

Application by Morgan Offshore Wind Limited and Morecambe Offshore Windfarm Limited for an Order Granting Development Consent for the Morgan and Morecambe Offshore Wind Farms Transmission Assets

**Written summary of Oral Submissions of Blackpool Borough
Council at the Issues Specific Hearings 4 (ISH4) and
Compulsory Acquisition Hearing 3 ('CAH3')**

Interested Party Number 20053960

Examination Deadline 6 Submission



October 2025

This Deadline 6 submission is provided by Blackpool Borough Council ('BBC') in its capacity as a unitary local authority, (Host and Neighbouring Authority), and in its capacity as landowner of various land holdings located within the proposed Development Consent Order ('DCO') order limits, and owner of the Blackpool Airport companies

The oral submissions by the Council at the ISH4 and CAH3 Hearings held by the Examining Authority ('ExA') during the week commencing 6 October 2025 in relation to the requested Development Consent by Morgan Offshore Wind Limited and Morecambe Offshore Windfarm Limited for the Offshore Windfarm Transmission Infrastructure ('Proposed Development') are summarised below.

BBC was represented at the ISH4 Hearing by:

1. Catherine Knight, Legal Director, DWF Law LLP – External Legal Advisor;
2. Isaac Nicholson, Solicitor, DWF Law LLP – External Legal Advisor;
3. Dawn Goodall, Head of Legal Services, Blackpool Borough Council;
4. Susan Parker, Head of Development Management, Blackpool Borough Council;
5. Robert Green, Head of the Blackpool Airport Enterprise Zone, Blackpool Borough Council; and
6. Keith Allen, Transport Consultant, Blackpool Borough Council.

BBC was represented at the CAH3 Hearing by:

1. Catherine Knight, Legal Director, DWF Law LLP – External Legal Advisor;
2. Peter Roberts, FRICS CEnv of DWD Property and Planning Limited formerly known as Dalton Warner Davis LLP – Land Agent;
3. Robert Green, Head of the Blackpool Airport Enterprise Zone, Blackpool Borough Council: Submissions relating to the proposed solar farm at Blackpool Airport
4. Isaac Nicholson, Solicitor, DWF Law LLP – External Legal Advisor; and
5. Dawn Goodall, Head of Legal Services, Blackpool Borough Council.

These submissions also include reference to full statements prepared by the following members of the BBC team for the ISH4 and CAH3 hearings, which were requested to be entered into the Examination by the ExA:

1. Susan Parker: Submissions on Tourism Impacts including the Local Tourism Assessment – **Appendix 1** to these Submissions.
2. Peter Roberts: Submissions on behalf of Blackpool Borough Council and Blackpool Airport Properties Limited, including;
 - a. A timeline of engagement with the Applicants on land negotiations; and
 - b. Proposed Heads of Terms relating to land at Starr Gate provided to the Applicants.

The Submissions of Mr. Roberts have been provided as a separate Deadline 6 Submission to the Examination.

3. Robert Green, Head of the Blackpool Airport Enterprise Zone, Blackpool Borough Council: Submissions relating to the proposed solar farm at Blackpool Airport – **Appendix 2** to these Submissions.

Where relevant, BBC has included further commentary signposted as 'Post-Hearing Notes' where it was considered to be of use to the ExA.

Issues Specific Hearing 4 – Environmental, Onshore and Offshore Matters and the draft Development Consent Order

Agenda Item 6 Socio-Economic and Land Use

b) Local Authorities comments on the Local Tourism assessment submitted at D5

1. Ms. Parker commented on the Applicants' local tourism assessment, and her statement is provided in full at Appendix 1.

Agenda Item 10 Draft development consent order

Article 10 –

2. Ms. Knight when invited to comment by the ExA noted that she would defer to the highways officers but did not consider that the Council had any comments on article 10. If there were any comments these would be provided in writing to the examination and to the applicants as soon as possible.
3. **Post-hearing note – Action Point 32:** *BBC confirms that it is content with Art. 10 as drafted.*

Article 12 –

4. Ms. Knight noted that BBC agreed with FBC that the drafting of '*the reasonable satisfaction of the relevant planning authority*' in Article 12 was unclear, and requested to be copied in to any response to FBC.

Article 29 –

5. Ms. Knight explained that BBC considered that the 28-days notice period was acceptable, on the basis that no physical works were proposed to be carried out at Starr Gate under the DCO. However, if works were to be undertaken or if the access road were to be closed, the 28-days notice would be considered insufficient – particularly due to the impact on the tram depot. Ms. Knight further noted that BBC and the Applicants had been discussing further controls for Starr Gate, which were likely more appropriately discussed at CAH3.

