



MORGAN AND MORECAMBE OFFSHORE WIND FARMS: TRANSMISSION ASSETS

The Applicants' Hearing Summary of Issue Specific Hearing 4 Day 2



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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 The Applicants' Hearing Summary of Issue Specific Hearing 4 Day 2

1.1 Introduction

- 1.1.1.1 This document presents a written summary of Morgan OWL's and Morecambe OWL's (together, 'the Applicants') oral case at the Issue Specific Hearing 4 (ISH4) Day 2. ISH 4 Day 2 on the Morgan and Morecambe Offshore Wind Farms Transmission Assets Development Consent Order (DCO) application took place on 7 October 2025 at Village Hotel, East Park Drive, Blackpool FY3 8LL.

1.2 Hearing Summary ISH4 Day 2

Table 1.1: Hearing Summary ISH4 Day 2

ID	Agenda Item	Notes
1	Item 1 - Introductions, arrangements and purpose of the hearing	
6(f)	Item 6 – Socio-economic and land use Outstanding agricultural land-use/farming matters	<p>1) Following the National Farmers' Union's (NFU) representative's welcoming of the Applicants' inclusion of Requirement 25 and proposal for a Construction Coordination Working Group (CCWG), the Examining Authority (ExA) queried whether these measures would reduce the overall construction duration, noting that the maximum build-out period remains 11 years and that full flexibility is retained [Post-hearing note: The Applicants would note the build-out period (with the maximum 4 year gap) prior to any amends made to the commencement period following discussions at the hearings, is 10 years)]</p> <p>2) The Applicants explained that further wording had been provided to support the commitment to the CCWG. They reiterated that the collaboration wording had not been proposed to limit the time period between the construction of the two projects. The Applicants emphasised that they have consistently maintained that it may be necessary for the projects to be constructed separately and that a seven-year implementation period is necessary. It was also noted that sequential delivery does not necessarily result in greater environmental impacts than concurrent delivery. The Applicants signposted the ExA to its response to ExQ2.1.1.1 (REP5-130), which outlines in detail the Applicants' position on this point. The Applicants summarised that the drafting of Requirement 25 and the implementation of the CCWG aims to facilitate information sharing, not to constrain delivery flexibility, which is essential to secure funding and to ensure project viability.</p> <p>3) The ExA acknowledged the response and noted its similarity to previous submissions. Further to comments from the NFU that the Applicants had not further explored options to reduce the construction period, the Applicants referred to the Agricultural Holdings Mitigation Plan (REP4-111) and the Outline Onshore Construction Method Statement (REP4-115), which sets out how works would be carried out across the corridor and the accommodation measures proposed for landowners. They clarified that construction would not occur along the entire route simultaneously. Instead, activities would occur in sections, either concurrently or sequentially, with potential gaps allowing for land restoration. The Applicants emphasised that it is therefore incorrect to suggest that construction would last 10-11 years continuously.</p> <p>4) Further to comments made by the NFU and the ExA about link boxes being "sited close to field boundaries", the Applicants confirmed that the Outline Onshore Construction Method Statement (REP4-115) will set out that the location of link boxes will be discussed with landowners.</p> <p>5) The ExA queried whether a diagram could be provided.</p>

ID	Agenda Item	Notes
		<p>6) The Applicants responded that the final location of link boxes depends on the engineering design of the cables and joints. As such, a diagram at this stage would be of limited value. However, the Applicants have provided indicative sizing and committed at paragraph 1.15.1.2 of the Outline Onshore Construction Method Statement (REP4-115) to place link boxes as close to field boundaries as practicable. The Applicants noted that this level of commitment exceeds that seen on other projects and that concerns regarding link boxes had also not been raised during landowner engagement, indicating general comfort with the Applicants' proposed approach.</p> <p>7) In response to queries from the ExA and the NFU for a commitment, present in some voluntary land agreements - to remove infrastructure from the ground surface to a depth of 0.9m to be reflected in the Development Consent Order (DCO), the Applicants confirmed that updated Heads of Terms would incorporate this depth and that discussions would be had at the appropriate time. However, the Applicants also cautioned that decommissioning matters are most appropriately addressed through voluntary agreements as introducing a specific requirement into the DCO could risk conflicting with bespoke arrangements already agreed with individual landowners. The Applicant emphasised that this approach was consistent with other projects.</p> <p>8) The Applicants also referred to CoT36, which states that where it is evidenced that retained infrastructure would disrupt farming practices, the Applicants will seek to remove it where feasible. The Applicants reiterated that these considerations form part of ongoing discussions with landowners and are already secured within the application documents.</p> <p>9) In response to a landowner's concerns regarding the intersection of the cable route with existing drainage systems on their farm, Drainage and Agricultural Impacts, the Applicants confirmed that a drainage survey is underway along the corridor. The survey will inform pre- and post-construction drainage requirements, and will ensure that such land is left with fully functioning drainage systems. The Applicants further acknowledged a request for a minimum cable depth to be secured under the application documents and confirmed that this would be considered during cable design.</p> <p>10) The Applicants referred to Commitment 84 in the Outline Code of Construction Practice (OCOCP) (REP5-044), which is secured through Requirement 8 of the DCO. This commitment states that field drainage plans will be developed in consultation with landowners for each stage of the works. Additional drainage will be installed where identified to ensure that existing systems are maintained during and after construction. Temporary drainage may also be provided during construction, and reinstatement will ensure that post-construction drainage is at least equivalent to pre-construction conditions. The Applicants added that, in their experience, reinstated drainage systems often perform better than the original systems.</p> <p>11) A landowner raised concerns regarding mitigation areas, including measures relating to developing scrapes for pink-footed geese, noting that land could be blighted for an extended period and requested that it be reinstated to full agricultural condition post-project.</p> <p>12) The Applicants confirmed that areas where scrapes are created, these would be managed through the Outline Soil Management Plan (REP5-059). The Outline Soil Management plan includes best practice methods and a period of aftercare to support the return of land to productive use as soon as possible.</p>

ID	Agenda Item	Notes
		<p>13) Following the NFU's confirmation that the wording on drainage included in the Outline Onshore Construction Method Statement (REP4-115) had been agreed in the Statement of Common Ground with the NFU, the Applicants responded to a query regarding the approach taken to configuration control and design coordination, particularly in the context of the English countryside.</p> <p>14) The Applicants confirmed that the design is bespoke to the terrain and emphasised that configuration control is tightly managed. They acknowledged the need to consider how drainage would be affected if one project were delivered before the other. The Applicants confirmed that this was being actively considered and where information is being provided by landowners that the Applicants' drainage consultants are preparing a report to assess the implications of sequential or concurrent delivery and to ensure that the construction and post-construction drainage systems can accommodate both scenarios. [Post-hearing note: The outline Onshore Construction Method Statement (REP4-115) sets out that a suitably qualified drainage consultant will be employed by the contractor during the detailed design (post consent), and this consultant will liaise with landowners or occupiers to consult on the pre and post construction drainage schemes which may be required. This is as per agreed wording on drainage as agreed in the Statement of Common Ground with the NFU.]</p>
8(a)	<p>Item 8 - Aviation</p> <p>Update on positions of parties further to deadline 5 submissions</p>	<p>15) The ExA introduced the item by referencing paragraph 5.5.41 of National Policy Statement EN-1, which requires that infrastructure, buildings, and environmental mitigation measures within 13km of an aerodrome must be designed to avoid increasing bird strike risk. The ExA noted that the Applicants have submitted a Bird Strike Policy Note (REP5-133), which concludes that there is no residual bird strike impact to Warton Aerodrome. The ExA also noted that the Applicants confirmed that a meeting was held on 15 September with BAE Systems and the Defence Infrastructure Organisation (DIO).</p> <p>16) BAE Systems confirmed that a number of meetings have taken place and that discussions have been positive. A technical note has been submitted and is currently under review by BAE's subject matter experts. Feedback is expected to be provided into the examination at Deadline 6 (D6). It was explained that broader negotiations regarding mitigation measures at Warton Aerodrome are ongoing and that these discussions are contingent on the replacement of existing non-disclosure agreements (NDAs), which are still under negotiation. While a small number of items remain outstanding, both parties are working towards agreed documentation by the end of the month, although resolution may not be achieved within the examination timeframe.</p> <p>17) The ExA queried whether a commercial agreement covering cost liabilities was in place.</p> <p>18) The Applicants referred to paragraph 1.2.3.8 of the note submitted at Deadline 5 (REP5-133) and Annex 5.3 to the ExQ responses (REP5-130), which references a commercial agreement intended to cover BAE's costs for measures agreed post-consent. The Applicants clarified that this is similar to the respective generation assets and is not a matter that must be resolved prior to the Secretary of State's decision.</p> <p>19) The ExA noted that BAE Systems and the Ministry of Defence (MOD)/Defence Infrastructure Organisation (DIO) are currently objecting to the scheme and urged parties to engage further during the hearing to support resolution.</p> <p>20) BAE confirmed that while they expect to reach a settled view on Requirement 27, they do not anticipate being in a position to withdraw their objection until the bird strike risk assessment is complete and the outline Wildlife Hazard Management Plan (WHMP) (REP5-106) is updated to adequately address any identified risks.</p>

