



MORGAN AND MORECAMBE OFFSHORE WIND FARMS: TRANSMISSION ASSETS

Annex 2.2 to Applicants' Response to Deadline 5 submissions from Statutory Consultees and other organisation: Blackpool Borough Council (REP5-164)

Deadline:Deadline 6
Application Reference: EN020028

Document Numbers:
MRCNS-J3303-JVW-19237
MOR001-FLO-CON-ENV-NOT-0097
Document Reference: S_D6_2.2

22 October 2025
F01

Document status					
Version	Purpose of document	Approved by	Date	Approved by	Date
F01	Submission at Deadline 6	GL	October 2025	IM	October 2025

Prepared by:

Morgan Offshore Wind Limited,
Morecambe Offshore Windfarm Ltd

Prepared for:

Morgan Offshore Wind Limited,
Morecambe Offshore Windfarm Ltd

Contents

1	APPLICANTS' RESPONSE TO IPS' SUBMISSIONS AT DEADLINE 5	1
1.1	Introduction	1
2	APPLICANTS' RESPONSE TO IPS' SUBMISSIONS AT DEADLINE 5	2
2.1	Applicants' response to Blackpool Borough Council	2

Tables

Table 2-1: REP5-164 – Blackpool Borough Council (Response to ExQ2 and dDCO Q1)	2
Table 2-2: REP5-164 – Blackpool Borough Council (Appendix 1: Comments on Tourist Impact Assessment)	18
Table 2-3: REP5-164 – Blackpool Borough Council (Appendix 2: Counsel's Further Advice)	30

Figures

No table of figures entries found.

Glossary

Term	Meaning
400 kV grid connection cables	Cables that will connect the proposed onshore substations to the existing National Grid Penwortham substation.
400 kV grid connection cable corridor	The corridor within which the 400 kV grid connection cables will be located.
Applicants	Morgan Offshore Wind Limited (Morgan OWL) and Morecambe Offshore Windfarm Ltd (Morecambe OWL).
Biodiversity benefit	<p>An approach to development that leaves biodiversity in a better state than before. Where a development has an impact on biodiversity, developers are encouraged to provide an increase in appropriate natural habitat and ecological features over and above that being affected.</p> <p>For the Transmission Assets, biodiversity benefit will be delivered within identified biodiversity benefit areas within the Onshore Order Limits. Further qualitative benefits to biodiversity are proposed via potential collaboration with stakeholders and local groups, contributing to existing plans and programmes, both within and outside the Order Limits.</p>
Code of Construction Practice	A document detailing the overarching principles of construction, contractor protocols, construction-related environmental management measures, pollution prevention measures, the selection of appropriate construction techniques and monitoring processes.
Commitment	This term is used interchangeably with mitigation and enhancement measures. The purpose of commitments is to avoid, prevent, reduce or, if possible, offset significant adverse environmental effects. Primary and tertiary commitments are taken into account and embedded within the assessment set out in the ES.
Construction Traffic Management Plan	A document detailing the construction traffic routes for heavy goods vehicles and personnel travel, protocols for delivery of Abnormal Indivisible Loads to site, measures for road cleaning and sustainable site travel measures.
Design envelope	A description of the range of possible elements and parameters that make up the Transmission Assets options under consideration, as set out in detail in Volume 1, Chapter 3: Project Description. This envelope is used to define the Transmission Assets for EIA purposes when the exact engineering parameters are not yet known. This is also referred to as the Maximum Design Scenario or Rochdale Envelope approach.
Development Consent Order	An order made under the Planning Act 2008, as amended, granting development consent.
Direct pipe	A cable installation technique which involves the use of a mini (or micro) tunnel boring machine and a hydraulic (or other) thruster rig to directly install a steel pipe between two points.
Environmental Impact Assessment	The process of identifying and assessing the significant effects likely to arise from a project. This requires consideration of the likely changes to the environment, where these arise as a consequence of a project, through comparison with the existing and projected future baseline conditions.

Term	Meaning
Environmental Statement	The document presenting the results of the Environmental Impact Assessment process.
Evidence Plan Process	A voluntary consultation process with specialist stakeholders to agree the approach to, and information to support, the EIA and Habitats Regulations Assessment processes for certain topics.
Generation Assets	The generation assets associated with the Morgan Offshore Wind Project and the Morecambe Offshore Windfarm include the offshore wind turbines, inter-array cables, offshore substation platforms and platform link (interconnector) cables to connect offshore substations.
Intertidal area	The area between Mean High Water Springs and Mean Low Water Springs.
Intertidal Infrastructure Area	The temporary and permanent areas between MLWS and MHWS.
Landfall	The area in which the offshore export cables make landfall (come on shore) and the transitional area between the offshore cabling and the onshore cabling. This term applies to the entire landfall area at Lytham St. Annes between Mean Low Water Springs and the transition joint bay inclusive of all construction works, including the offshore and onshore cable routes, intertidal working area and landfall compound(s).
Local Authority	A body empowered by law to exercise various statutory functions for a particular area of the United Kingdom. This includes County Councils, District Councils and County Borough Councils.
Local Highway Authority	A body responsible for the public highways in a particular area of England and Wales, as defined in the Highways Act 1980.
Main rivers	The term used to describe a watercourse designated as a Main River under the Water Resources Act 1991 and shown on the Main River Map. These are usually larger rivers or streams and are managed by the Environment Agency.
Marine licence	The Marine and Coastal Access Act 2009 requires a marine licence to be obtained for licensable marine activities. Section 149A of the Planning Act 2008 allows an applicant for to apply for 'deemed marine licences' in English waters as part of the development consent process
Maximum design scenario	The realistic worst case scenario, selected on a topic-specific and impact specific basis, from a range of potential parameters for the Transmission Assets.
Mean High Water Springs	The height of mean high water during spring tides in a year.
Mean Low Water Springs	The height of mean low water during spring tides in a year.
Micro-tunnel / micro-tunnelling	A tunnelling technique involving the use of a hydraulic (or other) jacking rig and a mini (or micro) tunnel boring machine to install a concrete tunnel between two points.
Mitigation measures	This term is used interchangeably with Commitments. The purpose of such measures is to avoid, prevent, reduce or, if possible, offset significant adverse environmental effects.
Morecambe Offshore Windfarm: Generation Assets	The offshore generation assets and associated activities for the Morecambe Offshore Windfarm.

Term	Meaning
Morecambe Offshore Windfarm: Transmission Assets	The offshore export cables, landfall, and onshore infrastructure required to connect the Morecambe Offshore Windfarm to the National Grid.
Morecambe OWL	Morecambe Offshore Windfarm Limited is owned by Copenhagen Infrastructure Partners' (CIP) fifth flagship fund, Copenhagen Infrastructure V (CI V).
Morgan and Morecambe Offshore Wind Farms: Transmission Assets	<p>The offshore export cables, landfall, and onshore infrastructure for the Morgan Offshore Wind Project and the Morecambe Offshore Windfarm. This includes the offshore export cables, landfall site, onshore export cables, onshore substations, 400 kV grid connection cables and associated grid connection infrastructure such as circuit breaker compounds.</p> <p>Also referred to in this report as the Transmission Assets, for ease of reading.</p>
Morgan Offshore Wind Project: Generation Assets	The offshore generation assets and associated activities for the Morgan Offshore Wind Project.
Morgan Offshore Wind Project: Transmission Assets	The offshore export cables, landfall and onshore infrastructure required to connect the Morgan Offshore Wind Project to the National Grid.
Morgan OWL	Morgan Offshore Wind Limited is a joint venture between JERA Nex bp (JNbp) and Energie Baden-Württemberg AG (EnBW).
National Grid Penwortham substation	The existing National Grid substation at Penwortham, Lancashire.
National Policy Statement(s)	The current national policy statements published by the Department for Energy and Net Zero in 2023 and adopted in 2024.
Offshore booster station	A fixed structure located along the offshore export cable route, containing electrical equipment to ensure bulk wind farm capacity can be fully transmitted to the onshore substations.
Offshore substation platform(s)	A fixed structure located within the wind farm sites, containing electrical equipment to aggregate the power from the wind turbine generators and convert it into a more suitable form for export to shore.
Offshore export cables	The cables which would bring electricity from the Generation Assets to the landfall.
Offshore export cable corridor	The corridor within which the offshore export cables will be located.
Offshore Permanent Infrastructure Area	The area within the Transmission Assets Offshore Order Limits (up to MLWS) where the permanent offshore electrical infrastructure (i.e. offshore export cables) will be located.
Offshore Order Limits	See Transmission Assets Order Limits: Offshore (below).
Offshore substation platform(s)	A fixed structure located within the wind farm sites, containing electrical equipment to aggregate the power from the wind turbine generators and convert it into a more suitable form for export to shore.
Onshore export cables	The cables which would bring electricity from the landfall to the onshore substations.
Onshore export cable corridor	The corridor within which the onshore export cables will be located.
Onshore Infrastructure Area	The area within the Transmission Assets Order Limits landward of MHWS. Comprising the offshore export cable corridor from MHWS to

