



MORGAN AND MORECAMBE OFFSHORE WIND FARMS: TRANSMISSION ASSETS

Applicants' Response to Deadline 5 submissions and other Post Hearing Submissions from People with Interest in Land

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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
Kg	Kilogram
kHz	Kilohertz

Unit	Description
KJ	Kilojoules
km	Kilometres
km ²	Kilometres squared
kV	Kilovolt
m	Metres
m ²	Metres squared
m ³	Metres cubed
nm	Nautical mile
μPa	micropascal

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 Details of the Applicants' response to people with interest in land submissions received at Deadline 5 are set out in the subsequent sections of this document.

2 Applicants' Response to IPs' submissions at Deadline 5

2.1 H & J Kirkham

Table 2-1: REP5-196 – H & J Kirkham

Reference	IP submission	Applicants' response
REP5-196 196.1	Further to the publication of the examining authorities additional questions it has come to light that information given to Mr H and Mrs J Kirkham with respect to an access proposed across their land has been incorrect.	The Applicants have issued heads of terms for the land rights sought in accordance with the application submitted including the access. The Applicants have been in discussion with the land agent for Mr and Mrs Kirkham throughout at each deadline as provided within the Land Rights Tracker (S_D1_15)
REP5-196 196.2	Documentation forwarded to Mr H and Mrs J Kirkham together with discussions held indicated that the proposed access was a shared operational access however having noted question 2.5.1.19, the comments within and following through on to the tracker it is apparent that whilst both Projects are seeking an operational access the Morecambe Project is seeking a construction access across Mr H and Mrs J Kirkham's land. We have only just become aware of this. We attach a plan which was forwarded to Mr H and Mrs J Kirkham in the spring with respect to the access required over their land and you will note that it clearly states that this is an operational access only. There is no mention by either project of the requirement for a construction access at this point.	<p>The rights which the Applicants have sought in the voluntary agreements reflect the rights sought within the DCO. The Applicants have confirmed that in the event a binding alternative operational access can be secured with the neighbouring landowner (a family member), the voluntary agreement for the construction access within Mr and Mrs Kirkham's ownership will give an undertaking from the projects not to exercise the compulsory acquisition rights contained in the DCO. This was confirmed at ISH 4 on 7th October and CAH 3 on 9th October.</p> <p>The Applicants refer to their response made to ISH4_6 (S_D6_6_MMTA_Applicants response to Hearing Action Points of ISH4 and CAH3_F01) that sets out the justification for the access routes and separation requirements.</p>
REP5-196 196.3	We are extremely concerned that the information given by the Projects has been inaccurate/misleading and even more concerned that one of the Projects is seeking a construction access across Mr H and Mrs J Kirkham's land (this being the access point to the highway within the curtilage of their dwelling house) when they are already applying for two	The Applicants have not changed the application in this area and have been clear with the land agent on the land rights sought. The Applicants acknowledge the concerns raised with regards to the use of the access and are hopeful a solution to resolve concerns regarding the construction access can be agreed through the voluntary land rights sought with the

