MORGAN AND MORECAMBE OFFSHORE WIND FARMS: TRANSMISSION ASSETS

Closing Statement

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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	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. 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.
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	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. Also referred to in this report as the Transmission Assets, for ease of reading.
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	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. Also referred to in this report as the Offshore Order Limits, for ease of reading.
Transmission Assets Order Limits: Onshore	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). Also referred to in this report as the Onshore Order Limits, for ease of reading.

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
PoI	Point of Interconnection
PPP	Pollution Prevention Plan
PRoW	Public rights of way
QBAR	Mean annual maximum flow rate from a rural catchment (approximately a 1 in 2 year event)
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

Unit	Description
Kg	Kilogram
kHz	Kilohertz
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 Introduction

1.1 Introduction

1.1.1.1 This document sets out the Applicants' (Morgan Offshore Wind Limited and Morecambe Offshore Wind Farm Limited) final position on the key issues discussed during the Examination. It does not seek to introduce new material nor raise any new issues but sets out a final position to assist the Examining Authority (ExA) and the Secretary of State. The Applicants' full case is set out in the application documents and has been articulated at the Issue Specific and Compulsory Acquisition Hearings and in other evidence submitted during the course of the Examination including in response to the ExA questions. It also does not duplicate the extensive submissions and material provided by other Interested Parties (IPs) to the Examination.

1.1.1.2 In relation to each Principal Issue identified by the ExA in its Rule 6 letter, this document summarises the Applicants' final position, signposts relevant submissions, addresses any outstanding issues and provides a conclusion on the Applicants' suggested approach to decision making. Only those matters which the Applicants consider are material to the decision-making process are set out in this Closing Statement, in order to support the ExA in their reporting and the Secretary of State in its decision-making on the application for a Development Consent Order (DCO).

1.1.1.3 Where it has not been possible to formally resolve matters before the close of the Examination, the Applicants will continue to seek agreement with the relevant parties and where appropriate will update the Secretary of State as soon as possible prior to the determination of the Transmission Assets application.

1.1.1.4 The Applicants consider that having full regard to the relevant extant policies and matters set out in this document, the positive benefits of the Transmission Assets outweigh any residual adverse impacts, and consent should be granted in the form sought by the Applicants.

1.2 Coordinated Projects and a Joint Application

1.2.1.1 The Transmission Assets application has required unprecedented transparency and cooperation between two entirely separate commercial entities, Morgan OWL and Morecambe OWL, to deliver the Government's aim for a co-ordinated approach to transmission networks. This is an approach facilitated by the Offshore Transmission Network Review and Holistic Network Design (HND) and which NPS EN-1 explains "*has the potential to reduce the network infrastructure costs as well as the cumulative environmental impacts and impacts on coastal communities*" (para 3.3.71 of NPS EN-1).

1.2.1.2 Delivering these co-ordination objectives of the Government, as embedded in EN-1, has been achieved through detailed alignment in the design of the infrastructure and the collection and sharing of

background and survey data to undertake the necessary assessments and present a single application. The Applicants have delivered a single Application and Examination process for the transmission assets for two separate nationally significant offshore wind projects which has ensured the totality of the effects of the two projects are fully considered (with minimal residual significant effects) as well as an aligned approach to mitigation that will be delivered whether the projects are constructed concurrently or sequentially. As these matters have been embedded into the Transmission Assets application and Examination, the full extent of the benefits of the Applicants' approach may not be obvious and therefore have not been a focus for Examination (as the benefits of avoiding the environmental and coastal community impacts of piecemeal radial development have not been a focus of those making representations). However these benefits, along with the substantial weight to be afforded to the Transmission Assets as Critical National Priority Infrastructure and their role in the delivery of two nationally significant offshore wind projects with a combined capacity of almost 2 GW, (which each individually should be given substantial weight in accordance with EN-1) should be given due regard and consideration in the determination of this Application.

2 General Matters

2.1.1.1 The following areas are addressed within this General Matters section of the closing submission:

- Site Selection and Alternatives;
- Approach to design and construction; and
- Approach to Construction Scenarios and Coordination between the two Projects.

2.1.1.2 The Applicants have undertaken a rigorous and robust route planning and site selection exercise to connect two offshore wind farms (with a combined generating capacity of almost 2 GW) to the National Grid connection point at Penwortham, in a way which delivers on the Government's aims to improve co-ordination of offshore transmission infrastructure and so improve efficiency and minimise overall impacts.

2.1.1.3 As set out in the Application and throughout Examination the Applicants have worked together, listening to stakeholder views to develop the proposals. In doing so they have balanced environmental, physical, technical, commercial, and social/economic considerations and opportunities, as well as engineering and regulatory/commercial requirements. This approach will continue through the development of detailed design and where possible into construction.

2.2 The approach to site selection and alternatives

2.2.1 Overarching Approach

2.2.1.1 Volume 1, Chapter 4: Site Selection and consideration of alternatives (AS-026) and the accompanying annexes explain the Applicants' approach to site selection and alternatives.

2.2.1.2 The site selection principles adopted by the Applicants included:

- Alignment of the offshore, landfall and onshore infrastructure for both projects where possible;
- Shortest route preference to reduce impacts by minimising footprint for the Transmission Assets' offshore and onshore cable corridors as well as considering cost (and ultimately reducing the cost of energy to the consumer) and minimising transmission losses;
- Minimising impacts to environmental features and social receptors, where possible; and
- The necessary space to accommodate the design envelope.

2.2.1.3 These site selection principles were applied to design and select the most suitable route and location of the Transmission Assets infrastructure from the generation assets to the Point of Interconnection (PoI) at the National Grid Substation at Penwortham.

2.2.1.4 The Applicants have explained why the transmission infrastructure for each wind farm needs to be electrically independent (i.e. each wind farm will have its own cabling and substation infrastructure). However, the location of the infrastructure has been co-ordinated with aligned offshore export cable corridors to landfall and aligned onshore export cable corridors to separate, but co-located, onshore substations, and from these substations an aligned onward connection to the National Grid Penwortham substation. This approach delivers the recommendations of the Holistic Network Design Report (HNDR), which sought to balance cost and technical considerations and minimise impacts to the environment and the community.

2.2.1.5 This is the first time in the UK that two entirely independent projects have adopted such a coordinated approach, resulting in shared landfall and an aligned cable corridor. This collaboration has significantly reduced proliferation of infrastructure requirements compared to two separate DCO projects connecting to the same National Grid substation (which without coordination would have led to a disparate and significantly greater spatial footprint). While design flexibility remains essential to ensure each project can be constructed independently, the coordinated strategy, already implemented and committed to as both projects progress, has undoubtedly achieved the Government's (and NPS EN-1's) aims for coordination: lower residual impacts on the local environment, landowners, and communities.

2.2.2 Landfall Site

2.2.2.1 The landfall point is where the offshore export cables would be brought ashore before being connected to the onshore export cables. A Landfall Area of Search was defined based on the location of the Generation Assets and the National Grid Substation at Penwortham which extended from the south of Blackpool to Formby, covering approximately 50 km of coastline. Within the landfall area of search, six potential landfall zones were identified. These were, from north to south, Lytham St Annes, Banks, Southport, Ainsdale, Formby and South of Formby.

2.2.2.2 No potential landfall zones were identified north of Lytham St Annes due to the combination of sensitive offshore features around Morecambe Bay and the highly populated area of Blackpool.

2.2.2.3 A RAG (Red, Amber, Green) constraints analysis concluded that the Lytham St. Annes zone was the best option to be taken forward for further assessment. This zone had no red constraints and the potential to minimise interactions with sensitive environmental features and residential areas, making it the preferred landfall option.

2.2.2.4 While the selected landfall location presents certain challenges, including its position in close proximity to Blackpool Airport, the need to cross features such as the Lytham St Annes Local Natural Reserve, St Annes Old Links Golf Club, Preston to Blackpool South Railway line, the A584 Clifton Road North and the Lytham St Anne's Dunes SSSI , it was ultimately deemed the most appropriate option when compared to the available alternatives.

2.2.2.5 Based on the Point of Interconnection (PoI) at Penwortham, no party has identified a more suitable or feasible landfall location. It is also noted that this landfall location aligns with the assumptions made by NESO in making its recommendations in the HNDR for the transmission network design to connect the two offshore generation projects. Further information regarding the construction associated with the Landfall can be found below in Section 2.3.2.

2.2.3 Onshore Cable Route

Prior to Application

2.2.3.1 The Applicants are developing two independent and separate offshore wind farm projects, and therefore to remain electrically separate, offshore and onshore cables are required for both Morgan OWL and Morecambe OWL. The Applicants have sought to demonstrate good design throughout the development of the Transmission Assets. For the onshore infrastructure, a key design decision was to install cables underground rather than seek to use overhead lines (CoT12 of the Commitments Register (REP6-042)). As outlined in Section 2.2.1 above, one of the Applicants' guiding principles was to design the shortest, least impactful route. In addition, the location of infrastructure has been coordinated with aligned onshore export cable corridors and

400 kV grid connection cable corridors. There were four stages of the site selection process, which incorporated consultation feedback at each phase to further refine the siting and design of the onshore cable corridor infrastructure.

2.2.3.2 The location and extent of the initial onshore cable route search area, encompassing both the onshore export cable corridor and 400 kV grid connection cable corridor, was based on the landfall zone near Lytham St Annes to the west and the PoI at the National Grid Substation at Penwortham to the east.

2.2.3.3 A BRAG (Black, Red, Amber, Green) methodology was then applied to find the most suitable routing from the landfall to the onshore substation statutory consultation zone. The options at this stage, in the vicinity of Blackpool Airport, included cable installation in land operated by the airport or cable installation within the public highways. In the Lytham Moss and Higher Ballam Area, two route options were also presented; Option 1 (North) - which passes to the north of Higher Ballam and avoids the farmland conservation area or, Option 2 (South) which passes to the south of Higher Ballam.

2.2.3.4 A 400 kV grid connection cable corridor search area was also defined using the PEIR substation statutory consultation zone 1 as the western extent and the PoI at Penwortham as the eastern extent.

2.2.3.5 The refinement of the onshore export cable corridor route options between PEIR and the DCO application was largely driven by refinements to key infrastructure parameters, consultation in the form of Section 42/47 feedback, and review of environmental constraints. The changes made by the Applicants included:

- **Avoidance of all residential properties** - A reduction of the temporary construction export cable corridor width from 122 m to 100 m to avoid a greater number of sensitive receptors along the route (CoT06 of the Commitments Register (REP6-042)). This allowed for the onshore export cable corridor to avoid all residential properties.
- **Minimised interaction with the Farmland Conservation Area** - In addition, following feedback received on the PEIR, onshore export cable corridor route Option 1 (North) around Higher Ballam and Lytham Moss was selected meaning that interactions with the Farmland Conservation Area and associated Functionally Linked Land was minimised as far as practicable.
- **Removal of the option to install the cables within the public highway** - Feedback was also received regarding the installation of cables within the public highway and the disruption this could potentially cause to the community. Therefore, this option was discounted.
- **Reduction in the interaction with Blackpool Airport** - Another of the key themes resulting from the consultation on the PEIR was the interaction with Blackpool Airport. Between PEIR and Application

the Applicants removed the northern section of Blackpool Airport from the Order Limits.

- **Reduction of interaction with sensitive ecological receptors** – The reduction in the temporary construction export cable corridor allowed for the corridors to be realigned to reduce the interaction with TPO, trees and ponds. This is evidenced by the reduction in the number of ponds potentially affected from approximately 90 to 19.

2.2.3.6 Having established a 400 kV grid connection search area for statutory consultation, the area was graded and mapped to identify environmental, planning and engineering constraints which, along with consideration of the routing principles, allowed for establishment of the 400 kV grid connection cable corridors and specifically the crossing point for the River Ribble.

2.2.3.7 In addition to avoiding these constraints as part of the site selection process, the Applicants have made a number of further commitments to reduce potential impacts to local sensitive receptors which are set out further in Section 2.3 regarding the approach to design and construction.

During Examination

2.2.3.8 At Issue Specific Hearing, the Applicants were asked to provide a practical example on how consultation was taken into account through the BRAG process to refine a route (ISH1_7). The Applicants provided Figure 1 within Appendix A of the Applicants Response to Hearing Action Points (REP1-037), which set out an example of where local residents and community feedback resulted in further refinement of the onshore cable route to avoid constraints raised. ISH1_7 also details how the BRAG appraisal was carried out for Green Belt land in respect of the onshore cable corridor. Paragraph 5.11.2 of NPS EN1 states that *'The fundamental aim of Green Belt Policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence'*. The onshore cable corridor, once installed, will be buried for its entire length underground, maintaining the openness of the Green Belt and thus is not appropriate to be considered with the BRAG criteria for the site selection of the onshore cable corridor.