ID	Agenda Item	Notes
		<p>21) In response to a question from the ExA regarding their earlier submissions on bird strike risk, BAE clarified that they had not stated that mitigation is “not possible”. Rather, they reiterated that they cannot confirm whether suitable mitigation exists until the risk assessment is undertaken.</p> <p>22) The Applicants provided further context on engagement, noting that since 28 August, eight meetings have been held with BAE and DIO, both jointly and separately. The draft Outline Wildlife Habitat Attractant Risk Assessment (see Volume 3, Annex 11.1 of the Environmental Statement (F3.11/F02)) was presented to DIO on 15 September, and verbal feedback indicated that the process is familiar and expected to be resolvable before the close of examination. Further feedback is expected next week, with a follow-up meeting already scheduled on Friday 17th October..</p> <p>23) Following Fylde Borough Council’s (FBC) confirmation that they will rely on BAE’s assessment to determine whether policy requirements have been met, BAE confirmed that they will continue to work collaboratively with the Applicants to agree the wording of Requirement 27 and ensure that a robust attractants assessment is undertaken.</p>
8(b)	<p>Item 8 - Aviation</p> <p>Consideration of the applicants’ Bird Strike Policy Note and compliance with relevant policy, including National Policy Statement (NPS) EN-1</p>	<p>24) The ExA asked BAE to respond to the Applicants’ conclusion that there is no residual bird strike risk to Warton Aerodrome and queried whether Requirement 27 provides a pathway to resolving matters.</p> <p>25) BAE confirmed that discussions on mitigation are progressing positively. However, without a completed bird strike risk assessment, it is not possible to confirm whether the proposed measures are sufficient. BAE further confirmed that they are broadly content with the wording of Requirement 27 but are continuing to engage with the Applicants on detailed drafting. BAE explained that three key matters remain outstanding from their position:</p> <ul style="list-style-type: none"> i. Completion of the attractants assessment, including feedback from DIO and subject matter experts; ii. Completion of the bird strike risk assessment for Warton Aerodrome; iii. Finalisation of the drafting of Requirement 27. <p>26) Whilst acknowledging that BAE reserves its position until the bird strike risk assessment has been undertaken, the Applicants referred the ExA to BAE’s “Response to the Examining Authority’s further written questions” (REP5-161), where BAE have stated that “it is considered unlikely that there will be an unacceptable risk to / or interference with operations at Warton Aerodrome and the Aerodrome’s ability to perform its defence role (with specific regard to bird strike) provided appropriate mitigation measures can be identified and put in place.”</p> <p>27) The Applicants emphasised that the process followed with Blackpool Airport - starting from objection, progressing through attractants work, and concluding with a risk assessment - demonstrates that there is a viable pathway to resolving these issues. The Applicants confirmed that a similar process is being followed with BAE and DIO.</p> <p>28) The Applicants added for further context that a joint policy note has been agreed with Blackpool Airport Operations Limited (BAOL) and will be submitted at Deadline 6, which confirms that the approach the Applicants have taken in respect of engagement with the airport and bird strike meets the relevant policy requirements.</p> <p>29) The Applicants confirmed that DIO will be added to the SoCG with BAE to be submitted at Deadline 6, and that this will also include a section on policy compliance to ensure the parties’ position is clear.</p>

ID	Agenda Item	Notes
		30) The Applicants noted that in previous decisions, including those relating to the Mona and Morgan generation assets, objections from BAE remained at the point of the Secretary of State's decision. While not the preferred outcome, this demonstrates that a pathway remains open even where objections remain unresolved.
8(c)	Item 8 - Aviation Consideration of the Outline Wildlife Hazard Management Plan (including Appendices A and B)	<p>31) The ExA referred to paragraph 1.1.4.5 of the Outline Wildlife Hazard Management Plan (REP5-106), noting that while a response was not required during the hearing, further detail should be provided by Deadline 6. The ExA requested clarification on the decision-making procedure for applying trigger levels and escalating management measures, as referenced in the Outline Wildlife Habitat Attractant Risk Assessment (see Volume 3, Annex 11.1 of the Environmental Statement (F3.11/F02)).</p> <p>32) The ExA also queried how trigger levels would be agreed with BAE Systems and DIO, how exceedances would be identified, and what the timing and process would be for implementing the management measures listed in Table 1-4.</p> <p>33) The Applicants acknowledged the need for further detail and explained that this was due to ongoing engagement with BAE. The Applicants confirmed that trigger levels would be aligned with BAE's existing management practices and agreed prior to any implementation of attractant mitigation measures. It was further confirmed that the full detail of the trigger levels would be agreed post-consent and before any relevant works are undertaken.</p> <p>34) The ExA noted that the wording of the outline plan should be tightened to provide greater certainty.</p> <p>35) The Applicants confirmed that, in the event of trigger levels being exceeded, there would be an urgent response. The Applicants emphasised that they recognised the importance of timely action and confirmed that the Outline Wildlife Hazard Management Plan (S_D3_8/F03) would be reviewed to ensure appropriate escalation procedures are in place. [Post-hearing note: The Applicants have reviewed the relevant paragraphs of the Outline Wildlife Hazard Management Plan (S_D3_8/F03) on the decision-making and trigger-level process and durations for responding to exceedance to make clear this will be agreed in consultation with stakeholders in satisfaction of ISH4_14. No amendments were considered necessary.]</p> <p>36) The ExA requested that, in the event of disagreement at the close of examination, the SoCG should include BAE's assessment of the level of impact that would be considered unacceptable, notwithstanding any post-examination discussions.</p> <p>37) Responding to concerns raised by the parish councils, the Applicants acknowledged the competing interests between ecological and aviation mitigation. They referred the ExA to Natural England's (NE) comments on the Outline Wildlife Hazard Management Plan (REP5-184), which confirmed that, based on the information provided, NE "do not anticipate any conflicts from an ecological perspective relating to Natural England's remit". The Applicants noted that NE is familiar with balancing aviation and ecological interests and reiterated their confidence that such matters can be agreed.</p>
8(d)	Item 8 - Aviation Comments on the proposed requirement 27 (wildlife hazard	<p>38) The Applicants confirmed that comments on Requirement 27 have been received from BAE and will be discussed further next week. The Applicants expect resolution on its drafting by Deadline 6.</p> <p>39) The ExA noted that the matter now sits largely with BAE and encouraged continued collaboration. The ExA acknowledged that Requirement 27 appears to provide a pathway forward and noted that objections may remain at the close of examination. The Applicants were invited to provide guidance on how this would be addressed.</p>

ID	Agenda Item	Notes
	management plan) of the draft development consent order (DCO)	40) The Applicants reiterated their expectation that a number of matters would still be resolved by the end of the examination, including agreement on Requirement 27 and submission of a robust Wildlife Attractants Risk Assessment. The Applicants highlighted their confidence that this approach will satisfy policy requirements and enable the Secretary of State to make a determination.
8(e)	Item 8 - Aviation Concluding comments, including matters relation to Secretary of State decision making	41) The ExA acknowledged the progress made and emphasised the importance of reaching a settled position before the close of examination. The ExA thanked all parties for their efforts in recent months.
9	Item 9 - Offshore ecology Update on outstanding issues under discussion: <ul style="list-style-type: none"> Benthic ecology (including Measures of Equivalent Environmental Benefit Plan and draft DCO Compensation Schedule) 	<p>42) The ExA requested an update on outstanding issues relating to benthic ecology.</p> <p>43) The Applicants provided a status update on discussions with NE on the following issues.</p> <ul style="list-style-type: none"> i. Commitment to sandwave recovery monitoring: The Applicants confirmed they are responding to concerns raised by NE and will update the Offshore In Principle Monitoring Plan (J20/F05) at Deadline 6 to clearly set out that sandwave recovery monitoring will be undertaken through analysis of pre and post-construction review of geophysical survey data. ii. Commitment to decommissioning of infrastructure (excluding cable crossings) and cable/scour protection in the Marin Conservation Zone (MCZ) rather than the “designed to be removal” commitment: The Applicants reiterated their position that, consistent with all other offshore wind projects, the draft Development Consent Order (DCO) (REP5-010) secures a requirement to submit a written decommissioning programme to the Secretary of State prior to offshore works commencing under Requirement 21 of Schedules 2A and 2B and the Applicants have committed to the requirement for removal being agreed with the Regulator and stakeholders at decommissioning (CoT109). The Applicants confirmed that this was their final position on the matter and added that the made Orders for Sheringham and Dudgeon Extension Projects and Rampion 2, which also route through Marine Conservation Zones (MCZs), do not include offshore decommissioning requirements in their respective DCOs beyond the written decommissioning programme. <p>44) The ExA queried whether meetings with the Marine Management Organisation (MMO) and NE had taken place.</p> <p>45) The Applicants confirmed that they had met with both NE and MMO in the last month on 1 October and 2 October respectively, including last week and that this engagement is reflected in the SoCGs to be submitted at Deadline 6. The Applicants confirmed that the positions being outlined reflected the latest positions reached with both parties, although the Applicants are awaiting</p>

ID	Agenda Item	Notes
	<ul style="list-style-type: none"> Fish and shellfish ecology Marine Mammals 	<p>further feedback from NE on the final positions set out in the draft SoCG issued. The Applicants confirmed that they will be engaging on these matters with NE next week.</p> <p>46) The Applicants continued with their status update of key issues with NE. Regarding the “Commitment to mitigation for Natural Environment and Rural Communities (NERC) habitats through micro-siting”: The Applicants confirmed that their position remains unchanged. The Applicants explained that Benthic Subtidal and Intertidal assessment concluded that there will be no significant effects on any benthic receptors, including NERC priority habitats, so mitigation to avoid these broadscale habitats is not considered to be justified or required. The Applicants noted that this was also the case for Morgan Generation Assets and Morecambe Generation Assets. Furthermore, the Applicants have set out in detail at Deadline 4 in response to the Natural England Risk and Issues Log (see response to NE6 in Section 7.2 of REP4-100) and in response to NE’s response to ExQ1:7.1.7 (see Q7.1.7 in Section 5 of REP4-100) how the mitigation hierarchy has been applied. Accordingly, the Applicants consider that additional mitigation, to that which has already been secured, is not proportionate to the sensitivity of the habitats present within the Order Limits or to the low level of risk to benthic receptors associated with the Transmission Assets. The Applicants confirmed that engagement will continue through the Statement of Common Ground (SoCG) process prior to Deadline 6.</p> <p>47) The ExA queried the status of discussions regarding a Marine Equivalent Environmental Benefit Plan (MEEB).</p> <p>48) The Applicants confirmed that they and NE are not agreed on the need for a MEEB. The Applicants’ position remains that there will be no lasting effects requiring such compensation, whereas NE considers that there will be. Notwithstanding this difference, the Applicants have prepared a MEEB, which was submitted at Deadline 2 (REP1-059).</p> <p>49) Of the compensation options considered - project-led measures and contribution to the Marine Recovery Fund - the Applicants confirmed that the Marine Recovery Fund is the preferred and prioritised option, which was included as a new commitment (CoT136) in the updated Commitments Register at Deadline 4 (REP4-018). NE has indicated agreement with this approach in its response to ExQ2:7.2.6 (REP5-184) and welcomed the inclusion of a new commitment reflecting this position. The Applicants confirmed that, should the Secretary of State determine that a MEEB is required, the Without prejudice benthic compensation DCO schedule (REP5-108) would be appropriate and includes the prioritised option of payment into the Marine Recovery Fund.</p> <p>50) The Applicants also confirmed that the without prejudice benthic compensation DCO schedule was updated at Deadline 5 (REP5-108) to address NE’s comments on the version submitted at Deadline 3 (REP3-066). Feedback from NE is awaited at Deadline 6, but the Applicants anticipate that any remaining comments will be minor.</p> <p>51) In response to the ExA’s query as to whether this matter had been discussed in recent meetings, the Applicants confirmed that it had not. When the Applicants met last with NE on 1 October 2025, NE stated that they were still in the process of reviewing the Deadline 5 submissions and awaiting input from their subject matter experts, and thus, no further discussion has taken place pending completion of their review process.</p>

