



The Planning Inspectorate

Our ref:

XA/2025/100402-L01

By email

Your ref:

EN020032

morganandmorecambeowfta@planninginspectorate.gov.uk

Date:

7 July 2025

Dear Sir

MORGAN AND MORECAMBE WINDFARMS TRANSMISSION ASSETS DEADLINE 3 –EXAMINING AUTHORITY’S WRITTEN QUESTIONS AND REQUESTS FOR INFORMATION.

Please find appended to this letter the Environment Agency responses to the Examining Authority’s questions issued on 17 June 2025.

Yours faithfully

[Redacted signature]

Planning Specialist – National Infrastructure Team

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Appendix 1 Environment Agency response to ExQ1

	Question to:	Question:
1. General and cross-topic questions		
1.1 Scope of the development and general matters		
Q1.1.12	Any local authority, Natural England and the Environment Agency	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.
	EA response	We are satisfied that the oCoCP is sufficiently robust in its current form. We will continue to work with the applicant in developing the detail in the topic-specific management plans that will be prepared in accordance with the Outline CoCP and supporting outline management plans.
Q1.1.13	The applicants, local authorities, statutory consultees and relevant statutory undertakers where a SoCG has been previously requested in the ExA's Rule 6 letter.	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.
	EA response	We agree with the SoCG as submitted by the applicant at D3, and have submitted a summary of the principal areas of disagreement.
2. The draft Development Consent Order (dDCO)		

2.3 Schedule 2A and 2B - Requirements		
Q2.3.3	The applicants FBC, SRBC, PCC, LCC, Blackpool Borough Council, Natural England, Historic England, Environment Agency and any interested party	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.
EA response	<p>Comments are made in reference to [REP2-005] Draft DCO Rev F04</p> <p>We welcome the inclusion of an outline hydrogeological risk assessment in Requirement 8 – Code of Construction Practice (2) (o) and we request that the wording is amended to include specific mention of the River Ribble crossing.</p> <p>Requirement 12 – Ecological Management Plan. The EA is not satisfied with the revised wording, 12.(1) (b) “<i>the Environment Agency where works have the potential to impact wetland habitats</i>”. We request that the EA is listed as an unqualified consultee for the Ecological Management Plan.</p>	
2.4 Schedule 12 – Approval of matters specified in requirements		
Q2.4.1	FBC, SRBC, PCC and any relevant statutory organisation	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.
EA response	<p>Comments are made in reference to [REP2-005] Draft DCO Rev F04</p> <p>We are not satisfied with the suggested amended wording ‘<i>or a longer period is agreed with both the undertaker and the discharging authority</i>’.</p> <p>We maintain our position that the Environment Agency requires a minimum of 21 days to review consultations on matters specified in requirements; including to request further information following initial consultation from the discharging authority.</p>	
6. Ecology, biodiversity and nature conservation (on-shore)		

6.1 Ecology and nature conservation		
Q6.1.6	The applicants (a-c), NE, LCC, FBC, Environment Agency (EA) and any other interested party (d)	<p>Sand dunes (Lytham St. Anne's SSSI, Local Nature Reserve, Biological Heritage Site, Geological Heritage Site)</p> <p>"The applicants reiterate that there would be no direct impacts to the sand dune habitats or sand lizard population at Lytham St Anne's SSSI, LNR, BHS and GHS as a result of the construction of the project, because the dunes will be crossed using trenchless technology. The entry and exit pits associated with the trenchless crossing will be of a sufficient distance away from Lytham St Anne's SSSI to ensure there are no direct impacts. The depth of the trenchless crossing of the dunes will be confirmed at the detailed design stage following ground investigation works, but it should be noted that this is a standard construction approach that is adopted to avoid impacts on sensitive habitat features. The applicants note that several stakeholders have raised concerns about potential indirect effects to the dune habitats as a result of the trenchless crossing, and therefore are preparing further information to be submitted at D3" [REP2-036 reference REP1-210 210.11]. CoT102 [REP2-011] makes references to "unforeseen circumstances" ("Where closures are required for longer periods due to unforeseen circumstances encountered during construction").</p> <p>A) Could those "unforeseen circumstances" cause direct impacts to the sand dune habitats or sand lizard population as a result of installation of the offshore export cables?</p> <p>B) Explain and provide a full list of potential consequences that could be connected to the unforeseen circumstances.</p> <p>c) As the possibility of "unforeseen circumstances" that could lead to prolonged closures of sections of public rights of way is acknowledged in the commitments register, why has an outline contingency plan (with an assessment of worst case scenario) not been submitted?</p> <p>D) Explain if you agree with the applicants' conclusions regarding no direct impacts to the sand dune habitats or sand lizard population as a result of the installation of the offshore export cables.</p>
	EA response	<p>The EA have no comment to make specifically regarding the sand lizard population as this species does not fall within our remit.</p> <p>With regards to the sand dunes habitat, the EA interest lies specifically with the groundwater, and the groundwater dependant terrestrial habitat it supports.</p> <p>We are satisfied that the detailed design of the trenchless crossing will be informed by a hydrogeological risk assessment (HyRA), secured by Requirement 8. We await the submission of the outline hydrogeological risk assessment for review. We are satisfied that this approach will manage the risks to groundwater and associated habitat.</p>
Q6.1.10	The applicants (a), NE, EA, NE,	Commitments