2.2.3.9 Also, during Examination, Newton with Clifton and Freckleton Parish Council and Lancashire Association of Local Councils Fylde Area Committee Energy Working Group submitted concerns regarding the route selected and advocated for a hypothetical "Northern Route" which was proposed by these parties. This included their response to Hearing Action Points: ISH1 6, 8, 9, 19, 26 & 28 - Rev F01 (REP1-039) and Annex 3.1 to Applicants' Response to WRs from Statutory Consultees: Lancashire Association of Local Councils Fylde Area Committee Energy Working Group (REP2-032).

2.2.3.10 In relation to costs and the hypothetical "Northern Route" via Stanah and Hillhouse, as raised in REP2-059 and REP2-064, the Applicants

refer to their response to REP2-064 – Newton with Clifton and Freckleton Parish Councils, submitted at Deadline 3. This hypothetical route involves a different POI which is not available to the Applicants, and would not align with the recommendations of the HNDR, which balanced cost, technical, environmental and community factors and is supported by the NPSs. Furthermore, National Grid has confirmed in their response to ExA questions (REP3-088) that this alternative POI is not possible. It is also notable that the proposed East Irish Sea Transmission Project has a recently provided connection at Penwortham not Stanah further highlighting the unsuitability of this connection point. The Applicants have provided detailed justification as to why the selected route to the National Grid connection point at Penwortham is the most suitable and note that none of the alternative routes suggested would meet the established site selection criteria set out in APP-033.

2.2.4 Substation Sites

2.2.4.1 The site selection process for the onshore substations has been robust and comprehensive as evidenced by the decisions made by the Applicants in response to consultation comments and feedback, detailed technical, commercial and environmental studies (APP-033). As outlined in Section 2.2.1, the Applicants committed to the co-location of the substations within a single zone to minimise proliferation of infrastructure and facilitate the delivery of the recommendation of the HNDR for a shared cable corridor.

2.2.4.2 As no suitable sites were identified within the initial 5 km buffer around Penwortham, this was expanded to 8 km to identify viable options for consideration. Four potential zones were identified. A BRAG appraisal was then undertaken on four identified zones (all of which were within Green Belt) to further assess their suitability for siting onshore substations. Non-statutory consultation took place between April and June 2023 on the onshore substation zones and to gather local knowledge about the surrounding area. Zone 1 was ultimately considered to be the most preferable as it was the least constrained (no red areas and the most areas of green in the BRAG appraisal) with an absence of priority habitat or protected / notable species compared to other zones. A further site selection exercise was then undertaken to identify appropriate parcels of land within Zone 1 that could accommodate the onshore substation resulting in one option for the Morgan Offshore Wind Project and two options for the Morecambe Offshore Windfarm that were taken to statutory consultation.

2.2.4.3 Throughout the site selection process, refinements were made in an effort to address landowner and other stakeholder concerns and environmental constraints whilst ensuring engineering requirements could be met. In response to consultation feedback the Morgan substation was sited further to the east to lessen the impact upon agricultural land and increase the distance from the residential areas of Kirkham South and Hall Cross. The change was partly facilitated by Morgan OWL committing to GIS technology which minimises the land

take required for the permanent electrical infrastructure. The relocated Morgan substation site also allows more opportunity to utilise existing screening to reduce visibility and views of the substation from residential areas, such as Hall Cross and Kirkham. A change to the location of the construction compound means that construction and operational access could be taken directly from the A583 via a new junction, eliminating the requirement for any construction traffic to traverse Lower Lane. It also meant that the public right of way (PRoW) was no longer located between the construction compound and the substation platform, thus greatly reducing the direct impact to the PRoW during construction.

2.2.4.4 Although Morecambe has not selected either AIS or GIS technology, the difference in spatial footprint/ impact between these options at the substation site is not material, given the infrastructure required to support a substation of this capacity.

2.2.4.5 The onshore substations are also sited to provide the greatest possible opportunity for screening. Strategic landscaping areas were identified to allow for additional tree planting and visual screening, in addition to that provided by the existing trees and hedgerows around the site.

2.2.4.6 Consideration of the Green Belt location of the substations are discussed in Section 9. Landscape and Good Design in relation to the onshore substations are discussed in Section 11.1.4. The interaction with Green Belt was a key issue in Examination but as explained by the Applicants in their Green Belt Technical Note (REP4-092), there were no alternative options (either zones or sites) which could have avoided Green Belt, and it does not represent an absolute constraint in policy terms. Additionally, ISH1_7 details how the BRAG appraisal was carried out for Green Belt land regarding the substation. Paragraph 153 of the NPPF states that development considered harmful to the Green Belt should not be approved except in ‘very special circumstances, where the harm is clearly outweighed by other considerations’. An ‘amber’ rating was therefore applied in the BRAG appraisal as Green Belt did not represent an absolute constraint on site selection. The Applicants consider that compelling very special circumstances exist for the onshore substations that outweigh the harm and any other harms arising from the substations, with additional weight afforded given the Transmission Assets constitute Critical National Priority Infrastructure under NPS EN-1.

2.2.4.7 The Applicants have responded directly to consultation feedback received on the PEIR to lower the maximum building height of both the Morgan onshore substation (from 20m to 15m) and the Morecambe onshore substation (from 20m to 13m) and refinements were made to the overall footprints of the onshore substations. Collectively these refinements help ensure that the substations can be better assimilated into the landscape and the landscape planting will be more effective.

2.2.5 Environmental Mitigation and Biodiversity Benefit Areas

2.2.5.1 Further information on the site selection for the environmental mitigation and biodiversity benefit areas is set out in Site Selection of the Environmental Mitigation and Biodiversity Benefit Areas (REP2-046) and in Section 5.3.3 in relation to the individual sites.

2.3 Approach to design and construction

2.3.1.1 Following on from the site selection and refinement stage outlined above, the Applicants have continued to actively engage with stakeholders during pre-application stage and during examination to make design refinements and commit to specific construction measures aimed at alleviating impacts, particularly at sensitive locations.

2.3.2 Landfall

2.3.2.1 The key refinements and construction commitments that the Applicants have made for the landfall area prior to application included but were not limited to:

Pre-Application

- **Commitment utilisation of trenchless techniques** – The Applicants have committed to the installation of the offshore export cables under Lytham St Annes SSSI and the St Annes Old Links Golf Course via direct pipe trenchless installation technique. The exit pits associated with the direct pipe installation will be at least 100 m seaward of the western boundary of the Lytham St Annes Dunes SSSI. Therefore, there will be no direct impacts to the dunes. (CoT44 of Volume 1, Annex 5.3: Commitments Register (REP6-042)).
- **Seasonal Restriction** – Prior to application the Applicants committed to only completing one cable pull in (a maximum of five weeks) per wintering season (i.e. during the months of November – February, inclusive), as a result of the feedback received from Natural England as part of consultation on the PEIR to minimise impacts to over-wintering birds who may forage in the intertidal area (CoT110 of Volume 1, Annex 5.3: Commitments Register (REP6-042)).
- **Coordinated construction activities at landfal**l – The Applicants committed to ensuring that the construction activities on the beach will be coordinated to ensure that only one Applicant carries out work on the beach at any given time, to reduce any disturbance to potential users of Lytham St Annes Beach.

During Examination

2.3.2.2 The main concerns raised during the examination period by members of the public, landowners and statutory stakeholders in relation to the landfall area included:

- Approach to construction (See Paragraph 2.3.2.4 below);
- Potential impacts and closure of Lytham St Annes Beach (See Paragraph 2.3.2.5 below);
- Potential impacts on Sand Lizards (See Paragraphs 5.6.1.1 to 5.6.1.4);
- Further consideration to seasonal restrictions for over wintering birds (See Section 5.3.2);
- Emergency access for the RNLI (See Paragraph 2.3.2.4); and,
- The potential hydrogeological impact on Lytham St Annes SSSI (See Section 7).

2.3.2.3 To alleviate the concerns raised by members of the public, landowners and statutory stakeholders the Applicants, have made further commitments during the examination period, which include but are not limited to:

- **Specific measures to minimise the potential impact to Sand Lizards** – Further information can be found in Section 5.6.
- **Further seasonal construction restriction commitment** – Following engagement with Natural England on the comments raised regarding the potential impact to overwintering birds. The Applicants committed to a full seasonal restriction which means that no construction activities at landfall on Lytham St Annes beach will be undertaken between November and March (inclusive). This is to mitigate disturbance to foraging and roosting wader features of Ribble and Alt Estuary SPA and Ramsar site. CoT110 of Volume 1, Annex 5.3: Commitments Register (REP6-042)).
- **Commitment to undertake further Ground Investigation to inform the detailed Hydrological Risk Assessment(s)** – The Applicants updated CoT128 in response to feedback received from Natural England and the Environment Agency. Further information on the potential hydrogeological impacts to Lytham St Annes Dunes can be found in Section 7.

Approach to construction

2.3.2.4 Interested Parties submitted representations during Examination with regard to the potential impacts of construction at landfall. The Applicants produced an Outline Landfall Construction Method Statement (OLCMS) (REP6-151) which forms an appendix to the Outline Code of Construction Practice (CoCP) (REP6-067) and seeks to manage the onshore and intertidal environmental impacts of the Transmission Assets' construction process. The OLCMS sets out the key elements of the construction methodology and environmental considerations associated with the construction of the landfall for the Transmission Assets, including:

- Cable pull-in and burial activities;
- Trenchless installation below sensitive receptors;

- Transition Joint Bays (TJBs);
- Establishment of temporary construction compounds; and
- Site specific surveys.

Consideration of Open Space at landfall

2.3.2.5 Throughout Examination interested parties have raised concerns with regard to how construction will impact Lytham St Annes beach. As set out in section 1.13.4 of oLCMS, public access, including for the RNLI, between the cable pull-in working areas and the sand dunes will remain largely unrestricted throughout the cable installation works, as the cable installation working area will be maintained at least 100m seaward of the Lytham St Annes Dunes SSSI (CoT44) as secured in Schedule 2A & 2B, Requirement 8 of the draft DCO (REP6-013). However, during the offshore cable pulling and burial, a section of the beach from the exit pits to MLWS would need to be closed off to public access, while certain activities are taking place. In such cases, the Applicants will implement managed crossings either to the seaward or landward side to allow users to maintain access from one side of the works area, to the other. Further details of the public access of the beach during construction is detailed in Appendix A, of the Outline Public Rights of Way (PRoW) Management Plan (REP6-009).

Century Care Home

2.3.2.6 In response to representations from Fylde Borough Council the Applicants have provided further mitigations for Century Care Home as set out within section 1.5.4 of the Outline Construction Noise and Vibration Management Plan (REP6-084). The Applicants will engage with the Care Home during the detailed design stage to further understand their use and identify any receptor specific noise and vibration limits and any potential mitigation measures required to minimise construction noise and vibration impacts.

2.3.2.7 A bespoke method statement will be developed to ensure suitable noise limits can be met on specific sensitive noise receptors. These specific limits and mitigation measures will be included in the detailed Construction Noise and Vibration Management Plan under Requirement 8 of Schedules 2A and 2B of the draft DCO for approval by the relevant planning authority.

2.3.3 Onshore Cable Route

2.3.3.1 Following the conclusion of the site selection process, further key refinements and construction commitments were made by the Applicants prior to application. These include but are not limited to:

Pre-Application

- **Trenchless techniques** - As part of the Application, the Applicants have committed to utilise trenchless techniques to cross the

following assets as outlined within the Onshore Crossing Schedule (REP6-030). This has resulted in approximately 26% of the onshore cable corridor being constructed using trenchless techniques – which is a much larger percentage than most other linear schemes.

  - All EA Main Rivers – (CoT10 of Volume 1, Annex 5.3: Commitments Register (REP6-042)).
  - All roads apart from Leach Lane – (CoT02 of Volume 1, Annex 5.3: Commitments Register (REP6-042)).
  - All Railway Crossings - (CoT10 of Volume 1, Annex 5.3: Commitments Register (REP6-042)).

- **Reduction in working durations at Blackpool Road Recreation Ground** – prior to Application, the Applicants made a commitment that the total active construction duration would only take place for a maximum of 5 months within the overall construction duration for the onshore export cable corridor (CoT128 of Volume 1, Annex 5.3: Commitments Register (REP6-042)). See Section 2.3.3.13 below for more information regarding Blackpool Road Recreation Ground.

During Examination

2.3.3.2 The main concerns raised during the Examination period by members of the public, landowners and statutory stakeholders in relation to the landfall area included:

- Approach to construction including programme and timing (See Paragraph 2.3.3.5 to 2.3.3.9 below);
- Location of Joint Bays and Link Boxes (See Paragraph 2.3.3.11 below);
- Field Drainage (See Paragraph 2.3.3.12 below); and
- Potential impact to sensitive receptors such as Wrea Green Equitation Centre (See Paragraphs 2.3.3.17 to 2.3.3.20 below).