Requirement 9 –

6. When invited to comment by the ExA, Ms. Knight noted that BBC had no comments she was aware of, but would confirm in writing.

7. ***Post-Hearing Note:*** BBC confirms it is content with Requirement 9.

Agenda Item 11 Control and Management Documents

Outline Construction Traffic Management Plan

8. Ms. Knight noted that offline discussions had been progressed with the Applicants regarding the including of a definition of banksperson in the oCTMP, which has been gratefully received by BBC. BBC looks forward to reviewing the drafting put forward at Deadline 6.

Compulsory Acquisition Hearing 3 – Draft Development Consent Order (dDCO)

Agenda Item 5 – Representations by affected persons

1. Ms. Knight for BBC when invited to speak by the ExA confirmed that she had no intention to rehearse the legal position of Douglas Edwards KC, and confirmed that BBC's position had not changed. Ms. Knight then introduced Mr. Roberts who would speak for BBC and Blackpool Airport Properties Limited (BAPL) in his capacity as land agent, and Mr. Green, who would speak to the proposed solar farm at Blackpool Airport.
2. **Post-Hearing Note:** *The ExA requested that Mr Roberts submit his written statement to the Examination at Deadline 6. BBC does not intend to replicate his oral submissions here which are captured within his written statement in full. The ExA further requested copies of (a) a timeline of engagement and meetings with the Applicants Blackpool Borough Council and Blackpool Airport Properties Limited, and (b) his proposed Heads of Terms for the Starr Gate access road which Mr Roberts referred to in his Statement. All three documents requested by the ExA have been provided as a separate Deadline 6 Submission by Mr Roberts on behalf of BBC and BAPL.*
3. In response to an explanation by the Applicants as to the rights sought and the proposed use, Mr. Roberts noted that this was reflected in the proposed HoTs sent to the Applicants which had been dismissed out of hand.
4. Mr. Roberts further request that engineering details as to the proposed development at the Airport were provided with urgency in order to accurately assess the effects on the proposed solar farm at Blackpool Airport.
5. Mr. Green was then invited to provide commentary on the solar farm at Blackpool Airport.
6. **Post-Hearing Note:** *A copy of Mr Green's statement was requested by the ExA, and is provided in full at Appendix 2.*
7. In response to a number of representations made by the Applicants regarding progress with negotiation of land agreement heads of terms, Mr. Roberts firmly disputed those representations as 'bordering on disingenuous'.
8. Ms. Knight suggested that the parties discuss during the break to agree an approach going forward.

Agenda Item 6 – Consideration of the statutory tests for compulsory acquisition (CA) – section 122 Planning Act 2008 (PA2008)

9. Following the Applicants' response to the legal opinions of Douglas Edwards KC, Ms. Knight noted that there is a difference of opinion between the Applicants' and Council's legal teams, and suggested that a joint meeting on the matter could assist.
10. **Post-Hearing Note:** *BBC notes that a joint meeting has not occurred, however as noted above and in BBC's responses to Hearing Action Points, discussions have progressed with respect to relevant amendments in response to the adoption of the Starr Gate access road.*
11. In response to the caution by the Applicants that the ExA should be wary in relying on the opinions of Douglas Edwards KC as the Council's instructions were not known. Ms. Knight explained the instructions were entirely appropriate in respect of the Council's concerns in respect of the temporary possessory rights sought through the dDCO.

Appendix 1 – Statement of Susan Parker prepared for Issues Specific Hearing 4, regarding the Applicants’ localised tourism assessment [REP5-142]

