



The Planning Inspectorate

Our ref:

XA/2025/100402-L03

By email

Your ref:

EN020032

morganandmorecambeowfta@planninginspectorate.gov.uk

Date:

7 July 2025

Dear Sir

DEADLINE 3 – COMMENTS ON SUBMISSIONS RECEIVED BY DEADLINE 2.

We have reviewed relevant submissions received by Deadline 2 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 have reviewed the updated Flood Risk Assessment v3 and have provided a response direct to the applicant.
- [REP2-005] Draft Development Consent Order (Tracked) - Rev F04 – comments as per the Environment Agency position below.
- [REP2-019] Outline Ecological Management Plan (Tracked) - Rev F02 – no comments
- [REP2-021] Onshore Biodiversity Benefit Statement (Tracked) - Rev F03 - comments as per the Environment Agency position below.
- [REP2-031] Applicants' Response to Written Representations from Statutory Consultees and other Organisations - Rev F01- comments as per the Environment Agency position below.

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	REP1-076	Position at Deadline 3
0677.2	Ecology <ul style="list-style-type: none"> mitigation measures for otters Habitat creation and improvement proposals at Lea Marsh Fields and Dow Brook. 	<ul style="list-style-type: none"> 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 Biodiversity Benefit Statement for which the EA requests to be added as consultee. 	076.5	<p><i>This matter is on-going.</i></p> <ul style="list-style-type: none"> [REP2-005] draft DCO Mitigation and enhancement measures are covered in the Ecological Management Plan, Requirement 12. We are not satisfied with the proposed revised wording of Requirement 12.(1) (b) “...the Environment Agency where works have the potential to impact wetland habitats”. We maintain our request that the EA is included as an unqualified consultee for the Ecological Management Plan Response noted. [REP2-021] Biodiversity Benefit Statement. In the event that implementation of the Biodiversity Benefit Statement is secured, the Environment Agency requests to be included as a consultee for the detailed enhancement measures for the Biodiversity Benefit Area at Lea Marsh Fields.
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.	076.6	<p><i>This matter is on-going.</i></p> <p>We share the Applicant’s view that protective provisions will be agreed before the end of Examination.</p>

				To ensure there is adequate consultation through the use of Protective Provisions and the disapplication of FRAPS.
0677.4	Geology Hydrogeological Risk Assessment required.	<p>This matter is on-going.</p> <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 of dewatering and the period over which the dewatering would take place.</p>	076.7	<p><i>This matter is on-going.</i></p> <p>[REP2-005] draft DCO - We are satisfied that Hydrogeological risk assessment (HyRA) is now listed under Requirement 8 para (2) (o), The amendment currently specifies Lytham St Annes SSSI, but we request that it also specify the River Ribble crossing for consideration in the outline HyRA.</p> <p>We await the submission of the outline HyRA for review at Deadline 3.</p>

	Foundation Works Risk Assessment required.	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].		<p>We are satisfied that the need for a Foundation Works Risk Assessment, where suspected contamination is present and deep foundation works are proposed, is covered under Requirement 8, and we withdraw our request that it be listed under sub-para.(2).</p> <p>However, to provide assurance that this Requirement will cover all potential foundation works that may create a risk of pollution, we request the following amended wording to [APP-193] outline CoCP, Geology and ground conditions para 1.7.2.17:</p> <p>“...Where suspected contamination is present and piling or deep foundation works are proposed, detailed foundation works risk assessment(s) will be developed...”</p>
0677.6	Amended timescales EA requires 21 days to review consultations on matters specified in requirements.	<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>	076.9	<p><i>This matter is on-going</i></p> <p>[REP2-005] draft DCO Schedule 12 Approval of matters specified in requirements. 5. (1) Provision of information by Consultees</p> <ul style="list-style-type: none"> • We maintain our position that the Environment Agency requires 21 days to review consultations on matters specified in requirements.
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>	076.11	<p><i>This matter is on-going.</i></p> <p>We are in on-going discussion regarding the final form of the protective provisions.</p>
0677.14	Onshore Biodiversity Benefit Statement	<p>This matter is on-going.</p> <p>Section 1.5.1.3 of the Biodiversity Benefit Statement</p>	076.17	<p><i>This matter can be closed.</i></p> <p>We are satisfied with the response</p>

	<p>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.</p>	<p>[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.</p> <p>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].</p>		
0677.17	<p>Outline Dust Management Plan 1.4.5.1 Dust suppression:</p>	<p>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</p>		<p><i>This matter can be closed.</i> We are satisfied with the response</p>

		licence could result in subsequent unnecessary delays to site construction activities.		
0677.19	<p>Hydrology and flood risk</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>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 confirmation that there will be no flood risk effects from temporary construction works in the maximum design scenario.</p>	076.22	<p><i>This matter can be closed</i></p> <p>We are satisfied with the Errata [REP1-064] submitted at Deadline 1.</p> <p>We are satisfied that Requirement 5 (2) provides for consultation with the Environment Agency regarding trenchless installation works as appropriate.</p> <p>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>We are satisfied that this will be considered at detailed design stage.</p>
0677.22	Soil Management Plan	Further discussion required. The EA's concern is specifically regarding the potential for temporary soil storage to divert		<p><i>This matter can be closed</i></p> <p>[APP-200] We are satisfied that this is covered in the embedded best practice guidance Defra 2009 and</p>

		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.		Institute of Quarrying (IQ) Good Practice Guide for Handling Soils in Mineral Workings (IQ, 2021)
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Yours faithfully

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