	further construction accesses within approx. 100m to gain access to the same easement area.	neighbouring landowner who is part of the family. As set out in response to REP5-196.2 once this agreement is in place the Applicants can provide a binding agreement not to use the current access across the Kirkham's land,.
REP5-196 196.4	We have already submitted representations in respect of the duplication of construction accesses on land owned by other members of the Kirkham family which is immediately adjacent to this property under reference 20052880. We do not believe that there is any justification for the requirement for two accesses let alone three. We attach a second plan which shows the location of access points A26 which is direct off the highway onto the easement working area and A28 which is an additional construction access direct off the highway along a route to be constructed and which we estimate from the plans supplied by the Project to be approximately 80m to 90m long. The further access which is also indicated on the plan is a further 20m to 30m away from the easement and working area.	<p>The Applicants maintain that there remains a requirement for separate accesses for the Morgan and Morecambe projects where it is safe to do so, complying with the requirements of the Construction Design and Management (CDM) regulations 2015. Further detail on this is set out in the Applicants response to ISH4_6(S_D6_6_MMTA_Applicants response to Hearing Action Points of ISH4 and CAH3_F01).</p> <p>In relation to access of Saltcoates Road, the Applicants confirm that negotiations are ongoing with the affected landowner and consider that an appropriate and satisfactory solution can be reached via voluntary agreement between the parties, an update on the negotiations can be found within the Land Rights Tracker (S_D1_15)</p> <p>Additionally, the Applicants clarify that the "3rd access" referenced in submission REP5-196 is not an additional construction access. This access is an operational access (Work nos. 34A34B) that will be used post-construction to facilitate safe entry for maintenance activities. It utilises existing access points from Saltcotes Road, rather than introducing new access routes and the Applicants are seeking an alternative through the voluntary agreement with the landowner.</p>
REP5-196 196.5	<p>Questions we would ask are why a third access is now required for construction and why do the Morecambe Project require this when the Morgan Project do not. The applicants' agents tell us that the 2 projects have to have separate accesses for CDM/H&S reasons but we note that accesses are shared elsewhere on the easement route. Why then are extra separate accesses required here? We will continue to raise our queries as to why two accesses are required let alone three but that will be on behalf of the relevant landowners.</p> <p>E&OE We reserve the right to amend or add to this submission.</p>	

2.2 T J Kirkham, Mrs J E Worlock and Mrs J A Myerscough

Table 2-2: REP5-198 –T J Kirkham, Mrs J E Worlock and Mrs J A Myerscough

Reference	IP submission	Applicants' response
REP5-198 198.1	We refer to our earlier comments/representations with respect the access points on to our clients' land at Ballam Road. We have questioned the need for 2 construction access points situated close together. The applicants have now informed us that 2 access points are required as the 2 projects cannot use the same access point and one access point is for each project. We note however that the DCO application is for both projects to use both access points and we therefore ask the ExA to ascertain what is the truth of the matter so that proper consideration can be given to the issues. We also note that elsewhere access points appear to be shared by the projects and we would question why this is different on Ballam Road	Following ongoing discussions with the landowners, the Applicants are no longer seeking the rights to use the most northern construction access off Ballam Road and have removed the rights sought from the DCO. This is reflected in the voluntary agreement sought and the Applicants are hopeful this update will enable the voluntary agreement for the land rights sought over the wider holding to be agreed.

2.3 United Utilities Water Limited

Table 2-3: REP5-199 – United Utilities Water Limited

Reference	IP submission	Applicants' response
REP5-199 199.1	United Utilities Water Limited (UUW) and the applicant are still negotiating protective provisions (PPs). UUW has provided updated comments on 22nd September and a meeting to discuss the PPs is scheduled on 26th September. There are limited issues outstanding in respect of the PPs. These relate to specific guidance material for twinning requirements. The Applicants and UUW remain	The Applicants are pleased to confirm that the protective provisions for United Utilities Water Limited have been agreed. This will be reflected in the draft Development Consent Order being updated at Deadline 6 (C1/F09).

	committed to agreeing protective provisions during the examination and are confident this can be achieved ahead of Deadline 6.	
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2.4 Savills (UK) Ltd on behalf of The King's Most Excellent Majesty in Right of His Duchy of Lancaster

Table 2-4: AS-088 – Savills (UK) Ltd on behalf of The King's Most Excellent Majesty in Right of His Duchy of Lancaster