1. It is appreciated that the applicant has gone to further effort to provide an additional assessment of potential tourism impacts, however, it is considered that the latest submission still does not satisfactorily address the Council’s concerns. The Council has the following further comments in addition to those made at deadline 5.
2. The underlying issue is the assumption throughout the assessment that the Starr Gate / Squires Gate Lane junction will not be closed.
3. The area of scope for specific tourism assets within the assessment is limited to a 1km buffer around the transmission assets. Blackpool Council maintains that the detrimental impact on tourism that would arise from any full or partial closure of Starr Gate or Squires Gate Lane would be felt along the full length of the Blackpool Promenade up to Red Bank Road. I would point out that this junction is the primary point of access for all Illuminations traffic.
4. It is perhaps useful to remind the panel that Blackpool attracts over 20 million visits a year and that tourism adds around £2bn to the local economy.
5. It is noted that all construction phase impacts are considered to be temporary. Whilst this may be the case, in the event that the two sets of assets are delivered separately, construction-related impacts could still be significantly long-lasting.
6. The summary of effects with regard to impact on Blackpool is broadly agreed. However, all conclusions are predicated on the assumption that access via Starr Gate and Squires Gate Lane would not be affected by the Transmission Assets.
7. Whilst the draft DCO continues to grant power for the applicant to close these access points, this assumption cannot be accepted. The applicant needs to give consideration to the potential impact that would arise in the event that the powers conferred by the draft DCO are exercised in their entirety. The assessment fails to do this.
8. Whilst the applicants contend that the likelihood of Starr Gate or Squires Gate Lane being closed to vehicular traffic is low, the powers still remain within the draft DCO. The Council would contend that the magnitude of impact from closure of the intersection could be very significant, particularly if it coincided with a key event or season peak, and we are of course in the middle of the Illuminations right

now. It would also have the potential to cause disruption to the tram network if access to the tram depot is restricted, which could impact on a key tourist attraction and the wider visitor experience. This therefore needs to be assessed.

9. The scope of consideration with regard to potential accommodation, individual businesses and hospitality impacts appears to be very narrow. The concerns I've highlighted would extend to these sectors to varying extents along Blackpool Promenade well beyond the 1km buffer that has been applied.
10. Finally, the assessment does not offer much reference to the potential impact of the works on visitor perception. This could be significant, and it is possible that detrimental impacts are already starting to be felt due to negative commentary being echoed in the media during the examination period.

Appendix 2 – Statement of Robert Green prepared for Compulsory Acquisition
Hearing 3 regarding the proposed solar farm at Blackpool Airport

1. Blackpool Council together with Blackpool Airport have been seeking to develop a solar farm at Blackpool Airport since 2021.
2. The primary drivers behind this ambition are:
 - a. Blackpool's declared climate emergency 26th June 2019 and approval of a Climate Emergency Action Plan on 24th November 2021; and
 - b. Commercial viability and opportunities providing lower cost green energy for use by (i) Blackpool Airport and (ii) the flagship Silicon Sands development at Blackpool Airport Enterprise Zone – supporting a series of sustainable next generation data centres.
3. To demonstrate the intent for delivery of the Solar Farm by the Council, numerous steps have been undertaken:
 - a. A Feasibility and viability study;
 - b. The Solar farm is regularly depicted in publicity material on the Enterprise Zone and Silicon Sands since 2023. Including Blackpool's submission for AI Growth Zone status;
 - c. Consultants are progressing a planning application for the development of the full solar farm;
 - d. An EIA screening opinion was received from Fylde Council on the 3rd June;
 - e. a Primary sub-station is being constructed to support the Solar farm and wider Silicon Sands; and
 - f. Negotiations are underway to secure development of a battery energy storage facility.
4. Progression of the solar farm planning application has been paused as a result of this DCO proposal until the impacts on (and ultimately the viability) can be understood, to avoid wasted public money on progressing planning for a scheme which could not be fully implemented.
5. Blackpool Council have been seeking clarity from the developers as to their designs for the compound and transmission cable route and construction methodologies however despite regular promises the developers have been unable or unwilling to provide this.
6. On the information available Blackpool Council have made their own assessment of how the 70m wide cable run corridors could impact the solar farm there is significant doubt that a reduced solar farm, would be deliverable

thereby directly impacting upon vital revenue to the airport and green energy to Silicon Sands sustainable data centre project.

7. The Developers have been aware of the Solar Farm proposals since 2023, with minuted meetings concerning the co-existence of the schemes. They have therefore had the opportunity to design coexistence into their scheme.
8. Despite providing the Developer's engineers with the indicative solar farm designs on several occasions, they are still unable to provide confirmation that the schemes can coexist.
9. At a meeting on 28th August the developers undertook to be provide full confirmation that their design would enable the delivery of the solar farm in its entirety no later than 11th September – this is still awaited a month later – making it impossible for the council to formulate any agreement with the developers as to how the Solar Farm and transmission cables can co-exist.