Term	Meaning
	the transition joint bay, onshore export cable corridor, onshore substations and 400 kV grid connection cable corridor, and associated temporary and permanent infrastructure including temporary and permanent compound areas and accesses. Those parts of the Transmission Assets Order Limits proposed only for ecological mitigation and/or biodiversity benefit are excluded from this area.
Onshore Order Limits	See Transmission Assets Order Limits: Onshore (below).
Onshore substations	The onshore substations will include a substation for the Morgan Offshore Wind Project: Transmission Assets and a substation for the Morecambe Offshore Windfarm: Transmission Assets. These will each comprise a compound containing the electrical components for transforming the power supplied from the generation assets to 400 kV and to adjust the power quality and power factor, as required to meet the UK Grid Code for supply to the National Grid.
Preliminary Environmental Information Report	A report that provides preliminary environmental information in accordance with the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017. This is information that enables consultees to understand the likely significant environmental effects of a project, and which helps to inform consultation responses.
Renewable energy	Energy from a source that is not depleted when used, such as wind or solar power.
Scour protection	Protective materials to avoid sediment being eroded away from the base of the foundations due to the flow of water.
Substation	Part of an electrical transmission and distribution system. Substations transform voltage from high to low, or the reverse by means of electrical transformers.
The Secretary of State for Energy Security and Net Zero	The decision maker with regards to the application for development consent for the Transmission Assets.
Transmission Assets	See Morgan and Morecambe Offshore Wind Farms: Transmission Assets (above).
Transmission Assets Order Limits	The area within which all components of the Transmission Assets will be located, including areas required on a temporary basis during construction and/or decommissioning (such as construction compounds).
Transmission Assets Order Limits: Offshore	<p>The area within which all components of the Transmission Assets seaward of Mean Low Water Springs will be located, including areas required on a temporary basis during construction and/or decommissioning.</p> <p>Also referred to in this report as the Offshore Order Limits, for ease of reading.</p>
Transmission Assets Order Limits: Onshore	<p>The area within which all components of the Transmission Assets landward of Mean High Water Springs will be located, including areas required on a temporary basis during construction and/or decommissioning (such as construction compounds).</p> <p>Also referred to in this report as the Onshore Order Limits, for ease of reading.</p>

Acronyms

Acronym	Meaning
AIS	Air Insulated Switchgear
AOD	Above Ordnance Datum
BCA	Bilateral Grid Connection Agreement
CoCP	Code of Construction Practice
CoT	Project Commitment
CBRA	Cable Burial Risk Assessment
CfD	Contracts for Difference
CMS	Construction Method Statement
CSIP	Cable Specification and Installation Plan
CTMP	Construction Traffic Management Plan
DCO	Development Consent Order
DECC	Department of Energy and Climate Change
Defra	Department for Environment, Food and Rural Affairs
DESNZ	Department for Energy Security & Net Zero
dML	Deemed Marine Licence
EnBW	Energie Baden-Württemberg AG
EIA	Environmental Impact Assessment
EMP	Environmental Management Plan
EPP	Evidence Plan Process
ES	Environmental Statement
EWG	Expert Working Group
GIS	Gas Insulated Switchgear
HDD	Horizontal Directional Drilling
HGV	Heavy goods vehicle
HNDR	Holistic Network Design Review
HVAC	High Voltage Alternating Current
IALA	International Association of Marine Aids to Navigation and Lighthouse Authorities
IAQM	Institute of Air Quality Management
LAT	Lowest Astronomical Tide
MCA	Maritime and Coastguard Agency
MCZ	Marine Conservation Zone
MDS	Maximum Design Scenario

Acronym	Meaning
MHWS	Mean High Water Springs
MLWS	Mean Low Water Springs
MMO	Marine Management Organisation
MPS	Marine Policy Statement
MTBM	Mini (or micro) tunnel boring machine
NGESO	National Grid Electricity System Operator
NPS	National Policy Statement
NSIP	Nationally Significant Infrastructure Project
O&M	Operation and Maintenance
OSP	Offshore Substation Platform
OTNR	Offshore Transmission Network Review
PDE	Project Design Envelope
PEIR	Preliminary Environmental Information Report
PPP	Pollution Prevention Plan
PRoW	Public rights of way
SAC	Special Areas of Conservation
SAR	Search and Rescue
SPA	Special Protection Area
SNCBs	Statutory Nature Conservation Bodies
SSSI	Sit of Special Scientific Interest
SWMP	Site Waste Management Plan
TEP	Technical Engagement Plan
TJB	Transition Joint Bay
UK	United Kingdom
UXO	Unexploded Ordnance
WSI	Written scheme of investigation

Units

Unit	Description
%	Percentage
dB	Decibels
km	Kilometres
m	Metres

Unit	Description
m ²	Metres squared

1 Applicants' Response to IPs' Submissions at Deadline 5

1.1 Introduction

- 1.1.1.1 Following Deadline 5, Morgan Offshore Wind Limited ('Morgan OWL') and Morecambe Offshore Windfarm Limited ('Morecambe OWL'), (together, 'the Applicants') have taken the opportunity to review each of the submissions from Interested Parties. This includes Written Representation, post-hearing submissions as well as responses to ExQ1.
- 1.1.1.2 The Applicants' response to Deadline 5 submissions from Blackpool Borough Council (REP5-164) are contained within this document.

2 Applicants' Response to IPs' submissions at Deadline 5

2.1 Applicants' response to Blackpool Borough Council

Table 2-1: REP5-164 – Blackpool Borough Council (Response to ExQ2 and dDCO Q1)

Reference	ExA Question	IP Submission	Applicants' response
ExQ2 Q2:1.1.1	Co-ordination and collaboration The applicants response to ExQ1.1.7 [REP3-056] explains that whilst flexibility is required to allow each of the projects to construct independently on each other, opportunities may emerge for further coordination depending on each project achieving Financial Investment Decision and following detailed design. Notwithstanding the measures introduced such as Requirement 25 (Onshore collaboration) in the draft Development Consent Order (dDCO), what further specific drafting can be incorporated into the relevant control and management documents and the dDCO to ensure that full opportunities are taken for coordination and collaboration where such opportunities emerge, in the interests of reducing and minimising the potential effects of the proposed development upon communities and the environment?	Whilst Blackpool Borough Council broadly supports the principle that full opportunities are taken for co-ordination and collaboration where possible, no further amendments to the DCO are proposed.	The Applicants note the response from Blackpool Borough Council and have reflected the agreement on the wording of Requirement 25 in the SoCG submitted at Deadline 6 (S_D3_6.2/F04).
ExQ2 Q2:1.1.5	Outline Communications Plan An updated Outline Communications Plan has been submitted by the applicants at deadline 4 (D4) [REP4-	Blackpool Borough Council is broadly content with the Outline Communications Plan, but seeks the following minor additions/amendments:	The Applicants welcome Blackpool Borough Council's position regarding the Outline Communications Plan and provide the following responses:

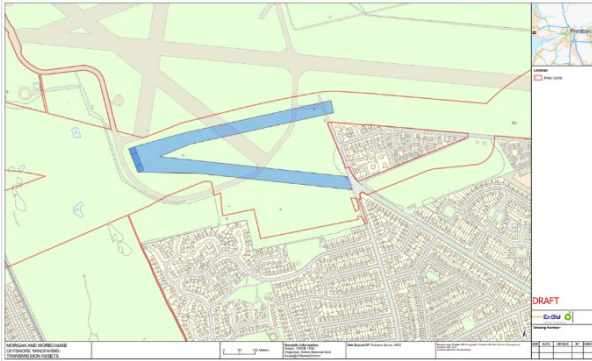
Reference	ExA Question	IP Submission	Applicants' response
	029]. a) Do the local authorities and parish councils have any comments and/or additional suggestions on the drafting of this plan? b) The updated version of the plan no longer includes reference to a 'local liaison committee, comprising relevant local representatives' that was included in paragraph 1.3.1.1 of the previous version of the plan. Can the applicants explain why this has been deleted? c) Do the local authorities and parish councils consider that the creation of a local liaison committee should be retained in the outline plan?	<p>1. The communications plan should also be consulted on/signed off by the relevant local authorities.</p> <p>2. Provision of an area staffed at least five days per week where local residents can visit, receive information, and ask questions to facilitate two-way communication.</p> <p>3. A commitment to provide regular updates to affect residents initial view is communications should be sent out fortnightly.</p>	<p>1. The Applicants note that the detailed Communications Plan(s) will be approved by the relevant planning authority in consultation with relevant stakeholders as secured by Requirement 8 of the draft DCO (REP5a-018) (also see paragraph 1.2.1.1 of the Outline Communications Plan (REP5-046)). The Applicants consider that no amendments to the wording is necessary.</p> <p>2. The Applicants have committed to organising community-based events (such as drop-in sessions) that would provide the opportunity for two-way communication. The Applicants have updated the Outline Communications plan at Deadline 6 to clarify that the frequency of these events will be kept under review (J1.1/F05). The Applicants consider that this measure is proportionate and appropriate.</p> <p>3. The Applicants have updated the Outline Communications Plan at Deadline 6 to clarify that local residents will be informed in advance of the works taking place and will be kept regularly updated during the duration of nearby works Notification will be a minimum of 48 hours (with the exception of emergency works).</p>
ExQ2 Q2:1.2.2	East Irish Sea Transmission Project The East Irish Sea Transmission Project Environmental Impact Assessment Scoping Report was submitted to the Planning Inspectorate in August 2025. This includes two possible grid connection routes options. Are there any matters of relevance arising from the information available in that Scoping Report for the consideration of site selection and	Blackpool Borough Council does not have any comments in relation to the Application before this ExA and the East Irish Sea Transmission Project following BBC review of the East Irish Sea Transmission Project Scoping Report.	The Applicants note the response from BBC.