Ref	IP submission	Applicants' response
AS-088 088.1	<p>I am writing on behalf of The King's Most Excellent Majesty In Right of His Duchy of Lancaster, in relation to the Morgan and Morecambe Offshore Windfarm, and particularly in relation to the hearing to be held on the 9 th October and the Duchy's view of the current state of negotiations with the applicants. This letter is by way of a response to the comments contained in the Land Rights Tracker (Deadline 5 22nd September 2025) at line 81 Deadline 5 Update.</p> <p>My clients view of the comments made in the tracker is as follows:</p> <p>A meeting was held on the 27th August, which meeting was effectively an airing of views and an opportunity for the projects to update our clients on the progress of the projects and set out their view of my client's position. Various actions were identified and are being worked through.</p>	<p>The Applicants note the comments regarding the meeting on the 27th August 2025. For clarity, items discussed mainly focused on the following broad themes:</p> <ol style="list-style-type: none"> 1. Project update 2. Title and legal issues 3. Commercial terms and valuation 4. S.135 Consent and Compulsory Acquisition <p>At the time of writing, there are several actions that remain outstanding that need to be addressed by the Duchy following the meeting on 27th August:</p> <ul style="list-style-type: none"> • The Duchy to review and respond to the projects' comments on the heads of terms, particularly regarding liability and termination provisions. • To share details of the five previous offshore windfarm transactions to inform the current negotiation. • Review the DCO articles and consider whether specific references are needed to deal with the Duchy concerns. • Agree/provide feedback on meeting minutes <p>The Applicants welcome the progress on the outstanding actions and are keen to further progress matters once the Duchy has addressed the actions they undertook to work through.</p>
AS-088 088.2	<p>My clients provided information on their title prior to 10th February 2025. In response to the query on the 10th February 2025, information was forwarded to the projects on the 14th July, which we believe had previously been submitted to them. However, the title in relation to the foreshore, which we believe are areas 3A3B/4A4B, is ancient and has been difficult to deduce. After further research the Duchy acknowledges that it cannot at this time</p>	<p>In relation to Foreshore – the Applicants are grateful for the confirmation in a letter of 8th October 2025 from the Duchy's lawyers. The Duchy interest has been updated within the Book of Reference (D3/F05)) and Crown Land Plans (B19/F04). Following recent discussions with the Duchy's representatives, the Applicants confirmed they are of the view the only property rights that needed to be secured from the Duchy are at Savick Brook, so all property negotiations and</p>

	<p>evidence its title to the relevant area of foreshore and that will be confirmed formally by the Duchy's lawyers in the next few days.</p> <p>Separately, in a letter from the projects' lawyers, Burgess Salmon, dated 15th August 2025, the projects advanced the view that the Duchy had no mineral interests in two of the relevant Duchy assets which would be interfered with by the export cables and that as the remaining Duchy freehold interest has been demised to a third party, the Duchy's consent as landlord only would be required. The Duchy advised that they were seeking legal opinion on the arguments presented, but that at that time their lawyer was on holiday. This advice has now been obtained and will be issued to the projects prior to the hearing on the 9th October. The Duchy remain of the view that their assets are impacted and agreement is required by the projects to access these assets.</p>	<p>discussions going forward would solely focus on this area. This was verbally agreed by the Duchy at a meeting on 22nd October.</p> <p>For clarity, in relation to any claimed interference with mines and minerals in Duchy titles along the cable route, the Applicants have provided the Duchy with a legal opinion and a mines and minerals report which demonstrate that Duchy consent is not required for the installation of export cables through any of these plots as no mines and minerals of value exist, and/or there is no interference. As a result it is understood by the Applicants to be agreed that no consent or land rights are needed for any land in which the Duchy has a mines and minerals reservation.</p>
AS-088 088.3	<p>The Duchy have set out clearly the structure of the agreements it would be happy to enter into, which would reflect those they have agreed with 5 other offshore projects. Agreement was reached with these projects, both in commercial and legal terms, as far as we are aware in advance of an application being made for a DCO.</p>	<p>The Applicants note the comments in regard to agreement being reached in advance of an application being made for a DCO. The Applicants wish to secure a voluntary agreement as early as possible and have been requesting confirmation of ownership for the plots where the Duchy were believed to have an interest since February 2025. Any land agreement can only be progressed where this is clear.</p> <p>This information has only recently been provided (October 2025), and now this has been confirmed, the Applicants will continue to work towards agreeing a fair and proportionate voluntary agreement for the rights sought.</p>
AS-088 088.4	<p>It is agreed the parties remain in disagreement about the commercial terms. In response to representation by the projects about the commercial pressures on the projects, and in an attempt to find a resolution to the impasse between the parties, the Duchy have revised their commercial proposal downwards, which was set out in an email 17th September. The projects have, by email dated 26th September, rejected this proposal with little or no</p>	<p>The Applicants disagree with the comment that "the projects do not believe they need to reach any agreement with our clients". The Applicants accept that the projects will need to secure land rights from the Duchy in relation to the area at Savick Brook as per 088.2.</p> <p>The Applicants do agree that disagreement remains over commercial terms. The Duchy's approach appears to be valuing and charging for any interference with land solely based on what the Duchy believes the Applicants can afford to</p>

