



MORGAN AND MORECAMBE OFFSHORE WIND FARMS: TRANSMISSION ASSETS

Annex 3.1 to Applicants' Closing Statement: Outstanding Drafting Points

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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.

Term	Meaning
Onshore Infrastructure Area	The area within the Transmission Assets Order Limits landward of MHWS. Comprising the offshore export cable corridor from MHWS to 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	
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 Annex 3.1 to Applicants' Closing Statement: Outstanding Drafting Points

	Relevant DCO Reference	Relevant Stakeholder (s)	Outstanding DCO Drafting Matter	Stakeholder's Position	Applicant's Position
1	Article 6 (Benefit of the Order)	Marine Management Organisation (MMO)	Whether Article 6 transfer of benefit provisions should apply to the deemed marine licences.	The MMO confirmed in their Deadline 6 submission (RE6-171) that they are maintaining their position that the transfer of benefit provisions within Article 6 should not apply to the deemed marine licences, notwithstanding the updates made by the Applicants at Deadline 6. This is reflected in the statement of common ground with the MMO submitted at Deadline 6 (REP6-130). The MMO has presented their case in submissions made at previous deadlines as set out in REP2-061, REP3-085 and REP4-137.	The Applicants have responded in detail in PDA-013, REP2-033, REP3-054, REP3-056 and REP4-099 and maintain that the drafting included in the draft DCO is entirely necessary and appropriate and is in line with precedent including most recently Rampion 2 where the Secretary of State specifically considered this matter in their decision letter as referred to in the Applicants response REP2-033.
2	Article 10 (power to layout and alter highway)	Lancashire County Council (LCC)	Additional drafting proposed by LCC at Deadline 6	LCC has proposed additional drafting to be added to Article 10(3) as follows: (3) The powers conferred by paragraph (1) must not be exercised without the consent of the street authority, <i>and must be exercised under a signed Highway Act agreement.</i>	The Applicants do not consider that any amendments to Article 10 are necessary or appropriate. The Applicants' wording included in the Deadline 6 draft DCO (REP6-013) is reasonable and appropriate, avoids unnecessary duplication and reflects precedent. The Applicants would highlight that BBC (as highway authority) confirmed in their D6 submission (REP6-209) that they are content with the drafting of Article 10 as it is set out in the draft DCO. Paragraph (3) – as set out at ISH4, the Applicants do not consider that the consent process should be tied to a particular form of consent at this stage. The

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			<p>LCC has also proposed the inclusion of three additional paragraphs as follows:</p> <p><i>(5) The reference to streets in paragraphs (1), (2), (3) and (4) relate to highway maintainable at public expense.</i></p> <p><i>(6) Any works subject to (1) must satisfy all individual user needs, highway safety and design standards.</i></p> <p><i>(7) The developer will be responsible for the consequential impacts of any works under (1), for example, part 1 land compensation claims.</i></p>	<p>Applicants' outline Construction Traffic Management Plan (REP6-113) already indicates that the relevant consent may be through Highway Act agreements and Article 15 (Agreements with street authorities) would facilitate this process in the event a Highway Act agreement is considered to be the appropriate mechanism for consent. The Applicants' drafting of Article 10(3) is entirely consistent with precedent and is considered to be reasonable and appropriate.</p> <p>LCC's proposed paragraph (5) - The definition of 'Street' for the purposes of this Article and elsewhere in the draft DCO is already defined within Article 2 of Part 1 of the draft DCO (REP6-013). The definition refers to Section 48 of the New Road and Street Works Act 1991. The Applicants note that this goes beyond streets maintainable at public expense. The Applicants do not therefore consider this additional paragraph to be necessary and indeed would cause confusion with already defined terms.</p> <p>LCC's proposed paragraph (6) – The Applicants do not consider the inclusion of this additional paragraph is necessary or appropriate. Article 10(3) states that the powers must not be exercised without the consent of the street authority. As part of giving this consent, the highway authority must be satisfied that highway safety and design standards will be appropriately met. In addition, the definition of “user needs” is open ended and unclear and therefore is not appropriate for inclusion in legislative drafting. Following Deadline 6, LCC have suggested to the Applicants that paragraph (6) should be included on a ‘for the avoidance of doubt’</p>

