



**Responses to matters raised at
the Specific Hearings for
Deadline 4**

**Morgan & Morecambe Transmission
Cables Examination**

IP Reference-20053931

August 2025

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List of Abbreviations

- AoS – Areas of Separation
- BNG – Biodiversity Net Gain
- DCO – Development Consent Order
- dDCO – Draft Development Consent Order
- EN-1 – Overarching National Policy Statement for Energy
- EPB – Economic Prosperity Board
- ESP – Employment and Skills Plan
- ExA – Examining Authority
- FBC – Fylde Borough Council
- FLP – Fylde Local Plan to 2032 (incorporating Partial Review)
- LIR – Local Impact Report
- NSIP – Nationally Significant Infrastructure Project
- SoCG – Statement of Common Ground

1 Introduction

1.1.2 Fylde Council [FBC] is a statutory consultee and Interested Party for the proposed Morgan and Morecambe Offshore Wind Farms Transmission Cables proposal.

1.1.3 This report is prepared in response to matters raised verbally by the Examining Authority [ExA] during the ISH2 and ISH3 hearings in July 2025. This includes responses to Action Points issued by the ExA, as identified by reference to the relevant Action Point in the headings and listed below:

- Action Point 11 – Section 5.1
- Action Point 16 – Section 7.3
- Action Point 17 – Section 2.1
- Action Point 18 – Section 3.3
- Action Point 19 – Section 2.2

1.1.4 This report also includes responses to other matters raised, comprising the FBC written submission of oral cases.

1.1.5 FBC also notes the Action Points requiring responses after Deadline 4 and fully expects to be able to provide them in accordance with the timescales requested by the ExA.

1.2 The Impact of New Information on the Examination

1.2.2 FBC notes the significant amount of new and updated information which the applicants have indicated will be submitted at Deadline 4, Deadline 5 and beyond. This is reflected in the long list of Action Points issued by the ExA.

1.2.3 FBC will continue to review, consult upon and respond to this new information. However, FBC is concerned that the amount and significance of additional information to be submitted at this stage in the Examination may prevent proper consideration of the likely impacts and may undermine processes to ensure appropriate mitigation can be secured.

1.2.4 Furthermore, FBC notes that some of this information has been outstanding for a long period of time, including submissions requested by the ExA at the Preliminary Hearing and information requested by key consultees as early as 2023. For example, requests made by Natural England in relation to sand lizard surveys in November 2023 and as acknowledged in writing by the applicants at Page 48 of Volume 3, Chapter 3 of their Environmental Statement [APP-075], are still being sustained in response to Q6.1.5 of the ExA Written Question [REP3-095].

1.2.5 FBC also has concerns that where new information is being prepared, it could not now appropriately impact the proposals. For example, where the applicants have not properly distinguished between different grades of agricultural land in their baseline assessment and subsequent route selection process (see Q13.1.11 of [REP3-082]), an appropriate proposal cannot now necessarily be achieved within the scope of this NSIP. Or with respect to the sand lizard issue outlined above, where access between the highway and landfall area is naturally constrained, with no reasonable alternative exist within the Order Limits to respond to the outcome of the required sand lizard surveys. This issue presents across a range of matters.

1.2.6 The Nationally Significant Infrastructure Project [NSIP] consenting process is intended to be front-loaded and the applicants are required to be well-prepared, to enable efficient examination within the maximum six months provided by Section 98(1) of the Planning Act.

1.2.7 This proposal is for two independent projects, cutting right across the full width of The Fylde. FBC has made clear in its written submissions that the likely impacts will be significant, with clear social, economic and environmental harm. The likely extended and repeat construction phases will exacerbate these impacts.

1.2.8 In this regard, matters relating to the assessment of the likely impacts are particularly complex and impactful for these projects. FBC therefore raises significant concerns at this stage that the applicant has a duty to front-load the process and can undermined the efficiency of the Examination.

1.3 Statement of Common Ground

1.3.2 The ExA has stressed the importance of the submission of a Statement of Common Ground [SoCG] between FBC and the applicants. FBC understands the importance and utility of SoCGs and can confirm that the applicants have provided a draft SoCG, and that topic specific meetings have been held, with more scheduled over the next five weeks.

1.3.3 Prior to ISH2, FBC intended to submit a draft SoCG at Deadline 4. However, as a result of the amount of new and updated information to be submitted across all topic areas by the applicants-Deadlines 4 and 5, FBC will not be submitting a draft SoCG at this time.

1.3.4 FBC considers it would be inappropriate and ineffective to do so and instead, following review of the Deadline 4 information, and will make a decision as to submit a draft SoCG ahead or at, Deadline 5, following further meetings with the applicants.

1.3.5 Please note that excluding any clearly identified quotations which have been prepared by other parties, all parts of the content of this written submission is the work of the officers of FBC and no part of it has been generated by AI.