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9	<p>Item 9 - Offshore ecology</p> <p>Update on outstanding issues under discussion:</p> <p>Fish and shellfish ecology</p>	<p>52) The ExA invited an update on outstanding issues relating to fish and shellfish ecology.</p> <p>53) The Applicants confirmed that their position remains unchanged regarding electromagnetic field (EMF) emissions and the potential barrier effects to European smelt at the Ribble Estuary crossing, as asserted by NE. The Applicants maintain that, based on available evidence, EMF levels will reduce to background levels within a few metres of the cable. Given the proposed burial depth of 7–45m and the use of trenchless techniques, the Applicants consider that there is no risk of disruption to smelt migration within the Ribble Estuary. As such, the Applicants do not consider that monitoring is appropriate or proportionate to the level of risk. This position is supported by the absence of concerns raised by the MMO or their advisers. The Applicants anticipate that this matter will not be agreed with NE and will be reflected as such in the Statement of Common Ground.</p> <p>54) The Applicants confirmed that no further issues were outstanding.</p>
9	<p>Item 9 - Offshore ecology</p> <p>Update on outstanding issues under discussion:</p> <p>Marine Mammals</p>	<p>55) The ExA invited an update on outstanding issues relating to marine mammals.</p> <p>56) The Applicants confirmed that with respect to the inclusion of unexploded ordnance (UXO) in the draft DCO, their position remains unchanged. The Applicants consider that the use of low-order unexploded ordnance clearance is appropriate, particularly given the controls secured under Condition 20 of Schedules 14 and 15 of the draft DCO (REP5a-018). The Applicants further noted that the Secretary of State has maintained the use of low-order clearance for the Morgan Generation Assets Order and the Mona Offshore Windfarm Order. While both NE and the Marine Management Organisation (MMO) disagrees with this approach, the MMO has confirmed that without prejudice to its position, it is content with the provisions made in the draft DCO, should the Secretary of State retain low-order UXO clearance.</p> <p>57) The ExA noted that MMO were also querying the number of low-order UXO clearances proposed, and requested an update on this. The Applicants highlighted that they had responded to this matter in response to ExQ2:7.4.2 submitted at Deadline 5 (REP5-130). The Applicants explained that Ordtek Limited, a specialist contractor in UXO risk management services, had been commissioned to prepare an analysis of the potential maximum UXO clearance requirements. This analysis was underpinned by previous UXO hazard and risk assessments undertaken by Ordtek in connection with pre-application geotechnical sampling. The Applicants noted that such assessments are routinely carried out prior to geotechnical investigations to avoid the risk of drilling into UXO. The Applicants further noted that the predictive analysis also incorporated the Transmission Assets maximum design scenario, including the maximum number and total length of export cables, to ensure that the assessment reflects the full extent of potential clearance requirements.</p> <p>58) The ExA emphasised the importance of reaching a final position on all matters by Deadline 6.</p> <p>59) The Applicants confirmed that the Statement of Common Ground (SoCG) with the MMO is expected to be fully completed and submitted at Deadline 6.</p> <p>60) Regarding the SoCG with NE, the Applicants explained that NE's position on benthic ecology, physical processes, and the Fylde Marine Conservation Zone (MCZ) requires review of updated application documents submitted at Deadline 5. NE has indicated that it may not be able to confirm its position on these matters by Deadline 6, due to the need for internal review and subject matter expert input of the large number of documents submitted by the Applicants at Deadline 5. However, NE has indicated to</p>

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		<p>the Applicants that they anticipate that NE's position on other topics - such as marine mammals and ornithology - will be completed and included in the Deadline 6 SoCG submission.</p> <p>61) The Applicants confirmed that the SoCG submitted at Deadline 6 will identify any matters that remain under discussion and that a final version, incorporating NE's position on outstanding topics, is expected to be submitted at Deadline 7.</p> <p>62) The Applicants acknowledged that this sequencing is not ideal but explained that it reflects the timing of document submissions at Deadline 5 and NE's internal resourcing constraints. The Applicants confirmed their intention to close down as many matters as possible at Deadline 6 and to provide clarity on any remaining points at Deadline 7.</p>
10	Item 10 - Draft development consent order	<p>63) Please refer to Table 1.2 of this document for the Applicants' written summary of the oral case for Agenda item 10 Draft development consent order at ISH4.</p>
11(a)	<p>Item 11 – Control and management documents</p> <p>Any outstanding comments on outline Code of Construction Practice</p>	<p>64) The ExA requested an update on this agenda item.</p> <p>65) Blackpool Borough Council (BBC) provided an update, noting that the definition of “banks person” had been offered by the Applicants and that BBC welcomed its inclusion.</p> <p>66) The Applicants clarified that the definition would be incorporated into the Outline Construction Traffic Management Plan (oCTMP), rather than the Outline Code of Construction Practice (oCOCP). BBC confirmed agreement with this approach. [Post-hearing note: The definition and qualifications of a banksperson have been provided to the Applicants by BBC to be included in the oCTMP.]</p>
11(b)	<p>Item 11 – Control and management documents</p> <p>Outline Communications Plan</p>	<p>67) The Parish Councils made several submissions regarding stakeholder engagement. These included proposals to expand the communications framework to explicitly include schools and parish councils, a minimum 48-hour notification period for affected stakeholders, and incorporation of principles from the equestrian centre communication protocol into the Outline Communications Plan.</p> <p>68) The Applicants welcomed the submissions and encouraged them to be sent directly to the Applicants for consideration. The Applicants emphasised that they were keen to hear such feedback and to engage further to explore how the proposals could be effectively implemented. [Post-hearing note: Newton with Freckleton Parish Council provided the list of bullet points to the Applicants immediately after ISH4. The proposals have been incorporated into an updated outline Communications Plan submitted at Deadline 6 (J1.1/F04).]</p>

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11(c)	Item 11 – Control and management documents Outline Onshore Written Scheme of Investigation	<p>69) The ExA invited updates from local authorities regarding any outstanding issues.</p> <p>70) LCC confirmed that no new matters had arisen beyond those already set out in their written submissions. Following this, the Applicants acknowledged LCC's comments submitted at Deadline 5 (REP4-079), noting that while previously agreed, some additional useful comments had been identified. The Applicants confirmed that the Outline Onshore Written Scheme of Investigation (OOWSI) (J9/F05) had been updated and reissued to LCC for further consideration. Subject to LCC's review, the Applicants anticipate submitting the final version of the OOWSI at Deadline 6.</p> <p>71) The ExA invited updates on any remaining comments relating to management documents.</p> <p>72) FBC confirmed that internal consultee responses were still pending following the Deadline 5 submission and that not all comments received to date could be considered exhaustive.</p> <p>73) The Applicants requested confirmation that the outstanding matters referred to were already under discussion. FBC indicated that they were still awaiting further input.</p> <p>74) The ExA requested that any remaining comments be provided to the Applicants as soon as possible to allow time for a response ahead of Deadline 6.</p>
12	Item 12 – Other Application of NPS – EN1 (section 4.2) policy on critical national priority for low carbon infrastructure	<p>75) The ExA referred to ExQ2:1.1.6 (PD-011) and invited the Applicants to provide an update on their interpretation of the Critical National Priority (CNP) under National Policy Statement EN-1.</p> <p>76) The Applicants confirmed that they had reviewed the four relevant decisions issued since the introduction of NPS EN-1 - Oaklands Solar Farm, Mona Offshore Wind Farm (Mona), Byers Gill Solar Farm, and Morgan Generation Offshore Wind Farm - and noted that the CNP provision had not been applied in any of those decisions to grant consent for renewable energy projects. In the Mona decision, for example, adverse residual effects were identified post-mitigation and attributed varying levels of weight. However, these were not considered sufficient to outweigh the urgent need for the development, and the decision was made without relying on the CNP presumption.</p> <p>77) The Applicants explained that EN-1 already establishes a starting point of substantial weight in favour of renewable energy projects. The CNP provision adds further weight to the benefits side of the planning balance, but in the Applicants' view, it is not necessary to rely on it in the determination of the Transmission Assets - even in respect of Green Belt matters - because the delivery of renewable energy can itself constitute "very special circumstances" under the National Planning Policy Framework (NPPF). However, to the extent that the ExA may not agree with the Applicants opinion on these matters, then the 'added weight' associated with CNP Infrastructure should be acknowledged – namely that the test of very special circumstances defined in NPPF para 153, is presumed to be met. [Post-hearing note: The Applicants have further considered and explained the application and interaction of Green Belt status within the CNP infrastructure policy framework (see Applicants' Response to Hearing Action Points of ISH4 and CAH3 (S_D6_6)) in satisfaction of ISH4_45.]</p> <p>78) The Applicants further submitted that they do not consider that the CNP test alters the planning balance but rather provides additional weight to the need for the Transmission Assets where appropriate. They emphasised that the Secretary of State is</p>

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		<p>entitled to consider the application as a whole and that they do not interpret the CNP provision as introducing a separate or elevated test.</p> <p>79) Responding to the parish councils, who raised concerns regarding residual impacts and site selection, the Applicants reiterated that the site selection process had been thoroughly explored and explained, including responses to points raised regarding alleged alternative routes.</p> <p>80) The ExA sought clarification on the scope of the mitigation hierarchy applied under EN-1, referencing the Applicants' response to ExQ2:1.1.6 (REP5-130) which suggested that it applies only to significant adverse effects. The ExA noted that paragraph 4.2.5 of EN-1 refers to "all residual effects," and queried whether the Applicants' interpretation was too narrow.</p> <p>81) In response, the Applicants explained that the document submitted in response to the Examining Authority's second written questions - Annex 5.2 to Applicants response to ExQ2 1.1.7: Mitigation Hierarchy (REP5-132) - focused on residual significant effects. The Applicants submitted that this was consistent with the Environmental Impact Assessment (EIA) process, which is designed to identify and assess likely significant environmental effects.</p> <p>82) The Applicants acknowledged that the policy does not explicitly limit the mitigation hierarchy to significant effects but the Applicants note Regulation 18 (3)(c) of the EIA 2017 Regulations, does direct consideration of '<i>...measures envisaged in order to avoid, prevent or reduce and if possible, offset likely significant adverse effects on the environment.</i>' [Post-hearing note: Good design would apply to any adverse effect as far as is reasonably practicable and proportionate to key sensitivities for any project.] The Applicants noted that such impacts are often a natural consequence of development and submitted that demonstrating mitigation for every possibly minimal effect would not represent a proportionate response. As set out in section 1.1.2.5 of REP5-130 all chapters of the ES set out the mitigation hierarchy that has been applied (through embedded, primary and tertiary measures) to avoid, minimise and mitigate environmental effects (whether significant or not), all of which is captured in the Commitments Register (F1.5.3).</p> <p>83) The ExA returned to the question of significant effects and asked for further clarification.</p> <p>84) The Applicants referred to landscape and visual impacts associated with the substations, confirming that mitigation had been applied. They acknowledged a difference of opinion between parties (FBC) regarding the effectiveness of that mitigation and noted that the ExA will need to consider all representations to reach a conclusion on the extent of impact. The Applicants also clarified that Green Belt policy is a planning matter not subject to the mitigation hierarchy that applies to landscape and visual effects.</p> <p>85) The Applicants stated that the Green Belt test is relevant to the site selection process but does not require demonstration that no alternative site exists. They referred to case law supporting this position as set out in the Green Belt Technical Note (REP3-070 and REP 4-092) and reiterated that Green Belt is a spatial designation, not a landscape designation that would be considered in an LVIA.</p> <p>86) The ExA asked whether the mitigation hierarchy should be applied to Green Belt matters in the context of EN-1.</p> <p>87) The Applicants responded that Green Belt policy is based on the concept of "very special circumstances" and is treated separately from the mitigation hierarchy. They emphasised that landscape context and visual impacts are the relevant</p>