Reference	ExA Question	IP Submission	Applicants' response
	alternatives of the Morgan and Morecambe Transmission application?		
DCO Q1:3.7	Requirement 6 – Provision of landscaping Should 6(2) of this requirement also include details of existing trees and hedgerows to be retained and those to be removed, given that such details are likely to be factors in the consideration of the acceptability of a proposed landscaping scheme?	Blackpool Borough Council does not have any trees or hedgerows within its administrative area affected by the proposed development, and therefore has no concerns with this requirement. With respect to Landscaping, BBC has had it brought to their attention that there is a (partially funded) volunteer group carrying out works to enhance and maintain the sand dunes between St Anne's sea defences and Starr Gate, including plot [01-006] owned by Blackpool Council – BBC wishes to ensure the applicants and the ExA aware of this so that their work is not detrimentally affected by the construction of (and remedial work associated with) the proposed development. BBC respectfully requests that the applicants contact the group (if they have not already) and confirm the dune enhancement work is being considered in the detailed design and construction practiced for the proposed development.	The Applicants note this response and will liaise with relevant parties where appropriate.
DCO Q1:3.12	Requirement 14 – Construction hours a) 14(2) refers to works that may take place outside of the hours specified in subparagraph (1) for certain identified works. Should the last word of this opening sentence therefore say "comprising" rather than "including" as the later indicates that it is not a closed list?	Blackpool Borough Council consider that the appropriate drafting of Requirement 14(2) should be 'comprising' to ensure clarity and certainty. Therefore BBC request that Requirement 14(2) specifies the works that may take place outside of the hours in subparagraph (1). Consequently the last word of this opening sentence should state	The Applicants confirm that the draft Development Consent Order (DCO) (REP5a-018) was updated at Deadline 5 to use the word 'comprising' instead of 'including' at subparagraph (2). The Applicants have also reduced the list of works under subparagraph (2) that may take place outside of the construction hours in subparagraph (1). The Applicants therefore consider this point to be resolved.

Reference	ExA Question	IP Submission	Applicants' response
	<p>b) Referring to the definition of “mobilisation activities” in 14(6) can the applicants explain what is meant by “general preparation and site maintenance work”? Why does this need to be included as part of the mobilisation activities bearing in mind that, whilst it would not include the operation of heavy machinery or generators, it might still possibly lead to issues of noise and disturbance when occurring in proximity to residential receptors between 6.00am and 7.00am?</p> <p>c) For clarity, the ExA suggests adding similar wording from paragraph 1.6.1.6 of the outline Noise Management Plan [REP4-032] to this requirement.</p> <p>d) Can the applicants explain what is meant by “classes” in 6(b)?</p>	<p>“comprising” rather than “including” to reference a closed certain list?</p>	
DCO Q1:3.19	<p>Requirement 25 – Onshore collaboration</p> <p>a) In the event of overlapping construction work programmes between the two projects (which is understood to be a possible scenario), do definitions of “sequential” and “concurrent” construction need to be provided or alternative wording to cover an overlapping scenario?</p> <p>b) What progress has been made between the applicants and FBC regarding the Council's concerns</p>	<p>Blackpool Borough Council broadly supports further controls to ensure coordination and collaboration is taken advantage of where possible but does not propose further amendments.</p>	<p>The Applicants note the response from BBC.</p>

Reference	ExA Question	IP Submission	Applicants' response
	<p>about collaboration at D4 [section 2.1 of REP4-134]?</p> <p>c) Do the local authorities have any outstanding comments on the drafting of this requirement, including any suggested alternative drafting should concerns remain?</p>		
DCO Q1:3.21	<p>Suggested additional requirements</p> <p>In response to ISH3.35 of the hearing action points [REP4-108], the applicants set out their response to several additional requirements that have been suggested by the local authorities. Are the Councils satisfied with the responses provided to each of these suggested requirements? If not please provide justification for your position and suggested drafting of any additional requirement that you still consider to be necessary?</p>	<p>Further to discussions with the Applicant, Blackpool Borough Council is no longer seeking an Unexploded Ordnances Survey through this examination process. BBC's only remaining comments on the construction working hours are set out in response to Q1:3.12 above.</p>	<p>The Applicants note the response from BBC.</p>
DCO Q1:5.3	<p>Comments on drafting</p> <p>Do any of the Councils have any remaining outstanding concerns regarding the content of Schedule 12?</p>	<p>Blackpool Borough Council has no remaining outstanding concerns with the drafting of Schedule 12 in the dDCO.</p>	<p>The Applicants note the response from BBC.</p>

Reference	ExA Question	IP Submission	Applicants' response
ExQ2 Q2:5.1.4	Airport agreement <p>The cooperation agreement with the applicants relating to Blackpool Airport did not extend to land rights [REP4-129] but was limited to operational impacts. What is the current position concerning the negotiation with BBC for the cable rights and restrictive covenants at Blackpool airport as set out in section 1.10.1.5. of the SoR [REP4-016]?</p>	<p>Proposed Works within the Airport Boundary</p> <p>Current Position</p> <p>The current position is that the Council is willing to agree appropriate and reasonable terms to enable the Applicants' proposed works and acquisition of permanent possessory rights for the installation of cables which traverse the Airport/ Council land to the south. However the Airport/ Council are yet to receive any financial offers or appropriate Heads of Terms. The Applicants undertook, at a meeting with the Airport/ Council team on 28 August 2025, to make financial offers and propose appropriate and reasonable Heads of Terms by 11 September 2025 but these are still awaited. Whilst the Applicants have previously referred to the provision of Heads of Terms, the terms thus far provided to the Airport/Council are generic, do not include any specific sensible financial offers and take no account of the matters outlined below. They are therefore not fit for purpose which has been relayed to the Applicants by the Council/ Airport team. As there are no agreed Heads of Terms, it is not possible to estimate when Land Agreements might be completed by the Parties. The timing is considered to be outside of the control of the Council/ Airport. Principally dependent upon the Applicants refining the design of their scheme to enable co-existence of the Council's Solar Farm which is an essential and intrinsic component of the Silicon Sands project as set out below. It is against this background that the</p>	<p>Update on Progress with BBC Land</p> <p>Heads of Terms are under active negotiation and a further update will be provided at Deadline 7.</p> <p>The Applicants held a meeting on 21st October with representatives from the Council and Airport to work through a number of matters. The meeting was very considered and positive and a considerable number of the points have been worked through and a way forward has been agreed.</p> <p>Solar Project</p> <p>The Applicants have consistently maintained that the Transmission Assets and the proposed solar farm can co-exist. The presence of the Transmission Assets will mean that there will be some limited areas – or sterilisation zones – during the operational phases of the Morgan and Morecambe projects that will need to be free of infrastructure associated with the solar farm.</p> <p>A plan showing these proposed sterilisation zones, was shared with Blackpool Borough Council's Mr Andrew Duckett on 7th October 2024. It was understood Mr Duckett was, at that time, leading on the proposed solar development. The Applicants followed up with BBC to request further technical engagement on developing co-existence plans but unfortunately no response was received.</p> <p>The indicative plan below shows the maximum potential area of permanent easement for the Transmission Assets. This was originally shared with BBC on 7th October 2024.</p>

Reference	ExA Question	IP Submission	Applicants' response
		<p>Airport/ Council team requested a direct principal to principal meeting with the Applicants, which took place at the Council's offices on 28 August 2025. The Applicants committed, at that meeting to provide amended scheme designs that fully account for the Council's Solar Farm development by 11 September 2025 yet nothing has been received to date. Background/ Applicants Proposal</p> <p>The Applicants' Schemes propose the installation of 6 x Transition Jointing Bays and an unspecified number of Jointing Bays, together with 4 x 400 KV cables and 2 x 132 KV cables across the southern part of the Airport. The Applicants advised, in their presentation dated 29 November 2024 and in subsequent correspondence and representations, that they require permanent possessory rights of a strip of land above the cables at a 70m width, equating to a total area of 35.2 acres. Paragraph 1.3.14 of the Statement of Reasons (Document Ref:D2: APP-013) states that ““The cables will be buried underground in trenches with a typical depth of 1.8m to the bottom of the trench” and “The onshore export cable corridor is expected to have a maximum width of 100 m for both Morgan OWL and Morecambe OWL during construction except at complex crossings to allow up to six cable circuits to be installed (i.e. up to 4 for Morgan OWL, and up to 2 for Morecambe OWL). Once installed, the onshore export cables will occupy a corridor</p>	 <p>Since this plan was shared with BBC, the Applicants have committed to review their installation techniques for works in this area. At the meeting with BBC on the 28th August the Applicants also took away an action to determine what area of the southern cable corridor could potentially accommodate solar panels over the cable easement. This assessment is ongoing. Progress was discussed at the meeting on 21 October 2025 and the output of the Applicants' assessment will be shared with BBC upon completion.</p> <p>The Applicants' position is that co-existence of the project and a solar farm is possible and they will work with the Council to maximise the area available to solar development without prejudicing the construction, operation and maintenance of the Morgan and Morecambe cables. The Applicants have offered independent specialist advice to help progress the development of the solar proposal.</p> <p>For coexistence to be possible, the Applicants' cables must be protected. This includes protecting the integrity of the cables. The Applicants maintain that coexistence can be</p>

Reference	ExA Question	IP Submission	Applicants' response
		<p>approximately 70 m wide for both Morgan OWL and Morecambe OWL (although this width may need to increase at complex crossings)." The Council understands that this means that 50.2 acres of land will be exclusively controlled by the Applicants during the construction works and 35.2 acres will be permanently sterilised. The effect of this is that neither the Airport nor the Council would be able to use, develop or allow any vegetation within the sterilisation strip, with the consequence that the entire area would be sterilised as it will have no future use or benefit to the Airport/Council. This would be fatal to the delivery of the Solar Farm and directly impact upon the Silicon Sands development. Whilst being the subject of discussions (i.e. the meeting dated 29 November 2024) since 2023, in light of which the Council/Airport had expected to have received revised proposals for approval, the Applicants have not formally moved from this position as set out in the SoR (D2: APP-013).</p> <p>Background/ Council's Solar Farm</p> <p>The Applicants were first aware of the Council's proposed Solar Farm since a meeting on 22 March 2023, and stated in their presentation dated 29 November 2024 that: "Coexistence [is] considered achievable and Morgan & Morecambe support the solar scheme planned." Despite this confirmation, progress in respect of the principle of coexistence with a viable solar farm has been minimal despite the</p>	<p>achieved with the Council's solar development plans and will continue to work with the Council on this matter. As noted above, it was agreed at the meeting on 21 October that the output of the Applicants' ongoing assessment will be shared with the Council and a programme of meetings is being arranged to facilitate continued progress on this matter. The Applicants have offered independent specialist advice to help progress the solar proposal.</p> <p>Head of Terms</p> <p>The Applicants acknowledge that there remain areas of disagreement on the Heads of Terms. These are;</p> <p>Cable Restrictions in the Solar Farm</p> <p>The Applicants' engineers are considering the cable depths and necessary restrictions at the present time but it was made clear by the Applicants, as stated in the recent meeting in Blackpool, that they are striving to reduce the surface restrictions if at all possible. However, given the need to protect the cables (as explained above) it is unlikely that all surface restrictions could be removed.</p> <p>Planning Objections</p> <p>The Council's Agent has stated that they must not be fettered in their ability to submit planning applications and obtain permission over any part of their land. The Applicants have explained the need to be able to make representations on any proposal that would affect the construction and use of the cables to ensure the delivery and operation of the Transmission Assets is not affected or compromised.</p>