	FBC, SRBC, Preston City Council (PCC), LCC, Blackpool Borough Council (BBC) (b)	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
	EA response	The EA have no comment to make regarding nesting birds as this is not covered by our remit.
Q6.1.11	The applicants (a), NE, EA, FBC, SRBC, PCC, LCC, BBC (b)	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?
	EA response	The EA have no comment to make regarding this matter.
Q6.1.13	The applicants (a-b), NE, EA, FBC, SRBC, PCC, LCC, BBC (c)	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?
	EA response	The EA have no comment to make regarding this matter.
Q6.1.14	The applicants (ab), NE, EA, FBC, SRBC, PCC, LCC, BBC (c)	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?

	EA response	The EA have no comment to make regarding this matter.
Q6.1.15	NE, EA and any other interested party	<p>Mitigation</p> <p>Paragraph 1.2.1.8 of 'Site Selection of the Environmental Mitigation and Biodiversity Benefit Areas' [REP2-046] states "In accordance, with CAP 772 guidance (Civil Aviation Authority (CAA), 2017) the wildlife hazard management zones around Blackpool Airport and BAE Warton Aerodrome extend to 13 km" and paragraph 1.2.1.9 states "Given the extent of the wildlife hazard management zones in relation to the Transmission Order Limits, the applicants could not locate environmental mitigation and benefit areas outside of the wildlife hazard zones whilst also meeting their site selection guiding principles (as set out in paragraphs 1.2.1.2 and 1.2.1.3) and ultimately delivering effective mitigation." Paragraph 1.5.1.3 states "The search area also considered areas in proximity to designated habitats or priority habitats, with the objective of improving habitats that are functionally linked to designated sites and improving connectivity between habitats."</p> <p>a) Do you agree that effective mitigation could not be achieved outside wildlife hazard management zones in relation to the Transmission Order Limits?</p> <p>b) Do you agree that biodiversity benefit area objectives would not be met if it was located outside of the wildlife hazard zones?</p>
	EA response	The EA have no comment to make regarding this matter.
6.2 Biodiversity net gain (BNG)		
Q6.2.3	The applicants (ab), NE, EA, FBC, SRBC, PCC, LCC, BBC (c)	<p>Site selection</p> <p>Selection guiding principles are set out in paragraphs 1.2.1.2 and 1.2.1.3 of Site Selection of the Environmental Mitigation and Biodiversity Benefit Areas [REP2-046] submitted at D2. a) Explain why the selection guiding principles set out do not include specific safety considerations and policy requirements including potential for increased risk to defence activities? b) Explain if any alternatives for BNG strategy have been considered, including off-site delivery. c) If BNG requirements and the avoidance and/or mitigation of defence aviation risks cannot be met, please explain how excluding BNG areas from the order limits might affect your comments on the application.</p>
	EA response	The EA have no comment to make regarding this matter.
8. Geology, hydrogeology and ground conditions		
Q8.1.1	The applicants (ad), NE, Environment Agency (EA), Lancashire	<p>Commitments</p> <p>CoT119 [REP2-010] states: "Subject to landowner approval, at detailed design stage, hydrogeological risk assessment(s) will be undertaken at St Annes Old Links Golf Club (abstraction borehole ref: GWA_01), if necessary. The hydrogeological risk assessment(s) would be informed by ground investigation information, where relevant and practicable. If undertaken, the risk assessment(s) will inform a detailed site-specific</p>