2.3.3.3 To alleviate the concerns raised by members of the public, landowners and statutory stakeholders the Applicants, have made further commitments which include but are not limited to:

- **Working Hours** - The Applicants amended the construction working hours to remove Saturday afternoons at Deadline 4 as a result of further consideration of Q14.1.10 of the ExA's Written Questions (PD-008) and further to the responses from the following councils to the same: Preston City Council (REP3-105), South Ribble Borough Council (REP3-109), Blackpool Borough Council (REP3-076) and Fylde Council (REP3-082).
- **Change request** – The Applicants submitted a change request to facilitate a relocation of accesses for both Morgan OWL and Morecambe OWL as well as a reduction to the order limits within Blackpool Airport and Blackpool Road Recreation Ground. The Change Request was made at the earliest opportunity in response to stakeholder feedback.

Approach to construction

2.3.3.4 At Application, information regarding the construction of the Transmission Assets was contained within Volume 1, Chapter 3: Project Description (REP6-038), and controls to minimise any potential impacts were included within the management plans. However, to provide further clarity to members of the public, landowners, and the relevant planning authorities on how construction of the onshore cable corridor would be undertaken; the Applicants produced and submitted an outline Onshore Construction Method Statement at Deadline 4 (REP6-146). This is secured under Requirement 8 of Schedules 2A and 2B of the draft Development Consent Order (REP6-014). Specifically, the OCMS explains the systematic five step process for how the project will be constructed. The five steps are;

1. Onshore Site Preparation;
2. Discharge of Requirements;
3. Site Establishment;
4. Construction and Commissioning; and
5. Site Reinstatement and Handover.

Construction Programme and Timing

2.3.3.5 Throughout the Examination stakeholders have raised concerns with how the construction programme may affect individual land holdings and the agricultural businesses associated with those holdings. To address those concerns the Applicants, in their response to Hearing Action Points: ISH2 38 - Rev F01 (REP4-111) provided details on how construction would be undertaken. Within this submission the Applicants explain that construction of the cable corridor will be completed in sections as separated by joint bays. Table 3.28 of the Project Description (REP2-008) identifies a maximum distance between joint bays of 2km and a minimum distance of 500m – on this basis the Applicants consider there could be around 30 cable sections per project along the full length of the corridor.

2.3.3.6 Noting that the maximum duration of construction is 36 months for Morgan and 30 months for Morecambe, construction would be programmed to start with the most complex works (the substations and landfall) and complex cable sections (the most complex are major trenchless crossings). The Applicants' aim is to be on the land for as short a time as possible so the simpler open-cut trenching across agricultural fields would likely be programmed at the back end of the construction programme. Importantly, the aim would be to complete construction across all cable sections at a similar time so that reinstatement can be carried out in one operation insofar as practicable. This aim (and that of taking land for the minimum time necessary) would drive the construction programme.

2.3.3.7 Annexure 1 of the Applicants' response to Hearing Action Points: ISH2 38 - Rev F01 (REP4-111) also sets out Consideration of Interaction and

Accommodation Measures for all landholdings along the cable route. This further demonstrates the Applicants have considered, and will continue to consider, the impact of the Transmission Assets on individual land holdings and have tailored accommodation measures individual to the actual land uses. That document also set out how the Applicants will engage with landowners in advance of and during works.

2.3.3.8 Furthermore, the Applicants through Commitment 96 of the Commitments Register (REP6-042) have stated that farm access routes between fields within a farm holding will be maintained (where reasonably practicable), or alternative routes agreed with the land holder to enable the continued operation of agricultural land holdings during the construction phase, where this may be possible. This is secured within requirement 8 of schedules 2A and 2B of the draft DCO (REP 6-013).

2.3.3.9 On coordination and construction scenarios, see further the section on The Approach to Construction Scenarios and Coordination below.

Location of Construction Compounds

2.3.3.10 With specific regard to the location of construction compounds these have been selected based on access from public highways, as well as to avoid sensitive human and environmental receptors where practicable. Further detail regarding the siting of the temporary construction compounds can be found in Section 4.6.2 of Volume 1, Annex 4.3: Onshore Site Selection (AS-029). In addition, Figure 1 of the Outline Onshore Construction Method Statement (REP6-146) illustrates all of the temporary construction compounds along the onshore cable route. The Applicants note that no specific comments have been raised in regards to the location of construction compounds, other than those which relate to the temporary construction compound in the vicinity of the Wrea Green Equitation Centre. Specific consideration of the Wrea Green Equitation Centre is provided below.

Joint Bays and Link Boxes

2.3.3.11 The positioning of link boxes was raised at both ISH 1 under item 5(a) (REP1-034), and 2 under item 7(e) (REP4-104) and by the National Farmers' Union (RR-1596) and within the ExA's' ExQ2 -12.1.6 (REP5-130). The Applicants reiterate that it is in their best interests that joint bays and associated link boxes are as close to field boundaries and public roads as practical to facilitate maintenance access and they will be sited in this way wherever possible. However, a commitment is not possible at this stage as siting of the link boxes is subject to detailed design which must take account of technical and safety constraints. This includes consideration of pull-force limits on steep gradients or tight bends, electrical safety calculations for the sheath voltages, and conflicts with existing utilities, drains and other third-party assets. In some sections on the onshore cable corridor, placing a link box on the field edge may result in either technical non-compliance or may introduce further disturbance, rather than reducing impacts. As mentioned in ISH2 (Note 75 of agenda Item 9(c), REP4-104) options

such as flush or recess installation, as well as marker posts can be considered to minimise disruption to agricultural and business activities. However, to provide comfort to landowners and the NFU the Applicants updated Section 1.15 of the Outline Onshore Construction Method Statement at Deadline 6 (REP6-146), to state that landowners and occupiers will be consulted during detailed design stage regarding the siting of the link boxes and joint bays and where practicable.

Field Drainage

2.3.3.12 Some Relevant Representations expressed a concern that the Transmission Assets would increase flood risk in the area, highlighting issues such as increased surface water flow and disruption to field drainage. The Applicants have engaged with landowners, occupiers and the NFU on this matter. For the operational and maintenance phase of the project the Applicants have committed (CoT11 of Volume 1, Annex 5.3: Commitments register of the ES (REP6-042)) to the preparation of detailed Operational Drainage Management Plan(s) which focus on the onshore substations. This is secured via Requirement 20 of Schedules 2A and 2B of the draft DCO (REP6-013). In addition, through further consultation with those affected parties, wording agreed with the NFU has been included within the Outline Construction Method Statement (REP6-146) which confirms that the Applicants will consult with landowners on their individual construction drainage designs through their appointed drainage consultant and the Agricultural Liaison Officer set out in the Outline Code of Construction Practice (REP6-068), secured by Requirement 8 of Schedules 2A and 2B of the draft DCO (REP6-013).

Blackpool Road Recreation Ground

2.3.3.13 The Applicants recognise the potential impact from the construction of the Transmission assets to users of Blackpool Road Recreation Ground. The Applicants have sought to deal with concerns as follows.

2.3.3.14 Firstly the Applicants, in their response to Hearing Action Points: ISH1_18 Blackpool Road Recreation Ground (REP1-042), provided a summary as to the likely time, duration and the extent of the impacts on the Blackpool Road Recreation Ground. Table 1.1 of this submission sets out the commitments the Applicants have adopted. Foremost amongst these commitments is CoT 124, which states '*The Applicants will secure mitigation for the construction activities at Blackpool Road Recreation Ground via a section 106 agreement under the Town and Country Planning Act 1990 and/or section 111 agreements under the Local Government Act 1972'.*

2.3.3.15 See Section 10 (Land Use) where further detail regarding the Section 106 is provided.

2.3.3.16 Secondly the Applicants have produced an Outline Open Space Management Plan, which is Appendix A to the Outline Public Rights of Way Management Plan (REP 6-087). The purpose of the Outline Open Space Management Plan is to ensure public safety while retaining

access to and enjoyment of open spaces. Specific measures which the Applicants committed to prior to Application include:

- Due to the works in this area being largely limited to the compounds and the accesses to the compounds, the majority of the Blackpool Road Recreation Ground will remain open for most of the construction period (CoT123 of REP6-042).
- The total active construction duration will last for a maximum of 5 months. This could be split into two separate periods of time for each project during the overall construction period. This maximum 5 months of active construction at Blackpool Road Recreation Ground will remain the case, regardless of the construction scenario carried out.
- Additionally, the Applicants have committed to trenchless installation which (or other trenchless technique) which reduces the requirement for soil storage inside the working corridor for Work Nos 15A/15B, this commitment has been made to minimise impacts to users of the Blackpool Road Recreation Ground open space (CoT123 of REP6-042).
- To minimise impacts on the users of Blackpool Road Recreation Grounds (Work Nos 15A/15B) no haul road will be installed between the entry and exit pits, instead access to Works No 53A/53B will be taken from The Hamlet (AP TAT_MGMC_63. Pedestrian barriers/ fencing (minimum of 1.2m in height) will be required along the trajectory of the trenchless installations to minimise interaction with the public for up to 2 months (CoT123 of REP6-042).
- Where the works at Blackpool Road Recreation Ground have the potential to interfere with accesses currently used by the emergency services, such as at the access at the junction of Leach Lane and Blackpool Road North, the Applicants will ensure their works allow for continued use by the emergency services and priority given.

Wrea Green Equitation Centre

2.3.3.17 Following consultation responses and matters raised during examination regarding the potential impact of construction activity on horses and users of the Wrea Green Equitation Centre the Applicants undertook a study of equestrian receptors which will be used to inform specific noise mitigation during construction (REP6-183). These measures have been included with Construction Noise and Vibration Management Plan (REP6-065), Construction Traffic Management Plan (REP6-113) and Outline Onshore Construction Method Statement (RE6-146).

2.3.3.18 The Applicants have committed to a bespoke communications plan with the Equitation Centre which has been included within the Outline Communications Plan (REP6-069). The Plan will be prepared in consultation with Wrea Green Equitation Centre and will be approved

by the relevant local planning authority. The Applicants understands the importance of open and transparent communication to keep the Centre well informed about construction activities in order to avoid disruption to the operation of the site and to address questions or concerns as early as possible.

2.3.3.19 In addition, the Applicants haves committed to providing an equine veterinarian or similar specialist to support and advise Wrea Green on potential additional mitigation during construction. This is being provided to ensure correct expert input is available and mitigation being implemented is effective.

2.3.3.20 The Applicants take the concerns raised by the Equitation Centre very seriously and will work closely to minimise potential impacts from construction activities to horses and users of the Centre.

2.3.4 Onshore substations

2.3.4.1 The Applicants have continued to engage with stakeholders and take due regard to the comments raised by landowners and the general public and have made a number of further commitments during the examination period in relation to the onshore substations. These include but are not limited to:

- **Noise Limits at substation** – Similarly at Deadline 4 the Applicants updated Requirement 18 to include a noise limit for the onshore substations as a result of ExQ14.1.1 and engagement with Fylde Borough Council. The final SoCG with Fylde Borough Council (S_D1_6.3/F05) demonstrates that they are in agreement with Requirement 18.
- **Landscape planting commitment** – The Applicants updated the Outline Landscape Management Plan (REP6-101) at Deadline 6 to clarify that management measures will be undertaken or a maximum of 10 years following the planting or seeding of new vegetation at the onshore export cable corridor and 400 kV grid connection cable corridor. Furthermore, for the onshore substations, management measures will be undertaken for a minimum of 10 years following the planting or seeding of new vegetation, with the expectation that this will be carried out for the operational lifetime of each substation. These amendments were made further to Fylde Borough Council's submissions at ISH4 under item 4(d), landscape matters as set out in Issue Specific Hearing 4 Day 1 hearing summary (REP6-163). The final SoCG with Fylde Borough Council (S_D1_6.3/F05) demonstrates that they are in agreement with Requirement 6.
- **Design** – The Applicants have engaged extensively with both Fylde Borough Council and Lancashire County Council throughout the examination on the subject of design of the onshore substations. This has resulted in revisions to the Outline Design Principles, culminating in its final version at Deadline 6 (REP6-109). The Applicants have reached substantial agreement on design matters with Fylde Borough Council as evidenced in the final SoCG

(S_D1_6.3/F05). The Applicants approach to design has, and will continue to be, that it should evolve as the project moves to detailed design. Further to this, the oDP outlines an indicative post consent process with a commitment to design development occurring through a series of meetings with a Working Group which will provide relevant stakeholders with the opportunity to comment on emerging design.

2.4 The Approach to Construction Scenarios and Coordination

2.4.1 ES Assessment

2.4.1.1 For the purposes of EIA, the following scenarios were considered:

- In Isolation Construction Scenario (only Project A or Project B proceeds to construction);
- Concurrent Construction Scenario (Project A and Project B are constructed at the same time – either the same start time or same finish time); and
- Sequential Construction Scenario (one project being constructed immediately after the other is completed or there being a gap of up to four years).

2.4.1.2 Taking this approach has ensured for each potential scenario that a worst-case assessment has been carried out for every topic.