2 DCO Requirements

2.1 Onshore Collaboration – Requirements 25 (ExA Action Point 17)

- 2.1.2 The applicants have chosen to progress a joint application whilst maintaining complete independence of both Project A and Project B.
- 2.1.3 The applicants have presented a joint Environmental Statement, Outline Management Plans, Commitments and dDCO (albeit with some separation of schedules).
- 2.1.4 In this regard, whilst the applicants are aiming at a consent which would enable one or both projects to come forward either sequentially or concurrently, the two projects are only linked in terms of their assessment of likely harm and proposed mitigation.
- 2.1.5 Requirements 25 of the dDCO [REP3-009] briefly set out a commitment for information sharing between each project. However, there is no obligation for either Morgan or Morecambe to formally comment on any such information and no prescribed specifications of what should be provided.
- 2.1.6 Additionally, the Requirements only apply to information submitted for approval. FBC considers that the Requirements should relate to all relevant information submitted for any Requirement, publication or notification (i.e. any submitted information which does require consent) and this should be captured with a prescribed list.
- 2.1.7 FBC fully understands that the purpose of the Requirements is to reduce the likelihood of any harm arising from inefficiencies and incompatibilities in the programme of works and delivery of commitments for both projects.
- 2.1.8 Therefore, FBC considers that Requirements 25 of the dDCO should be redrafted to require notification and specification to be carried out in such a way as to reduce the risk of increased harm and conflict with other Requirements and Commitments.

2.2 Substation Works – Requirements 4 (ExA Action Point 19)

- 2.2.2 Requirements 4 of the dDCO [REP3-009] restrict commencement of the substation works until a list of specified details have been submitted to and approved by the relevant planning authority.
- 2.2.3 The list of requirements includes “vehicular and pedestrian access, parking and circulation areas.” In terms of its own remit as a planning authority, FBC considers that the final sentence of part (1) of the Requirements should be extended to include “or local highway authority.”

- 2.2.4 This approach is consistent with others made DCOs, such as Part 3 Requirement 9 of the Rampion 2 DCO which the applicants have relied upon as reference for several other matters.

3 Landscape

3.1.2 At ISH2, the applicants advised the ExA that they were continuing to engage with FBC on matters relating to landscape and visual impacts. FBC can confirm that a series of meetings have been scheduled ahead of Deadline 5 which should allow a substantively complete Statement of Common Ground [SoCG] to be submitted at Deadline 5, insofar as it relates to landscape.

3.1.3 However, FBC wishes to provide a summary of oral submission made at ISH2 and ISH3 relating to landscape.

3.2 Significance of impacts

3.2.2 FBC notes the comments made by the ExA during ISH2 and specifically in relation to Q13.1.2 of the Written Questions.

3.2.3 FBC maintains its position set out in its response to the same question [REP3-082] and in Section 12 of its Local Impact Report [REP1-078], and on which FBC expands upon its argument at 2.31.1 in its answers [REP3-082], noting that a degree of subjectivity and judgement is inherent within the assessment of landscape effects.

3.2.4 By extension, where effects are considered to not be significant, they should not be completely disregarded. This not only risks undermining a proper understanding of the interrelated significant effects but also weakening the assessment particularly where there is any disagreement about the significance of those effects.

3.2.5 Furthermore, FBC considers that moderate effects are important effects which should be considered.

3.2.6 FBC agrees with the ExA position that the overall planning balance should consider all effects and that the Planning Statement should present that consideration.

3.3 Areas of Separation Policy (ExA Action Point 18)

3.3.2 Areas of Separation [AoS] are defined by Policy GD3 of the Fylde Local; Plan to 2032 (incorporating Partial Review) [FLP].

3.3.3 At ISH2, the applicants confirmed their position that they do not consider Policy GD3 applies to their proposals. For the reasons set out in Section 12 of its Local Impact Report [REP1-078] and expanded upon below, FBC is of the strong opinion that the policy does apply and as such, the applicants should set out an assessment against this policy.

- 3.3.4 A simple reading of the policy establishes that *“Development will be assessed in terms of its impact upon the Area(s) of Separation”*.
- 3.3.5 There is no requirement in the policy that development is required to be located within the AoS for the policy to apply.
- 3.3.6 Further to this, Section 7.10-12 of the FLP provides the supporting text to the policy, setting out the justification and explanation as to the purpose of the areas of separation and notably includes that:
- 3.3.7 *“An Area of Separation is designed to preserve the character and distinctiveness of individual settlements by restricting inappropriate development that would result in the coalescence of two distinct and separate settlements.”*
- 3.3.8 The supporting text also includes that a critical element of the policy in any assessment of the impact of development is the assessment of *“harm to the to the effectiveness of the gap between the settlements and, in particular, the degree to which the development proposed would compromise the function of the Area(s) of Separation in protecting the identity and distinctiveness of settlements”* (emphasis added).
- 3.3.9 FBC is of the opinion that the proposed substations will have significant impact of the identity and distinctiveness of nearby settlements, because of their visual, perceptual and experiential effect on the proposed site and surrounding area, which is significant, at scale and goes well into and beyond the AoS.
- 3.3.10 FBC considers that this interpretation is supported by the principle set out in Section C1 of the National Design Code (2024), which explains that well-designed development responds positively to features of the site itself and beyond, including both physical and non-physical features with specific reference to perception.
- 3.3.11 FBC does not rely upon the National Design Code as directly relevant to these proposals but instead as a reputable source to support this approach to design considerations.
- 3.3.12 FBC considers that the proposed development would by association have significant impacts on the AoS which would in turn negatively affect identity and the distinctiveness of settlements, which means that Policy GD3 is engaged.
- 3.3.13 Therefore, the applicants should set out an appropriate assessment and mitigation in respect of this policy with respect to Avoid/Mitigate/Compensate principles.