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		<p>considerations under NPS EN-1, and that Green Belt effects are addressed through planning policy rather than environmental mitigation.</p> <p>88) The ExA noted that a post-hearing clarification may be required to confirm the Applicants' position.</p> <p>89) The Applicants reiterated that the Secretary of State is entitled to consider the application as a whole. They referred again to the Mona decision, noting that the CNP policy has not yet been tested in practice and that therefore all applicants are grappling with its application. The Applicants reiterated that their interpretation is that the CNP provision does not create a different planning balance but 'adds weight' in specific circumstances.</p> <p>90) The Applicants referred to paragraph 4.2.17 of National Policy Statement EN-1, which states that the Secretary of State will take as a starting point that Critical National Priority (CNP) infrastructure will meet the following, non-exhaustive list of policy tests with item i, particularly relevant to the matters concerning this examination:</p> <ul style="list-style-type: none"> i. Development in the Green Belt requiring "very special circumstances" to justify development; ii. Development within or outside Sites of Special Scientific Interest (SSSIs) requiring benefits to clearly outweigh both the likely impact on features of the site that make it a SSSI, and any broader impacts on the national network of SSSIs' iii. Development in nationally designated landscapes requiring "exceptional circumstances" to be demonstrated; iv. Development causing substantial harm or loss of significance to heritage assets requiring "wholly exceptional" justification. <p>91) The Applicants stated that these tests can be met provided the mitigation hierarchy or site selection process has been appropriately applied. They emphasised that the CNP provision is intended to support projects that have followed appropriate planning and environmental processes, not to override them.</p> <p>92) The ExA asked, without prejudice, whether a finding of unacceptable risk to human health or public safety under paragraph 4.2.15 of EN-1 would constitute an exception to the presumption in favour of consent.</p> <p>93) The Applicants responded that EN-1 must be read as a whole. If the Secretary of State concludes that paragraph 4.2.15 is not met, then the relevant sections of policy must be considered in detail to determine whether mitigation is available. The Applicants referred to paragraph 5.5.60, which supports the view that such risks can be managed. They reiterated that no outstanding risk remains in relation to Blackpool Airport Operations Limited (BAOL), and that the policy must be read in its entirety. [Post-hearing note: The Applicants and BAE have ensured that the SoCG (S_D1_6.12/F02) addressed NPS policy compliance in satisfaction of ISH4_15.]</p>
14	Item 14 – Close of hearing	

Table 1.2: Hearing Summary ISH4 Day 2 Agenda item 10 – Draft Development Consent Order

ID	Agenda Item	Notes
10(a)	Item 10 - Draft development consent order Articles, including:	<p>Article 6 (Benefit of the order)</p> <ol style="list-style-type: none"> 1) The ExA referred to the latest version of the draft DCO (dDCO) submitted at Deadline 5a (REP5a-018) and invited an update on engagement with the Marine Management Organisation (MMO). 2) The Applicants confirmed that further engagement had taken place, with revisions flagged to the MMO at a meeting the previous week. The MMO indicated that they are reviewing the changes and will provide feedback. A further meeting is scheduled for 13 October to finalise the Statement of Common Ground. 3) The Applicants added that, although updates have been made following the Morgan Generation decision, it remains unlikely that the MMO's position will change in relation to the transfer of benefit provisions concerning deemed marine licences. 4) The ExA queried whether the notice period for transfer of benefit should be consistent with the Morgan Generation DCO. 5) The Applicants explained that a response was provided at Deadline 5. The 28-day notice period had been inserted by the Secretary of State in the final Morgan Generation DCO because the relevant time period was inadvertently left out of the final draft Morgan Generation DCO. An application for a Correction Order for the Morgan Generation Assets DCO has been made and it includes seeking for this notice period to be 14 days in line with all other offshore wind DCOs. The Applicants' position therefore remains that 14 days is appropriate and consistent with other offshore wind farm DCOs. 6) The ExA asked whether there was a timescale for the Secretary of State's decision on the application for the Correction Order. 7) The Applicants confirmed that there is no fixed timescale for a decision from the Secretary of State.

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		<p>8) The Applicants also noted that the final draft Morecambe Generation DCO also seeks a 14-day notice period, which aligns with their position.</p> <p>9) The Applicants added that the Mona position is different, as both a deemed marine licence and a separate marine licence is needed from Natural Resources Wales (NRW). A Correction Order is also being sought in that case to address changes made by the Examining Authority. The Applicants noted that neither Morgan nor Mona provide a helpful precedent in this context.</p> <p>10) The ExA raised a further drafting point in relation to Article 6(6). The ExA noted that the Morecambe Generation DCO was amended from 'must consult' to 'must notify' in the final draft of the Morecambe Generation DCO. The ExA queried why this change had been made.</p> <p>11) The Applicants said they would take this away to check but noted that their expectation is that the Secretary of State may amend this wording in any made Order. [Post-hearing note: The Applicants understand that the Morecambe Generation DCO was changed from 'must consult' to 'must notify' at the final Examination deadline to reflect what was at that time the wording in the final draft Morgan Generation DCO. Now that the Morgan Generation DCO has been changed, the Applicants anticipate the Secretary of State will make the same amendment to the Morecambe Generation DCO.]</p> <p>12) The ExA queried why paragraphs 9 and 10 of Article 6 had not been amended in relation to the interpretation of "undertaker." The ExA noted that Article 2 defines 'undertaker' as being subject to Article 6..</p> <p>13) The Applicants noted that they provided a response to this at Deadline 6. The Applicants responded that when reading the articles that refer to the 'undertaker,' the term applies contextually. For Morgan, it refers to the entity responsible for Project A works, and following any transfer, the new undertaker would be responsible for those works. The same applies for Morecambe.</p> <p>14) The ExA acknowledged the explanation and noted that, while the drafting is widely precedented, it is perhaps less commonly applied in DCOs involving two projects. The ExA requested the Applicants to provide a further response in writing on this point. [Post hearing note: The Applicants have reviewed their position further in light of the ExA's comments and have provided a response to Hearing Action Point ISH4_16. The Applicants have amended Article 6 of the draft DCO (C1/F09) to remove reference to 'the undertaker' in paragraphs 9 and 10 of article 6.]</p> <p>Article 8 (Defence to proceedings in respect of statutory nuisance)</p> <p>15) The ExA noted that the article had been updated at Deadline 5 to remove reference to decommissioning, and that this now aligns with the Explanatory Memorandum. The ExA acknowledged that this change was prompted by a question from the Examining Authority and confirmed that the inconsistency has now been resolved.</p> <p>16) The ExA observed that some recent DCOs continue to include reference to decommissioning and queried whether there was a particular reason why it was considered unnecessary in this case.</p> <p>17) The Applicants confirmed that the change was made at Deadline 5 to ensure consistency between the DCO and the Explanatory Memorandum.</p> <p>18) The ExA confirmed that the exclusion of decommissioning from the article is not considered problematic, but noted the variation from some other recent DCOs.</p>

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		<p>19) The ExA invited any further comments. Fylde Borough Council (FBC) confirmed that they had nothing further to add. Post hearing note: The Applicants have reviewed and reinstated the reference to decommissioning in Article 8 to align with the Statutory Nuisance Statement (APP 237).</p> <p>Article 10 (Power to alter layout etc. of streets)</p> <p>20) Following Lancashire County Council's (LCC) and Blackpool Borough Council's (BBC) confirmation that they had no further comments on Article 10, the ExA referred to paragraph 3 of Article 10, which states that the powers conferred must not be exercised without the consent of the street authority. The ExA queried whether the dDCO should include further detail on the procedure for obtaining such consent, similar to the approach taken for requirements.</p> <p>21) The Applicants responded that they do not consider it necessary to set out a specific procedure within the dDCO. They explained that consent may be achieved through various mechanisms, such as a Section 278 agreement or other highways agreements, and emphasised that flexibility is needed to allow the most appropriate method to be used at the relevant time. This will be addressed through ongoing engagement with the relevant highway authorities.</p> <p>Article 12 (Temporary closure, alteration or diversion of public rights of way)</p> <p>22) The Applicants confirmed that Article 12 had been updated at Deadline 5 to align with the wording used in the Mona Development Consent Order. The revised drafting provides further clarification on where a diversion may be required and links it directly to the Public Rights of Way (PROW) Management Plan (REP5a-034).</p> <p>23) Paragraphs 2 and 4 have been added - with paragraph (2) relating to Morgan and paragraph (4) to Morecambe - to make clear that the public rights of way specified in Schedule 5A and Schedule 5B may not be temporarily closed, altered, or diverted under the powers of this article unless a diversion for any closed section has first been provided. The diversion provided must meet the standard identified in the Public Rights of Way (PROW) Management Plan (REP5a-034).</p> <p>24) FBC queried the drafting under paragraphs (2) and (4), which refers to actions being carried out "to the reasonable satisfaction of the relevant planning authority." The Applicants acknowledged the point and agreed to take it away for further consideration. They noted that an earlier article covering other consents had been removed following initial discussions, as those matters were already addressed through the requirements. Schedule 12, which governs the discharge of requirements, does not extend to other consents or approvals that may be necessary from local authorities.</p> <p>25) The Applicants confirmed that they would review the drafting to ensure consistency and clarity across the DCO and welcomed any drafting suggestions from FBC on this point.</p> <p>26) [Post-hearing note: The Applicants do not consider that it is necessary to include the words "<i>to the reasonable satisfaction of the relevant planning authority</i>" and these words have been removed from the draft DCO (C1/F09) at deadline 6. The relevant standard to which the diversion must be constructed is already controlled by requirement 8 of Schedules 2A and 2B of the draft DCO. The relevant diversions will be approved under requirement 8 by the relevant planning authority. Requirement 8 then</p>