2.4.1.3 In response to concerns raised during the examination, that the ES did not assess all construction scenarios and in particular sequential construction with up to a 4-year gap between the two projects, the Applicants provided further explanation and clarification on the approach to the worst-case assessment including how the worst-case construction scenarios was determined for each impact assessed. This is provided in the Rule 9 ES assessment of Construction Scenarios (document reference AS-070). This was supplemented by the Applicants' Clarification Note: Construction Scenarios (REP1-060) which provided additional clarification on the following assessments: air quality; hydrology and flood risk; and noise and vibration. This information has demonstrated that the Applicants' EIA was undertaken on a worst-case basis and that includes taking into account and assessing where appropriate sequential construction with up to a four-year gap.

2.4.1.4 In response to concerns raised, particularly by Newton with Clifton and Freckleton Parish Council, that sequential construction results in a doubling of environmental impacts and in response to ExA Question 2:1.1.3, the Applicants demonstrated and explained how it is an oversimplification and incorrect to state that impacts would be 'doubled' if the projects were built consecutively rather than concurrently (REP5-131). The Applicants highlighted in paragraph 1.2.1.7 of REP5-131 that for some impacts a concurrent construction scenario would be less impactful and for others a sequential construction scenario would be

less impactful and that this is reflected in the MDS for each receptor in the ES.

Flexibility and Coordination

2.4.1.5 The Applicants have been mindful of the concerns raised in Examination about the construction scenarios, particularly sequential construction and why it is necessary to include this flexibility within the application. In response, the Applicants have explained in detail why it is necessary to provide for the different construction scenarios and why Morgan OWL and Morecambe OWL cannot commit to concurrent construction - see in particular the Applicants' response to Issue Specific Hearing 1 Action 28 (REP1-039) and the Applicants' response to ExQ1.1.7 of the Applicants response to the ExA's Written Questions (EXQ1) (REP3-056), the Applicants' response to EXQ2:1.1 and EXQ2:1.1.2 of the Applicants' Response to ExA's Written Questions (EXQ2) (REP5-130. In summary, the requirement to maintain construction flexibility arises from the fact that these are two entirely independent projects, neither of which has reached financial investment decision, secured main contract procurement, or established a route to market. These factors mean that neither project can, at this stage, confirm its programme thereby necessitating flexibility on when construction of each project can commence. It should be noted that this is the position for all projects of this nature seeking consent.

2.4.1.6 Concerns were raised throughout Examination about whether and how the Applicants would continue to coordinate post consent. As set out in response to ExQ2:1.1.1 (REP5-130), the Applicants consider that, as submitted, their application ensures post consent collaboration through:

a. The alignment of infrastructure inherent in the design of the Transmission Assets:
b. The alignment of the drafting of the Project A and Project B requirements and deemed marine licence (DML) conditions;
c. The submission of joint outline management plans; and
d. The joint approach taken to land agreement negotiations for tripartite voluntary agreements.

2.4.1.7 Notwithstanding the above, the Applicants have made substantive additional commitments to ensure continued collaboration and cooperation in all construction scenarios through the introduction of Requirement 25 (onshore collaboration) and the equivalent condition in each DML together with a commitment, secured through Requirements 6, 8, 9, 11 and 12 of Schedules 2A and 2B of the draft DCO (REP6-013), to the establishment of a Construction Coordination Working Group (CCWG). In particular, the CCWG will facilitate discussion of detailed management plans and enable feedback on how comments have been addressed between each of the Applicants, specifically in the context of Requirement 25 (onshore collaboration) in Schedules 2A and 2B of the draft DCO. Further details on the CCWG are provided in the outline Code of Construction Practice (REP6-067), the outline Construction Traffic Management Plan (REP6-113), the outline

Ecological Management Plan (REP6-115), outline Landscape Management Plan (REP6-101) and outline Written Scheme of Investigation (REP6-119).

2.4.1.8 Overall, when taken together, these controls ensure that each project remains fully updated and aware of what the other project is doing. They also facilitate opportunities, wherever possible, for post consent collaboration whilst ensuring that both projects can be implemented efficiently and effectively.

2.4.1.9 The Applicants highlight that, whilst the drafting of the onshore collaboration requirement is based on precedent including the Sheringham Shoal and Dudgeon Extension Projects Order 2024, the commitment to establishment of the CCWG within the outline management plans is unprecedented and clearly demonstrates Morgan OWL and Morecambe OWL's ongoing commitment to coordination between the projects wherever possible.

Construction Durations

2.4.1.10 Concerns have been raised about the length of construction in the event construction is undertaken sequentially, particularly in relation to impacts on agricultural and other businesses on the basis that construction could occur over a 10 (or 12-year period). The Applicants have provided detail above in respect of the approach to construction, programming and construction durations. The Applicants have clarified in AS-070 and REP5-131 that the concurrent scenario would have an indicative total duration of 36 months. The sequential scenario would be a total indicative duration of up to 66 months, which with a gap of up to a maximum of four years, could amount to an overall period of 120 months. However, in that scenario, active construction activities would only take place for a total combined period of up to 66 months for the transmission assets of both offshore wind farms. As set out in the outline Onshore Construction Method Statement (REP6-146) (and see the Approach to Design and Construction section above), active construction would not take place continuously across the entire order limits during this period. The Applicants have also provided a summary in the Construction Programme and Timing section above about the mitigation measures in place to minimise disturbance and disruption to businesses and landowners and have also explained how the practical approach to construction minimises time on land (with shorter duration activities programmed later in the construction programme).

Defined Cable Routes, Overlap Areas and Restoration

2.4.1.11 In the context of the construction scenarios, specific concerns have been raised in relation to how Morgan OWL and Morecambe OWL would collaborate post consent in relation to restoration and reinstatement requirements for each project.

2.4.1.12 In relation to the implementation of restoration works, the Applicants would emphasise that for the majority of the cable route (with the exception of the landfall area at the beach, within and in proximity to

Blackpool Airport and Blackpool Road Recreation Ground, south of the River Ribble which are shared work areas), there is a separate defined construction corridor for each of Project A and Project B as shown on the Works Plans (REP6-004) delineating works packages for each project based on the centreline approach. This means that, whether the projects are built concurrently or sequentially, the same area of land within each project's corridor will not be disturbed twice, as each project only has rights to construct and reinstate within its own corridor.

2.4.1.13 In order to reduce potential impacts on the land and impacts to land owners under the sequential construction scenario where both projects have rights to access the same land (known as "overlap areas"); if the second project has not started its works within the 12-month reinstatement period of the first project, the land will be fully reinstated and handed back to the landowner before the second project comes forward.

2.4.1.14 At ISH2 under item 10(c) (REP4-104) and ISH 3 under item 6(a) (REP4-106) concerns were raised mainly regarding the reinstatement of land of overlap areas (focusing mainly on shared accesses). The concerns focused upon Requirement 16 of Schedules 2A and 2B of the draft DCO which stated that the land must be reinstated within 12 months following completion of construction or the relevant stage. This would have technically meant that the overlap area such as an access could be removed, land reinstated and then in a sequential construction scenario, the next project immediately enters the land to construct the access once again leading to potentially unnecessary disruption. Therefore, at Deadline 4 the Applicants updated Requirement 16 of Schedules 2A and 2B of the draft DCO to provide for a 12 month restoration period unless otherwise agreed with the relevant planning authority. This allows for a more flexible approach to restoration to be agreed with the relevant planning authority where appropriate, for example, this could allow for shared accesses to be retained where the timeframe between one project finishing its works and the other project commencing works is less than 12 months.

2.5 Conclusion

2.5.1.1 As has been demonstrated throughout the Application documents and Examination, and summarised above, the Transmission Assets represents a significant step forward in strategic infrastructure planning. By sharing landfall and cable corridor routes, and selecting the most appropriate location for two substations, despite its inherent challenges, the Applicants have sought to minimise impacts on the environment, agriculture and to local communities. Engineering mitigations and other commitments secured have further reduced potential disruption.

2.5.1.2 In addition, as can be seen from the above, the Applicants have taken into consideration specific requirements at locations across the Order limits. This approach ensures that appropriate protections and mitigation measures are developed in line with local sensitivities and impacts are minimised wherever possible.

2.5.1.3 As indicated in the Introduction (Section 1) of this Closing Statement, the Applicants have demonstrated their commitment to coordination through the submission of this Application for a joint DCO for two electrically separate projects. This has required unprecedented transparency and cooperation between two entirely separate commercial entities to deliver the Government's aim for a coordinated approach to transmission networks. This coordinated approach has continued throughout Examination and, as set out above in this General Matters Section, will continue post consent, in the event development consent is granted. While the onshore collaboration requirement (Requirement 25) draws on established precedent, the Applicants' proactive inclusion of the CCWG within the outline management plans marks a significant step, clearly demonstrating the Applicants continuing commitment to coordination wherever possible.

3 Marine Physical Processes and Coastal Change

3.1 EIA Conclusions

3.1.1.1 Volume 2, Chapter 1: Physical processes (REP5-030) presents the assessment of the potential impact of the Morgan and Morecambe Transmission Assets on physical processes. The Secretary of State can be satisfied that the assessment of potential impacts on physical processes has been undertaken in accordance with National Policy Statement (NPS) EN-1 and EN-3 as set out in Table 1.1 of REP5-030. The assessment was undertaken by applying the conceptual approach and draws on a range of studies and assessments including Morgan Generation and Mona Offshore Wind Project EIA and modelling studies supplied in Volume 2, Annex 1.1 (APP-044). It was concluded that there will be no significant effects arising from the Transmission Assets during the construction, operations and maintenance or decommissioning phases as a result of the project alone or cumulatively with other projects/plans.

3.1.1.2 Key relevant representations relating to marine physical processes and coastal change were made by Natural England (RR-1601, Appendix B (Physical processes)) and the Marine Management Organisation (MMO) (RR-1414). The final Statements of Common Ground (SoCG) with Natural England (REP6-179) and the MMO (REP6-130) are referred to throughout this section.

3.2 Principle Issues

3.2.1 Scouring and scour protection

3.2.1.1 Natural England has maintained a concern throughout the Examination that there is currently insufficient information on the anticipated location, extent and design of cable protection measures placed along the offshore export cable with specific reference to the nearshore area and have advised that to address this matter that project-specific numerical modelling should be undertaken, which the Applicants do not agree with as set out under NE.PP.3 / B3 of the final SoCG (REP6-179).

3.2.1.2 During the course of the Examination further detail has been provided by the Applicants regarding the cable installation techniques and measures to reduce both the amount of cable protection and the potential impacts due to the provision of cable protection where this may be required. These measures are secured by a range of commitments (REP6-042):

- CoT45: ensures that no more than 5% reduction in water depth (referenced to Chart Datum) will occur at any point on the offshore export cable corridor route without prior written approval from the licensing authority.
- CoT47: limits the extent of cable protection to 3% of the offshore export cable route within the Fylde Marine Conservation Zone (MCZ) (excluding cable crossings) and sandwave clearance up to

5% of the offshore export cable route within the Fylde MCZ. Material arising from sandwave clearance in the Fylde MCZ will be deposited within the Fylde MCZ.

- CoT114: requires that all infrastructure located between MLWS and MHWS will be buried to a target depth of 3 m.
- CoT133: No cable/scour protection shall be deployed in the intertidal area between Mean Low Water Springs (MLWS) and Mean High Water Springs (MHWS) during the construction and O&M phases.

3.2.1.3 The nearshore ground conditions indicate that due to the sediment type found in the nearshore area and Fylde MCZ (i.e. predominantly sand and mud), traditional burial techniques are suitable to achieve the target burial depths. It is therefore not anticipated that external cable protection would be required in the nearshore and this is to be confirmed by pre-construction surveys.

3.2.1.4 In the unlikely event that burial to the target depth is not achievable, commitment CoT45 (REP6-042) states that cable protection will be tailored to the specific location and installed to limit change in water depth to no more than 5% (referenced to Chart Datum). In practical terms this means that in 5m water depth, cable protection cannot exceed 0.25m. Additionally, the Outline Offshore Cable Specification and Installation Plan (CSIP) (REP6-097) states that, should it be required in shallow water, protection will be sufficiently low profile/tapered to cause minimal changes to wave, tide and sediment transport. In practice this would entail the use of tapered mattress units, typically 0.3m in height, which are specifically designed to allow sediment transport to continue unhindered and sediment sources would not be impacted by the presence of this infrastructure.

3.2.1.5 The Applicants consider that adequate information has been provided regarding the potential for cable protection in the nearshore and maintain the position that modelling is not required. The Applicants also reiterate that the conceptual approach (agreed with MMO, Cefas, Environment Agency and Natural England through the consultation processes via the Benthic Ecology, Fish and Shellfish and Physical Processes Expert Working Group Meetings (APP-190)) did not rely solely on Mona OWF project but also included a range of studies including detailed project specific morphological seabed study (including assessment of historical datasets and modelling (ABPmer 2023[1])). Further information was also provided outlining the appropriateness of the data sources applied at Deadline 6 (REP6-172).