3.4 Further assessment

- 3.4.2 FBC notes the ExA Action Points relating to Landscape Management, Landscape and Visual Impact, and the Green Belt. These actions are pending new and updated information to be submitted by the applicants at Deadline 4 and following a series of topic meetings being arranged between the relevant parties.
- 3.4.3 FBC notes that the substations will have a significant impact on the landscape, including upon residents, workers and visitors. FBC supports the repeated requests, particularly from residents, for more information about the details of the proposals.
- 3.4.4 Matters relating to site levels, building designs and landscaping are all critical to enable a proper understanding of the likely impacts of the proposals. FBC has repeatedly requested more information in this regard throughout its written submissions, most recently summarised in its response to ExA Written Questions Q1.2.3, Q13.1.2, Q13.1.14 and Q17.1.1 [REP3-082].
- 3.4.5 Similarly, and with reference to the same questions, FBC maintains its position that the co-location of the substations is not justified and that the applicants' representation of the Horlock Rules in response to Q1.2.3 [REP3-056] and as set out in its Green Belt Technical Note [REP3-069] is not an accurate assessment of the impacts.
- 3.4.6 FBC will be commenting further following the publication of the applicants' Deadline 4 documents which is due to include an update to the Green Belt Technical Note.

4 Greenbelt

4.1.2 At ISH2, the applicants advised the ExA that they were continuing to engage with FBC on matters relating to the Green Belt. FBC can confirm that a series of meetings have been scheduled ahead of Deadline 5 which should allow a substantively complete Statement of Common Ground [SoCG] to be submitted at Deadline 5, insofar as it relates to landscape.

4.1.3 However, FBC wishes to provide a summary of oral submission made at ISH2 and ISH3 as they relate to Green Belt matters.

4.2 Site selection

4.2.2 FBC continue to advocate for proper consideration of alternative sites for the substations, including where the sites are not co-located.

4.2.3 The applicants have confirmed that there will be no functional dependence between the sites either during construction, operation or any other time. Indeed, they have resisted requests to consider options for sharing infrastructure with a view to reducing the overall size of the substations, setting out that this would not be commercially practical. In this regard, there is no technical requirement which governs proximity between the substations.

4.2.4 The applicants have set out their justification for co-location, summarised most recently in their response to ExA Written Question Q1.2.3 [REP3-056] and their Green Belt Technical Note [REP3-069].

4.2.5 FBC considers that nothing within the Horlock Rules supports or encourages co-location of substations. In fact, the reverse is factually correct, in that all criteria as identified in the Horlock Rules could be better responded to by careful consideration and assessment of separate locations for the substations.

4.3 Greenbelt harm

4.3.2 FBC disagrees with the applicants' conclusion that harm to the green belt is "limited".

4.3.3 National Policy Statement EN-1 provides guidance and refers to the National Planning Policy Framework [NPPF]. Paragraph 153 of the NPPF states: "*When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt, including harm to its openness. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.*"

- 4.3.4 The applicants attempt to distinguish between harm to the Green Belt and what they term other harms, which is then considered to include visual impacts. This is a flawed distinction as the extent of the permanent land take for the substations as a percentage of the Green Belt is used by the applicants to suggest that the effect would be minimal.
- 4.3.5 However, the size and visual impacts of the substation structures is fundamental to any assessment of openness in its setting and landscape. Any assessment of visual impacts indicates that the effect of the inappropriate development in the green belt is to fundamentally undermine the green belt.
- 4.3.6 The NPPF and EN-1 align in clearly setting out that:
- 4.3.7 *“Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.”*
- 4.3.8 Assessment of this balance is for the decision maker and should be assessed considering the substantial harm and impacts arising including noise from the built development of the substations and should not disregard, as put forward by the applicants.