Relevant DCO Reference	Relevant Stakeholder (s)	Outstanding DCO Drafting Matter	Stakeholder's Position	Applicant's Position
				<p>basis. The Applicants consider this would not be aligned with the SI drafting guidance, which states at paragraph 1.3.2 that drafting should 'use no more words than are necessary'. Consequently, including drafting on a 'for the avoidance of doubt' basis is unnecessary. LCC's proposed paragraph (7) – The Applicants do not consider the inclusion of this paragraph to be necessary or appropriate. The outline CTMP (REP6-113) already includes specifics in relation to monitoring of defects and agreement of a remediation strategy (including appropriate funding of those works) – this text within the oCTMP is understood to be agreed with LCC and appropriately secures responsibility.</p> <p>Compensation claims as they relate to land are not relevant or appropriate to include in Article 10 as compensation claims for exercise of temporary powers over any streets is covered under Article 29(7) and (9). Additionally, the use of "for example" is not appropriate for inclusion in legislation drafting.</p> <p>The Applicants believe this addition is not necessary and therefore updates to the dDCO are not required.</p>
3	Article 29 (Temporary Possession) and Schedules 7A (Land of which only temporary possession may be taken – Project A) and 7B Land of	BBC	Inclusion of land plots located at Starr Gate	<p>BBC maintain that the land plots at Starr Gate should not be subject to temporary possession powers on the basis that this allows the Applicants to take exclusive possession. BBC's position is set out in Douglas Edward KC's Opinion submitted at Deadline 4 (REP4-130) and Further Advice submitted at Deadline 5 (REP5-164).</p> <p>The Applicants have provided detailed responses to the Opinion and the Further Advice within REP5-127 and REP6-168. The Applicants disagree with BBC that the exercise of temporary possession powers at Starr Gate would enable them to take temporary exclusive possession or somehow temporarily close the Starr Gate access. Despite the difference in legal opinion, significant progress has been made in relation to the land plots at Starr Gate as the majority of these are</p>

	Relevant DCO Reference	Relevant Stakeholder (s)	Outstanding DCO Drafting Matter	Stakeholder's Position	Applicant's Position
	which only temporary possession may be taken – Project B)			The Further Advice from Douglas Edwards KC suggested that amendments could be made to Article 29 which may satisfy BBC's concerns.	now adopted public highway. For land plots which are public highway (being plots 02-007i, 02-008, 02-008i, 02-009, 02-010, 02-011, 02-012 on the Land Plan-Onshore (REP6-006), the Applicants do not consider they will need to exercise any temporary possession powers to allow them to use the road as an access. The Applicants have therefore included wording in Article 29 of the draft DCO (REP6-013) at Deadline 6 to restrict the Applicants' ability to use temporary possession powers over any plots at Starr Gate which are public highway. In relation to the other Starr Gate plots, 02-008ii and 02-007, these remain as private land and the Applicants position on these plots is clearly set out in REP6-178.
4	Article 30 (Temporary use of land for maintaining the authorised project)	FBC	Alignment of maintenance period specified in Article 30(12) and the details contained within the outline landscape management plan for the maintenance of trees, shrubs and hedgerows.	FBC D6 submission (REP6-187) states Article 30(12) should be updated to ensure maintenance over a ten year period.	The Applicants refer to their response to hearing action point ISH4_21 of the Applicants' response to hearing action points of ISH4 and CAH3 (REP6-176) and confirm that Article 30(12) was amended at Deadline 6 to provide for temporary possession powers for maintenance to be used for a period of up to 10 years for trees, hedgerows and shrubs (and a 5 year period for any other part of the authorised project). This aligns with the Deadline 6 clarifications and updates made to the outline landscape management plan (REP6-101). The Applicants consider the updated drafting is reasonable and proportionate.
5	Article 35 (Felling or lopping of trees) and Article 36 (Trees	FBC	Whether sufficient controls are placed on the powers to remove trees and	FBC's Deadline 6 submission (REP6-187) states that the powers contained within Articles 35 and 36 must be constrained by certified plans, the approved Arboricultural Impact	As set out in response to hearing action point ISH4_23 of the Applicants' response to hearing action points of ISH4 and CAH3 (REP6-176), the Applicants have updated Articles 35 and 36 in the draft DCO (REP6-013) to include cross referencing of the Outline