3.2.1.6 With regard to decommissioning of cable protection, the Outline Offshore CSIP (REP6-097) secures several commitments relating to this matter including a preference for cable burial where practicable (CoT54) to avoid the use of cable protection. Additionally, CoT134 sets

[1] ABPmer (2023). Assessment of Seabed Level Vertical Variability for Morgan Offshore Wind Farm, Morphodynamic characterisation, Morphological Analysis and Prediction of Future Seabed Levels.

out that as part of the detailed design process, micro-siting of the offshore export cables within the offshore export cable corridors will be considered where successful burial could pose a challenge or where a higher risk of remedial works such as external cable protection may be required. Should cable protection be required, all external cable protection used within the Fylde MCZ to be designed to be removable (CoT108) with the requirement for removal agreed with the Regulator and stakeholders at decommissioning (CoT109), which are appropriate.

3.2.1.7 Natural England maintains its position that a commitment to remove all on and above seabed infrastructure associated with the development within benthic designated sites (excluding cable crossings) at the time of decommissioning should be secured in the DCO, to prevent permanent impacts to marine physical processes and loss of extent and distribution of site interest feature/s, (SoCG NE.PP.2 / B2 (REP6-179)). As set out in the Applicants' response at Procedural Deadline A to Natural England's representations (PDA-014) and in subsequent submissions (REP4-100), the Applicants consider that the Energy Act 2004 provides sufficient safeguards requiring a written decommissioning programme to be submitted to the Secretary of State for approval prior to the commencement of construction in compliance with paragraphs 2.8.88 – 2.8.89 of NPS EN-3. Requirement 21 of the draft DCO requires a written decommissioning programme to be provided to the Secretary of State for approval prior to the commencement of any offshore works, as finalisation of the precise level of decommissioning can only occur when the time for decommissioning is known.

3.2.1.8 On other projects including the Morgan Generation Assets and the Mona Offshore Wind Project, the Secretary of State has aligned with the Applicants' proposed approach that a requirement specifying full removal of offshore infrastructure is not required thereby avoiding any overlapping obligations with the separate process for approval of the written decommissioning plan by the Secretary of State. The Applicants have updated Schedules 14 and 15 in the draft DCO (REP6-013) to prohibit rock dump as a cable/scour protection method in the Fylde MCZ, in acknowledgment that this is the least removable type of cable protection. The specific type of scour/cable protection required will be site specific and details of the design and construction will be detailed within the Offshore CSIP (in accordance with the Outline Offshore CSIP (REP6-097)) submitted to the MMO for approval post-consent. Additionally, the Applicants have committed to engaging with the regulator and stakeholders on the requirements for removal of cable protection within the Fylde MCZ at the time of decommissioning (CoT109).The Applicants would also note that the made Orders for the Sheringham and Dudgeon Extension Projects and Rampion 2 Offshore Wind Farm, which are also associated with MCZs, do not include for decommissioning commitments beyond the written decommissioning programme. The Applicants acknowledge that this is a matter that is not agreed between the Applicants and Natural England as set out under NE.PP.2 / B2 in the final SoCG (REP6-179).

3.2.1.9 During the course of the Examination Natural England requested clarity on the potential for cable protection to be required in the intertidal area. To address Natural England's concern, the Applicants made a new commitment CoT133 at Deadline 4 (and updated at Deadline 6) to state no cable protection shall be deployed between MLWS and MHWS during the construction or operation and maintenance phases (CoT133 is secured in the Outline Offshore Cable Specification and Installation Plan (REP6-097) and the Outline landfall construction method statement (REP6-151)). This has allowed this specific point to be agreed between the Applicants and Natural England as set out in the final SoCG (see NE.PP.1 / B1 in REP6-179).

3.2.1.10 The Applicants would highlight that all matters relating to physical processes are agreed in the final SoCG (REP6-130) with the MMO and the MMO Deadline 6 submission (Section 4.1 in REP6-199) confirms all matters raised have been resolved.

3.2.2 Marine water and sediment quality

3.2.2.1 The Water Framework Directive (WFD) coastal waters assessment presented in Volume 2, Annex 2.2: Water Framework Directive coastal waters assessment (APP-042) concluded that there is no potential for deterioration of the Mersey Mouth or the Ribble water bodies, nor the individual elements of these water bodies, arising from the installation, operation and maintenance, and decommissioning of up to six offshore export cables through the intertidal and subtidal zones (seaward to 1 nm from MHWS).

3.2.2.2 The WFD receptors 'hydromorphology', 'biology – fish', and 'Invasive Non-Native Species (INNS)', for the relevant activities for the construction, operation and maintenance, and decommissioning of the Transmission Assets offshore export cables were scoped out of the assessment as they are below the thresholds set by the 'Clearing the Waters for All' guidance.

3.2.2.3 The WFD receptors 'habitats – biology', 'water quality' and 'protected areas' were scoped in for assessment for the Mersey Mouth water body, with the latter two also scoped in for the Ribble water body.

3.2.2.4 It is therefore concluded that the Transmission Assets will not significantly impact any element within these water bodies and the ability of these water bodies to achieve good status in the future is likely to be secure. The construction, operation and maintenance, and decommissioning of the Transmission Assets offshore export cables is therefore considered to be compliant with the requirements of the WFD.

3.2.2.5 From the perspective of bathing waters, Volume 2, Chapter 9: Other sea users (APP-061) outlines that there are no recreational diving sites identified within the regional study area. However, there are four designated bathing water sites within the regional study area namely, Blackpool Central, Blackpool South, St. Annes North and St Annes. It is noted that there is potential that sediment plumes from resuspended sediment could impact recreational areas through changes to water quality. However, recreational areas would only be affected if the

amount of fine sediments suspended in the water or settling in the area are significantly above any background levels or contain any contaminants which would not usually be expected in the area. As per the Physical processes chapter (REP5-030), this is very unlikely to occur as a result of the Transmission Assets. Additionally, the Water Framework Directive Coastal Waters Assessment (APP-047) concludes that any increase in SSC associated with cable installation would be temporary, intermittent and highly reversible and deterioration of bathing water quality is unlikely. The effect has been defined as negligible rather than minor as any effect will be beneath levels of perception, within normal bounds of variation or within the margin of forecasting error.

3.2.3 Effects of landfall location and effects on the coast

3.2.3.1 Both Natural England (RR-1601, Appendix B) and the MMO (RR-1414) raised concerns regarding effects of the landfall location and effects on the coast relating to cable exposure, coastal morphology, effects on the Lytham St. Annes SSSI and effects on sediment transport processes, particularly with regard to sediment supply into the Ribble estuary. The detailed assessment of beach level variability, as set out in the Outline Cable Burial Risk Assessment (CBRA) (APP-219), identifies intertidal variability of up to +-1.5 m. Accordingly, the target Depth of Lowering (DoL) for cable burial has been conservatively established at 3.0 m below beach surface level. This ensures that even under conditions of maximum recorded variability, the minimum burial depth would remain at least 1.5m, sufficient to prevent cable exposure and associated risks. In terms of shoreline retreat, the analysis undertaken by the Applicants, to inform the CBRA, also confirms a trend of sediment accumulation and dune migration seaward, rather than significant shoreline recession, at the selected landfall site. This indicates a limited likelihood of future shoreline retreat posing a risk to the buried cables. The Applicants confirm that the potential for future shoreline changes, including the scenario of natural realignment and retreat, has been factored into the burial depth design. In response to the above, the MMO (REP5-175) requested more spatial and temporal detail about the dynamics of the landing site to allay concerns and allow the matter of cable exposure and interruption of sediment pathways to be resolved. The Applicants responded at Deadline 6 (response to REP5-175, 4.1.2 in REP6-171) to state that to provide a wider context for the potential evolution of the shoreline, a number of factors were considered by the Applicants including shoreline profiles over a period of 17 years (presented in The Assessment of Seabed Level Vertical Variability (REP4-122)), Shoreline Management Plans (SMP), both current and going forward (https://environment.data.gov.uk/ Unit 11B1.21), and the Project description (REP5-024) for the Transmission Assets. The Assessment of Seabed Level Vertical Variability, Figure 33 (REP4-122) signifies there are three distinct zones along the beach profile. The lower beach indicates the variability which has been applied to define the conservative burial depth of 3 m; whilst the upper beach has undergone little change over the 17 years period for which the shoreline

profiles were analysed implying it is very stable. The dunes have shown accretion seaward over this period which can be largely attributed to Fylde Dune Project applying active management realignment techniques to accrete the dune system seawards.

3.2.3.2 Looking forward through the Transmission Assets project lifespan, based on the existing transport processes, the sediment transport in the most active lower beach generally takes place in a southerly direction, however the source of sediment is offshore and there is no indication that this will change over the lifespan of the Transmission Assets. Whilst the final design of the Transmission Assets may necessitate cable protection in the nearshore, below MLWS, the physical processes assessment (undertaken for the MDS) does not predict any hindering of existing sediment transport regimes up to the MDS. As noted previously, the SMP, which is currently “Managed realignment of Natural features” means the dune system has been undergoing active management realignment for the delivery of the Environment Agency SMP. Going forward for the periods 2025 to 2055 and 2055 to 2105 the plan is to “Hold the line with Natural features”, therefore the dune system will be maintained and there is the potential for further accretion seaward over the project lifespan.

3.2.3.3 The updated Coastal Erosion Risk Assessment which forms part of the SMP indicates that at the landfall site, the area where erosion risk is present is largely located in the upper beach and the risk areas are 27 m and 65 m from the position of the coast in 2020 for the 2055 and 2105 intervals respectively. It is also noted that values are unchanged between the scenario where the SMP is delivered and where no further intervention is made.

3.2.3.4 It is recognised that the upper beach may be subject to drawdown during storm conditions going forward despite the dunes, and the position of the coastline, being maintained. Notwithstanding that this area has shown to be very stable in the past there are also project specific aspects which provide further reassurance that the Transmission Assets are very unlikely to become exposed. The target burial depth of 3 m applies to the offshore export cable up to the location of the exit pit from the trenchless section under the sand dunes. This is to be located at least 100 m from the boundary of the Lytham St. Annes Dunes SSSI within the intertidal zone. As outlined in the Outline Landfall Construction Method Statement (REP6-151), cables will be installed by direct pipe installation with coverage of at least 3 m at the location of the exit pit. From this location, going onshore, the pipes which carry the cables will have a downward orientation to ensure a minimum 10 m drill depth will be achieved under all sensitive receptors; with drilling depths ranging from a minimum of 10 m to a maximum of 30 m under the sand dunes. Therefore, in the upper beach, burial depths will be significantly greater than the already conservative depth of 3 m further reducing the likelihood of exposure over the lifespan of the project. The MMO confirmed at Deadline 6 (Section 4.1 in REP6-199) that the additional explanation provided by the Applicants has largely addressed the concerns with the assessment of impacts at landfall and in the nearshore. The MMO further stated that it does not

believe there are any further concerns raised in previous advice that are not addressed, which is reflected in the final SoCG with the MMO (REP6-130).

3.2.3.5 In response to the Natural England concern that the proposed works at the landfall could impact on coastal morphology and sediment processes, the Applicants maintained throughout the Examination that geophysical surveys indicate the sediment type at landfall is predominantly sand and therefore suitable for traditional burial techniques to achieve the target burial depths. The export cable trenches will then be backfilled to beach level and therefore there will be no interruption in sediment transport pathways at the landfall following construction. Moreover, a further commitment has been made at Deadline 4 (and updated at Deadline 6) which states that "no cable/scour protection shall be deployed in the intertidal area between MLWS and MHWS during the construction and operation and maintenance phases" (CoT133), which further reduces any potential for impacts on sediment transport pathways. Regarding the exit pits, the excavation of up to six exits pits up to 15 m by 5 m (located at least 100 m from the western boundary of the Lytham St. Annes Dunes SSSI, CoT44) would be required to support direct pipe trenchless installation under the Lytham St. Annes dunes. In the event that the exit pits are located within the inter-tidal region, a cofferdam may be required to ensure a dry working environment. The Applicants confirm that where exits pits are located in the inter-tidal region trenching will be undertaken within the confines of the coffer dams during low tide events. The excavated material would be removed and stored in a temporary working area(s) so it is not at risk of erosion or dispersion due to tides. Excavated material will therefore be preserved to facilitate backfilling to reinstate the beach to pre-construction sediment type and level, thereby maintaining existing shoreline characteristics and sediment transport processes. The Applicants incorporated the above and other relevant information in an Outline landfall construction method statement (at Deadline 4, updated at Deadline 6 (REP6-151)), but Natural England's Deadline 6 submission (REP6-193) maintains that this matter is not resolved, and therefore, the Applicants and Natural England remain not agreed on this matter.