Reference	ExA Question	IP Submission	Applicants' response
		<p>Council actively pressing for engagement by the Applicants. By way of background, the Council have long held aspirations to deliver a 20MW Solar Farm on land within the Airport boundary owned by the Airport/Council. The Solar Farm is an essential component of the Council's wider 'Silicon Sands' objective to create a digital hub centred initially on the Blackpool Airport Enterprise Zone (with aspirations to expand the industry into the Fylde region). The Silicon Sands hub is intended to capitalise on the North Atlantic loop telecommunications fibre link which runs through the Starr Gate access, providing high speed transatlantic connectivity of less than 0.64 milliseconds to New York. Silicon Sands has been put forward for AI Growth Zone status. If delivered to its full potential, the development may generate a cumulative GVA of £6.1bn and support circa. 6,069 jobs, with transformative potential for the economic prospects and competitiveness of one of the UK's most deprived areas. It is concerning that the Applicants have yet to acknowledge or seek to accommodate the importance of this scheme to the local economy and regeneration aspirations. The 20MW Solar Farm is proposed to be linked with a planned 50MW battery storage facility and 38MW of new grid connectivity to support the development of a series of small to medium scale data centres within the Enterprise Zone, to create a cluster of low carbon sustainable data centres utilising</p>	<p>Assignment Provisions</p> <p>The Heads of Term provide for assignment of the completed agreements. The Council's Agent is seeking to ensure that the licences/leases/easements are assigned to someone who can demonstrate appropriate covenant strength. The Applicants have explained that provisions in article 6 of the draft DCO require Secretary of State consent to any transfer of the benefit of the DCO (which will be accompanied by appropriate financial guarantees) unless the transfer is to a licenced holder. This ensures the strength of any assignee such that no additional security is needed in the land agreements.</p> <p>CA Powers</p> <p>The Council are requiring the Applicants to give undertakings not to exercise any CA powers over Council land. It was acknowledged at the meeting on 21 October 2025 by the Council that an appropriate covenant within the voluntary agreements is an appropriate mechanism for this.</p> <p>Following the meeting on 21 October 2025, the Applicants have agreed to reissue separate Heads of Terms for the Airport land and will continue to discuss and seek to resolve outstanding matters through the programme of meetings which is being arranged to facilitate continued progress on land matters. The next meetings have already been scheduled for 27th and 28th October 2025.</p>

Reference	ExA Question	IP Submission	Applicants' response
		liquid immersion cooling technology to reduce power consumption and enable heat recapture to support a district heating system. The estimated initial capital investment is £80M. The Solar Farm is also of benefit to the continued viability of the Airport. The Airport will benefit in two ways - from the sale or rental of the BAPL land for the solar farm which will generate a capital / receipt/ revenue; and there may be a benefit from lower cost energy which will assist towards reduction of the airports high running costs. The delivery of these aspirations is at significant risk if the Applicants' scheme remains as currently proposed within the draft DCO.	
ExQ2 Q2.5.1.16	Negotiations with Council Please provide an update on and an outline of the "number of issues in dispute". Is it expected that these will be resolved during the examination?	The response on behalf of the Council is as follows, with the Applicant's proposed works in respect of land in Council's ownership considered in four specific areas: 1. The installation of Transition Jointing Bays, Jointing Bays, 4 x 400KV and 2 x 132 KV cables within the boundary of Blackpool Airport. 2. Access rights to the beach in the vicinity of the Starr Gate Tramway Station. 3. Temporary occupation of the beach.	To help facilitate progress the Applicants have split the proposed Heads of Terms with Blackpool Borough Council into 3 separate areas and will update and reissue these to reflect the latest discussions (held on 21 st October). The Applicants confirm the rights required for each location are; 1. Starr Gate Lane – Access licence 2. Sand Dunes – Easement 3. Land within Blackpool Airport – Easement and rights for temporary construction compound Starr Gate Lane

Reference	ExA Question	IP Submission	Applicants' response
		<p>4. Installation of 4 x 400KV and 2 x 132 KV cables under the beach connecting the Airport land with the foreshore (owned by the Crown). Point 1 being the installation of Transition Jointing Bays, Jointing Bays, 4 x 400KV and 2 x 132 KV cables within the boundary of Blackpool Airport is addressed above Q2:5.1.4, with points 2 – 4 addressed in turn below. Although firstly a more generic point, whilst the Applicants have referred to the provision of Heads of Terms, such Heads of Terms provided to the Council/ Airport team are generic, do not include any definitive financial offers and take no account of the matters outlined in respect of the circumstances of each particular and relevant area. Therefore the Heads of Terms provided are considered to not be fit for purpose, which has been relayed to the Applicants by the Council/ Airport team. As there are no agreed Heads of Terms, it is not possible to estimate when Land Agreements might be completed by the Parties. Discussions are currently outside of the control of the Council and dependent upon the Applicants redesign of their works schemes and provision of fit for purpose Heads of Terms. For clarity, the Council have been clear that they require full completion of Heads of Terms prior to close of Examination. Unfortunately, at the time of submission, this does not appear likely bearing in mind the lack of confirmation in respect of design issues and</p>	<p>Heads of Terms for the Starr Gate plots, along with the rest of the Blackpool Council interests, were issued as follows:</p> <ul style="list-style-type: none"> • 8 November 2024: first issued to Mr Robert Green; • 12 December 2024: a further set were then issued to Mr Green; • 19 March 2025: issued again following further updates to the general provision from the wider LAG discussion to Mr Green, DWF (Legal team) and Mr Roberts of DWD. <p>The Applicants are aware of the Council's concerns regarding the powers sought at Starr Gate and have consistently confirmed that they do not intend or have the powers to close Starr Gate, that its use is temporary and can co-exist with other users.</p> <p>The Applicants reconfirmed this position at the meeting on 21 October 2025 confirming that there is no intention to take exclusive possession at this location and, so far as the Applicants are concerned, there are no powers within the draft DCO to allow this. The Projects confirmed that they will provide a Banksperson (as requested by the Council) as part of the activities required for use of Starr Gate and that this is secured through the outline Construction Traffic Management Plan (J5/F05) which has been updated at Deadline 6 to provide further clarity in relation to the Banksperson role, including their necessary qualifications.. The HoTs for Starr Gate will be updated and reissued by the Applicants to reflect the Council's recent adoption of additional land as public highway at Starr Gate and a Banksperson provision included.</p> <p>The Applicants wish to reconfirm that they are keen to enter into a form of voluntary agreement with Blackpool Borough Council for the non-exclusive use of the private land at Starr Gate but for the reasons set out in the Applicants response to Hearing Action Points of ISH4 and</p>

Reference	ExA Question	IP Submission	Applicants' response
		<p>the absence of any definitive financial and practical offers or Heads of Terms that are relevant to the particular circumstances of the Council's land.</p> <p>2. Starr Gate Access</p> <p>Blackpool Borough Council recognise the movement by the Applicant team since the beginning of the ExA Hearings. However, the Applicants' DCO proposes the acquisition of temporary rights over Plots 02-007 to 02-012. If granted as proposed, the Council may be unable to operate the Starr Gate Access tram depot, and public disruption may result for major events upon which the Council rely. In any event, the requested powers are excessive and disproportionate to the Applicants' proposed use set out in the oCTMP. Refer to Counsel opinion attached at Appendix 2. The Applicants have verbally proposed a Banksperson agreement in respect of the Starr Gate access whereby the Applicants would have the right for a Banksman to control traffic accessing the beach as and when access is required in connection with the scheme to manage potential traffic conflicts. The Council welcome the suggestion, and understand that this is agreed in principle by the Applicants but, whilst the Applicants undertook to provide draft terms on this basis by 11 September 2025 for review by the Council, they are still awaited.</p> <p>3 & 4. Temporary Use of the Beach and Cable Rights under the Beach</p>	<p>CAH3 (S_D6_6) are not in a position to remove or restrict the ability to exercise temporary possession powers in relation to the private land plots. The Applicants will use the future programme of meetings to further discuss and seek to reach agreement on the Starr Gate HoTs.</p> <p>Sand Dunes</p> <p>Heads of Terms for the Sand Dunes plots, along with the rest of the Blackpool Council interests, were issued as follows:</p> <ul style="list-style-type: none"> 8 November 2024: issued to Mr Robert Green. These Heads of Terms comprised an easement through the dunes and did include a proposed land value. 12 December 2024: a further set were then issued to Mr Green. These HoTs did not offer any level of payment following feedback from the Council but did confirm the appropriate calculation for an easement payment and inviting the Council to put forward their assessment of land value. 19 March 2025: to Mr Green, DWF (Legal team) and Mr Roberts of DWD following further updates to the general provision from the wider LAG discussion. <p>The intended physical works as set out in the DCO and HoTs are reflective of each other.</p> <p>As detailed in the application, there will be no surface impact on the sand dunes, land which is open space and available to the public, designated as Special Category Land for public benefit and the use of this land is not going to change.</p> <p>The Applicants have also committed to ensuring safety measures are in place to keep the public safe during construction. As set out in Section 1.13 of the outline</p>