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		<p>requires the diversions approved through the detailed public rights of way management plan to be implemented as approved and if they are not, the relevant planning authority could take enforcement action. See also response to Hearing Action Point ISH4_18 in the Applicants response to Hearing Action Points of ISH4 and CAH3 (S_D6_6) due at Deadline 6). The Applicants have also reviewed Schedule 12 and considered whether there are any consents required under the Articles to which Schedule 12 should apply. The Applicants do not consider that any update to Schedule 12 is necessary based on the current drafting of the articles in the draft DCO. Whilst for example, Article 10 requires the consent of the relevant highway authority, the Applicants have explained above why it is not appropriate for that consent to be subject to a specific process.</p> <p>Article 14 (access to works)</p> <p>27) The ExA queried the drafting of Article 14, noting that paragraphs (a) (specifically, paragraphs (1)(a) and (2)(a)) refers to the accesses listed in Schedules 6A and 6B and shown on the Access to Works Plan, while paragraphs (1)(b) and (2)(b)) refer to Schedules 2A and 2B respectively and include a cross-reference to Requirement 10, which secures the approval of detailed highway access designs.</p> <p>28) The ExA asked whether the cross-reference to Requirement 10 in paragraph (b) should also apply to the accesses listed in paragraph (a), or whether those accesses are already sufficiently detailed and agreed.</p> <p>29) The Applicants confirmed that the accesses listed in Schedules 6A and 6B are not yet at final design stage and will still require approval. As such, the provisions of Requirement 10 should apply to those accesses. The Applicants agreed that the drafting could be clarified to avoid confusion and confirmed that updates would be made at Deadline 6 to link paragraph (a) to Requirement 10. [Post-hearing note: The applicants have reviewed and updated Article 14 of the draft DCO (C1/F09) at deadline 6 in satisfaction of Hearing Action Point ISH4_19.]</p> <p>Article 29 (Temporary use of land for carrying out the authorised project)</p> <p>30) The ExA revisited a previous question regarding the 28-day notice period before taking temporary possession under Article 29. The ExA queried whether, given the presence of two projects, 28 days is sufficient for farmers and other landowners to prepare. The ExA acknowledged the Applicants' position that, in practice, more notice would be given, but questioned whether the DCO should reflect that.</p> <p>31) The Applicants responded that the fact there are two projects does not, in their view, affect the appropriateness of the notice period. Each project has its own temporary possession powers, and for the vast majority of the cable corridor, those powers apply to separate areas. Article 29 would apply to each undertaker's use of temporary possession powers independently. The Applicants confirmed that the 28-day period is consistent with recent DCOs, including the Sheringham Shoal and Dudgeon Extensions Project DCO which was also for two projects, and is considered appropriate.</p> <p>32) The ExA asked whether 28 days would provide sufficient time for landowners to prepare.</p>

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		<p>33) The Applicants reiterated that 28 days is a standard period across other DCOs and is used in conjunction with the communications plan. From their perspective, it is considered sufficient, recognising that engagement with landowners is an ongoing process.</p> <p>34) The ExA asked whether any timing provisions were included in the Outline Communications Plan (REP5-046).</p> <p>35) The Applicants confirmed that specific timings are not included in the outline plan but would be developed as part of the detailed communications plan to be approved under Requirement 8 of Schedules 2A and 2B of the draft DCO.</p> <p>36) In response, to BBC's concerns that a 28-day notice period would be insufficient in the context of potential closure of Starr Gate. The Applicants confirmed that they do not consider they have any powers remaining in the draft DCO that would enable them to enforce a closure of Starr Gate. The Applicants confirmed that they are further proposing an amendment to Article 29 to clarify that temporary possession powers cannot be exercised in respect of plots identified as adopted highway land at Starr Gate. This amendment would remove the Applicants' ability to use temporary possession powers in relation to the highway land at Starr Gate. This amendment is consistent with and aligns to the other amendments the Applicants have already made to exclude Starr Gate from the highway schedules.</p> <p>37) The ExA requested that the Applicants share the proposed Article 29 drafting with BBC.</p> <p>38) The Applicants confirmed that the drafting would be sent to BBC via email. [Post-hearing note: The Applicants shared their proposed drafting with Blackpool Borough Council on the evening of 8 October 2025.]</p> <p>39) The Applicants then provided a further update and stated that they will review the timing period for temporary possession powers and assess whether it can be extended. They expressed reasonable confidence that an extension will be possible and committed to providing an update at Deadline 6. [Post-hearing note: In satisfaction of Hearing Action Point ISH4_20, the Applicants have reviewed and amended Article 29(3) of the draft DCO (C1/F06) to provide for 40 days' notice rather than the well-precedented 28 days to acknowledge concerns raised during ISH4 around the potential added complexities for landowners given the draft DCO would authorise two separate projects.]</p> <p>Article 30 (Temporary use of land for maintaining the authorised project)</p> <p>40) The ExA referred to paragraph 12 and noted that a five-year maintenance period had been added. Whilst acknowledging that this period is precedent, the ExA queried whether a longer period might be appropriate, as seen in some other DCOs.</p> <p>41) The Applicants responded that, where a longer duration of maintenance is required, there would still be the ability to undertake maintenance beyond the five-year period. In such cases, the Applicants would either seek to acquire the land permanently - such as for Biodiversity benefit areas - or ensure that sufficient rights are in place to allow ongoing maintenance. However, the Applicants acknowledged the point and confirmed that they would review the position to ensure alignment between the maintenance period specified in article 30 and the maintenance timescales for ecology and landscape. [Post-hearing note: The Applicants have amended the draft DCO (C1/F09) to provide for a 10 year maintenance period for trees, hedgerows and shrubs</p>

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		<p>in satisfaction of Hearing Action Point ISH4_21. This aligns to clarifications made in the outline landscape management plan (J2/F05) at deadline 6 and is further explained in response to hearing action point ISH4_21 due at Deadline 6 (see S_D6_6).]</p> <p>Article 35 (Felling or lopping of trees and removal of hedgerows)</p> <p>42) The ExA queried the updates made to Article 35. The Applicants confirmed that the article had been revised at Deadline 5 to clarify that only “important hedgerows” identified in Schedules 11A and 11B may be removed. The drafting now separates important hedgerows from other hedgerows. It also now includes a definition of “important hedgerows” to align to the drafting updates that have been made and the two parts of the schedules 11A and 11B which separate out hedgerows and important hedgerows.</p> <p>43) The ExA referred to the Arboriculture Method Statement (AMS) (REP5-144) and asked the Applicants to provide an overview of its purpose and how it is controlled. The Applicants explained that the AMS was submitted in response to concerns raised, primarily by FBC, and is secured under Requirement 8 of Schedules 2A and 2B. It confirms that all tree works will be carried out in accordance with British Standard BS3998:2010 and the latest arboriculture best practice. Section 1.5 of the document states that a detailed Arboricultural Method Statement(s) will be prepared and will contain a detailed schedule and plan (a tree removal and protection plan) of all trees to be removed. Appendix B also identifies trees which could be removed as part of onshore site preparation works.</p> <p>44) The ExA queried whether the method statement should include details of trees to be protected, not just those to be removed. The Applicants agreed to take that point away and confirmed that an update would be provided at Deadline 6 [Post-hearing note: The Applicants have updated Paragraph 1.5.1.1 of the Outline Arboriculture Method Statement (S_D5_10/F02) to clarify that the detailed schedule and plan produced as part of the detailed arboriculture method statement(s) will also identify those trees and hedgerows to be protected and retained not just those to be removed].</p> <p>45) The Applicants further confirmed that they would review the drafting of Article 35 to ensure it is appropriately linked to the Arboricultural Method Statement. They also confirmed that Article 36 would be updated to reflect this linkage. [Post-hearing note: The Applicants have amended Article 35 and Article 36 in the draft DCO (C1/F09) submitted at Deadline 6. See also response to ISH4_24 in S_D6_6.]</p> <p>46) The ExA asked whether any Tree Preservation Orders (TPOs) exist within the Order limits. The Applicants confirmed that no TPOs have been identified within the limits themselves, although some exist in close proximity.</p> <p>Article 47 (Inconsistent planning permissions)</p> <p>47) The ExA queried the drafting of Article 47(1), specifically whether the phrase “required to complete or enable the use or operation of any part of the development authorised by this Order” should instead read “<u>not</u> required”.</p>

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		<p>48) The Applicants confirmed that Article 47(1) is intended to exclude applications that the undertaker may seek under separate planning regimes (e.g. the Town and Country Planning Act) for development related to the transmission assets but outside the Order limits - such as a new access location.</p> <p>49) The ExA agreed that this is the intention of the drafting but queried again whether the word “not” should also apply to sub-paragraph (b). The Applicants noted that they understood the point and agreed to review the drafting. [Post-hearing note: The Applicants have reviewed Article 47 and agree that article 47(1)(b) should start with the word ‘not’ as suggested by the ExA. The Applicants have made this update in the draft DCO (C1/F09)) submitted at Deadline 6.]</p> <p>50) Newton with Clifton and Freckleton Parish Council (NCFPC) suggested that, following the Hillside judgment, it would be helpful to amend the article to make clear that not only would a separate planning permission not breach the DCO, but that implementation of the DCO could continue following the grant of such a permission.</p> <p>51) The Applicants confirmed that this point would be taken away for further consideration. [Post-hearing note: The Applicants have reviewed Article 47 in satisfaction of Hearing Action Point ISH4_25 and consider that this element of the drafting is generally already covered under Article 47(3) which states that where planning permissions are granted and then implemented, they do not prevent the carrying out or use of the authorised project nor do they prevent the exercise of any other power or right under the Order. However, for added clarity, the Applicants have added some additional wording to Article 47(3) of the draft DCO (C1/F09) to address the point raised by NCFPC. See also the Applicants response to hearing action point ISH_25 in the Applicants response to Hearing Action Points of ISH4 and CAH3 (S_D6_6) due at Deadline 6.]</p>
10(b)	<p>Item 10 - Draft development consent order</p> <p>Schedules 2A and 2B (Requirements), including:</p>	<p>R1 (Time limits)</p> <p>52) The ExA noted that the draft DCO includes a seven-year commencement period, consistent with the Morgan Generation DCO. The ExA referred to submissions from Fylde Borough Council (FBC) and Lancashire County Council (LCC), which raised concerns that a longer commencement period could exacerbate impacts, particularly those relating to human health. The ExA asked the Applicants to clarify why seven years is considered appropriate.</p> <p>53) Following further submissions by FBC, LCC and NCFPC on this point, the Applicants reiterated that the application has fully assessed all impacts arising from both concurrent and sequential construction scenarios. Any suggestion that impacts would be exacerbated under one scenario is not applicable. Both scenarios have been assessed robustly under the Rochdale Envelope approach.</p>