3.2.3.6 During the course of the Examination Natural England expressed uncertainty regarding the likely success of the Direct Pipe Trenchless Technique (SoCG NE.PP1 / B1). The Applicants have undertaken engineering analysis to determine suitability of the direct pipe. The Applicants have provided appropriate examples of where this has been successfully employed within the Applicants' response to the Natural England relevant representation at Procedural Deadline A and confirmed that in the unlikely event of failure, a variation with associated impact assessment will be required under the terms of the DCO. Therefore, a contingency plan and, or assessment of alternative techniques are not required. At Deadline 6, Natural England responded in the Risk and Issues log (REP6-139) that this matter was sufficiently resolved with the provision of an updated version of the outline landfall construction method statement at Deadline 5 (REP6-193) and

agreement that, should it be demonstrated that trenchless techniques are not viable options, then a variation request with associated supporting information would be made to the Secretary of State to change the landfall method. Therefore, the Applicants consider this matter resolved.

3.2.4 Effects on features of the Fylde Marine Conservation Zone

3.2.4.1 Effects on features of the Fylde MCZ are primarily considered in Section 5.4 of the Closing Statement. Aspects of the physical processes assessment (REP5-030) that relate to the Fylde MCZ are Natural England's position on decommissioning of infrastructure (except cable crossing) and cable / scour protection within the MCZ and comments on cable / scour protection details, both of which are covered above in Section 3.2.1 of the Closing Statement.

3.2.4.2 Natural England also advised that the methods used for sandwave clearance within the MCZ should be restricted to those methods which increase the potential to retain sediment arising in close proximity to their extraction. The Commitments Register (REP6-042) already includes for CoT47 and CoT116, but in response to Natural England's advice, the Outline Offshore CSIP (and other relevant documents) were updated at Deadline 5 to limit sandwave clearance methods in the Fylde MCZ to Controlled Flow Excavator, which Natural England have welcomed (REP6-193, RI_B4).

3.3 Other matters considered during Examination

3.3.1 Assessment of MDS

3.3.1.1 A number of the matters raised by Natural England and the MMO regarding the MDS have already been covered under the Principal Issues above. Matters covered here relate to site preparatory activities (UXO clearance, bounder clearance, pre-lay grapnel run (PLGR) and assumptions for sandwave clearance) as set out in RR-1601, Appendix B, to which the Applicants provided robust responses in PDA-007. In response to ExQ1:7.1.4, Natural England provided further advice on outstanding matters (REP3-095). The Applicants provided a response in Table 5-1 of REP4-100 to the address the outstanding matters and also agreed to update the physical processes chapter (REP5-030) to include all additional clarifications/justifications provided during the course of the Examination.

3.3.1.2 The Natural England risk and issues log submitted at Deadline 6 (REP6-193), confirms that the update to the physical processes chapter has addressed a number of matters and provides advice on its requirements to fully resolve matters. The Applicants have responded to these points at Deadline 7 (see B3, B4 B5, B8 and B11 in the Natural England section of the Applicants' Response to Deadline 6 submissions from IPs (S_D7_2)) but would anticipate that some matters will not be resolved which relate to the need for pre-construction site investigation

data. For example, Natural England have advised the need to restrict boulder clearance methodology to a subsea grab rather than a plough and to retain boulders in close proximity to their extraction. The Outline Offshore CSIP (REP6-097) explains that site investigation surveys indicate that boulders are present in a low density across the majority of the study area but distributed sporadically along the offshore export cable corridor routes. Therefore, the method of boulder clearance is likely to be subsea grab, especially within the Fylde MCZ, but that this cannot be confirmed in the absence of the pre-construction site investigation survey. REP6-097 also explains that the required boulder clearance width is 20 m and boulders would be relocated circa 10 m either side from the centreline of each cable. Therefore, boulders would, inevitably, be relocated to areas of similar habitat and distributed irregularly, as Natural England have advised with no linear features blocking sediment transport pathways and seabed characteristics remaining unchanged.

3.3.1.3 Therefore, the Applicants trust that the responses to B3, B4 B5, B8 and B11 in the Natural England section of the Applicants' Response to Deadline 6 submissions from IP (S_D7_2) further resolves matters with Natural England, but anticipate that not all matters will be resolved, which would align with NE.PP.4 / B4 in the final SoCG (REP6-179). The Applicants would highlight that all matters relating to physical processes are agreed in the final SoCG (REP6-130) with the MMO and the MMO Deadline 6 submission (Section 4.1 in REP6-199) confirms all matters raised have been resolved.

3.3.2 Monitoring

3.3.2.1 The Offshore in principle monitoring plan (IPMP) (REP5-079) submitted with the Application includes for monitoring of impacts to sediment transport and sediment transport pathways due to presence of infrastructure and associated potential impacts to physical features and bathymetry. This was developed over the course of the Examination to secure implementation of an adaptive management approach.

3.3.2.2 Natural England have advised that sandwave recovery (particularly within Fylde MCZ) and dune/beach/intertidal morphology should be included in the OIPMP (NE.PP.5 in the SoCG (REP6-179)). At Deadline 6, the Applicants further updated the Offshore IPMP to specifically include for monitoring of sandwave recovery though comparison of pre and post-construction geophysical data, which Natural England note in the final SoCG would resolve this matter (NE.PP.5). The Applicants confirm that where exits pits are located in the inter-tidal region trenching will be undertaken within the confines of the coffer dams during low tide events. The excavated material would be removed and stored in a temporary working area(s) so it is not at risk of erosion or dispersion due to tides. Excavated material will therefore be preserved to facilitate backfilling to reinstate the beach to pre-construction sediment type and level. This will ensure limited impacts during the construction phase and a return to baseline conditions following the removal of the coffer dams. Given that backfilling will return the area to

both baseline sediment type and level no recovery period will be associated with these activities and the Applicants maintain that monitoring of intertidal morphology is not necessary or justified.

3.3.2.3 The Applicants would highlight that physical processes monitoring (MMO.PP.13) is agreed in the final SoCG with the MMO (REP6-130).

4 Other Offshore Matters

4.1 Effects on, and co-existence with, other offshore infrastructure

4.1.1.1 Volume 2, Chapter 9: Other sea users (APP-061) presents the Applicants' assessment of the potential impact of the Transmission Assets on other sea users. The Secretary of State can be satisfied that the assessment of potential impacts on other sea users has been undertaken in accordance with National Policy Statement (NPS) EN-1 and EN-3 as set out in Table 9.1 of APP-061. Key offshore infrastructure receptors identified include offshore wind farms, oil and gas activities, carbon capture and storage (CCS) activities, offshore hydrocarbon platforms, cables (both power and telecommunications cables) and pipelines. The impacts assessed include impacts to existing cables or pipelines or restrictions on access to cables and the reduction or restriction of other offshore energy activities. Overall, it is concluded that there will be no significant effects arising from the Transmission Assets, alone or cumulatively, on other sea users during the construction, operation and maintenance, or decommissioning phases.

4.1.1.2 Relevant representations were made by Spirit Energy (RR-0684), an oil and gas operator and CCS developer, interested parties (IPs) associated with the proposed Mooir Vannin Offshore Wind Farm (Mooir Vannin Offshore Wind Farm Limited (AS-0643) and Ørsted East Irish Sea Limited (AS-064)) and a number of operating wind farms (Barrow Offshore Wind Limited (RR-0218), Burbo Extension Limited (RR-0276), Morecambe Wind Limited (RR-1558), Walney (UK) Offshore Windfarms Limited (RR-2266), Walney Extension Limited (RR-2267) and Ørsted Burbo (UK) Limited (RR-2302), collectively the 'Ørsted IPs'). A relevant representation was also made by the Territorial Seas Committee (TSC), Isle of Man Government, on behalf of Manx Utilities Authority who operate the Manx Interconnector 1 power cable. No other relevant representations were submitted by cable operators.

4.1.1.3 Key matters raised by Spirit Energy related to shipping and navigation, the siting of cables and crossing arrangements and the need for cooperation and co-existence, particularly with regard to simultaneous operations. Regarding shipping and navigation, the commitment to prepare a vessel traffic management plan (VTMP) in accordance with the outline VTMP (REP3-034) and commitment to continue the marine navigation engagement forum (MNEF) post-consent and for a minimum of five years into the operational and maintenance phase (secured through an update to the outline VTMP at Deadline 3) are key measures to ensure other sea users are made aware and kept informed of development of the Transmission Assets. To address cooperation, co-existence and simultaneous operations, the Applicants updated the Commitments register (REP5-027) at Deadline 5 to consult, during all phases, with other offshore energy operators to promote and maximise cooperation between parties and minimise both spatial and temporal interactions between potentially conflicting activities (CoT137). This commitment is also secured within the Outline communications plan

(REP5-046). Regarding cable proximity and crossings, the parties are agreed that once the cable route is finalised, the parties will enter into the relevant crossing and/or proximity agreements following best practice (CoT51). The final Statement of Common Ground (SoCG) submitted at Deadline 6 (REP6-159) records all matters between the parties as agreed.

4.1.1.4 Key offshore matters raised by Mooir Vannin Offshore Wind Farm Limited (MVOWF) and Ørsted East Irish Sea Limited (now named the East Irish Sea Transmission Project (EISTP)), are the need for close engagement with the Applicants in respect of the overlap between the Transmission Assets and EISTP and, in particular, crossing of offshore transmission infrastructure. Both MVOWF and EISTP have been assessed in the cumulative effects assessment (CEA) in specific topic chapters, where relevant, which was updated following acceptance of the MVOWF Application for Examination by the Department of Infrastructure, Isle of Man Government and the publication of the EISTP scoping report in autumn 2025., REP5-099 highlights that there is no change to the conclusions of the ES following the updated review of the CEA and in-combination assessment. Regarding the potential need for future cable proximity and or crossing agreements, the Applicants would highlight the commitment made under CoT51 discussed above.

4.1.1.5 Key matters raised by the Ørsted IPs in their relevant representations (see above) and at Deadline 1 (REP1-188) relate to shipping and navigation, wildlife impacts and the greenhouse gas assessment (APP-139). Shipping and navigation matters are discussed in Section 4.2 below. Regarding wildlife impacts, and concerns raised by the Ørsted IPs raised concerns over the conclusion of no adverse effect on integrity (AEoI) of the Liverpool Bay SPA the Applicants responded at Deadline 2 (see Table 2.21 in REP2-031) to highlight the commitment made at Deadline 2 to seasonal restrictions on construction activity in the Liverpool Bay SPA (as designated in 2010) (CoT111), which removed the potential for AEoI (as confirmed in the Natural England Risk and Issues Log (REP6-193). Regarding the greenhouse gas assessment (APP-139), the Ørsted IPs asserted that the assessment is overly conservative, does not reflect a realistic worst-case scenario and does not account for total long-term loss of generation from surrounding offshore wind farm developments associated with potential wake effect losses. The Applicants provided a detailed response to this matter at Deadline 2 (see 188.4; Table 2.21 in REP2-031) concluding that no changes were required to the assessment. No further comments were submitted into the Examination by the Ørsted IPs on this matter. Therefore, the Applicants consider the matter resolved.

4.1.1.6 Key matters raised by TSC in their relevant representation (see above) relate to the Manx Interconnector 1 power cable, operated by Manx Utilities Authority, which the Order Limits of the Transmission Assets overlap and the need for engagement on crossing / proximity agreements at the right time. The Applicants responded at Procedural Deadline A (PDA-007, Table 2.54) to highlight the pre-application engagement with Manx Utility Authority (as set out in section 1.4.2 of the Consultation Report (APP-170)) and to acknowledge the need to

engage on crossing / proximity agreements (as set out in CoT51), post-consent, as is best-practice. No further submission was made into the Examination by TSC on this matter. Therefore, the Applicants consider this matter closed.

4.2 Effects on navigation and shipping

4.2.1.1 The Applicants have undertaken a comprehensive Navigation Risk Assessment (NRA) supported by extensive consultation with local operators, analysis of vessel traffic and incident data, risk modelling and hazard workshops (Volume 2, Annex 7.1: Navigational Risk Assessment (APP-057)) in full compliance with Marine Guidance Note (MGN) 654 as agreed with the Maritime and Coastguard Agency (MCA) in the final SoCG (REP6-127). The assessment included the Transmission Assets in isolation and cumulatively with other Tier 1 and Tier 2 projects.

4.2.1.2 Volume 2, Chapter 7: Shipping and navigation (APP-056), supported by the NRA sets out the assessment of effects in relation to shipping and navigation. The Secretary of State can be satisfied that the assessment of potential impacts on shipping and navigation has been undertaken in accordance with NPS EN-3 as set out in Table 7.1 of APP-056. The shipping and navigation assessment considers impacts upon maritime safety and the activities of commercial shipping, ferries, ports/harbours, commercial fisheries, recreational cruising and other maritime operations. With a number of measures committed to by the Applicants and secured through the draft DCO (REP6-013), including an Aids to Navigation Management Plan (secured under Condition 15 of Schedule 14 and 15), a VTMP (in accordance with the outline VTMP (REP3-034)) secured under Condition 18(1)(h) of Schedule 14 and 15 and an Emergency response and cooperation plan, secured under Condition 22 of Schedule 14 and 15, no significant effects have been identified arising from the Transmission Assets during the construction, operation and maintenance, or decommissioning phases.