Reference	ExA Question	IP Submission	Applicants' response
		<p>The Applicants' DCO proposes the acquisition of temporary and possessory rights particularly over Plot 01-006, for the purpose of cable construction and maintenance rights. The Council is willing to agree appropriate and reasonable terms to enable the Applicants' temporary use of the beach as a laydown area and acquisition of permanent possessory rights for the installation and maintenance of cables which traverse under St Annes beach.</p> <p>However the Council are yet to receive any financial offers and appropriate reasonable Heads of Terms. The Applicants undertook, at the meeting with the Council on 28 August 2025 to make a financial offer and propose appropriate and reasonable Heads of Terms by 11 September 2025 but these are still awaited.</p>	<p>Landfall Construction Method Statement (REF5-116), trenchless technique working areas will be fenced off and secured while construction works are taking place. For activities such as cable pull-in, the Applicants will implement managed crossings either to the seaward or landward side to allow users to maintain access from one side of the works area, to the other. Further detail regarding public access to the beach during the construction phase is further detailed in Appendix A, of the Outline Public Rights of Way (PRoW) Management Plan (REF5a-034).</p> <p>The principal areas of disagreement in respect of the Dunes are the provision of suitable public safety measures during construction and the commercial values.</p> <p>As noted above, following the meeting on 21 October 2025, the Applicants will reissue separate Heads of Terms for the Sand Dunes plots and use the programme of meetings which is being arranged to discuss and reach agreement on those Heads of Terms.</p> <p>Land within Blackpool Airport Airport land negotiations are covered in the above section REF. ExQ2 Q2:5.1.4.</p>
ExQ2 Q2:6.2.4	<p>Biodiversity and bird strike risks</p> <p>NPS EN-1 4.6.12 says that when delivering biodiversity net gain off-site, developments should do this in a manner that best contributes to the achievement of relevant wider strategic outcomes, for example by increasing habitat connectivity, enhancing other ecosystem service</p>	<p>Blackpool Borough Council currently has no inhouse ecology expertise, and as delivery of alternative BNG is most likely to be located outside of its administrative area, the Council considers there would be limited value in its involvement or consultation. Therefore BBC defer to Fylde BC as the appropriate authority. If the proposed BNG is of relevance to</p>	<p>The Applicants note the response from BBC and recognise BBC's deferral to other relevant parties.</p>

Reference	ExA Question	IP Submission	Applicants' response
	<p>outcomes, or considering use of green infrastructure strategies. Reference should be made to relevant national or local plans and strategies, to inform off-site biodiversity net gain delivery. If published, the relevant strategy is the Local Nature Recovery Strategy (LNRS). If an LNRS has not been published, the relevant consenting body or planning authority may specify alternative plans, policies or strategies to use. a) If SoS was minded to agree with BAE Systems position, can the applicant comment on the quoted paragraph 4.6.12 of NPS EN-1? b) If SoS was minded to agree with BAE Systems position and on-site delivery of BNG was therefore not possible, could the councils and the applicants reach an agreement on alternatives that would align with the NPS EN-1? c) If SoS was minded to agree with BAE Systems position, will the applicants consider submitting a without prejudice strategy for off-site delivery of BNG to satisfy the NPS EN-1, section 4.6 with additional focus on 4.6.1?</p>	<p>Blackpool and its constituency, it is of course willing to engage with the Applicants (insofar as it has the technical capability) to agree alternative BNG.</p>	
ExQ2 Q2:15.1.2	<p>Approving authority</p> <p>Please provide an update on discussions between the Councils as to which one will be the single approving authority for the OESP under Requirement 19 of the dDCO [REP4-007].</p>	<p>The Councils have discussed the matter and it is agreed Fylde Borough Council will be the approving authority.</p>	<p>The Applicants note this comment and have made a corresponding update to the Outline Employment and Skills Plan at Deadline 6. The Applicants have reflected this in the draft DCO updated at Deadline 6 (C1/F09).</p>

Reference	ExA Question	IP Submission	Applicants' response
ExQ2 Q2:15.1.8	<p>Councils' further comments</p> <p>Both Councils made further representations at D4 but at that stage, there was an expectation that a detailed report on the impacts at a local level on the tourist trade would be provided. This has not occurred. Do the councils wish to add anything further notwithstanding that no further evidence has been provided by the applicants?</p>	<p>On 8 September 2025, Blackpool Borough Council provided further information to the Applicants to assist their assessment of impact on the tourist trade, which is appended to this document at Appendix 1: 1. BBC note on Tourism dated 5 August 2025; 2. BBC comments on Tourism Impacts Assessment; and 3. ATC data for the South Promenade for 2023 and 2024.</p> <p>BBC are disappointed that the final assessment has not been provided to date and request an assurance that it will be provided well before the next ExA Hearings.</p>	<p>The Applicants note this response and have provided full comments within Table 2.2 below.</p>
ExQ2 Q2:16.1.1	<p>Draft Development Consent Order (dDCO), Article 14 Access to Works and Schedules 6A and 6B</p> <p>Given the proposed limited use of the Starr Gate access as set out in paragraphs 1.12.6.1 to 1.12.6.5 of [REP4-056] should the full provisions of Article 14 of [REP4- 007] apply? Is Starr Gate the responsibility of BBC as highway authority or FBC as indicated by Schedules 6A and 6B of [REP4-007]?</p>	<p>Blackpool Borough Council consider that the full extent of Article 14 should not apply to the Starr Gate Access. The Starr Gate access is the responsibility of BBC as local highway authority. BBC requests that the Applicant update schedule 6A/6B to reflect this if it has not already been picked up as part of ongoing reviews and discussions.</p>	<p>The Applicants confirm that Starr Gate was removed from Schedules 6A and 6B of the draft DCO at Deadline 5 (REP5-010) which removes Starr Gate from the scope of Article 14.</p>
ExQ2 Q2:16.1.2	<p>dDCO, Requirement 10 Highway accesses Should the Highway Access Management Plan (HAMP) be approved directly by the relevant highway authority in the same way as the Construction Traffic Management Plan (CTMP) (Requirement 9) rather than by "the relevant planning</p>	<p>Blackpool Borough Council confirm that Requirement 10 should refer to the relevant highway authority.</p>	<p>The Applicants have confirmed with LCC that Requirement 10 will refer to the relevant highway authority. No updates to the draft DCO are required.</p>

Reference	ExA Question	IP Submission	Applicants' response
	authority in consultation with the relevant highway authority" as stated in the latest version of the dDCO [REP4-007]?		
ExQ2 Q2:16.1.15	<p>Starr Gate</p> <p>Is BBC content with the proposed usage of Starr Gate Access by the applicants to launch vessels from the existing boat ramp to facilitate construction activities at landfall and the associated safety measures proposed, set out in paragraphs 1.12.6.1 to 1.12.6.5 of [REP4-056]?</p>	<p>Blackpool Borough Council is content with the proposed usage of the Starr Gate Access. BBC understand that such intended usage by the Applicants is:</p> <ol style="list-style-type: none"> 1. Access would be infrequent and only required by light vehicles (e.g. a 4x4 towing a trailer); and 2. Requirement for drivers to travel with a banksperson to manage traffic and non-motorised users while the applicants are using the ramp. <p>BBC's remaining concerns relate to the possible exclusive temporary possessory rights the dDCO grants the applicants as set out above. BBC note that the possible exclusive temporary possessory rights set out in the dDCO Starr Gate Access remain under discussion with the Applicants. Discussions have been positive thus far through the ExA Hearings and are ongoing with the Applicants with an update expected at the Hearings.</p>	<p>The Applicants have provided further drafting updates to Article 29 to prevent either project from exercising temporary possession powers over adopted highway plots at Starr Gate. Blackpool BC have informed the Applicants that they have updated the plots leading to the Starr Gate slipway (but not including the slipway itself) to adopted highway. The Applicants have accepted that this process will remove any requirement for Article 29 to apply to those plots. The Applicants expect BBC to submit a letter at Deadline 6 to confirm the adoption process is underway. The Applicants note the further advice note provided by Douglas Edwards KC and have provided a detailed response to that further advice as part of the Applicants' response to hearing action point CAH3_3 in the Applicants response to Hearing Action Points due at Deadline 6 (S_D6_6 and S_D6_6.2). This should be read alongside the Applicants' deadline 5 response to Douglas Edwards KC's opinion as set out in REP5-127.</p>

Table 2-2: REP5-164 – Blackpool Borough Council (Appendix 1: Comments on Tourist Impact Assessment)

Reference	IP submission	Applicants' response
<p>REP5-164 164.1</p>	<p>1. Definition of Study Area</p> <p>The inclusion of South Ribble within the study area risks diluting potential tourism impacts, as it does not share the same visitor economy characteristics as Blackpool, Lytham and St Annes. A tiered approach that prioritises core tourism destinations, rather than treating all administrative districts equally, is recommended.</p>	<p>South Ribble is not traditionally considered part of The Fylde. However, given the order limits of the Transmission Assets onshore infrastructure are located partially within its boundary, the Applicants consider it appropriate for this area to be included within the definition of a 'local' study area. In addition, much of South Ribble forms part of the Preston 'built up area'. As such, a coherent socio-economic association between South Ribble and Preston can be assumed, and by association between South Ribble and The Fylde.</p> <p>Furthermore, a 1 km buffer zone has been selected as an appropriate area for identification of specific tourism assets which are in close proximity to the Transmission Assets order limits. This allows for consideration of potential direct impacts, in addition to the potential indirect impacts on the local study area's tourism industry.</p> <p>Differences in the importance of tourism to each local authority in their own right are considered throughout. To accommodate instances where the assessment of effects at the study area level diverges from what might be observed at the individual local authority level, the assessment highlights such instances to ensure that any localised tourism sensitivities are captured.</p>
<p>REP5-164 164.2</p>	<p>2. Construction Phase Impacts</p> <p>The assessment underrepresents construction- related effects, particularly:</p> <p>Traffic congestion, disruption and diversions during peak visitor periods:</p> <p>Key routes for consideration being:</p>	<p>A review of the local policy context and baseline environment identified multiple asset categories which underpin local tourism:</p> <ul style="list-style-type: none"> • Natural capital