	Relevant DCO Reference	Relevant Stakeholder (s)	Outstanding DCO Drafting Matter	Stakeholder's Position	Applicant's Position
	subject to tree preservation orders).		hedgerows contained within Article 35 (Felling or lopping of trees) and Article 36 (Trees subject to tree preservation orders).	Assessments (AIA), Tree Protection Plans (TPPs), and hedgerow assessments under the Hedgerows Regulations 1997.	Arboriculture Method Statement and Outline Ecological Management Plan and the processes set out within those management plans for tree and hedgerow removal to ensure that the safeguards and controls referenced within these plans are adhered to.
6	Article 47 (Inconsistent planning permission)	Newton with Clifton and Freckleton Parish Council (NCFPC)	Whether Article 47 fully addresses the situation identified in the Hillside supreme court case.	NCFPC suggest that this article be amended to address the situation identified in the Hillside Supreme Court case, i.e. that implementing a subsequent incompatible planning permission prevents the original permission from continuing to be implemented, e.g. by adding to paragraph (1) words to the effect of ' <i>and the continuing implementation of this Order is not prevented by the implementation of such planning permission</i> '.	The Applicants refer to their response to hearing action point ISH4_25 within the Applicants response to hearing action points of ISH4 and CAH3 (REP6-176) which confirms that the Applicants have added additional wording to Article 47(3) of the draft DCO (REP6-013) to address this point.
7	Requirement 1 (Time limits)	NCFPC	Whether the time limit for implementation should be 7 years.	NCFPC's Deadline 6 response (REP6-196) confirms their opinion that the time limit for implementation should not be 7 years and the potential sequential gap between the two projects should be reduced.	The Applicants set out their detailed position on time limits for implementation at Deadline 5 in their response to Q1:3.1 within the Applicants' response to The Examining Authority's commentary and questions on the draft development consent order (REP5-141). However, the Applicants also refer to their response to hearing action point CAH3_6 of the Applicants response to hearing action points of ISH4 and CAH3 (REP6-176). The Applicants have made amendments

	Relevant DCO Reference	Relevant Stakeholder (s)	Outstanding DCO Drafting Matter	Stakeholder's Position	Applicant's Position
					to requirement 1 of Schedules 2A and 2B of the draft DCO (REP6-013) at Deadline 6 to align the time limits for Project A (the Morgan transmission assets) with the time limit included in the Morgan Offshore Wind Project Generation Order 2025 (Morgan Generation Order). The Applicants have made the same amendment for Project B (the Morecambe transmission assets), noting that the application for the Morecambe Offshore Windfarm Generation Assets Order (Morecambe Generation Order) has not yet been decided.
8	Requirement 4 (Substation works)	BAE Systems and Defence Infrastructure Organisation (DIO)	Whether potential installation of aviation lighting on lightning masts is adequately controlled.	BAE proposed drafting amendments to requirement 4(1) at Deadline 5 (REP5-160). During Issue Specific Hearing 4, BAE noted that the DIO were considering proposing a standalone condition(s) for aviation lighting.	The Applicants' response to ISH4_27 confirms that agreed amendments have been made to requirement 4 in the draft DCO at Deadline 6 (REP6-013). Subject to BAE and DIO reviewing updates made to the outline Code of Construction Practice (REP6-067) also submitted at Deadline 6, this matter is considered resolved.
		Newton with Clifton and Freckleton Parish Council	Inclusion of 'external appearance' within the details to be approved. NCFPC to be named as consultee.	NCFPC's Deadline 6 submission (REP6-196) reiterates their position that 'external appearance' should be included within the list details to be approved in paragraph (1) and requests that NCFPC to be named as consultee.	The Applicants updated the draft DCO (REP6-013) at Deadline 6 to include 'external appearance' within paragraph (1)(e) and consider that this resolves this point. The Applicants do not consider it necessary to name NCFPC as a consultee within requirement 4 but acknowledge that FBC as the discharging authority may choose to consult NCFPC if they consider it appropriate.
9	Requirement 6	FBC	Whether requirement 6	FBC referred back to their deadline 5 submission (REP5-171) at deadline 6	The Applicants have made amendments at deadline 6 to the Outline Arboriculture Method Statement (REP6-