5 Trees and hedges

5.1 Trees Subject to Preservation Orders (ExA Action Point 11)

- 5.1.2 At ISH3 the ExA requested that FBC provide details on the previous DCOs and Articles with alternative drafting approaches to Article 36 (Trees Subject to Preservation Orders).
- 5.1.3 In the first instance, FBC refers to 'Advice Note Fifteen: drafting Development Consent Orders' and specifically Good Practice Point 6. This requires that draft DCO should include a relevant Schedule and plan identifying the trees likely to be affected that are protected by TPOs and/or are otherwise protected.
- 5.1.4 FBC considers this request to be reasonable and would not be onerous, on the basis that the number of trees likely to be captured by such a Schedule and plan would be relatively low. Importantly, the relatively low number of trees affected in absolute terms is more impactful in terms of the proportion of trees in the local area to be affected, given the very low overall tree coverage. Specifically, the FBC local authority area has 5.9% tree coverage, making it the area with the 17th lowest coverage out of 317 local authorities, according to data published by Friends of the Earth in 2022.
- 5.1.5 FBC notes that the guidance sets this out as a starting point, with subsequent powers to allow works to trees building upon this approach, as per Paragraph 22.2 of Good Practice Point 6.
- 5.1.6 It should also be noted that trees can be subject to tree preservation orders at any time, including between the current date and the commencement and completion of works on site, which could be a lengthy drawn-out process, which is particularly relevant given the extended duration of the projects.
- 5.1.7 Additionally, FBC notes that Commitment CoT03 of the Commitments Register [REP3-013] states that known trees subject to tree preservation orders have been directly avoided where practicable during the site selection process. FBC therefore assumes that the applicants have already identified and mapped out the protected trees and therefore this request is reasonable and achievable.
- 5.1.8 On this basis, FBC also requests that Article 36 includes wording to require that an application for work affecting any protected trees, not otherwise identified in the initial Schedule and plan, is made prior to any such works taking place.
- 5.1.9 FBC considers that this approach would align with the relevant national guidance and would improve the accuracy of the identifying likely harms to those trees protected and worthy of protection and would improve the effectiveness of required mitigation.

5.1.10 On this basis, FBC requests that the applicants prepare a Schedule and plan in accordance with Good Practice Point 6 and that Article 36 of the DCO be updated to engage appropriately with the matters outline above.

5.1.11 FBC will also be requiring like for like replacement to maintain the extent of tree cover across the Fylde for trees that are removed. This is consistent with EN-1, FBC Local Plan Policies ENV1 and ENV3, and 'Advice Note Fifteen: drafting Development Consent Orders'.

5.2 Scope of Hedge Removal

5.2.2 The amount of hedgerow to be removed, as identified in Schedules 11A and 11B of the dDCO [REP3-009] is very large, at approximately 25km total. This is due to the large extent of the cable routing and Order limits significantly resulting in a greater and extended impact.

5.2.3 Importantly, Section (4) of Article 35 of the dDCO allows for the removal of any hedgerow within the Order limits, in addition to those identified in Schedules 11A and 11B. FBC considers this to be unwarranted, inappropriate and not in accordance with Good Practice Point 6 of 'Advice Note Fifteen: drafting Development Consent Orders' which requires all hedgerows affected by the proposed development to be identified within the Schedules.

5.2.4 FBC requires that the applicants prepare a Schedule and plan in accordance with Good Practice Point 6 and that Article 36 of the DCO be updated to engage appropriately with these matters.

5.3 Standards for Works to All Trees and Hedges

5.3.2 Article 35 of the dDCO [REP3-009] allows for works to trees and hedges, including felling and removal, without any appropriate control.

5.3.3 Neither the dDCO, nor the Commitments Register [REP3-013] make reference to any controls or standards in terms of how works under Article 35 would be carried out. A specification of works is therefore required.

5.3.4 Section 5.11.27 of EN-1 includes a requirement for existing trees to be retained wherever possible and compensation provided where loss is unavoidable. It is entirely reasonable to extend this principle to require that works to retained trees to be carried out in such a way that harm to the long-term health of those trees is minimised.

- 5.3.5 FBC therefore considers it appropriate to include control either within the DCO or Commitment Register, such as that works should be carried out in accordance with BS3998:2010 and BS5837:2012, and that tree health checks should be conducted by a suitably qualified Arboricultural Clerk of Works to satisfy the monitoring and supervision requirements within BS5837:2012.
- 5.3.6 FBC requires like for like replacement for hedge loss, to achieve this recording of the hedge removal, tree/shrub species and soil types needs to be fully recorded. This is consistent with EN-1, FBC Local Plan Policies ENV1 and ENV3, and 'Advice Note Fifteen: drafting Development Consent Orders'.

6 Ecology (Excluding dunes)

- 6.1.2 FBC has provided separate comments relating to the sand dunes area within this written response.
- 6.1.3 FBC notes the Action Points arising from ISH2 and ISH3 as they relate to ecology and will review the new and updated information as it becomes available. FBC expects to provide further written submissions, particularly in response to the range of Outline Management Plans relevant to ecological matters.
- 6.1.4 FBC will also continue to engage with the applicants on matters relating to ecology. FBC can confirm that a series of meetings have been schedule ahead of Deadline 5 which should allow a substantively complete Statement of Common Ground [SoCG] to be submitted at Deadline 5, insofar as it relates to ecology.
- 6.1.5 However, FBC also notes ongoing engagement between the applicants and key ecological consultees, notably Natural England and the Environment Agency. FBC notes with some concern the range of outstanding issues, including in relation to matters which have been a point of either disagreement or slow progress since at least 2023.
- 6.1.6 The remainder of this section provides a summary of oral submission made by FBC at ISH2 and ISH3 as they relate to ecology.