	County Council (LCC), MMO (e)	<p>crossing design for the installation of the offshore export cables beneath Lytham St Annes SSSI and the St Annes Old Links Golf Course.”</p> <p>a) Provide an update in relation to gaining landowner approval.</p> <p>b) As the condition states "if necessary" under what circumstances would the hydrogeological risk assessment not be considered necessary?</p> <p>c) In an event of not obtaining the landowners approval how will the hydrogeological risk assessment be informed?</p> <p>d) What does "where relevant and practical" mean in the context of assessing risks to Lytham St Annes Dunes SSSI?</p> <p>e) Do you have any comments if hydrological risk assessment can't be conducted at St Annes Old Links Golf Club. How could that impact production of a detailed site-specific crossing design for the installation of the offshore export cables beneath Lytham St Annes SSSI and the St Annes Old Links Golf Course?</p>
	EA response	We await the opportunity to review the outline Hydrogeological Risk Assessment to better understand the importance of investigations at St Annes Old Links Golf Club in informing the site-specific hydrogeological risk assessment for Lytham St Annes SSSI.
Q8.1.2	The applicants (ad), NE, EA (d)	<p>Commitments</p> <p>CoT128 [REP2-010] states: “A Preliminary Hydrogeological Risk Assessment will be prepared in relation to the crossing of Lytham St Annes SSSI to mitigate potential impacts to the hydrologically dependant surface water features of the sand dune system. This will form part of the Outline Code of Construction Practice. At detailed design stage, Hydrogeological Risk Assessment will be developed in accordance with the Preliminary Hydrogeological Risk Assessment. The hydrogeological risk assessment(s) will be informed by ground investigation information, where necessary and practicable. These assessment(s) will used to inform the detailed site-specific crossing design for the installation of the offshore export cables beneath Lytham St Annes SSSI.”</p> <p>A) Explain “where necessary and practicable “in the context of ground Investigation required to inform hydrological risk assessment.</p> <p>b) What if the ground investigation is not “practicable” to conduct.</p> <p>c) Under what circumstances would the ground investigation not be considered necessary and how would the hydrogeological risk assessment be informed?</p> <p>d) Do you consider the proposed wording to be adequate?</p>
	EA response	We are satisfied that the wording of CoT128 [REP2-010] is adequate. This commitment is secured through Requirement 8 (2) (o). The EA awaits the opportunity to review the outline hydrogeological risk assessment as a supporting document in the DCO application.

Q8.1.3	The applicants (ab), NE, EA, LCC, MMO (c)	<p>Commitments</p> <p>CoT118 [REP2-010] states: “Where areas of potentially significant contamination (e.g. landfills) cannot be avoided within the Transmission Assets Order Limits, ground investigation or other appropriate measures (e.g. use Personal Protective Equipment and/or hazard signage) will be implemented to mitigate potential impacts to, or effects on sensitive receptors. Where ground investigation identifies potential risks to sensitive receptors from contamination, a remediation strategy would be prepared in consultation with the Environment Agency.”</p> <p>a) Explain what process will be followed when deciding if ground investigation is required or if other appropriate measures are sufficient?</p> <p>b) What specific ground investigation measures is the applicant committing to in areas of potentially significant contamination?</p> <p>c) Is this commitment sufficient to ensure contaminated land risks are adequately managed?</p>
	EA response	We are satisfied that the wording of CoT118 [REP2-010] is adequate. This commitment is secured through Requirement 8 (2) (n). We have reviewed and are satisfied with the outline contaminated land and groundwater discovery strategy [APP-207]
Q8.1.4	The applicants (a), EA (b)	<p>Commitments</p> <p>CoT103 [REP2-010] states: “Where suspected contamination is present and piling is proposed, where required detailed piling risk assessment(s) will be developed prior to the commencement of the relevant stage of works. Consultation with the Environment Agency will be sought.”</p> <p>a) Define "where required". Explain under what circumstances detailed piling risk assessment would not be a requirement?</p> <p>b) Do you consider the proposed wording to be adequate?</p>
	EA response	This commitment is secured through Requirement 8. The oCoCP [APP-193] para 1.7.2.17 highlights the potential need for piling. The EA requests that this wording is amended to broaden the scope to include any deep foundation works: “...Where suspected contamination is present and piling <i>or deep foundation works</i> are proposed, detailed <i>foundation works</i> risk assessment(s) will be developed...” .
Q8.1.5	EA	<p>Contamination remediation and mitigation</p> <p>Are you content that any remediation or mitigation potentially required, but not yet identified, in relation to contamination, perched waters within made ground, or groundwater from dewatering activities could be delivered within the Order Limits?</p>
	EA response	Any as-yet unidentified contamination would require characterisation and the development of a management strategy. Without knowing the detail of that strategy we can’t at this stage be certain that it can be controlled in full within the order limits. However, the following considerations regarding the nature of the development provide confidence that remediation would be possible within the Order limits:

		<ul style="list-style-type: none"> • Depth of excavation, and number and size of related infrastructure means the overall volumes of excavated material are likely to be comparatively low; • The linear nature of the development means there wouldn't necessarily be an expectation to fully remediate the full extent of any contamination that extends beyond the footprint of the development. The focus would more likely be on providing local remediation and preventing the infrastructure acting as a migration pathway for the contamination.
9. Habitats Regulations Assessment		
Q9.1.1	Joint Nature Conservation Committee, Natural England (NE), Natural Resources Wales (NRW), NatureScot, Northern Ireland Environment Agency	Conclusions Do you agree with the applicants' Habitats Regulations Assessment (HRA) conclusions with respect to likely significant effects (LSE) [APP-018] and adverse effects on site integrity [APP-016 and APP-017]? Please specify the relevant sites, pathways and qualifying features in your response.
	EA response	We defer to Natural England on this matter
10. Hydrology and flood risk		
Q10.1.1	The applicants (a-c), Environment Agency (EA), Lancashire County Council (LCC) (d)	Sand dunes The applicants' assessment of the potential for increased flood risk arising from damage to the existing flood defences, including the sand dunes at Lytham St Annes is presented within section 2.11.4 of Hydrology and flood risk chapter of the Environmental Statement (ES) [APP-070]. This concludes that as a result of the embedded mitigation measures set out there will be no increase in flood risk as a result of the installation of the offshore export cables. Project Commitment 102 [REP2-011] makes references to "unforeseen circumstances" ("Where closures are required for longer periods due to unforeseen circumstances encountered during construction"). a) Could those "unforeseen circumstances" increase the flood risk as a result of the installation of the offshore export cables? b) Explain and provide a full list of potential foreseeable consequences that could be connected to the unforeseen circumstances.

		<p>c) As the possibility of “unforeseen circumstances” that could lead to prolonged closures of sections of public rights of way is acknowledged in the commitments register why has an outline contingency plan (with an assessment of worst case scenario) not been submitted?</p> <p>d) Confirm that you agree with conclusions regarding no increase in flood risk as a result of the installation of the offshore export cables.</p>
	EA response	<p>We agree with conclusions regarding no increase in flood risk because of the installation of the offshore export cables.</p> <p>The Sand Dunes act as a Natural Sea Defence and should not be disturbed in any way that may compromise this function. The proposed temporary beach access is an existing access and is a low spot and a cut point in the linear integrity of the Dunes. Potential changes to the geometry of the existing beach access (lowering/ widening) because of the passage of heavy construction plant and equipment could create an increased risk of landward tidal flood extent ingress in a high spring tide and storm surge scenario over the duration of beach-based activities. Therefore, any changes to the beach access should be closely monitored over the course of the activities, in the same way that damages to any flood defences are.</p>
Q10.1.2	EA	<p>Sequential and exception tests</p> <p>a) Can you confirm whether the applicants have adequately followed the sequential and exception tests related to Morgan onshore substation area and Morecambe onshore substation area.</p> <p>b) Can you confirm whether the applicants have adequately followed the sequential and exception tests related to landfall, onshore cable corridor and 400 kV export cable corridor.</p>
	EA response	<p>Assessment of the Sequential Test is not within the remit of the Environment Agency.</p> <p>a) With regards to Morgan onshore substation area and Morecambe onshore substation area, we are satisfied that the applicants have completed a sequential test and adequately followed the exception tests.</p> <p>b) With regards to landfall, onshore cable corridor and 400 kV export cable corridor, we are satisfied that the applicants have completed a sequential test and adequately followed the exception tests.</p> <p>The following comments provide more detail regarding particular aspects of the scheme:</p> <ul style="list-style-type: none"> Following updates to Environment Agency Flood Map for Planning (FMfP), a section of the Morgan onshore substation temporary and permanent access tracks is now located in an area of Flood Zone 3a and 3b, this has been acknowledged in the FRA. We accept the position that the track cannot be located elsewhere and that the design of the track ensures it addresses the second part of the Exception Test.