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Blackpool Borough Council responses to Action Points arising from Issues Specific Hearings 4 (ISH4) and Compulsory Acquisition Hearing 3 ('CAH3')

Interested Party Number 20053960

Examination Deadline 6 Submission



October 2025

Action Point	Response
Issue Specific Hearing 4	
<u>Action point 13:</u> FBC and BBC to provide additional comments on the local tourism assessment (REP5-142) so applicants can make any necessary amends for Deadline 6.	Blackpool Borough Council has been in communication with the Applicants in providing its further comments on the localised tourism study, and attended a meeting with the Applicants on 13 October 2025. BBC's position on the local tourism study and the impacts on tourism are captured in its Statement of Common Ground, and described in the statement of Susan Parker at Appendix 1 to the BBC Summary of Submissions submitted at Deadline 6.
<u>Action Point 32:</u> Confirm satisfaction with the wording of Requirement 10 and engage with the applicants on this prior to Deadline 6 where necessary.	Blackpool Borough Council is content with the wording of Requirement 10.
<u>Action Point 33:</u> Provide to the Examining Authority any alternative drafting in relation to construction working hours (Requirement 14) (as required).	Blackpool Borough Council supports the submissions of Fylde Borough Council in respect of Requirement 14.
Compulsory Acquisition Hearing 3	
<u>Action Point 3:</u> Engage further on Starr Gate access. Each party to put in submissions on the final position on Starr Gate and any other compulsory acquisition matters (including the applicants' response to the further legal opinion from Douglas Edwards KC as submitted at deadline 5).	BBC has set out its position on this matter at Appendix 1 .
<u>Action Point 4:</u> Submit the Heads of Terms, and details of meetings with the Applicant and Blackpool Airport.	The proposed Heads of Terms and Timeline of Engagement with the Applicants has been submitted to the Examination together with Mr Peter Robert's Submissions as a separate document, jointly by Blackpool Airport Properties Limited and Blackpool Borough Council.

Appendix 1 – Blackpool Borough Council position on Starr Gate and temporary possessory rights under the DCO

1. Blackpool Borough Council's (BBC) position regarding the operation of the temporary possessory rights under the dDCO remains as set out by Douglas Edwards KC in his advice notes submitted to the Examination (Document references [\[REP4-130\]](#), and [\[REP5-164\]](#)).
2. Further to discussions which commenced at the Compulsory Acquisition Hearing 3 on 9 October 2025, BBC and the Applicants reached a principled agreed position that Article 29 and the temporary possessory powers under the dDCO should not apply to land which is adopted public highway. This is reflected in the proposed amendments to Article 29 put forward by the Applicants during the Examination ISH4 and CAH3 hearings, set out below:

Temporary use of land for carrying out the authorised project

29.- ...

3. Morgan must not exercise the power conferred under paragraph (1) over land plots 02-009, 02-010, 02-011 and 02-012 shown on the land plan - onshore.

4. Morecambe must not exercise the power conferred under paragraph (2) over land plots 02-009, 02-010, 02-011 and 02-012 shown on the land plan - onshore.

...

3. BBC support this proposed drafting as a step in the right direction, however it does not resolve its concerns as to Article 29's application to land plots 02-007 and 02-008 which were not adopted highway.
4. BBC has now adopted as highway the Starr Gate access road from the Squires Gate Lane junction, to the top of the slipway down to the beach. This is shown coloured pink on the Highways Plan at **Schedule A**. BBC's hope is that the adoption of this stretch of road will enable an agreement to be reached with the Applicants to remove the Starr Gate access road from the ambit of Art. 29 and the temporary possessory powers under the DCO.
5. While this approach does not resolve what BBC considers to be a fundamental difference of legal opinion with the Applicants over the operation of the temporary possessory powers under the dDCO, it would allay a number of the Council's practical concerns regarding the proposed development's potential effects on its constituency.
6. BBC and the Applicants met on 20 October 2025 to discuss the possibility of reaching an agreement regarding the application of Article 29 to the newly adopted road. The Applicants indicated that they were amenable to such amendments to the DCO, and would be incorporating these into their Deadline 6 submissions for the consideration of BBC and the Examining Authority.

7. As set out in the signed Statement of Common Ground ('SoCG') between the Applicants and BBC, satisfactory updates to the drafting of Art. 29 of the DCO would likely allay the BBC concerns set out at rows TT.11, TT.13, LUR.11, LUR.13, LUR.16, SE.7, SE.9, and DCO.1 of the SoCG, and those items could be considered to be 'agreed' between the parties. Albeit, there remains a difference of legal opinion as to the application of Douglas Edwards KC advice notes between BBC and the Applicants. BBC notes that the Applicants are directed to provide a further response to the position put forward by Douglas Edwards KC at Deadline 6 – BBC reserves the right to make further representations at Deadline 7.

Schedule A – Adopted Highway Plan



[Adopted road identified in pink]