6.2 Biodiversity Net Gain

- 6.2.2 FBC notes the extended discussions during ISH2 around biodiversity net gain [BNG].
- 6.2.3 FBC acknowledges the point made by the applicants that the mandatory requirements for BNG that apply to planning applications do not at present apply to NSIPs.
- 6.2.4 However, Defra consulted between May and July on the implementation of changes to bring BNG into force for NSIPs, with a proposed “go live” date of May 2026, for applications made from that date. The proposed arrangements therefore will not be a legislative requirement until that date.

6.2.5 Separately, the Fylde Local Plan to 2032 (incorporating Partial Review) Policy ENV2 contains a requirement in Section 1 b) iv) (bold text added for emphasis). This applies where development would affect nature conservation sites or ecological networks:

6.2.6 *iv) Where development is considered necessary, adequate mitigation measures and compensatory habitat creation will be required through planning conditions and / or obligations, **in order to secure measurable net gains for biodiversity**. Measures should be put in place for the ongoing management of such features.*

6.2.7 *Where it has been demonstrated that significant harm cannot be avoided appropriate mitigation or, as a last resort, replacement or other compensation will be required. The location of appropriate mitigation, replacement or other compensation will be targeted, using a sequential approach, as follows:*

- *Within the development site;*
- *In the immediate locality;*
- *Within a Nature Improvement Area within the Borough;*
- *Within a Nature Improvement Area elsewhere in the Fylde Coast; and lastly,*
- *Elsewhere.*

- 6.2.8 Where significant harm resulting from development cannot be avoided, adequately mitigated or, as a last resort, replaced or compensated, then planning permission will be refused
- 6.2.9 Therefore, notwithstanding the absence of the impending legislative requirement, Local Plan policy carries a requirement for BNG (above zero) for development relating to areas falling within any relevant designations specified within the Local Plan.
- 6.2.10 FBC makes this point in response to the comments made by the applicants at ISH2, setting out that their proposal was for 'biodiversity benefit' and not BNG, on the basis that there is no requirement and that BNG was therefore voluntary. However, as set out above, there is a policy requirement for a BNG uplift.

6.3 Extent of Biodiversity Net Gain Assessment – Temporary Impacts

- 6.3.2 The applicants set out a position that BNG assessment and calculations are not required for the significant majority of the Order Limits, on the basis that the works would be temporary.
- 6.3.3 FBC recommends that where land would be impacted for two or more years, this should not be considered temporary. When land is impacted for extended periods of time, species can become displaced permanently, or in a manner in which return is inhibited. Indeed, the proposed construction duration is beyond the average lifespan of some of the bird species likely to be impacted.
- 6.3.4 FBC therefore requested that BNG calculations be carried out for the entire Order Limits and the findings be submitted to the Examination.

6.4 Bird Mitigation

- 6.4.2 The applicants contend that the areas of land supporting significant numbers of qualifying and notable bird species which will be affected by works is small in proportion to the overall size of the designated sites.
- 6.4.3 This position is also set out in Table 1.70 of their Habitats Regulations Assessment (Special Areas of Conservation) [APP-017].
- 6.4.4 However, the designated sites are very large and in absolute terms the areas of land affected are not insignificant. For example, the area of land of value to pink footed geese which will be temporarily affected by the works is given as 4,655,995 m² (Table 1.77 of [APP-017]).
- 6.4.5 However the numbers of qualifying bird species affected by the works will be significant for a number of species (e.g. more than 8,000 pink footed geese).

- 6.4.6 The Lytham Moss BHS is regarded as likely functionally linked to designated sites, and is well used on a regular basis by a significant number of birds. The area is already subject to an increasing level of disturbance from nearby housing highway development.
- 6.4.7 Given the scale of the land area affected by the works, the potential number of birds involved and existing pressures on the area there is reasonable doubt that the area proposed as a supplementary feeding area on the Moss will provide sufficient “carrying capacity” to accommodate the number of birds which could be displaced by the works, even allowing for the supplementary feeding efforts.
- 6.4.8 FBC considers that further assessment and justification needs to be provided to give reassurance that the areas will be fit-for-purpose, particularly in terms of its “carrying capacity” for a variety of species.

6.5 Peat

- 6.5.2 FBC notes with concern the assumptions made with regards to peat and will review the information provided by the applicants in response to ISH2 Action Point 14.
- 6.5.3 In addition to potential deficiencies in the baseline assessment and the ability for this to affect the proposed Order Limits and cable routes, FBC commented that the Peat Soil Management Plan [APP-200] contains to commitment to prioritising leaving peat deposits in situ.
- 6.5.4 FBC considers that the Soil Management Plan and Commitments should give appropriate positive weight to the principle of leaving peat deposits undisturbed and in situ. This can only be achieved by carrying out an appropriate level of survey work.

6.6 Biodiversity Net Gain / Benefit / Mitigation areas

- 6.6.2 FBC notes the extended discussions around the proposed BNG, biodiversity benefit and mitigation areas.
- 6.6.3 FBC raised concerns about the amount of land identified for these purposes which has not been surveyed. FBC considers that it is not possible to understand the carrying capacity and overall suitability of land, without carrying out an appropriate level of surveys. At present, the high level of uncertainty increases risk, giving rise to an increase in likely harm.