	Relevant DCO Reference	Relevant Stakeholder (s)	Outstanding DCO Drafting Matter	Stakeholder's Position	Applicant's Position
			should include details of existing trees and hedgerows to be retained and those to be removed.	(REP6-187) recommending that further details should be included in requirement 6 in relation to tree and hedgerow retention and removal.	<p>154) to confirm that a detailed schedule and plan (aligned with BS5837:2012) of all trees and hedgerows to be removed, protected and retained will be provided as part of the detailed AMS(s). The Applicants note that detailed AMSs are secured through requirement 8 of Schedules 2A and 2B of the draft DCO (REP6-013).</p> <p>In addition, Articles 35 and 36 of the draft DCO (REP6-013) submitted at Deadline 6 have been updated to include cross referencing to the Outline Arboriculture Method Statement and Outline Ecological Management Plan to ensure that the safeguards referenced within these plans are adhered to.</p> <p>The Applicants consider therefore that sufficient controls are contained within the draft DCO (REP6-013) in respect of tree and hedgerow retention and removal and no further amendments are required to requirement 6.</p>
10	Requirement 10 (Highway accesses)	LCC	Additional drafting proposed by LCC at Deadline 6.	<p>LCC's Deadline 6 submission (REP6-188) suggests paragraph (3) of requirement 10 should be amended as follows:</p> <p>(3) The highway accesses must be implemented as approved, <i>under a signed Highways Act agreement</i>.</p>	<p>The Applicants do not consider that any amendments to requirement 10 are necessary or appropriate. The Applicants wording included in the Deadline 6 draft DCO (REP6-013) is reasonable and appropriate, avoids unnecessary duplication and reflects precedent. As set out in relation to Article 10 above, the Applicants do not consider that the consent process should be tied to a particular form of consent at this stage.</p>

	Relevant DCO Reference	Relevant Stakeholder (s)	Outstanding DCO Drafting Matter	Stakeholder's Position	Applicant's Position
11	Requirement 14 (Construction hours)	FBC, LCC, and NCFPC	Inclusion of construction working hours of 0700 to 1900 Monday to Friday and 0700 and 1300 on Saturdays, with mobilisation activities (as defined within requirement 14) able to take place one hour immediately prior to and one hour immediately after those specified hours.	<p>FBC's Deadline 6 submission (REP6-187) states that that mobilisation works should not be authorised to take place prior to 7am. NCFPC's Deadline 6 submission (REP6-196) states that it supports FBC's position on construction hours.</p> <p>LCC's Deadline 6 submission (REP6-188) states that the start time for construction works on Saturdays should be 0800 (not 0700) where works are proposed within 200m of noise sensitive receptors.</p>	<p>The Applicants have moved their position substantially in relation to construction hours during the course of examination, including removal of Saturday afternoon working from the draft DCO (REP6-013) at Deadline 4 and including drafting at Deadline 5 into the draft DCO to make clear that mobilisation activities must be undertaken in accordance with the outline construction noise and vibration management plan.</p> <p>The Applicants consider that the drafting included for this requirement at Deadline 6 in the draft DCO (REP6-013) is reasonable and proportionate and aligns to precedent including with regards to providing for mobilisation activities one hour prior to and one hour after the construction hours specified within the requirement. This is set out in the Explanatory Memorandum (REP6-016) and in REP5-130.</p>
12	Requirement 16 (Restoration)	FBC and NCFPC	Whether sufficient controls are included within the draft DCO in relation to restoration.	FBC's Deadline 6 submission states that this requirement should include approval of a restoration management plan and post-restoration reporting requirements. In addition, they consider the period for restoration should be reduced from 12 to 6 months.	The Applicants consider that the wording for this requirement included in the Deadline 6 draft DCO (REP6-013) is reasonable and appropriate, and accords with recent precedent. The Applicants refer to their response to hearing action point ISH4_35 in the Applicants response to Hearing Action Points of ISH4 and CAH3 (REP6-176). A detailed response to the points FBC has raised is set out within Annex 2.3 to the Applicants' Response to Deadline 5 submissions from Statutory Consultees and other organisation: Fylde Borough Council (REP6-169).