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		<p>54) The Applicants explained that whilst reducing the commencement period from seven years to five would shorten the potential gap between sequential construction phases from four years to two, the maximum intervening period gives agricultural businesses the opportunity to return to operation. Reducing the maximum intervening period increases the risk of overlapping reinstatement and mobilisation activities taking place between the two projects. Nonetheless, the application has assessed this scenario, and no exacerbation of impacts has been identified.</p> <p>55) The Applicants noted that FBC had not provided specific details regarding the impacts they consider to be exacerbated. The Applicants requested that such information be provided in writing or discussed further in upcoming meetings.</p> <p>56) The Applicants reiterated that the two projects cannot be forced to build concurrently and that this position has been consistently explained throughout the examination.</p> <p>57) In response to concerns about uncertainty for communities, the Applicants highlighted several commitments made during the examination, including those contained within the Outline Communications Plan (REP5-046) and the commitment to post-consent coordination through requirement 25 of Schedules 2A and 2B as well as the commitments made in the Outline Code of Construction Practice (CoCP) (REP5-045) in relation to the establishment of a Construction Coordination Working Group. These mechanisms are intended to ensure effective communication with communities regarding updates on either project. Coordination will take place through engagement with the relevant planning authority, whether through the discharge of documents or direct discussions.</p> <p>58) The Applicants concluded that the current drafting of Requirement 1, which provides for a seven-year commencement period, is appropriate and supported by the assessment and mitigation measures in place.</p> <p>59) The Applicants added that if the Secretary of State were to grant consent for the Morgan Generation project within the expected timeframe, a five-year commencement period for the transmission assets would effectively remove most of the time granted for the generation assets. They emphasised that the Secretary of State in the Morgan Generation decision accepted the seven-year period and the Secretary of State decision on the Morgan Generation DCO specifically moved from the ExA's recommendation for a 5 year period and specifically acknowledged the need for separate connection arrangements.</p> <p>60) The ExA asked whether each transmission project is expected to be completed at the same time as its associated generation assets.</p> <p>61) The Applicants confirmed that each project will be delivered holistically. While the construction strategy is still under development, the intention is for all elements to be commissioned together as a single scheme.</p> <p>62) The ExA queried whether reducing the gap between sequential phases from four years to two would be beneficial.</p> <p>63) The Applicants responded that it would not be appropriate to impose an arbitrary two-year limit. Doing so would effectively reduce the commencement period to five years and undermine the flexibility needed to coordinate the delivery of both projects. They reiterated that the principle of a seven-year period has been consistently maintained by the Applicants and is necessary to ensure deliverability.</p> <p>64) The ExA asked whether a reduction to six years might be more appropriate, particularly if the Secretary of State's decision is made within six months.</p>

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		<p>65) The Applicants responded that recent delays to offshore wind decisions make it difficult to predict when the Morecambe Generation decision will be issued. They submitted that imposing a shorter period would be arbitrary and inappropriate.</p> <p>66) Following FBC's commitment to providing further submissions on this point, the Applicants referred to REP5-131 and reiterated that the application has assessed both scenarios. They stated that no evidence has been submitted to contest the Applicants' assessment of worst-case effects. From an impact perspective, it does not follow that a shorter gap between projects would result in a better outcome.</p> <p>67) [Post-hearing note: the Applicants refer to the Applicants' Hearing Summary CAH3 (S_D6_14) and the Applicants response to hearing action point CAH3_6 in the Applicants' Response to Hearing Action Points of ISH4 and CAH3 (S_D6_6). The Applicants have amended Requirement 1 in Schedules 2A and 2B of the draft DCO (C1/F09) submitted at Deadline 6.]</p> <p>R4 (Substation works)</p> <p>68) The ExA requested an update on whether BAE Systems (BAE) and the Ministry of Defence (MOD) should be named as consultees for the relevant requirement.</p> <p>69) The Applicants confirmed that they had reviewed BAE's Deadline 5 submission which proposed a new sub-paragraph to be added to this requirement. This would include the location and height of lightning rods as matters subject to consultation with BAE Systems and MOD. The Applicants confirmed that this would be added to the draft DCO at Deadline 6.</p> <p>70) Following BAE's confirmation that the DIO would be submitting wording for separate requirements on aviation lighting, the ExA encouraged BAE, DIO and the Applicants to try and reach agreement on the appropriate wording ahead of Deadline 6 and noted that, if agreement is not reached, alternative drafting with justification should be submitted. [Post-hearing note: The Applicants have updated the drafting of Requirements 4 and 5 in Schedules 2A and 2B of the draft DCO (C1/F09) submitted at Deadline 6 following discussions with BAE and DIO. The Applicants refer to their response to ISH4_27 in the Applicants' Response to Hearing Action Points of ISH4 and CAH3 (S_D6_6).]</p> <p>71) Following NCFPC's request that external appearance be added to the list of matters to be approved, and that parish councils be named as consultees, the ExA asked whether paragraph (e), which covers dimensions, colour, and materials, would satisfy this request.</p> <p>72) The Applicants responded that the existing sub-paragraphs already cover the characteristics that make up appearance, and that these matters are also secured through the Outline Design Principles (REP5-064), which have been discussed with FBC in relation to discharging the relevant requirement.</p> <p>73) Following further submissions by NCFPC and FBC on this point, the ExA requested that the Applicants consider this before Deadline 6. The Applicants confirmed that they would add 'external appearance' to the list in requirement 4 [Post-hearing note: The Applicants have included this in Requirement 4 in Schedules 2A and 2B of the draft DCO (C1/F09) submitted at Deadline 6.]</p>

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		<p>R5 (Detailed design parameters onshore)</p> <p>74) BAE and NCFPC welcomed the previous changes made by the Applicant to use AOD rather than AFL in this Requirement. NCFPC suggested that it may be helpful to include a reference point to explain what the Above Ordnance Datum (AOD) level means in the local context, though they acknowledged this does not need to be included in the DCO itself.</p> <p>75) The Applicants responded that the Outline Design Principles already include topographical lines and that spot heights could be added to help contextualise the AOD reference. They confirmed that the requirement clearly sets out the maximum parameters for structure heights in relation to existing ground levels, making the drafting of this requirement both specific and enforceable. [Post-hearing note: The Applicants have updated the contour mapping in Appendix A.2. of the oDP (J3/F03) to include spot heights on the public right of way adjacent to the onshore substations to allow members of the public to understand a reference point in relation to the existing topography and the proposed finished ground levels for the onshore substations.]</p> <p>R6 (Provision of landscaping)</p> <p>76) The ExA queried whether Requirement 6 should include details of existing trees and hedgerows to be retained and removed, noting that this would provide greater clarity and avoid the need to cross-reference multiple documents. The ExA suggested that a “one-stop” approach would be helpful, particularly given concerns raised by residents about the complexity of the application materials.</p> <p>77) The Applicants responded that Requirement 6 is focused on planting rather than removal, and that removal is addressed through Article 35 and the Arboricultural Method Statement, which is secured under Requirement 8. They confirmed that this provides a robust mechanism for managing tree removal.</p> <p>78) The ExA acknowledged that the current structure may create unnecessary complexity and invited the Applicants to consider whether the linkage between landscaping and arboriculture controls could be made more explicit.</p> <p>79) The Applicants agreed to take the point away. They noted that the Outline Landscape Management Plan could reference the Arboricultural Method Statement to ensure that any landscaping scheme accounts for retained trees. They also confirmed that, in practice, the Arboricultural Method Statement and Landscape Management Plan would be discharged together for substation works, ensuring alignment.</p> <p>80) The Applicants further acknowledged that making this linkage clearer would help ensure transparency for local authorities and residents reviewing the landscaping details. [Post-hearing note: In response to ISH4_31 (see S_D6_6) the Applicants have updated the wording of the outline Landscape Management Plan (J2/F05) to take account of the trees that are to be protected and retained as set out in the outline Arboriculture Method Statement (S_D5_10/F02).]</p> <p>R7 (Implementation and establishment of landscaping)</p>

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		<p>81) Following FBC and LCC's submissions, the ExA requested that, if any issues do arise, they be communicated to the Applicants as quickly as possible.</p> <p>82) The Applicants acknowledged LCC's Deadline 5 submission and confirmed that they would review the Outline Landscape Management Plan (REP5-062) to ensure consistency across documents. The Applicants asked FBC to direct any outstanding comments to them.</p> <p>R9 (Traffic and transport)</p> <p>83) The ExA requested confirmation that highway authorities were content with any outstanding issues. LCC and BBC representatives confirmed that they were not aware of any further comments from their highways colleagues.</p> <p>R10 (Highway accesses)</p> <p>84) The ExA noted that the approval body for Requirement 10 had been changed to the highway authority at Deadline 5 and asked whether this had been agreed by all relevant local authorities.</p> <p>85) The Applicants confirmed that this change had been made. BBC confirmed agreement, and no objections were raised by FBC.</p> <p>86) The ExA asked whether there were any outstanding issues from LCC, particularly in relation to previous comments about maintenance, removal, and reinstatement of accesses.</p> <p>87) LCC confirmed that no further comments had been received and that their position remained as previously stated.</p> <p>88) The Applicants responded that Requirement 10 is focused on ensuring access designs are finalised and approved before implementation of those accesses. Matters relating to maintenance, removal, or reinstatement are more appropriately addressed through highways agreements, such as Section 278 agreements, which would be entered into separately. These agreements form part of ongoing engagement with the highway authorities. Restoration of highway accesses would need to align with restoration provisions for those parts of the accesses on private land. That restoration is secured through Requirement 16.</p> <p>89) The ExA asked whether these matters should also be secured through a management plan or the Outline Code of Construction Practice (REP5-044).</p> <p>90) The Applicants confirmed that this is not standard practice and that such matters are typically dealt with through separate agreements with the highway authority.</p> <p>91) The ExA requested that highway authorities provide any updated positions at the next deadline, following further discussion with the Applicants if necessary.</p> <p>R12 (Ecological management plan)</p>