7 Dunes

7.1 Sand Dunes – Various matters

- 7.1.2 FBC notes that ExA Questions Q8.1.1-Q8.1.6 relate to geology, hydrology and ground conditions at, where these questions relate to the dunes area.
- 7.1.3 These questions were directed towards Natural England, the Environment Agency, Lancashire County Council and the Marine Management Organisation, and that each of these organisations have provided written responses to these questions.
- 7.1.4 FBC provides comments here which it considers align with submissions already made by these other key parties.

7.2 Outline Hydrogeological Risk Assessment

- 7.2.2 At ISH2, the ExA invited FBC to comment on matters relating to the Outline Hydrogeological Risk Assessment of Lytham St Annes Dunes SSSI [REP3-061].
- 7.2.3 FBC notes that Section 6.1.1.4 of the Risk Assessment [REP3-061] sets out that there is high risk of permanent impact to the water table through the presence of the cables if not placed within the layers of low permeability glacial clays. FBC considers that high risk is not acceptable, and it is recommended that the secondary mitigation is moved to embedded mitigation to reduce this to a low-risk outcome.
- 7.2.4 The Risk Assessment also sets out that the impacts of water abstraction from the golf course are still unknown, with further investigation needed determine the potential cumulative effect on the SSSI and LNR.
- 7.2.5 FBC notes the comments made by the Environment Agency at ISH2, stating that they are working to review the Risk Assessment but would like to see further consideration of risk arising from the golf course extraction and further details about the conceptual model used, alongside other requests.
- 7.2.6 FBC remains significantly concerned that hydrogeological risks could arise, with impacts upon the structure and stability of the sand dunes, either directly or indirectly, in turn impacting harmfully upon the SSSI, the habitat of sand lizards (a protected species), the recreational value and the landscape, visual quality and value of the area as a tranquil place.

7.2.7 Whilst the indication from the Environment Agency that these issues are being worked on is acknowledged, FBC raises concerns about the such important issues being left far into the Examination period – the less time remaining in the Examination, the less time there is for new information to be consulted upon and for findings to properly impact the proposals and associated mitigation. Indeed, FBC notes that the applicants’ Physical Processes chapter [APP-042] acknowledges a detailed request made by Natural England in November 2023 for information relating to these matters.

7.3 Sand-winning access (ExA Action Point 16)

7.3.2 The applicants’ proposals include the use of the decommissioned sand-winning compound and adjacent access which runs between Clifton Drive North and the beach, as little as approximately 10m to the south of the Thursby Care Home site.

7.3.3 During ISH2, in association with discussion around impacts on sand lizards, the applicants stated that their use of the decommissioned sand-winning compound and adjacent access would not give rise to greater impacts on the sand lizards or their habitat, when compared to impacts arising from current activity in this area. FBC expressed doubt, on the basis that the compound has long been decommissioned and vehicular activity around this area is limited. The ExA directed FBC to submit details of its existing use and activity in this area.

7.3.4 The existing access is predominantly used for recreational pedestrian activity. Vehicular access along the track by FBC is limited to the seaward entrance up to the decommissioned compound. The entrance from Clifton Drive North is not used by any FBC department.

7.3.5 Activity is for the purpose of sand clearance two or three times per month, as well as for ad hoc fence maintenance. Vehicular access associated with these activities is made by the following vehicles:

- John Deere 5090M (tractor)
- John Deere 6130M (tractor)
- Ford Ranger (pick-up truck); and,
- John Deere Gator (small utility vehicle).

- 7.3.6 HMS Coastguard have also confirmed that their main access to the beach in this area is via the North Beach car park and not this sand-winning access. The sand-winning track would only be used by the Coastguard for emergency access to the beach associated with large-scale emergency incidents.
- 7.3.7 FBC has consistently made comments relating to this issue at page three of its Relevant Reps [RR-0705], Section 10.4 of its Local Impact Report [REP1-078] and Q6.1.6 of its Answers to Questions [REP3-082]. FBC notes submission from other parties in relation to this matter, notably including Natural England, Wildlife Trusts and the Environment Agency. Indeed, the Natural England response to Q6.1.6 [REP3-095] is very clear in this regard.
- 7.3.8 FBC maintains its position that the proposed use of the sand-winning compound and adjacent access route would significantly exceed the current area, intensity, duration and frequency of current uses.
- 7.3.9 FBC also maintains its position that the proposals have the potential to cause impacts on sand lizards and that further detailed information is required to enable proper assessment and management.
- 7.3.10 The applicants have not reflected the current concentration of sand lizards near the sand-winning compound and proposed access route. This omission ignores a vital area of known activity and increases risk to the population. Proposed use of the sand winning track by vehicles and machinery raises major concerns about vibration disturbance to sand lizards, especially in spring when burrows and nesting chambers are active and highly susceptible to collapse. Furthermore, the dunes area mobile and the width of the access varies, raising concerns that activities in this area may directly damage the sand lizard habitat.
- 7.3.11 FBC notes with concern that the applicants set out in their response to question Q6.1.7 [REP3-056] that *“No impacts to sand lizards are predicted, either directly through habitat damage/ destruction or indirectly through disturbance; construction activities are therefore not considered to require an EPS licence for sand lizard.”* The applicants set out a similar position in section 10.3.2 of its response to the FBC Local Impact Report [REP2-038].
- 7.3.12 The applicants’ position reflects a significant deficiency in their assessment and the significance attached to the potential impacts on sand lizards and their habitat.
- 7.3.13 FBC and other relevant parties are in the position of having raised concerns, with the applicants appearing to be unwilling or unable to provide the information necessary to enable an assessment of the likely impacts.