4.2.1.3 Relevant representations relating to shipping and navigation were made by the MCA (RR-1418), Trinity House (RR-442) and the Ørsted IPs (see paragraph 4.1.1.2 above).

4.2.1.4 Key matters submitted by both the MCA and Trinity House relate to provisions relevant to shipping and navigation within the draft DCO (REP6-013), which were addressed by the Applicants through updates to the draft DCO at Deadline 1 and 2. The draft SoCG submitted at Deadline 3 (REP3-045 for Trinity House and REP3-046 for MCA) confirmed all matters agreed (nothing that Trinity House maintained a 'watching brief' on the draft DCO), with final SoCG confirming all matters agreed at Deadline 6 (see REP6-126 and REP6-127).

4.2.1.5 Key matters submitted by the Ørsted IPs relate to engagement with interested parties' post-consent in respect of shipping and navigation issues. The Ørsted IPs highlighted that the outline VTMP does not adequately specify how interested parties will be consulted with in respect of the detailed VTMP and other relevant management plans

and requested greater specificity regarding the Marine Navigation Engagement Forum (MNEF), including in respect of membership and how it will be secured in the long term. The Applicants' response at Deadline 2 (REP2-031) noted updates to be made to the outline VTMP (REP3-034) at Deadline 3 to secure continuation of the MNEF post-consent and for a minimum of five years into the operational and maintenance phase, with additional detail included regarding the role of the MNEF and how it would be used to engage with IPs on relevant matters. No further comments were submitted into the Examination by the Ørsted IPs on this matter, therefore the Applicants consider the matter resolved.

4.3 Effects on commercial fisheries

4.3.1.1 Commercial fishing activities within the Commercial Fisheries Study Area are presented in Volume 2, Chapter 6: Commercial fisheries (APP-054). A more detailed description is also provided in Volume 6, Annex 6.1: Commercial Fisheries Technical Report (APP-055). The Secretary of State can be satisfied that the assessment of potential impacts on commercial fisheries has been undertaken in accordance with NPS EN-3 as set out in Table 6.1 of APP-054. The existing commercial fisheries conditions were characterised through a review of publicly available data, site-specific surveys and consultation with fisheries stakeholders. The commercial fisheries assessment considers loss or restricted access to fishing grounds, displacement of fishing activity into other areas, loss or damage to fishing gear due to snagging, and potential impacts on commercially important fish and shellfish resources. With a number of measures committed to by the Applicants and secured through the draft DCO (REP6-013), including a Fisheries liaison and co-existence plan (FLCP) (in accordance with the Outline FLCP (REP3-028), secured under Condition 18(1)(f)(vi) of Schedule 14 and 15, appointment of a fisheries liaison officer, secured under Condition 18(1)(f)(v) of Schedule 14 and 15 and a Cable specification and installation plan (CSIP) (in accordance with the Outline offshore CSIP (REP6-097)) with details of cable burial depths, cable protection and cable monitoring, secured under Condition 18(1)(e)(i) of Schedule 14 and 15, no significant effects have been identified alone or cumulatively arising from the Transmission Assets during the construction, operation and maintenance, or decommissioning phases.

4.3.1.2 Relevant representations relating to commercial fisheries were made by the Territorial Seas Committee (TSC) of the Isle of Man Government (RR-0866) and the Marine Management Organisation (MMO) (RR-1414). The Applicants would highlight that no commercial fishers or industry representatives registered as interested parties.

4.3.1.3 Key matters submitted by the TSC relate to the regional interests of the Manx fishing industry, with a request from the TSC that the relevant fishing organisations on the Isle of Man be included as consultees via the appointed Fisheries Liaison Officer and included in the Fisheries Liaison and Co-existence Plan. The Applicants noted this response

and confirmed in PDA-007 that early engagement with the Manx Fish Producers Organisation (MFPO), their members and the Isle of Man Government Fisheries has been undertaken throughout the pre-application period and will continue, where appropriate, as detailed in the outline Fisheries liaison and co-existence plan (FLCP) (REP3-028). Detailed FLCP(s) will be developed by the Applicants prior to construction, through consultation with the relevant fisheries stakeholders via the Fisheries Liaison Officer as secured in Conditions 18(1)(f)(v) and 18(1)(f)(vi) of Schedules 14 and 15 of the draft DCO (REP6-013). No further submission was made into the Examination by TSC on this matter. Therefore, the Applicants consider this matter closed.

4.3.1.4 Key matters submitted by the MMO relate to the potential need for bass fishery monitoring programme to monitor for construction activity and underwater sound effects from the construction of the Transmission assets alone or cumulatively with other offshore wind farm construction activity on the migratory routes of Bass. The Applicants responded in PDA-013 (see response to 1414.26) to state that a monitoring programme is not justified given that the commercial fisheries assessment (APP-054) concluded no significant effects on Bass. The Applicants explained that underwater sound associated with UXO clearance, geophysical survey and other activities is either low level, short term or spatially limited. Furthermore, at Deadline 1, the Applicants updated the draft DCO (REP6-013) to restrict UXO clearance to low order clearance methods only, further reducing the potential for any effects from the loudest underwater sound source during the construction phase. The ExA queried whether there were any outstanding matters on this subject in ExQ1:17.2.3, to which the MMO responded in REP3-085 that it recognised that "*the Applicants have committed to using low-order methods which will significantly reduce the range of impacts for fish mortality and injury*" and that "*The MMO would note that commercial fisheries impacts, including potential impacts to migratory routes, are generally being addressed through suitable means that other projects have also utilised*". The MMO noted at Deadline (REP5-175) that it had received complaints from local fishers on the impact of geophysical / geotechnical surveys associated with several projects within the Liverpool Bay area on bass numbers, but stated that the MMO considered it unlikely that the low bass numbers could be solely related to geophysical / geotechnical surveys, but that further information on the matter may be presented in due course. The Applicants would note that no further information was presented on this matter in the MMO Deadline 6 submission (REP6-199) and therefore, the Applicants consider this matter closed and all matters relating to commercial fisheries resolved.

4.4 Direct and indirect effects on recreational sea users

4.4.1.1 Volume 2, Chapter 9: Other sea users (APP-061) presents the Applicants assessment of the potential impact of the Transmission Assets on other sea users. The Secretary of State can be satisfied that the assessment of potential impacts on other sea users has been

undertaken in accordance with NPS EN-1 and EN-3 as set out in Table 9.1 of APP-061. Key recreational sea user receptors identified include recreational bathing sites and recreational activities including sailing and motor cruising, sport fishing and inshore water sports. The impact assessment considered the displacement of recreational activities and the effect of increased suspended sediment concentrations and associated deposition on recreational diving sites and designated bathing water sites and concluded no significant effects of the Transmission Assets on recreational sea users during construction, operation and maintenance and decommissioning phases.

4.4.1.2 No interested parties submitted relevant representations relating to recreational sailing, fishing, water sports or bathing site, but the Royal National Lifeboat Association (RNLI) submitted a relevant representation relating to lifeboat activities (RR-1899).

4.4.1.3 Key matters submitted by the RNLI initially related to access to the Starr Gate slipway for recreational users and the RNLI. However, early in the Examination, additional concerns were identified by the RNLI (see REP1-096) relating to the need for a communications plan to manage operational safety of the RNLI during export cable pull-in activities and the need for unimpeded access for lifeboat recovery on the foreshore at Lytham St. Annes beach. Regarding access to the Starr Gate slipway, the Applicants confirmed that it will not be fenced, gated or otherwise obstructed and that in the event of an emergency, RNLI vehicles and vessels will be prioritised. The RNLI confirmed in REP1-096 that this matter was resolved. Regarding the need for a communications plan between the Applicants and the RNLI during cable pull-in activities, the Outline communications plan (REP6-069) was updated at Deadline 3 to secure development of a communication plan with the RNLI post-consent, which the RNLI confirmed addressed the matter in REP3-106. Regarding ensuring unimpeded access for lifeboat recovery on the foreshore at Lytham St. Anne, the Applicants updated the Outline landfall construction method statement at Deadline 5 to include for a temporary construction compound exclusion zone on the foreshore in front of the Thursby Care Home to ensure unimpeded access to recover the lifeboat. Following this, no further submissions have been made by the RNLI and the Applicants consider this matter closed.

5 Ecology (offshore and onshore)

5.1 Adequacy of baseline assessments

5.1.1 Benthic subtidal and intertidal ecology, Fish and shellfish ecology and Marine mammals

5.1.1.1 The following Environmental Statement technical reports present a comprehensive baseline characterisation for the relevant receptors within the Offshore Order Limits of the Transmission Asset and the wider study areas:

- Volume 2, Annex 2.1: Benthic subtidal and intertidal ecology technical report (APP-046);
- Volume 2, Annex 3.1: Fish and shellfish ecology technical report (APP-048); and
- Volume 2, Annex 4.1; Marine mammals technical report (APP-051 and APP-052).

5.1.1.2 The baseline was characterised by a combination of site-specific surveys and desktop data. The Applicants highlight that in the final SoCG (REP6-130) between the Applicants and the Marine Management Organisation (MMO), the adequacy of the characterisation of the baseline environment for benthic subtidal and intertidal ecology and fish and shellfish ecology is a matter that is agreed between the parties. No other interested party, including Natural England, raised any issues relating to the benthic, fish and shellfish, or marine mammals baseline characterisation in relevant representation or during the course of the Examination.

5.1.2 Ornithology

Offshore

5.1.2.1 Volume 2, Chapter 5: Offshore ornithology (REP5-036) presents a comprehensive baseline characterisation for offshore ornithology receptors within the Offshore Order Limits for the Transmission Assets and the wider offshore ornithology study area. The baseline was characterised by a combination of site-specific surveys and desktop data. No interested parties, including Natural England, raised any issues relating to the offshore ornithology baseline characterisation in relevant representation or during the course of the Examination.

Onshore and Intertidal

5.1.2.2 The Applicants collected two-years' worth of ornithological data over the entire intertidal and onshore ornithology area, full details can be found within F3.4.4 Volume 3, Annex 4.4: Onshore and intertidal ornithology survey methodologies (APP-095), and in the respective annexes (APP-091, APP-092, APP-093 and APP-094). The surveys and data collection are aligned with industry standard and sufficient to provide a

robust EIA and HRA. The following summarises the specific surveys undertaken:

- **Intertidal surveys** two separate intertidal surveys areas were covered, the landfall and River Ribble crossing. They comprised of the intertidal and River Ribble crossing infrastructure area respectively plus a 500 m buffer to account for the potential disturbance impacts on birds. The survey data were collected over a 24-month period in each area and the methodology followed an industry standard 'Through the Tidal Cycle Count' methodology whereby 12 hourly counts are made each month from vantage points on the upper beach. Therefore, the tidal surveys each collected data for 144 individual counts, each one with 100% spatial coverage. The landfall surveys were also supplemented with data collected over nine additional monthly nocturnal surveys, these followed a similar methodology but with a reduced count frequency using thermal imaging and infrared cameras to identify and count birds. These data were used to inform both the EIA and the HRA assessments.
- **Terrestrial waterbird transects** were designed to capture data on the SPA and Ramsar features that were using field habitats outside of the SPA (to aid in the identification of potentially Functionally Linked Land (FLL)) and within the onshore infrastructure area plus a 500 m buffer to account for the potential disturbance impacts on birds. These surveys used the goose transect methodology set out by NatureScot in 2017. Surveyors drove, and walked where there was no road access, the entire survey area every month between September and March over two winter periods (2022/23 and 2023/24) and stopped at suitable vantage points where they scanned the landscape and recorded all waterbirds. 14 survey visits were completed with the spatial coverage in the first year (2022/23) at 69%, and the spatial coverage in the second year at 83%.
- **Supplementary winter walkover surveys** were used to collect data on the smaller passerine species that use the area during the winter period. These surveys comprised of the infrastructure area plus a 500 m buffer to account for the potential disturbance impacts on birds and followed a common bird census technique whereby surveyors walked as close to all habitat as possible and recorded all bird species identified by sight and sound along with their behaviour. Five survey visits were made between November and March over two winter periods (2022/23 and 2023/24) with 81% of all areas receiving at least one visit.
- **Breeding bird walkover** surveys were used to collect data on all bird species within the onshore infrastructure area (plus a 500 m buffer to account for the potential disturbance impacts on birds) over the breeding period (March – July). These surveys followed a common bird census technique whereby surveyors walked as close to all habitat as possible and recorded all bird species identified by sight and sound along with their behaviour. Nine

survey visits were made between March and July over the two breeding periods (2022 and 2023).

5.1.2.3 This approach is proportionate to the largely temporary impacts of the project, and of a similar or higher level than is commonly used to assess similar DCO transmission and substation projects.