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		<p>92) The ExA invited any final updates from parties. No further comments were raised.</p> <p>R14 (Construction hours)</p> <p>93) The ExA requested an update on changes made to Requirement 14.</p> <p>94) The Applicants confirmed that paragraph (2) had been amended at Deadline 5 to change the wording from “including” to “comprising,” in response to the Examining Authority’s written questions. The list of activities subject to out-of-hours working was also reviewed following comments from Fylde Borough Council (FBC). A number of items in that list – landfall works, Blackpool airport works and river Ribble works – have been removed.</p> <p>95) The Applicants also confirmed that paragraph (6) had been added to Requirement 14 to ensure that mobilisation activities must be undertaken in accordance with the Outline Construction Noise and Vibration Management Plan (REP5-055) as approved under Requirement 9. This provides a clear linkage to where controls are set out.</p> <p>96) The ExA queried the councils’ position on working hours and requested that any alternative drafting proposals for Requirement 14 be submitted at Deadline 6.</p> <p>97) The Applicants confirmed that their position on reasonable and appropriate construction hours had already been set out and that they had nothing further to add.</p> <p>98) The ExA queried if the Secretary of State considered amending the construction hours set out in Requirement 14 how such a change would interact with the Outline Code of Construction Practice (CoCP) (REP5-044) and other supporting documents.</p> <p>99) The Applicants responded that the key control on working hours is the requirement itself, with further detail set out in the referenced outline plans. They noted that, while not suggesting changes in this case, the Mona DCO provides precedent: the Examining Authority recommended a specific amendment to the Construction Method Statement to secure trenchless techniques in a defined section of works. That change was carried through to the supporting documents and required a substantial update. The Applicants confirmed that any similar change here would follow a comparable process and be a matter for the Secretary of State.</p> <p>R16 (Restoration of land used temporarily for construction)</p> <p>100) Responding to comment from NCFPC regarding reinstatement of highways, the Applicants confirmed that discussions with Lancashire County Council (LCC) had taken place on this point. The wording within the Outline Construction Traffic Management Plan (oCTMP) (REP5-066) sets out a process agreed with LCC for monitoring and managing highway condition during construction. The discharge of the detailed CTMP would include timelines for reinstatement, monitoring and surveys. The Applicants expect that any final agreement with LCC would likely be akin to a Section 278 agreement in order to provide funding for reinstatement works.</p> <p>101) The ExA queried whether the Outline Construction Traffic Management Plan (oCTMP) sufficiently addresses the timing of highway restoration.</p>

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		<p>102) The Applicants referred to paragraph 1.13.2.7 of the oCTMP (REP5-066) which sets out the process for agreeing a remediation strategy with the relevant highway authority. This may involve either a proportionate financial contribution or direct contractor-led repairs. The Applicants noted that specific timescales would be discussed and agreed at the point of discharging the detailed Construction Traffic Management Plan, and that this is standard practice.</p> <p>103) The ExA observed that the current drafting does not explicitly reference timescales and suggested that including such wording would be helpful.</p> <p>104) The Applicants stated that, while timescales are implicit in the process set out in the oCTMP (REP5-066), they would consider the wording again in the next iteration of the document. The ExA noted that it would likely be helpful to include such detail. [Post-hearing note: The Applicants have updated the oCTMP (J5/F05) at Deadline 6 to make it explicit that timelines for reinstatement would be agreed with the local highway authority as part of the remediation strategy.]</p> <p>105) Responding to FBC's earlier comments, the Applicants stated that it was unclear why FBC considered the drafting to be unenforceable. They noted that the wording reflects standard precedent in DCOs and that concerns raised previously at the July hearings related to ensuring flexibility in the event of sequential or concurrent construction scenarios. The drafting allows for agreement with the local planning authority to extend the 12-month restoration period where appropriate, with a view to minimising disruption during sequential construction. The Applicants made amendments at Deadline 4 to address these concerns.</p> <p>106) The Applicants also noted that they added drafting at deadline 4 to link the restoration requirement to requirements 6 (landscape management plan), 8 (code of construction practice - including the soil management plan) and 12 (ecological management plan) and therefore the management plans approved under those requirements. Those management plans provide a clear framework for restoration standards and enforcement. On the question of whether the restoration period should be six months rather than 12, the Applicants noted that 12 months is a standard period and that the drafting aligns with Article 29, which governs temporary use of land for authorised development. A 6 month period would be unprecedented and the Applicants are unclear of the justification for seeking to reduce this to a 6 month period. In any event, specifically for the Transmission Assets, there are some complex areas that will require reinstatement and 6 months would not be a sufficient timeframe within which to do that. This includes those areas near to the Millbrook Valley Biological Heritage Site.</p> <p>107) The Applicants noted that FBC raised a number of comments at Deadline 5 and a written response has been provided to FBC so the Applicants will progress the discussions outside the hearings.</p> <p>R18 (Control of noise during the operational stage)</p> <p>108) The ExA requested an update on changes made to the relevant requirement.</p> <p>109) The Applicants confirmed that a new paragraph (1) had been added, stating that Work No. 21A must not commence operation until a scheme for the management and monitoring of noise has been submitted to and approved by the relevant planning authority. An additional paragraph (4) was also included to ensure that the scheme is implemented as approved.</p> <p>110) The ExA asked whether there were any remaining concerns. FBC confirmed that they had no further comments.</p>

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		<p>111) The ExA noted that the drafting had been updated to remove reference to “onshore” so that it applies to all works, and that FBC would be the approving authority. BBC confirmed that they were also in agreement with the amendments.</p> <p>R19 (Employment and skills plan)</p> <p>112) The Applicants confirmed that the amendment to Requirement 19 to clarify that Fylde Borough Council (FBC) is the approval body and that Lancashire County Council (LCC) will be a consultee will be submitted at Deadline 6.</p> <p>R20 (Operational drainage management plan)</p> <p>113) LCC confirmed they had no outstanding comments following the Applicants amendments at deadline 5.</p> <p>R25 (Onshore collaboration)</p> <p>114) The Applicants briefly summarised the drafting amendments to Requirement 25 which were made at deadline 5. The Applicants confirmed they had removed reference to scenarios so that the obligation to coordinate applies regardless of the way in which the projects are constructed and also made some tidying up amendments to ensure consistency in language.</p> <p>115) The ExA invited further comment on the coordination mechanisms supporting Requirement 25, particularly in light of previous concerns raised by Fylde Borough Council (FBC) and Lancashire County Council (LCC).</p> <p>116) The Applicants confirmed that they have now provided for the establishment of a Construction Coordination Working Group (CCWG) through the key management plans. The CCWG sits alongside and supports Requirement 25. It will facilitate collaboration and coordination between the two projects. The CCWG will facilitate discussion on detailed management plans and enable feedback on how comments between the Applicants have been addressed. The Applicants submitted that, in their view, the combined amendments and introduction of the CCWG address the concerns previously raised.</p> <p>117) The Applicants directed parties to section 1.2.2 of the Outline Code of Construction Practice (REP5-044), which sets out the role and function of the Construction Coordination Working Group. They also referred to their response to ExQ2.1.1.1 (REP5-130), which explains how coordination will be achieved across the projects and how this integrates with the DCO framework.</p> <p>118) The ExA invited FBC and LCC to comment. Both authorities confirmed that they would review the updated drafting and provide any further comments as soon as possible, noting that some points may already have been raised with the Applicants.</p> <p>R26 (Biodiversity benefit)</p> <p>119) The ExA invited the Applicants to explain the revised biodiversity benefit requirement, noting that it had previously been put forward on a without prejudice basis.</p>

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		<p>120) The Applicants confirmed that the intention is for the revised requirement to be included in the dDCO regardless of whether compulsory acquisition powers are granted for Work Nos. 44A and 44B. The updated drafting seeks to balance compliance with policy and the need to meet compulsory acquisition tests.</p> <p>121) The Applicants outlined the structure of the revised requirement, which will comprise four paragraphs.</p> <ul style="list-style-type: none"> i. Paragraph 1: specifies that Project A biodiversity benefit works must not be carried out until a biodiversity benefit scheme, in accordance with the Onshore Biodiversity Benefit Plan] has been approved in writing by the relevant planning authority in consultation with the statutory nature conservation body. The existing Biodiversity Benefit Statement (REP5-074) will be updated and converted into the plan at Deadline 6. [Post-hearing note: The Applicants have submitted the Outline Biodiversity Management Plan (J11/F06) at Deadline 6] ii. Paragraph 2: Requires each project to deliver at least 10% biodiversity net gain due related to loss of land from the permanent works at each onshore substation. iii. Paragraph 3: Confirms that where biodiversity benefit is not delivered within each project's substation area, it will be delivered in accordance with a prioritisation exercise. The prioritisation order will be set out in the Biodiversity Benefit Plan as well. iv. Paragraph 4: Requires the approved biodiversity benefit scheme to be implemented and maintained as set out in the approved scheme. <p>122) The Applicants agreed to share the draft biodiversity benefit requirement wording with the Planning Inspectorate ahead of Deadline 6.</p> <p>123) The ExA invited comments on how the requirement meets the tests for enforceable requirements. NCFPC welcomed the inclusion of a full requirement and the commitment to 10% net gain but raised concerns around the specificity of the drafting and that it only covers 4 out of the 54 works.</p> <p>124) The Applicants reiterated their position that biodiversity benefit is being provided for permanent works only. The requirement sets a minimum of 10%, with the plan acting as the mechanism to determine the appropriate percentage in line with national and local policy. Provision at the substation sites is "banked," and the remaining benefit will be agreed with FBC through discharge of the requirement. This may include delivery at Lea Marsh Fields or through the prioritisation hierarchy, including the Local Nature Recovery Fund or biodiversity credits.</p> <p>125) The Applicants emphasised their commitment to supporting local biodiversity projects, noting that the Local Nature Recovery Fund is supported by Lancashire County Council and provides a mechanism for delivering benefit locally where specific parcels of land cannot be secured.</p> <p>126) The ExA confirmed that further comments from interested parties would be considered and that additional questions may be raised if necessary.</p> <p>127) The Applicants noted that, in conjunction with the revised requirement, they will also be updating the wording of Articles 20 and 22 to link the acquisition of land or rights at Lea Marsh Fields to approval of the biodiversity benefit plan by the local planning</p>