7.3.14 In the absence of this information and with due regard to the written submissions made by Natural England and other relevant parties, FBC objects strongly to the proposals on the basis that the Environmental Statement does not set out any effects on protected species and habitats, in accordance with Section 5.4.17 of EN-1.

7.4 Physical Processes

7.4.2 FBC notes ExA Question Q7.1.6 and the Natural England response to the same [REP3-095]. Natural England maintains the request for additional information and assessment. FBC agrees with the comments made by Natural England but wishes to provide further relevant information in support of these requests.

7.4.3 FBC has made relevant comments most notably within Section 10.1 of its Local Impact Report [REP2-038] with regards to the function and protection of the dunes. One of the key objectives of Council activity in this area is to improve the efficiency of the dunes as a soft sea defence, essential for the delivery of the Environment Agency Shoreline Management Plan (Unit 11B1.21). This is completed through active management realignment techniques to accrete the dune system seawards.

7.4.4 This work is only possible due to the sediment gains that are seen from Starr Gate to the mouth of the Ribble Estuary. If sediment transport systems are interrupted this could impact accretion rates and the effectiveness of the management techniques leading to weakening of the dune system for coastal defence. Major disruption would result in sediment gain being reversed and coastal erosion occurring and accelerating.

7.4.5 Section 5.6.10 of EN-1 sets out a clear requirement for applicants to undertake coastal geomorphological and sediment transfer modelling to predict and understand impacts and help identify relevant mitigating or compensatory measures.

7.4.6 FBC notes that it is the opinion of Natural England that this requirement has not been met. FBC further notes that Section 5.6.11 of EN-1 directs applicants to specifically assess implications as they relate to coastal flooding and erosion management.

7.4.7 In the absence of this information and with due regard to the written submissions made by Natural England and other relevant parties, FBC objects to the proposals on the basis that the Environmental Statement does not set out any effects on protected species and habitats, in accordance with Section 5.6.10 of EN-1.

8 Noise, Vibration, and Air Quality

- 8.1.2 At ISH2, FBC informed the ExA about issues with regards to their ability to make comments relating to noise and vibration. In brief, the relevant FBC technical professional advisor was unexpectedly unavailable and so at very short notice FBC responded to endeavour to be able to continue to engage with the Examination as scheduled.
- 8.1.3 This issue also had the same impact in terms of matters relating to air quality, on the basis we were relying on TBC Technical Advice to advise on air quality matters, for the same reason.
- 8.1.4 FBC worked hard at speed to resolve its resourcing issue, contacting contractors, other Local Authorities and consultancies in a manner consistent with its ongoing positive and proactive engagement with the examination process. FBC also advised the applicants in advance.
- 8.1.5 We understand the ExA decision to cancel the open floor element and note that the ExA has instructed the applicants at ISH2 Action Point 39 to provide an explanatory note, with input from the relevant parent company regarding how and why the conflict with the FBC-appointed consultant arose.
- 8.1.6 As of 08/08/2025 (i.e. Deadline 4), FBC has now agreed a conflict-of-interest memorandum between all relevant parties and the original consultant has been re-instructed. FBC has continued its proactive approach, having already met with the consultant to agree a refreshed programme of works.
- 8.1.7 FBC still expects to see a response to Action Point 39.
- 8.1.8 The impacts of this issue, besides resourcing pressures for the Local Authority, are that matters relating to noise and vibration could not be discussed at the hearing and that FBC will not be able to make written submissions at Deadline 4.
- 8.1.9 FBC will prepare a written update as soon as possible and in advance of Deadline 5, in accordance with Action Point 28 and including all other noise, vibration and air quality comments.

9 Employment and Skills Plan (ExA Action Point 42)

- 9.1.2 At a high level there is agreement that the DCO Requirement 19 should record the approving authority for the Employment and Skills Plan [ESP] via the ‘the Relevant Planning Authority’, for the benefit of the whole of the Fylde Peninsula and adjoining areas and in order to future-proof the DCO drafting in light of proposed local government reform.
- 9.1.3 It is anticipated that the Blackpool, Fylde and Wyre -Economic Prosperity Board [EPB] will have a core role in the monitoring and management of the ESP, and the ‘relevant planning authority’ will be nominated when the need arises. FBC currently chairs and acts as secretariat for the EPB.
- 9.1.4 The EPB is a well-established, constituted group under the Local Government Act 1972, created to deliver economic development and monitoring purposes across the Fylde Peninsula. Blackpool, Wyre and Fylde Councils are all parties to this Board and other members (such as Lancashire County Council and South Ribble Borough Council) can be co-opted as required. <https://wyre.moderngov.co.uk/mgCommitteeDetails.aspx?ID=164>

10 Agriculture

10.1.2 FBC notes the discussions relating to agricultural land and business impacts at ISH2, ISH3 and CAH2.

10.1.3 FBC maintains its position set out in its written submission to date and notes the contributions made by other parties at the hearings, notably including local farmers, the NFU and agricultural related/supported businesses.