	Relevant DCO Reference	Relevant Stakeholder (s)	Outstanding DCO Drafting Matter	Stakeholder's Position	Applicant's Position
				NCFPC's Deadline 6 (REP5-196) submission states that restoration time limits for highway reinstatement is included in this requirement or in the construction traffic management plan.	The Applicants refer to their detailed response to hearing action point ISH4_34 in the Applicants response to Hearing Action Points of ISH4 and CAH3 (REP6-176) and the relevant updates to the outline construction traffic management plan (REP6-113) made at Deadline 6. The Applicants consider this resolves this point.
13	Requirement 25 (Collaboration)	FBC and LCC	Whether additional drafting should be incorporated to require the party receiving comments to provide a statement to the relevant planning authority.	FBC's Deadline 6 submission (REP6-187) states that Requirement 25 should include a requirement that the receiving party provides a response, even if this is to confirm that no comments are being provided. LCC included a similar request in their Deadline 5 submissions (REP5-174). Their Deadline 6 submission (REP6-188) confirms they agree to the updates the Applicants made to this requirement at Deadline 6.	The Applicants updated the wording of requirement 25 at Deadline 6 to incorporate the wording requested by LCC in their Deadline 5 submission. The Applicants consider this also addresses FBC's request as set out in their Deadline 6 submission. The Applicants consider this point is now resolved.
14	Requirement 26 (Biodiversity Benefit)	FBC, LCC and NCFPC	The ExA issued a Rule 17 letter on 24 October 2025 (PDA-017) requesting the Applicants to provide further commentary and consider drafting updates to requirement 26, particularly in	NCFPC's Deadline 6 submissions (REFS) set out that they do not consider the drafting of 26(3)(b) to be clear and precise. FBC welcomes the Applicants approach to provide for a hierarchical approach for achieving biodiversity benefit and raises a number of concerns around delivery of biodiversity benefit. The Applicants note however that FBC' state they cannot provide further comment on the	The Applicants have provided a detailed response to the Rule 17 letter and have provided some further updates to both the outline biodiversity benefit management plan and proposed updates to the wording of requirement 26 within that response to provide greater clarity to the drafting. The Applicants consider their drafting is appropriate and meets the relevant tests and together with drafting updates to Articles 20, 22 and 29 of the draft DCO (REP6-013) at Deadline 6 provides an appropriate balance, ensuring compliance with both policy and the compulsory acquisition tests.