Reference	IP submission	Applicants' response
	<ul style="list-style-type: none"> - Squires Gate Lane - Sarr Gate - Promenade (from Starr Gate to Red Bank Road) <p>Key events for consideration being:</p> <ul style="list-style-type: none"> - Blackpool Air Show - Illuminations switch -on - Ride the Lights - The Illuminations - LightPool - World Firework Championships - Christmas by the Sea - Showzam - St. Annes Kite Festival <p>Visitor impact</p> <ul style="list-style-type: none"> - Potential for notably different impacts on day and staying visitors - An assessment of the likely difference in spending and behavioural patterns between tourists/holiday-makers and construction workers - Potential for availability and price racking issues resulting from construction worker booking out of accommodation - Potential for a change in character of holiday accommodation areas (loss of tourist atmosphere) or specific properties <p>Reputational damage, given the extent to which tourism is driven by visitor perceptions, and the potential for customers to be put off from travelling to the resort due to anticipated delays and disruption.</p>	<ul style="list-style-type: none"> • Culture and entertainment • Heritage • Recreation • Accommodation • Hospitality <p>The assessment therefore considers potential impacts on each of these categories. The key events listed by Blackpool Borough Council have been considered within the culture and entertainment asset category at 3.4 (baseline conditions) and 5.4 (assessment of effects).</p> <p>The assessment is informed by a consideration of impact pathways between the tourism asset categories listed above and the following ES chapters (and their annexes):</p> <ul style="list-style-type: none"> • Traffic and transport – Volume 3, Chapter 7: Traffic and transport of the ES (APP-108) • Land use and recreation – Volume 3, Chapter 6: Land use and recreation of the ES (APP-104) • Visual impacts – Volume 3, Chapter 10: Landscape and visual resources of the ES (APP-123) • Historic environment – Volume 3, Chapter 5: Historic environment of the ES (APP-096) • Ecology – Volume 3, Chapter 3: Onshore ecology and nature conservation of the ES (APP-075) • Noise and vibration – Volume 3, Chapter 8: Noise and vibration of the ES (APP-117) <p>For the purposes of this comment, the inclusion of traffic and transport as an impact pathway responds to Blackpool Borough Council's stated position.</p> <p>No significant traffic and transport related residual effects relevant to tourism have APP-108). Table 7.21 of that assessment outlines that there could be a peak increase</p>

Reference	IP submission	Applicants' response
		<p>in traffic of up to 1% for the road links that provide a key access point to the Blackpool Promenade and other routes relevant to tourism (the A5230 Squires Gate, A584 Promenade and A584 Clifton Drive North). The salient guidance for the assessment of traffic impacts from new developments is the Environmental Assessment of Traffic and Movement (IEMA, 2023). This guidance notes that the day-to-day variation of traffic on a road is frequently at least + or – 10% and goes on to set out that changes in traffic flows of less than 10% creates no discernible environmental impact.</p> <p>Furthermore, measures are proposed within Table 1.3 of the outline Construction Traffic Management Plan (oCTMP) (REP5-066) to manage vehicle movements during major events (such as the Blackpool Illuminations). The oCTMP sets out a commitment to liaise with local stakeholders to understand when major events occur and ensure there are limited HGV trips planned during such events.</p> <p>The Applicants have engaged with Blackpool Borough Council highways and included measures within the oCTMP (document reference J5/F06) and updated the draft DCO during examination (document reference C1/F09) to limit the powers granted and ensure that the necessary rights to allow limited construction access via Starr Gate and Squires Gate would not affect the current use by the public and others (including the RNLI).</p> <p>Blackpool BC have informed the Applicants that they have updated the plots leading to the Starr Gate slipway (but not including the slipway itself) to adopted highway. The Applicants have accepted that this process will remove any requirement for Article 29 to apply to those plots. The Applicants expect BBC to submit a letter at Deadline 6 to confirm the adoption process is underway.</p>

Reference	IP submission	Applicants' response
		<p>As such, it is anticipated that any interruption to accessing culture and entertainment assets within Blackpool – in particular those assets located at or near Blackpool's New South Promenade and northwards to Red Bank Road – will be not significant.</p> <p>The assessment considers potential impacts on a range of tourism assets – some of these assets will be experienced in similar ways with regards to day and overnight visitors. However, effects on accommodation are inherently most likely to be experienced by overnight visitors, and the assessment reflects this likelihood.</p> <p>Potential effects associated with non-local construction workers staying in overnight accommodation during the construction phase have been scoped out of the assessment (see Table 4.2).</p> <p>Overall, at a local authority and local study area level, the number of 'visits' that non-local construction workers would represent is very small compared to the number of annual visitors.</p> <p>It is estimated the number of direct onshore construction workers would not be expected to exceed 0.001% of annual overnight visitors to Blackpool. This is a 'maximum' scenario where all direct onshore construction workers have a usual place of residence outside a commutable distance to the onshore site. This is a highly unlikely scenario, given the roles involved mean a proportion of the workforce will be local workers, Furthermore enhancement measures included in the Outline Skills and Employment Plan (document reference J31, REP5-083) are aimed at increasing this number.</p> <p>As such, any effects on spending patterns, accommodation availability and price-racking, and change in character associated with the presence of non-local construction workers staying in overnight</p>

Reference	IP submission	Applicants' response
		<p>accommodation are considered to be not significant in EIA terms.</p> <p>As set out above, it is anticipated that any interruption to accessing culture and entertainment assets within Blackpool – in particular those assets located at or near Blackpool's New South Promenade and northwards to Red Bank Road – will be not significant.</p> <p>The assessment considers concerns around construction activities negatively impacting perceptions of Blackpool's seafront, which is a highly valuable recreation asset. In doing so, the Applicants have included a literature review of evidence regarding the interactions previously observed between offshore wind projects and tourism.</p> <p>There is no evidence available to suggest the construction and/or operation of onshore infrastructure associated with offshore wind development is likely to have significant effects on local tourism. Fylde Borough Council and Blackpool Borough Council were requested by the Examining Authority to "Provide evidence of where projects of this kind have had an impact on the tourism economy" via Hearing Action Point 53 under Agenda Item 6(i) of the Issue Specific Hearing 1. No such evidence has been provided to substantiate either Council's position on the matter.</p> <p>Given the lack of evidence to support a link between isolated impacts associated with infrastructure development and tourism, it is highly unlikely that impacts would result in material or substantial changes in visitor perceptions of Blackpool. As such, it is anticipated the result of perception impacts on tourism assets will be low i.e. limited in terms of the number of visitors and businesses affected and would not lead to material economic changes in tourism.</p>

Reference	IP submission	Applicants' response
		Nevertheless, the Applicants will update the outline Communications Plan (document reference J1.1) at Deadline 6 to ensure that communications with councils and the liaison committee on matters related to tourism – and perception in particular – are a matter for ongoing dialogue post-consent.
REP5-164 164.3	3. Operational Effects Accepted that operational impacts on tourism in Blackpool are likely to be very limited.	The Applicants note Blackpool Borough Council's position on the scoping out of potential operation and maintenance phase effects.
REP5-164 164.4	4. Over-Reliance on Policy Compliance Although regulatory compliance is referenced, this alone does not address the risks to a perception-led sector such as tourism. Visitor decision making can be shaped by community sentiment and media narratives even in the absence of measurable environmental effects.	See response to REP5-164.2 above.
REP5-164 164.5	5. Cumulative Impacts Cumulative pressures from other infrastructure projects and transport congestion are not sufficiently assessed. The combination of these factors may have a more material impact than the isolated effects described in the report.	<p>The updated Cumulative Effects Assessment (CEA) is informed by a consideration of impact pathways between tourism assets and the following ES chapters (and their annexes):</p> <ul style="list-style-type: none"> • Traffic and transport – Volume 3, Chapter 7: Traffic and transport of the ES (APP-108) • Land use and recreation – Volume 3, Chapter 6: Land use and recreation of the ES (APP-104) • Visual impacts – Volume 3, Chapter 10: Landscape and visual resources of the ES (APP-123) • Historic environment – Volume 3, Chapter 5: Historic environment of the ES (APP-096) • Ecology – Volume 3, Chapter 3: Onshore ecology and nature conservation of the ES (APP-075) • Noise and vibration – Volume 3, Chapter 8: Noise and vibration of the ES (APP-117))

Reference	IP submission	Applicants' response
		<p>Each chapter has identified a list of projects to be screened in for consideration within its own CEA on the basis of inter-relationship. As the Local Tourism Assessment CEA relies on the findings of the individual chapters listed, by definition the projects identified in these chapters also form part of the assessment of potential cumulative effects on tourism.</p> <p>The potentially significant cumulative effects relevant to tourism assessed within relevant chapters of the ES on the basis of inter-relationships with other projects are highly limited. As such, it is expected that cumulative effects on tourism will be no greater than the Transmission Assets alone.</p>
<p>REP5-164 164.6</p>	<p>6. Local Sensitivities and Seasonality</p> <p>Although Blackpool is working hard to establish itself as a year round resort, its tourism economy continues to display clear seasonality and peaks around school holidays and specific events and attractions. Disruption during these times and the peak summer months could have disproportionate impacts on businesses and employment. The assessment does not fully address this temporal sensitivity, nor the reputational risks associated with negative visitor perceptions.</p>	<p>Differences in the importance of tourism to each local authority in their own right are considered throughout. To accommodate instances where the assessment of effects at the study area level diverges from what might be observed at the individual local authority level, the assessment highlights such instances to ensure that any localised tourism sensitivities are captured.</p> <p>Seasonality has been considered throughout the Local Tourism Assessment (REP5-142), in particular with regards to potential effects on culture and entertainment (see section 5.4), accommodation (see section 5.7), and hospitality (see section 5.8).</p> <p>Key management plans relevant to mitigating seasonal effects are:</p> <ul style="list-style-type: none"> • Outline Construction Traffic Management Plan (oCTMP) (document reference J5/F05): mitigates