10.2 Likely harm arising from duration of works

10.2.2 FBC continues to raise concerns about the lack of information and proper commitments with regards to the timing, duration and frequency of impacts in relation to all topic areas but particularly with regards to agricultural impacts.

10.2.3 Most recently and with regards to the duration of works, the applicants have responded to ExA Written Question Q1.1.3 [REP3-056], stating that the maximum construction periods would be 30 months for one project and 36 for the other.

10.2.4 However, the applicant goes on to acknowledge that that haul roads within the cable corridor may remain in place after the completion of construction activities at a specific location and as a result, therefore reinstatement of land at some locations may not occur until the haul road is no longer required, which may be once cable testing and commissioning is complete.

10.2.5 FBC is concerned that the applicants continue to downplay the likely impacts of the proposals on agricultural land. The applicants set out a response which appears to disagree with concerns being raised but then also includes information which in fact recognises the concerns being raised.

10.2.6 As it stands there are no commitments which would actively minimise, manage and mitigate these impacts. In addition to longer impacts from haulage roads, reinstatement is allowed up to one year after works finish. Q1.1.3 states maximum duration for each project is 30 and 36 months, so five years continuous impact on some land is possible per current definitions, with haulage roads lasting much longer.

10.3 Link Boxes

10.3.2 At ISH2, the applicants set out a detailed explanation as to the technical limitations and requirements in terms of where link boxes can be located. The applicant sought to use this as justification for retaining maximum flexibility in terms of determining where link boxes would be located within the Order Limits.

10.3.3 FBC considers that if the technical requirements and limitations are so well-defined, then it should be possible to carry out an assessment of different scenarios to establish likely maximum and minimum commitments with regards to locating link boxes in a way consistent and/or responses to operational requirements of farmers and landowners.

10.3.4 FBC considers that the degree of flexibility being sought by the applicants is unjustified and gives to rise to additional increased economic and ecological harm.

10.4 Agricultural Land Classification

10.4.2 FBC maintains its position set out in Section 8 of its Local Impact Report [REP1-078], with regards to the errors and inadequacy of the applicants' assessment of agricultural land classification and impacts.

10.4.3 FBC notes that the applicants have responded to this criticism [REP2-038], stating that their assessment [APP-033] correctly separates its assessment of agricultural land classification but this is not correct. The applicants have clearly grouped them together, as per Table 4.6 [APP-033].

10.4.4 The applicants' Environmental Statement chapter on Land Use and Recreation [APP-104] concludes that sensitivity of agricultural land as a receptor is high and that temporary effects would result in medium moderate adverse impacts, and permanent effects in low minor adverse impacts.

10.4.5 It is clear that the applicants cannot have given proper consideration to alternatives which would lower impacts on higher quality land, as a result of the deficiencies in their baseline assessment.

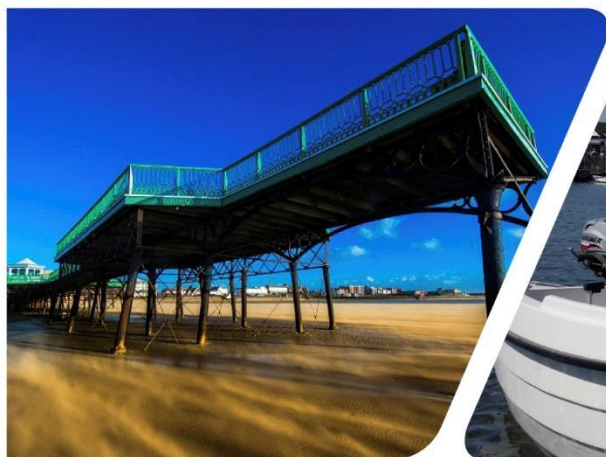
10.4.6 FBC considers that the applicants' assessment is flawed in this regard and that the assessment of harm arising from the subsequent site and route selection is therefore also flawed.

11 New / Recently Consented Development update

11.1.2 FBC most recently provided an update on new and recently consented developments in response to ExA Written Question Q1.3.1 [REP3-082].

11.1.3 FBC is writing to provide an update on the progress of the two solar farm applications identified in their previous submission.

- Application 24/0541 at land to the west of Parrox Lane: liaison between the applicant and the Highway Authority is ongoing, with an exchange of information as recently as 07/08/2025. It is understood that the applicant will provide an Environmental Statement chapter including consideration of cumulative highways and landscape impacts with the Morgan and Morecambe wind farm transmission assets NSIP application.
- Application 24/0414 at Clifton Marsh Farm: an updated Environmental Statement was received the week commencing 04/08/2025 and a re-consultation has been issued.



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