	Relevant DCO Reference	Relevant Stakeholder (s)	Outstanding DCO Drafting Matter	Stakeholder's Position	Applicant's Position
			relation to requirement 26(3)(b) and 26(3)(c) in light of comments received from FBC, LCC and NCFPC.	wording of Requirement 26 until other matters have been agreed. LCC's Deadline 6 submission requests some additional drafting to include in requirement 26.	The Applicants note that LCC's comments for additional drafting relate to the Deadline 5 version of requirement 26 and are not therefore relevant to the latest drafting included at Deadline 6 draft DCO (REP6-013) and discussed during issue specific hearing 4.
15	Requirement 27 (Wildlife Hazard Management Plan)	NCFPC	Who is the appropriate discharging body for this requirement	NCFPC's Deadline 6 (REP6-196) submission states that BAE Systems should be the discharging body and that this is permitted via section 120(2)(b) of the Planning Act 2008.	The Applicants agreed the wording of requirement 27 with the aviation stakeholders – BAE, DIO and BAOL – at Deadline 6. The updated agreed drafting is included in the Deadline 6 draft DCO (REP6-013) and this includes agreement that the relevant planning authority is the appropriate discharging body for this requirement with the aviation stakeholders identified as named consultees.
16	Requirement 28 (Blackpool Road Recreation Ground)	FBC	Inclusion of a requirement to secure a s106 Agreement for the delivery of measures to mitigate construction impacts on St Annes Football Club at Blackpool Road Recreation Ground.	FBC's Deadline 6 response (REP6-187) states that they consider other related matters should be agreed before they can agree the wording of this requirement.	The Applicants and FBC have not agreed the drafting of requirement 28 which has been put forward by the Applicants as a fall-back 'without prejudice' requirement. The Applicants note FBC's position set out in its Deadline 6 response that other related matters need agreement first. However, the Applicants do not consider that the matters raised previously in REP4-134 and REP5-171 relate directly to the form of wording put forward by the Applicants but rather the scope of the s106 Agreement which the Applicants are negotiating with FBC. The Applicants disagree that the s106 Agreement should cover anything other than the mitigation measures which are required to mitigate the

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					<p>construction impacts at Blackpool Road Recreation Ground.</p> <p>The Applicants have provided a response to what FBC has termed as related matters in Annex 2.3 to Applicants' Response to Deadline 5 submissions from Statutory Consultees and other organisation: Fylde Borough Council of REP6-169 at row AS-084.2. In summary, the Applicants' position is that those matters are either already secured through the requirements of the draft DCO and the accompanying management plans or are matters which are not required in order to mitigate the impacts of the Transmission Assets identified through the EIA and which are instead community benefit matters.</p> <p>The Applicants consider that the without prejudice requirement is appropriate to include in the DCO pending completion of the s106 Agreement and refer to their detailed position on this set out in response to hearing action point ISH4_40 in the Applicants response to Hearing Action Points of ISH4 and CAH3 (REP6-176).</p>
17	Schedule 12 (Approval of matter specified in requirements), paragraph 6 - Fees	FBC	Inclusion of specific fee levels payable for applications to discharge requirements	FBC' Deadline 6 submission notes it is supportive of the Applicants proposed updates to Schedule 12, paragraph 6 at deadline 6. FBC suggest that sub-paragraph 6(2)(a) should apply to any requirement with details to discharge.	<p>The Applicants note that FBC is supportive of updates included in the draft DCO (REP6-013) at Deadline 6. The Applicants note that the drafting included at paragraph 6 of Schedule 12 reflects the Heckington Fen Solar Park Order 2025 as requested by FBC and specifies the level of fees payable for each requirement. The Applicants note FBC's comments in relation to sub-paragraph 6(2)(a).</p> <p>The Applicants consider that the requirements specified are those that are more complex to discharge</p>