Reference	IP submission	Applicants' response
		<p>potential traffic and transport-related effects on major events.</p> <ul style="list-style-type: none"> Outline Communications Plan (document reference J1.1/F05): mitigates potential effects on individual tourism businesses, including accommodation and hospitality providers.
<p>REP5-164 164.7</p>	<p>Conclusion and Recommendation</p> <p>In its current form, the assessment underestimates the potential impacts on tourism. A revised Tourism Impact Assessment should:</p> <ul style="list-style-type: none"> - Focus on the core tourism centres with a dedicated assessment of Blackpool - Provide a balanced appraisal of both positive and negative construction impacts - Incorporate qualitative visitor perception studies - Explicitly address cumulative and seasonal factors 	<p><u>Core tourism centres with a dedicated assessment of Blackpool</u></p> <p>Differences in the importance of tourism to each local authority in their own right are considered throughout. To accommodate instances where the assessment of effects at the study area level diverges from what might be observed at the individual local authority level, the assessment highlights such instances to ensure that any localised tourism sensitivities are captured.</p> <p>Overall, it is assessed there are no significant effects on tourism in any individual local authority arising from the Transmission Assets during construction, including Blackpool.</p> <p><u>Balanced appraisal of both positive and negative construction impacts</u></p> <p>Whilst beneficial effects have been scoped out, the presence of non-local construction workers staying in overnight accommodation during the construction phase can generate a range of beneficial tourism effects.</p> <p>Under such circumstances, accommodation businesses such as hotels, guesthouses, and short-term rental providers are likely to benefit from increased occupancy</p>

Reference	IP submission	Applicants' response
		<p>rates, particularly during off-peak tourism periods, supporting employment and economic sustainability.</p> <p>This demand can also stimulate ancillary spending in the hospitality sector, including pubs, cafés, restaurants, and convenience retail.</p> <p>In some cases, this may also support investment in accommodation quality or capacity.</p> <p>These effects, while temporary, can provide a meaningful economic contribution and support the resilience of the local tourism sector during the construction period.</p> <p>Overall, at a local authority and local study area level, the number of 'visits' that non-local construction workers would represent is very small compared to the number of annual visitors. As such, any effects associated with the presence of non-local construction workers staying in overnight accommodation are considered to be not significant in EIA terms (as per ES Volume 4, Chapter 2: Socio-economics (APP-141)), and have therefore not been assessed (see Error! Reference source not found.).</p> <p><u>Qualitative visitor perception studies</u> See response to REP5-164.2 above.</p> <p><u>Explicitly address cumulative and seasonal factors</u> See responses to REP5-164.5 and REP5-164.6 above.</p>
REP5-164 164.8	Note on Tourism Assessment submitted to the ExA 05/08/25 Tourism Impacts on the Borough of Blackpool – Additional Comments for Input into Revised Tourism Assessment Examination Deadline 4 Submission	<p>The information provided by Blackpool Borough Council on visitors and employment reflects the assessment of baseline conditions provided in section 3 of the Local Tourism Assessment (document reference REP5-142).</p>

Reference	IP submission	Applicants' response
	<p>The potential impact of this proposal on tourism is a significant concern for Blackpool Council. Blackpool, to its core, is a tourist town. In 2023 it welcomed 21.5m visitors generating some £2bn to the local economy. The Spatial Portrait of Blackpool as set out in the Local Plan Part 1: Core Strategy opens with the observation that Blackpool is England's largest and most popular seaside resort, attracting more than 10 million visitors annually. This document was published in 2016 meaning that, in less than a decade, visitor numbers have doubled. This is testament to the huge amounts of public and private investment that have been devoted into regenerating and growing the resort, and improving public perceptions of Blackpool as a high-quality, year-round destination meeting modern visitor expectations. Blackpool accounts for nearly a third of Lancashire's total tourism economy, and nearly a fifth of Blackpool residents are employed in tourism and tourism-related industries.</p>	<p>A summary of Blackpool's baseline conditions is set out in section 3.9.2.</p>
<p>REP5-164 164.9</p>	<p>The Council has previously raised clear concerns that the applicant's submissions in respect of tourism impact have been too broad in scope, and have therefore significantly under-estimated the importance of tourism to the Blackpool economy. The applicant's commitment to submission of a revised and more tightly focused appraisal at Deadline 4 is therefore welcomed.</p>	<p>A summary of Blackpool's baseline conditions is set out in section 3.9.2, which reflects the importance of tourism to the Blackpool economy.</p> <p>Differences in the importance of tourism to each local authority in their own right are considered throughout REP5-142. To accommodate instances where the assessment of effects at the study area level diverges from what might be observed at the individual local authority level, the assessment highlights such instances to ensure that any localised tourism sensitivities are captured.</p>
	<p>Tourism is highly reliant upon positive public perception. The figures quoted above from 2023 equate to a spend of just £93 per person, illustrating the importance of volume in terms of visitor numbers to Blackpool's success. Ease of access is an inherent aspect of the desirability of a destination. Starr Gate is a gateway to the Promenade, which is the backbone of the resort's tourist economy. Access restrictions or traffic delays caused at Starr Gate would impact upon the entire Promenade and, were it to become known that there were significant delays in accessing Blackpool's attractions, visitor numbers would drop dramatically. Should traffic be displaced further north, there are also concerns that some attractions and significant areas of parking would effectively be by-passed, leading to a reduction in visitor numbers to those sites.</p>	<p>See response to REP5-164.2 above</p>

Reference	IP submission	Applicants' response
REP5-164 164.10	Blackpool Council is firmly of the view that the revised tourism assessment must consider impact upon the full length of Blackpool Promenade up to Red Bank Road in the north. This stretch of the Promenade contains Blackpool's key tourist attractions including Blackpool Tower; North, Central and South Piers; the Town Centre; the Pleasure Beach amusement park; the Sandcastle Waterworld; and the Golden Mile which comprises a mix of leisure uses. The Promenade up to Red Bank Road is also host to a number of key events which draw large numbers of visitors including the Blackpool Airshow; Illuminations Switch-On; Ride the Lights; the Illuminations themselves, LightPool, the World Firework Championships, and Christmas by the Sea.	See response to REP5-164.2 above. In summary, this response provides details of the forecast levels of traffic flows via the A584 Promenade and confirms that the peak change in traffic flows would be indiscernible. In addition, the key locations and events listed by Blackpool Borough Council have been considered within the culture and entertainment asset category at 3.4 (baseline conditions) and 5.4 (assessment of effects).
REP5-164 164.11	The Blackpool Illuminations were developed as a mechanism to extend the traditional holiday season. They extend from Red Bank Road in the north to Starr Gate in the south. All traffic travelling the full length of the display will therefore have to pass through Starr Gate. Historically they ran from August Bank Holiday to the October half-term break. In more recent years the display has been retained until the New Year and has been complemented by the Christmas by the Sea event. The Council has traffic count data from 2023 and 2024 and is happy to share this information with the applicant. The information shows that New South Promenade carries some 3.2 million vehicles annually. In both years, the peak month for vehicle numbers was October (c. 300,000). It is pertinent to note that traffic is spread far more evenly than would be typically expected over the evening period and remains heavy outside of the traditional PM peak, with 8pm traffic levels in October 60% higher than in May. This statistic takes on even greater significance when it is noted that local traffic generally avoids use of the Promenade during the Illuminations period, and that traffic during peak times can be very slow-moving, thereby limiting the number of vehicles that can pass a counter within the monitoring period. This clearly demonstrates that Promenade based events are effective in extending the visitor season and that they, and ease of access to them, are therefore crucial to the visitor economy. In summary, the Council remains extremely concerned that the land rights and powers over Starr Gate, as they are currently expressed within the dDCO, have the potential to cause significant travel delays in accessing Blackpool Promenade, and consequently a significant and unacceptable social and economic impact upon the success of the resort as a tourist destination. As above, the Council welcomes the applicant's intention to submit revised information at Deadline 4 but reserves the right to maintain its position in the event that its concerns cannot be adequately resolved.	See response to REP5-164.2 above.