	attempt being made to offer a compromise. It is believed that this is because the projects do not believe they need to reach any agreement with our clients.	<p>pay and/or the profitability of the projects as opposed to the market value of the interest of the subject lands or the depreciation as a result of the projects assets being constructed. It is well established through practice and case law that compensation for land rights for cables is directly linked to the diminution in value to the subject lands as a result of the interference (here the placing of cables within the land).</p> <p>The Duchy's current position is considered to be akin to using their sovereign powers as a ransom position.</p>
AS-088 088.5	At the meeting on 27th August, the parties agreed certain actions by way of follow up. In the case of my clients the primary action was clarifying its title position. This is covered above. The projects were to provide technical information supporting their legal argument in relation to the Duchy's mineral interests. This information was received on the 26th September and is yet to be considered by my clients. The Inspector should know that my clients may need to obtain their own professional advice in order to confirm or otherwise the argument being run by the projects. Additional information supporting the statements made by the projects about their viability at the meeting, have yet to be received, but this may not be material to the Duchy reaching agreement, providing progress can be made in other areas.	The Applicants acknowledge that independent advice may be sought on this matter however request that this is done at speed given the current position of negotiations so matters can be progressed.
AS-088 088.6	The Duchy currently consider there to be significant differences between the parties in relation to the commercial terms being discussed as well as (since the Burgess Salmon letter of 15 August) differences of opinion about the nature and extent of the Duchy's property interests. Until these are resolved and the terms around occupation of Duchy interests are agreed the Duchy has some difficulty in identifying the basis on which it can consider any consent for the purposes of section 135 of the Planning Act 2008.	<p>As previously advised, the legal position has now been clarified and it is the Applicants' view that both parties are now clear on the Duchy's property interests, as confirmed verbal to the Applicants on 22 October 2025, that should be subject to the agreement. The Applicants accept differences remain over the commercial terms, but the projects have continually communicated this should not be a basis for withholding the Section135 consent sought (particularly as this consent does not override the need to reach an agreement with the Duchy in relation to Savick Brook).</p> <p>The Applicants consider that the Duchy's position of linking a land agreement to S135 consent that does not permit the compulsory acquisition of any of its interest, is tantamount to a ransom, which does not reflect the nature of the</p>

		factual situation and rights being sought. S135(1) is not designed to provide special status to the Duchy in relation to land in which it holds an interest or support the ransom position which appears to be being adopted. The Applicants have provided an update on the current status of the S135 consent within the S135 Tracker (S_D4_21/F03)
AS-088 088.7	I am asked to advise the Inspector that while the Duchy remain committed to trying to reach an amicable agreement, its current view is that this position is not likely to be reached by the end of the hearing stage.	The Applicants reiterate their desire to reach a voluntary agreement at the earliest opportunity and urge the Duchy to maintain momentum on negotiation on these matters. The Applicants would request that the Duchy action any outstanding matters on their side to move discussions closer to a conclusion.