity metrics
- The scope of the assessment of onshore biodiversity benefit is limited to areas of permanent habitat loss; it would be useful to understand how long the 'temporary' habitat losses will be, and how long habitat reinstatement in these areas is likely to take. If the time periods involved are several years, consideration should be given to providing further off-site habitat creation and enhancement.

#### **Q6.2.2 Mitigation Hierarchy**

**Confirm that the applicants have adequately followed the mitigation hierarchy in respect to no biodiversity net loss and biodiversity net gain**

Commitments made by the applicants as part of the Transmission Assets relevant to ecology are set out in the ES: This includes measures to conserve biodiversity in terms of ecological interests and generally complies with the mitigation hierarchy, with measures to avoid and minimise impacts as far as is possible, although it is stated that offsetting [gain] will only be required for the permanent habitat loss areas, where biodiversity benefit is being delivered. It would be useful to understand how long the 'temporary' habitat losses will be, and how long habitat reinstatement in these areas is likely to take. If the time periods involved are several years, consideration should be given to providing further off-site habitat creation and enhancement.

Further explanation should be provided concerning efforts to avoid and minimise ecological impacts.

#### **Q11.1.3 Hesketh Farm**

***Paragraph 5.15 of SRBC's local impact report (LIR) sets out concerns regarding the effects on the grade II listed Hesketh Farm near Penwortham substation. SRBC disagrees with the applicants that Hesketh Farm has limited heritage significance. Could SRBC set out what it considers to be the heritage significance of this listed building and explain in further detail the effect that might result upon its setting and significance from the proposed development?***

The Grade II listed Hesketh Farmhouse holds historic, evidential and aesthetic values which are primarily evidenced in its vernacular form/appearance as a late C17 semi-rural farmhouse. Although characteristic of a farmhouse of this era and location in terms of form, build and materials, its large scale is unusual and contributes to its strong presence in the semi-rural setting. Overall, as a Grade II listed building it is attributed as having a high significance.

In terms of the setting, Hesketh Farmhouse is part of a small historic settlement on the banks of the former Howick Marsh on the fluvial Ribble estuary. The settlement is largely evident in its historic form although with evidence of incremental development over time commensurate with agricultural uses. However, the large C20 modern industrial development of the Penwortham Electricity Substation nearby to the SE erodes the significance of the setting somewhat. Nonetheless, notwithstanding the substation, the setting overall makes a positive contribution to the significance of the setting of the Grade II listed farmhouse.

#### **Q14.1.10 Commitments**

***CoT18 [REP2-010] states "Core working hours for the construction of the intertidal and onshore works will be as follows: • Monday to Saturday: 07:00 - 19:00 hours; and • up to one hour before and after core working hours for mobilisation ("mobilisation period") i.e. 06:00 to 20:00. Activities carried out during the mobilisation period will not generate significant noise levels (such as piling, or other such noisy activities). In circumstances outside of core working practices, specific works may have to be undertaken outside the core working hours. This will include, but is not limited to, works being undertaken within and/or adjacent to Blackpool Airport and cable installation at landfall and at the River Ribble. Advance notice of such works will be given to the relevant planning authority." In relation to the statement "Advance notice of such works will be given to the relevant planning authority."***

***a) Is it sufficient for the local authorities that advance notice will be given or should this be changed so that works, outside of the core hours secured by Requirement 14 (Schedules 2A and 2B) in the dDCO, are to be agreed with the relevant planning authority in writing in advance and must be carried out within the agreed times?***

***b) What would be the expected frequency and duration of such works and over what period might they be expected to continue in any specific location?***

Point A: The Council agrees that that works should be agreed with the Local Planning Authority in writing and with a reasonable period of advance warning. Agreement should not be subject to a short period of notice (other than works in the event of an emergency) and must be carried out within the agreed times to minimise loss of amenity to adjacent noise sensitive receptors. Engagement with those NSR's is also recommended. Point B for the applicant's response only.

**Q14.1.13 Construction Noise**

***Paragraph 1.2.2 of the Outline construction noise and vibration management plan [APP-196] covers the erection of physical barriers: a) Are you satisfied with the proposed process? b) Should timings be specified in relation to advance notification where consultation is required?***

Point A: The Council is satisfied with the proposed process.

Point B: Timings should be specified in relation to advance notification where consultation is required – again to aid Local Authority and resident engagement or involvement.

**Q14.1.15 Construction Noise**

***Outline construction noise and vibration management plan [APP-196], paragraph 1.2.1.1 states that “In certain circumstances, specific works may have to be undertaken outside the core working hours to maintain time critical activities. Where applicable, these activities will be notified to the relevant planning authority at least 48-hours’ notice in advance of the works.”***

***a) Is a minimum of 48-hours’ notice of advance of the works sufficient?***

***b) Are affected residents going to be notified in advance of the works***

Point A: The Council considers that a minimum 48-hours’ Notice in advance of works outside core working hours is sufficient.

This representation is submitted for, and on behalf of South Ribble Borough Council. Should you have any comments or questions please do not hesitate to contact us

Kind regards



**Chief Planning Officer / Head of Planning and Enforcement**