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					and would therefore warrant the higher fee which is applied through this sub-paragraph. The Applicants do not consider the potential drafting amendments proposed by FBC are clear and precise. The Applicants note however that they made a further update to this sub-paragraph at Deadline 6 after the drafting was initially shared with FBC. Paragraph 6(2) of Schedule 12 of the draft DCO (REP6-013) states that the fees are payable as set out within the listed bullet points ' <i>unless otherwise agreed with the relevant planning authority</i> '. The Applicants consider that the inclusion of this wording allows for a further assessment as necessary with the relevant planning authorities of the applicable fees at the relevant time and therefore specifically provides a mechanism by which the relevant planning authorities could require an uplift to any of the fees stated in paragraph 6. The drafting is therefore considered to be reasonable and proportionate in striking a balance between precision in the drafting and the ability to review application fees for the discharge of requirements at the appropriate time. The Applicants consider this approach accords with precedent.
18	Condition 17 (Force majeure) Part 2, Schedules 14 and 15, and Condition 15 (Force Majeure) Part 2, Schedules 16 and 17	MMO	Whether the wording for force majeure included within the deemed marine licences appropriate.	The MMO's Deadline 6 response (REP6-200) confirms that it still does not consider that the wording aligns adequately to sections 85 and 86 of the Marine and Coastal Access Act 2009 (MCAA).	The Applicants provided a response to the MMO's position at RR-1414 1414.20 of the Applicants' response to the Marine Management Organisation's Relevant Representation (PDA-013). The Applicants set out in that response how sections 85 and 86 of the MCAA serve a slightly different purpose. Amendments have however been made to Condition 17 of Schedule 14 and 15 and Condition 15 of Schedules 16 and 17 to try and address the MMO's

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					concerns. The Applicants included a new paragraph (2) and at deadline 5, following the making of the Morgan Offshore Wind Farm Generation Assets Order 2025 (where the same arguments were put forward by the MMO during that examination), the Applicants updated Condition 17 of Schedules 14 and 15 and Condition 15 of Schedule 16 and 17 to align to the wording of the Morgan Offshore Wind Farm Generation Assets Order 2025.
19	Condition 20 (Low order unexploded ordnance clearance) Part 2, Schedules 14, 1 and 15	MMO and NE	Inclusion of low order unexploded ordnance clearance within the deemed marine licences.	The MMO's Deadline 6 submissions (REP6-199) and the statement of common ground with Natural England's submitted at Deadline 6 (REP6--179) confirm that both the MMO and Natural England's position is that all UXO clearances should be included within a separate marine licence application and not included within the deemed marine licences in Schedules 14 and 15.	The Applicants maintain that inclusion of low order UXO clearance is appropriate and note that the drafting of Condition 20 follows and aligns to the Morgan Generation Order and ensures that appropriate post consent compliance controls are in place. The Applicants also refer to their Deadline 6 response to the MMO (REP6-171). The Applicants note the MMO confirmed at Deadline 5 (REP5-175), on a without prejudice basis, that the MMO is largely content that should the secretary of State (SoS) include low order UXO clearance then the drafting in Condition 20 provides for the required information for the UXO clearance works at the post consent stage.
20	N/A	NE	Whether the DCO should secure removal of cable protection within designated sites at the time of decommissioning .	The statement of common ground with Natural England submitted at Deadline 6 Natural England confirms that Natural England maintains its original position that all infrastructure and cable protection (excluding cable crossing) should be removed from benthic designated sites at the time of	The Applicants consider that the controls included within the outline cable specification and installation plan (including confirmation that where cable protection is required it will be designed to be removable) are sufficient. The Applicants consider the draft DCO aligns with precedent by providing for an offshore decommissioning programme to be approved in accordance with the provisions of the Energy Act 2004 under requirement 21 of Schedules 2A and 2B of the draft DCO (REP6-013) and it can therefore be

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				decommissioning and removal secured in the DCO.	considered further at the relevant time by the regulator whether or not cable protection should be removed.
21	N/A	MMO, NE	Whether the deemed marine licences in Schedules 14 and 15 of the draft DCO should include an additional adaptive management condition.	The MMO's Deadline 6 response states that a separate condition securing adaptive management should be included within the draft DCO. The MMO acknowledges that the outline In-principle Monitoring Plan (IPMP) includes adaptive management measures and is secured under Condition 18(1)(d) of Schedules 14 and 15 of the draft DCO (REP6-013).	The Applicants maintain that a separate condition is not necessary as adaptive management is suitably controlled through the IPMP and therefore secured under Condition 18 of Schedule 14 and 15.