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		<p>authority. The drafting will be submitted alongside the revised requirement and can be discussed further at the Compulsory Acquisition Hearing.</p> <p>R27 (Wildlife Hazard Management Plan)</p> <p>128) The ExA requested an update on the drafting of the requirement relating to the Wildlife Hazard Management Plan (WHMP).</p> <p>129) BAE Systems confirmed that they had reviewed the current wording and, in principle, agreed with the Applicants' approach but noted that further discussion is needed to work through the details.</p> <p>130) The Applicants confirmed that they hope to reach agreement on the wording and reflect this in the Statement of Common Ground (SoCG).</p> <p>131) The ExA asked whether Blackpool Airport Operations Limited (BAOL) would be included. The Applicants confirmed that BAOL is currently content with the wording and that any amendments can be shared with them.</p> <p>132) The Applicants noted that, depending on where the discussions get to, it may be appropriate to have separate requirements for BAOL and BAE Systems, given potential nuances in their respective positions.</p> <p>133) Responding to NCFPC's concerns around the relevant approving body, the Applicants noted that the requirement must be discharged by a body with planning functions. For that reason, FBC is the appropriate discharging authority. The Applicants added that they do not believe BAE would wish to take on that role either.</p> <p>134) The ExA noted that any requirement included in the DCO must have a reasonable prospect of being discharged and asked whether this consideration was being factored into discussions with BAE Systems.</p> <p>135) The Applicants responded by referencing National Policy Statement (NPS) EN-1, which provides for circumstances where aviation mitigation may not be fully agreed at the point of decision. They cited paragraph 5.5.58, which allows for the use of Grampian conditions where mitigation may rely on current or future technological solutions. The Applicants emphasised that this policy recognises that mitigation measures may not be in place at the time of consent but can still be secured through appropriate requirements.</p> <p>136) They also referred to paragraph 5.5.60, which confirms that, provided the Secretary of State is satisfied that mitigation can be achieved or secured through appropriate requirements, consent may be granted.</p> <p>137) The Applicants noted that the updated NPS reflects a shift in approach, recognising the potential for tension between aviation and renewable energy development. The policy encourages collaboration and acknowledges that aviation may need to adapt to accommodate new infrastructure. The Applicants confirmed that they are working with BAE Systems to agree the wording of the requirement and, if agreement cannot be reached, will ensure a clear and robust version is presented to the Secretary of State.</p> <p>138) [Post-hearing note: The Applicants have updated Requirement 27 in Schedules 2A and 2B of the draft DCO (C1/F09) submitted at Deadline 6 following further discussions with BAE and DIO. The Applicants refer to their response to ISH4_39 in the Applicants' Response to Hearing Action Points of ISH4 and CAH3 (S_D6_6)]</p>

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		<p>Proposed drafting of new R28</p> <p>139) The ExA raised a question regarding the proposed Requirement 28, which relates to the Section 106 agreement. The ExA asked the Applicants to confirm how the requirement would meet the relevant tests for Grampian-style conditions and align with planning practice guidance. The ExA requested that this justification be included when the requirement is submitted.</p> <p>140) The Applicants confirmed that discussions with Fylde Borough Council are ongoing and that they will endeavour to agree the wording as quickly as possible. Subject to those discussions, the Applicants intend to submit the proposed requirement ahead of Deadline 6.</p> <p>141) The Applicants also agreed to include a justification explaining how the requirement meets the relevant legal and policy tests for Grampian conditions, and indicated that this may be set out in a joint statement with FBC. [Post-hearing note: The Applicants refer to their response to ISH4_40 in the Applicants response to Hearing Action Points of ISH4 and CAH3 (S_D6_6) due at Deadline 6.]</p> <p>Other outstanding matters relating to requirements</p> <p>142) The ExA noted that in relation to other outstanding matters the only point they had was relating to FBC's comments around a peat management plan. It was acknowledged that this was discussed during day 1 of ISH4 and FBC confirmed that they had no further comments.</p>
10(c)	<p>Item 10 - Draft development consent order</p> <p>Schedule 10 (Protective provisions)</p>	<p>143) The ExA noted that the updated Statutory Undertaker Negotiations Tracker submitted at Deadline 5 (REP5-110) indicates continued progress, with several entries now marked as agreed. However, a number of undertakers remain listed as "yellow," and the ExA emphasised the importance of reaching agreement before the close of the examination. Where agreement cannot be reached, the ExA requested that alternative drafting and justification be provided by Deadline 6.</p> <p>144) The Applicants confirmed that good progress is being made and that they do not currently anticipate any undertakers with whom agreement cannot be reached. The aim remains to finalise all outstanding protective provisions by Deadline 6.</p> <p>145) The Applicants provided the following updates:</p> <ul style="list-style-type: none"> i. Cadent Gas, SP Energy Networks, Canal and River Trust, and United Utilities Water Limited: Agreements reached; United Utilities agreed protective provisions will be added to the draft DCO at Deadline 6. ii. SABIC: Very close to agreement. Outstanding points are commercial, for example insurance caps and liability for third-party losses. Operational matters are resolved. Resolution is expected by Deadline 6. iii. National Gas: Protective provisions are in agreed form, pending completion of side agreements with both Morgan and Morecambe. Morgan's agreement is in final form and progressing to signature.

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		<p>iv. National Grid Electricity Transmission: The protective provisions are substantively agreed, pending finalisation of side agreements. Only one point remains outstanding in the Morgan agreement and Morecambe has limited points remaining relating to review of plans and documents that will be attached to the agreement.</p> <p>v. Network Rail: There are again only limited points remaining to resolve. Engagement is ongoing and positive. Framework agreements for both Morgan and Morecambe are being reviewed, with only minor commercial issues outstanding.</p> <p>vi. Environment Agency: There were two outstanding points - one has now been addressed and the other remains under discussion. Agreement is expected before Deadline 6.</p> <p>vii. Lead Local Flood Authority (LLFA): Majority of points agreed. Remaining issues are commercial and include, for example, indemnity provisions. The Applicants hope agreement can be reached for Deadline 6.</p> <p>146) The ExA reiterated that all statutory undertakers, regardless of their current position, should update the examination by Deadline 6. The Applicants confirmed that this message is already being communicated in ongoing discussions and will be reiterated to the relevant statutory undertakers.</p>
10(d)	<p>Item 10 - Draft development consent order</p> <p>Schedule 12 (Approval of matters specified in requirements)</p>	<p>Schedule 12 (Approval of matters specified in requirements)</p> <p>147) The ExA invited an update on the fees provision in Schedule 12 and asked whether any progress had been made in discussions.</p> <p>148) In response to FBC's comments, the Applicants confirmed that they had reviewed other precedents and considered the wording used in the Mona DCO to be reasonable and proportionate. The revised drafting now states that fees will be in accordance with the fee regulations unless otherwise agreed with the relevant planning authority. The Applicants consider this approach to provide sufficient flexibility for appropriate fees to be discussed and applied at the relevant time.</p> <p>149) The Applicants noted that no further discussions have taken place on this point and reiterated their willingness to consider any specific drafting FBC may wish to propose.</p> <p>150) Following further comments raised by FBC, the Applicants acknowledged that one example had been provided (Heckington Fen Solar), but requested more specific detail - such as the sums involved, timeframes, and the basis for the proposed approach. They noted that, in the absence of such detail, it is difficult to respond meaningfully and requested that FBC provide this information.</p> <p>151) Following FBC's confirmation that they could supply express wording, the Applicants emphasised the need for clarity on what FBC is seeking and the justification for it.</p> <p>152) The ExA encouraged both parties to reach agreement on the matter in the coming days.</p> <p>153) [Post-hearing note: The Applicants have updated Schedule 12 of the draft DCO (C1/F09) to reflect the Heckington Fen Solar DCO drafting as requested by FBC in satisfaction of hearing action point ISH4_42.]</p>

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		154) The Applicants also noted there is an error in paragraph 4(3) of Schedule 12, which was identified by South Ribble Borough Council (SRBC). The first part of the paragraph refers to a 10-week period, but the final part had not been updated to align with this. The Applicants confirmed that this would be corrected at Deadline 6.
10(e)	Item 10 - Draft development consent order Schedules 14, 15, 16 and 17 (Marine Licences), including any outstanding issues raised by Natural England and the Marine Management Organisation	<p>155) The ExA requested an update on outstanding items relating to the deemed marine licence (DML) conditions.</p> <p>156) The Applicants confirmed the following updates:</p> <ul style="list-style-type: none"> i. Condition 17 (Force Majeure): Updated at Deadline 5 to reflect the wording used in the Morgan Generation Order. The Applicants understand that the MMO is content with this change, and it will be reflected in the Statement of Common Ground to be submitted at Deadline 6. ii. Condition 19(2): The Applicants have updated the draft DCO submitted at D5 to remove the requirement for the MMO to respond in 6 months iii. Condition 20: Two updates will be made at Deadline 6 following MMO's deadline 5 submissions, specifically: a) removal of unnecessary text concerning "excluding the information required under sub-paragraphs (1)(a)(ii) and (1)(a)(iii)"; and b) Removal of the timing provision within which MMO are to determine an application for approval to ensure consistency with the update already made to Condition 19(2) at deadline 5. iv. Condition 11(5): A minor update will be made to reflect MMO's request that the text reads an "annual maintenance report must be submitted to the MMO <u>in writing</u>". <p>157) The Applicants confirmed that all other points raised by the MMO were addressed earlier in the hearing under Agenda Item 9 (Offshore ecology) and that they are still awaiting feedback from Natural England on certain related matters.</p>
10(f)	Item 10 - Draft development consent order Schedule 18 (Documents to be certified)	

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10(g)	Item 10 - Draft development consent order Without prejudice benthic compensation schedule	<p>158) The Applicants confirmed that they had responded fully in REP5-124 and are now awaiting feedback from Natural England. Minor amendments have been made to improve consistency across the documents.</p> <p>159) The ExA asked whether the relevant without prejudice article had been provided. The Applicants confirmed that it had and is included in the same document.</p> <p>160) The ExA raised a question from the Report on the Implications for European Sites (REIS) regarding whether a without prejudice derogation case would be submitted.</p> <p>161) The Applicants confirmed that they do not consider a derogation case to be necessary or justified and will not be submitting one at Deadline 6. Instead, they will provide a detailed explanation of the environmental mitigation measures already proposed. The Applicants noted that, because engagement with NE began early in the process, the distinction between mitigation measures under the Environmental Impact Assessment (EIA) and those under the Habitats Regulations Assessment (HRA) has not been fully teased out.</p> <p>162) The Applicants confirmed that, if any measures are considered to fall under the HRA, they will clarify that and also provide information on alternative measures that could be secured to ensure that the conclusion of no adverse effect on integrity remains valid. This would demonstrate that a derogation case is not required.</p> <p>163) The ExA acknowledged the Applicants' position and confirmed that the response to the REIS will be reviewed in due course.</p>