		<ul style="list-style-type: none"> The temporary construction compound for the Morgan Substation extends into flood zone 3a. We are satisfied that the flood risk for this compound is very minor, and that the exception test can be satisfied at the detailed design stage.
Q10.1.6	The applicants, EA, LCC	Outline Operational Drainage Management Plan The Outline Operational Drainage Plan [APP-215] only deals with the onshore substation areas. Is there a need for such a plan for the whole cable corridor and/or landfall? If not, explain why.
	EA response	The Outline Operational Drainage Plan places emphasis on the above ground operational permanent works, ie. the substations and their associated impermeable or semi permeable areas. As detailed design progresses drainage consideration should be extended to the potential impact of below-ground features such as the cable corridor and Transition Joint Bays (TJBs). However, any impacts on drainage arising from these sub-surface features is not within the remit of the EA.
Q10.1.8	The applicants (a), EA, LCC (b)	Commitments CoT39 [REP2-010] states “Fences, walls, ditches and drainage outfalls will be retained at the landfall and along the onshore export cable corridor and 400 kV grid connection cable corridor, where possible. Where it is not reasonably practicable to retain them, any damage will be repaired and reinstated as soon as reasonably practical. The Environment Agency must be notified if damage occurs to any Environment Agency main river or related flood infrastructure.” a) Define "reasonably practicable" and “reasonably practical” in the context of retaining ditches and drainage outfalls. b) Do you consider the proposed wording to be adequate?
	EA response	We are satisfied that the proposed wording is adequate. Our remit and concerns relate to designated statutory main rivers and EA maintained assets. The remediation of any damage would be agreed in consultation with the EA. The remediation of any impaired drainage works is covered under the Protective Provisions for the Environment Agency, Schedule 10 Part 9 of the DCO.
Q10.1.10	The applicants (a), EA, LCC (b)	Commitments CoT84 [REP2-010] states “An Outline Code of Construction Practice (oCoCP) has been prepared a submitted with the application for development consent. Detailed CoCP(s) will be developed in accordance with the Outline CoCP. In order to manage impacts to field drainage, the Outline CoCP stipulates field drainage plans will be developed in consultation with the relevant landowners. If required, additional field drainage will be installed to ensure the existing drainage of the land is maintained during and after construction”. a) Explain the decision-making process in relation to statement “if required, additional field drainage will be installed”. b) Do you consider the proposed wording to be adequate?

	EA response	The EA have no comment to make regarding this matter. Providing detailed comments on the drainage strategy is not within our remit. Amendments to the Development Management Procedure Order (DMPO) came into effect on 15th April 2015. As a result, we are no longer a statutory consultee on the surface water aspects of development proposals.
Q10.1.11	The applicants (a), EA, LCC (b)	Commitments CoT96 [REP2-010] states “The Outline Code of Construction Practice (oCoCP) has been submitted as part of the application for development consent. Detailed CoCP(s) will be developed in accordance with the Outline CoCP. The Outline CoCP includes that farm access routes between fields within a farm holding will be maintained (where reasonably practicable), or alternative routes agreed with the land holder to enable the continued operation of agricultural land holdings during the construction phase, where this may be possible.” a) Explain the decision-making process in relation to phrased “where reasonably practicable” and “where this may be possible”. b) b) Do you consider the proposed wording to be adequate?
	EA response	The EA have no comment to make regarding this matter.
17.4 Other Matters: Climate change		
Q17.4.2	Environment Agency	GHG Comment, if necessary, on the applicants GHG Assessment in Appendix 1.1 [APP-139] or the GHG Emissions sections of the Environmental Statement, Volume 4, Chapter 1 [APP-138].
	EA response	The EA have no comment to make regarding this matter.