Reference	IP submission	Applicants' response																																																																						
REP5-164 164.12	<div>2023 ATC data</div> <div>SiteNew South Promenade</div> <table><thead><tr><th>Month</th><th>Southbound</th><th>Northbound</th><th>Total</th><th>AADT</th></tr></thead><tbody><tr><td>January</td><td>129802</td><td>121468</td><td>251270</td><td>8105</td></tr><tr><td>February</td><td>130275</td><td>121203</td><td>251478</td><td>8981</td></tr><tr><td>March</td><td>147331</td><td>137650</td><td>284981</td><td>9193</td></tr><tr><td>April</td><td>143316</td><td>132439</td><td>275755</td><td>9192</td></tr><tr><td>May</td><td>157181</td><td>144105</td><td>301286</td><td>9719</td></tr><tr><td>June</td><td>146947</td><td>135140</td><td>282087</td><td>9403</td></tr><tr><td>July</td><td>144834</td><td>133037</td><td>277871</td><td>8964</td></tr><tr><td>August</td><td>149333</td><td>138143</td><td>287476</td><td>9273</td></tr><tr><td>September</td><td>156264</td><td>139505</td><td>295769</td><td>9859</td></tr><tr><td>October</td><td>160884</td><td>144046</td><td>304930</td><td>9836</td></tr><tr><td>November</td><td>146084</td><td>130064</td><td>276148</td><td>9205</td></tr><tr><td>December</td><td>141533</td><td>128215</td><td>269748</td><td>8702</td></tr><tr><td>Total</td><td>1753784</td><td>1605015</td><td>3358799</td><td>8760</td></tr></tbody></table>	Month	Southbound	Northbound	Total	AADT	January	129802	121468	251270	8105	February	130275	121203	251478	8981	March	147331	137650	284981	9193	April	143316	132439	275755	9192	May	157181	144105	301286	9719	June	146947	135140	282087	9403	July	144834	133037	277871	8964	August	149333	138143	287476	9273	September	156264	139505	295769	9859	October	160884	144046	304930	9836	November	146084	130064	276148	9205	December	141533	128215	269748	8702	Total	1753784	1605015	3358799	8760	See response to REP5-164.2 above. In summary, this response provides details of the forecast levels of traffic flows via the A584 Promenade and confirms that the peak change in traffic flows would be indiscernible.
Month	Southbound	Northbound	Total	AADT																																																																				
January	129802	121468	251270	8105																																																																				
February	130275	121203	251478	8981																																																																				
March	147331	137650	284981	9193																																																																				
April	143316	132439	275755	9192																																																																				
May	157181	144105	301286	9719																																																																				
June	146947	135140	282087	9403																																																																				
July	144834	133037	277871	8964																																																																				
August	149333	138143	287476	9273																																																																				
September	156264	139505	295769	9859																																																																				
October	160884	144046	304930	9836																																																																				
November	146084	130064	276148	9205																																																																				
December	141533	128215	269748	8702																																																																				
Total	1753784	1605015	3358799	8760																																																																				
REP5-164 164.13	<div>2024 ATC data</div> <div>SiteNew South Promenade</div> <table><thead><tr><th>Month</th><th>Southbound</th><th>Northbound</th><th>Total</th><th>AADT</th></tr></thead><tbody><tr><td>January</td><td>129002</td><td>118861</td><td>247863</td><td>7996</td></tr><tr><td>February</td><td>121108</td><td>112985</td><td>234093</td><td>8670</td></tr><tr><td>March</td><td>143524</td><td>134768</td><td>278292</td><td>8977</td></tr><tr><td>April</td><td>140411</td><td>130866</td><td>271277</td><td>9043</td></tr><tr><td>May</td><td>147342</td><td>138213</td><td>285555</td><td>9211</td></tr><tr><td>June</td><td>137987</td><td>130330</td><td>268317</td><td>8944</td></tr><tr><td>July</td><td>141080</td><td>134826</td><td>275906</td><td>8900</td></tr><tr><td>August</td><td>137947</td><td>130749</td><td>268696</td><td>8668</td></tr><tr><td>September</td><td>146698</td><td>133894</td><td>280592</td><td>9353</td></tr><tr><td>October</td><td>154122</td><td>138591</td><td>292713</td><td>9442</td></tr><tr><td>November</td><td>140872</td><td>126904</td><td>267776</td><td>8926</td></tr><tr><td>December</td><td>134504</td><td>123209</td><td>257713</td><td>8313</td></tr><tr><td>Total</td><td>1674597</td><td>1554196</td><td>3228793</td><td>8548</td></tr></tbody></table> <div>Only 27 days in the month due to a software change over</div>	Month	Southbound	Northbound	Total	AADT	January	129002	118861	247863	7996	February	121108	112985	234093	8670	March	143524	134768	278292	8977	April	140411	130866	271277	9043	May	147342	138213	285555	9211	June	137987	130330	268317	8944	July	141080	134826	275906	8900	August	137947	130749	268696	8668	September	146698	133894	280592	9353	October	154122	138591	292713	9442	November	140872	126904	267776	8926	December	134504	123209	257713	8313	Total	1674597	1554196	3228793	8548	See response to REP5-164.12 above.
Month	Southbound	Northbound	Total	AADT																																																																				
January	129002	118861	247863	7996																																																																				
February	121108	112985	234093	8670																																																																				
March	143524	134768	278292	8977																																																																				
April	140411	130866	271277	9043																																																																				
May	147342	138213	285555	9211																																																																				
June	137987	130330	268317	8944																																																																				
July	141080	134826	275906	8900																																																																				
August	137947	130749	268696	8668																																																																				
September	146698	133894	280592	9353																																																																				
October	154122	138591	292713	9442																																																																				
November	140872	126904	267776	8926																																																																				
December	134504	123209	257713	8313																																																																				
Total	1674597	1554196	3228793	8548																																																																				

Table 2-3: REP5-164 – Blackpool Borough Council (Appendix 2: Counsel’s Further Advice)

Reference	IP submission	Applicants’ response
REP5-164 164.14	<p>1. On 7 August 2025 I provided written advice to Blackpool Borough Council ("the Council") in respect of the above application for a development consent order ("DCO"). My advice concerned the proposal, as set out in the draft DCO, for a power to take temporary possession of Starr Gate Access Blackpool. I understand that that written advice has been given to the examining authority and to representatives of the applicant.</p> <p>2. The applicant for the DCO has responded to my advice and, following further engagement with the Council, it has proposed further modifications to the draft DCO. I have been asked to consider that response and the proposed modifications to the draft DCO.</p> <p>3. With the proposed modifications sought to be made to the draft DCO, it is clear that the applicant no longer seeks to carry out any physical works to Starr Gate Access or to restrict public rights over Starr Gate Access; the proposed modification to the description of works 19A and 19B confirm this and the applicant has already proposed a modification to the draft DCO to exclude Starr Gate Access from Schedules 3A and 3B, 4A and 4B and 5A and 5B. These changes are all consistent with Schedules 7A and 7B, which provide that plots 02-007, 02-008, 02-009, 02-010, 02-011 and 02-012 are requires only for access to St. Anne's beach to facilitate construction of the Project A and Project B landfill works.</p> <p>4. However, what remains also clear is that the extent of access that is required is limited in extent. This follows from what is set out in various of the supporting documents to the draft DCO and from the draft CTMP, in particular. It appears that the Applicant does not consider it necessary to exclude other users or uses of Starr Gate Access and to do so is not the applicant's intention. However, oddly, the applicant continues to seek power to take temporary possession of Starr Gate Access. The inclusion of Starr Gate Access within the Schedules 7A and 7B and thus within the scope of Art.29 of the draft DCO makes this clear. As</p>	<p>The Applicants have provided a detailed response to Douglas Edwards KC's further advice as part of the Applicants response to hearing action point CAH3_3 in the Applicants response to HAP due at Deadline 6 (S_D6_6). This should be read alongside the Applicants' deadline 5 response to Douglas Edwards KC's opinion as set out in REP5-127.</p>

Reference	IP submission	Applicants' response
	<p>such, in principle, the applicant is still seeking through the DCO power to take temporary possession of Starr Gate Access and to exercise over it the powers conferred by Art.29 even though it candidly accepts that it does not need those powers. On the applicant's own case, a right to use Starr Gate Access to access occasionally the boat ramp and beach is all that is required and this does not require displacement of other users or uses.</p> <p>5. The attempt by the applicant in its response to my written advice to suggest that the DCO does not in fact or law confer a power to take temporary possession of Starr Gate Access is not credible. It may well be the case that works comprising Project A and Project B as provided for in the draft DCO do not include consent for any physical works to Starr Gate Access. However, that does not itself provide a limit on the exercise over Starr Gate Access of the power to take temporary possession pursuant to Article 29. Article 29, which may be exercised "in connection with the carrying out of" Project A and Project B. As such, even though the DCO does not make provision for works at Starr Gate Access, temporary possession may still be taken of it "in connection with" works which form part of the DCO.</p>	
<p>REP5-164 164.15</p>	<p>6. Article 24(5),(6) likewise do not limit the exercise of the power to take temporary possession but are consequential on temporary possession being taken and its purposes. Article 24(5),(6) leave it open to those implementing the DCO to suspend or to render unenforceable private rights over Starr Gate Access if continuation of those rights is not inconsistent with the purpose of temporary possession. The issue in respect of Starr Gate Access is that, by the applicant's own admission, there is no necessity for temporary possession of it to be taken at all.</p>	
<p>REP5-164 164.16</p>	<p>7. Moreover, the CTMP is, at this stage, a draft document. The final form of the CTMP will emerge after the DCO is made. That the draft (or final) CTMP may make clear that only limited use of Starr Gate Access is intended does not limit the scope of Article 29.</p>	

Reference	IP submission	Applicants' response
REP5-164 164.17	<p>8. Taking a step back, the recent responses from the applicant, including the terms of the draft CTMP in so far as it addresses Starr Gate Access serves to reinforce the conclusion that the taking of temporary possession of Starr Gate Access is not required for the delivery of Project A or Project B and thus that the unqualified inclusion of Starr Gate Access within the scope of Article 29 is not justified.</p> <p>9. The statement at paragraph 9.1 of the applicant's response to my written advice that "in relation to Starr Gate Access, the requirements and other provisions of the draft DCO clearly limit and restrict the authorised works at Starr Gate Access to temporary access by light vehicles only, meaning that the Applicant would not have the powers to exercise full and exclusive occupation of the Starr Gate plots" is not in my view legally correct. The other provisions of the draft DCO do not have the limiting effect on article 29 that the applicant claims.</p> <p>10. The matter is entirely straightforwardly resolved by the inclusion by way of modification of the draft DCO of a term which makes clear that the use of Starr Gate Access in connection with Project A and Project B must not displace others with a right to use Starr Gate Access for access and otherwise.</p> <p>11. Absent either of those steps, then for the DCO to be made with the powers over Starr Gate Access which are sought would be unlawful, as I have previously advised.</p>	