5.1.2.4 Natural England have commented that these surveys were only completed to a minimal standard (RR-1601.H1). However, they have provided no further information justifying their position and it is not clear that they have fully read or understood the information provided with the application. For example, Natural England state that there was a lack of survey effort of surrounding areas in close proximity to work areas, whereas the Applicants were clear throughout the application documents that they surveyed to 500m beyond the proposed infrastructure area (the order limits excluding the mitigation and biodiversity benefit areas) to account for potential disturbance impacts. Whilst there can be limitations in repeatedly accessing privately owned land parcels, for the waterbird surveys used to inform the HRA assessments monthly coverage was "*good*" in the words of Natural England (RR1601_H9), although even here Natural England did not understand that the ornithology survey area included a 500m buffer from work areas. The Applicants are unclear why Natural England have not revisited this issue and have ignored responses by the Applicants that have sought to explain their misunderstanding.

5.1.2.5 The Applicants note that over 400 days were spent conducting the ornithology surveys for this project and that Natural England's assertion that this represents a poor coverage is in no way proportionate to the project's predicted impacts that are largely temporary in nature, entirely reversible and on intensively farmed land. The Applicants also stress that, whilst there may be some gaps in the data for the common and widespread passerine species, for the key SPA and Ramsar waterbird features, the survey coverage was good and is more than adequate to allow for a robust assessment.

5.1.3 Onshore Ecology

5.1.3.1 Comments have been received from Fylde Borough Council, Lancashire Borough Council and South Ribble Borough Council alleging inadequacies in the baseline assessments presented in Volume 3 Chapter 3: Onshore ecology and nature conservation (APP-075). These included concerns over survey coverage (i.e. the areas within the Order Limits and survey buffers that were inaccessible for surveys), to which the Applicants have provided further clarity on in a technical note submitted at Deadline 4 (S_D4_12 Annex 3.3: Applicants' response to ExQ1 6.1.1: Phase 1 Habitat Survey Coverage (REP4-116). Most of the habitats that were not accessible for survey within the Order Limits and survey buffers were built-up areas and private gardens, and therefore the Applicants are confident that there were no limitations to the assessment as a result of survey access. Fylde Borough Council's final position in its SoCG was 'not agreed but not material' due to its outstanding comments relating to the

hydrogeological surveys of the Lytham St Annes Dunes SSSI/LNR but otherwise agreed that the scope of the onshore ecology surveys was appropriate. Lancashire County Council was not able to agree that the habitat surveys undertaken from adjacent parcels or using desk-based information did not result in inaccuracies of habitat classification. However, the Applicants' position is that the survey methods were robust in the identification of the key habitat features and a precautionary approach was followed in the selection and undertaking of protected species surveys. All parties agreed that the surveys were undertaken in accordance with the relevant methodologies. Natural England and Fylde Borough Council were also initially concerned that the Applicants had not undertaken specific surveys for sand lizards at Lytham St Anne's Dunes SSSI/ LNR, and relied only on desk study data confirming the presence of the species to inform the impact assessment and mitigation. The Applicants have engaged with the parties throughout the Examination to provide further clarification on the approach in written and oral representations including a Sand Lizard Survey Technical Note, the most recent version of which was submitted at Deadline 6 (REP6-156). NE and the Fylde Borough Council are now satisfied that the Applicants do not need to undertake any surveys for sand lizards because the pre-existing survey data provided by Fylde Borough Council covers approximately twice monthly surveys over a period of four years, and provides much more useful information regarding the sand lizard population (in terms of its most recent distribution within the dunes, and an indication of annual trends in numbers/ distribution) than a single season of surveys undertaken by the Applicants would have achieved.

5.1.3.2 Other concerns with regard to the lack of detailed botanical surveys of Lytham St Anne's Dunes SSSI/ LNR and St Anne's Old Links Golf Course BHS have been resolved through surveys undertaken in summer 2025 by a botanical specialist. Natural England has confirmed it is now satisfied in respect of this matter in its Risks & Issues log submitted at Deadline 6 (ref: NE.OE.2/ NE15/ PADSS/ G2 (Appendix G).

5.1.3.3 Concerns were also raised by local authority stakeholders in the Examination through written representations relating to the assessment of impacts on habitats other than those protected under statutory and non-statutory nature conservation designations. These included priority habitats (listed on Section 41 of the Natural Environment and Rural Communities Act 2006) such as ponds, hedgerows (including those identified as 'Important' hedgerows under the Hedgerow Regulations 1997), coastal and floodplain grazing marsh, lowland fen, lowland meadow and semi-improved neutral grassland, and ancient woodland and veteran trees. Trees and hedgerows are also discussed in section 11.1.5). South Ribble Borough Council has agreed that this matter is now fully resolved (SoCG reference: SRBC.OE.16). Fylde Borough Council has now agreed that this matter is resolved with the exception of potential effects to the priority habitat 'coastal sand dunes' at the landfall site (SoCG reference: FBC.OE.16). Although Lancashire County Council has been unable to agree a similar position in respect of

priority habitats because of the perceived survey limitations to the ecological baseline (SoCG reference: LCC.OE.17), the Applicants maintain that all priority habitats have been adequately identified and potential impacts upon them assessed, with suitable mitigation and monitoring included within the OEMP where necessary, as secured by the relevant commitments and DCO Requirements.

5.2 The effects, including cumulative and in combination effects, upon benthic, fish and shellfish ecology, marine mammals and ornithology from construction, operation and maintenance activities

5.2.1 Benthic subtidal and intertidal ecology

5.2.1.1 Volume 2, Chapter 2: Benthic subtidal and intertidal ecology (APP-045 as updated in REP5-034) presents the Applicants' assessment of the potential direct and indirect effects on benthic subtidal and intertidal ecology receptors as a result of the Transmission Assets during the construction, operation and maintenance, and decommissioning phases. The Secretary of State can be satisfied that the assessment of potential impacts on benthic subtidal and intertidal ecology has been undertaken in accordance with National Policy Statement (NPS) EN-3 as set out in Table 2.1 of the chapter. For all impacts the assessment concluded negligible to minor adverse impacts which are not significant in EIA terms on all benthic receptors, including priority habitats listed under Section 41 of the Natural Environment and Rural Communities (NERC) Act 2006 (see also Section 5.7.1), both alone and cumulatively with other plans and projects. Effects on Annex I habitat qualifying features of Special Areas of Conservation (SACs) were considered in the HRA Stage 1 Screening Report (APP-015 as updated in REP6-026) and ISAA Part Two: SAC Assessment (APP-016), with no adverse effects on integrity predicted for the Annex I habitat features of the Shell Flats and Lune Deep SAC. Effects on habitats supporting prey species for the offshore ornithological features of Special Protection Areas (SPAs), including the Liverpool Bay SPA, were considered in the ISAA Part Three: SPA and Ramsar Site Assessments (APP-017 as updated in REP6-024) with no adverse effects on integrity predicted for any SPA or Ramsar site (see also Section 5.3.1).

5.2.1.2 Relevant representations specific to benthic subtidal and intertidal ecology were made by the Marine Management Organisation (MMO), Natural England and The Wildlife Trust (TWT). The Applicants have agreed all matters relating to benthic subtidal and intertidal ecology with the MMO, as reflected in the SoCG with the MMO (REP6-130). Representations received by The Wildlife Trust related to the Fylde MCZ and are therefore discussed in Section 5.4.1.

5.2.1.3 The Applicants have agreed a number of matters with Natural England relating to benthic, subtidal and intertidal ecology as reflected in the SoCG with Natural England (REP6-179). The Applicants have summarised below how matters raised by Natural England through the Examination have been addressed and where points of disagreement remain.

Matters considered through Examination

Maximum design scenario (construction phase)

5.2.1.4 Natural England has maintained its representations (combined relevant (RR-1601) and written representations and the Risk and Issues Log submitted at Deadline 1 (REP1-093) that there are a number of potential impacts on benthic ecology which have not been adequately considered or assessed within benthic subtidal and intertidal ecology chapter. Natural England advised that the chapter and where relevant, MCZ assessment, should be updated to consider all potential pathways of effect on intertidal and subtidal benthic habitats.

5.2.1.5 Natural England advised in their relevant representation (RR-1601) that all the parameters associated with sandwave clearance and seabed preparation should be provided. The Applicants responded with detailed clarifications on the definition of the maximum design scenario (MDS) at the Procedural Deadline A (PDA-017) and at Deadline 4 (REP4-100). Natural England, however, clarified at Deadline 5 (REP5-177) that they required the calculations for spoil volume. The Applicants responded at Deadline 6 (RI_C14; REP6-172) confirming that the spoil volumes assessed have been informed by the results of geophysical surveys as set out in the Outline offshore cable specification and installation plan (CSIP) (APP-220 as updated in REP6-098). The Applicants are confident that the total spoil volumes assessed are correct and realistic. Further, the Applicants acknowledge that it is the Applicants' responsibility to satisfy themselves that the Transmission Assets can be constructed within the parameters specified within the DCO, and that they will need to adhere to those values and the MDS as assessed within the EIA. The Applicants are confident that the MDS for all impact pathways, including those arising from the generation of spoil (both with regards to effects arising from increases in suspended sediment concentration and temporary habitat loss/disturbance), has been correctly calculated and assessed in the benthic subtidal and intertidal ecology chapter and that this matter is, therefore, not a material concern. The Applicants however note that the manner in which the MDS is presented for sandwave clearance is a matter that is not agreed between Natural England and the Applicants as reflected in the final SoCG (NE.BE.1 / C1; REP6-179).

5.2.1.6 Natural England's relevant representation (RR-1601) stated that impacts from Unexploded Ordnance (UXO) clearance had not been quantified or assessed within the ES. The Applicants confirmed within RR-1601.C.22 of their response to Natural England (PDA-017) that the benthic subtidal and intertidal ecology chapter concluded that the UXO clearance path will be within the width of seabed disturbance from the installation tool (i.e. 20 m) and, based on desktop data available relating to crater sizes, any craters generated will also be within the areas of disturbance assumed for sandwave clearance, boulder clearance, pre-lay grapnel run (PLGR) and cable burial. The Applicants also confirmed that post-clearance visual inspections of low order UXO clearance at the Moray West Offshore Windfarm demonstrated a lack of any seabed

crater, confirming that anything other than highly localised disturbance to the seabed is not anticipated as a result of low order UXO clearance. However, at Deadline 5, the Applicants submitted an updated benthic subtidal and intertidal ecology chapter (REP5-034) and MCZ Screening and Stage 1 Assessment Report (REP5-022) to include the clarifications provided in relation to this point and to provide a quantification of the MDS for habitat disturbance associated with the clearance of up to four UXOs within the Fylde MCZ (which amounts to approximately 0.5 km^2 based on existing data for high order clearance). Natural England have acknowledged the updates to the chapter, but note that detail on back-filling of any remaining UXO clearance depressions has not been provided. The Applicants consider that this is not material, given the small number of UXO clearances, use of low order techniques and the fact that UXO will only be cleared within the disturbance footprint of other site preparatory activities as discussed above. Accordingly, this is a matter that is not agreed between Natural England and the Applicants as reflected in the final SoCG (NE.BE.1 / C1; REP6-179).

5.2.1.7 Natural England's relevant representation (RR-1601) asserted that the MDS for PLGR, UXO clearance and boulder clearance had not been fully assessed within the ES as there is no certainty that these activities will be undertaken at the same time or within the same footprint as the other site preparation activities especially in relation to boulder relocation. The Applicants responded within RR-1601.B.6 of PDA-017. and provided further explanation at Deadline 4 (REP4-100) clarifying that along 9% of the offshore export cable routes, the MDS is sandwave clearance, boulder clearance, PLGR and low order UXO clearance with sandwave clearance dictating the width of the disturbance along the installation corridor (up to 60 m for Morgan and 48 m for Morecambe). Over the remaining 91% of the offshore export cable routes, boulder clearance, PLGR and low order UXO clearance dictates the width of the disturbance along the installation corridor which is 20 m wide for all cables. Sandwave clearance, boulder clearance, PLGR and low order UXO clearance are likely to be undertaken at different times within the construction phase, which is why the Applicants have assessed these activities in the chapter as 'repeat disturbance', but they would still be confined temporally to the overall discrete construction phase. The Applicants submitted an updated chapter at Deadline 5 (REP5-034), as requested by Natural England, to include the clarifications provided in relation to this point at previous deadlines. Notwithstanding, this is a matter that is not agreed between Natural England and the Applicants as reflected in the final SoCG (NE.BE.1 / C1; REP6-179).

5.2.1.8 Natural England's relevant representation (RR-1601) advised that a further assessment of the feasibility of the cable installation tools in shallow waters was required to support the worst-case scenario assessment. The Applicants responded to this point in full in the Applicants' response to RR.1601.B.11 (PDA-016) and in the Applicants' response at Deadline 4 to Natural England's Deadline 3 submission (REP4-100) confirming that the Outline Cable Burial Risk Assessment (CBRA) (APP-219) and the Outline Offshore CSIP (REP2-022) show

that ploughing, jetting and cutting are suitable techniques for the sandy and clay sediments present within the shallow nearshore areas of the Transmission Assets Offshore Order Limits. The Applicants secured a commitment at Deadline 4 that "*As part of the detailed design process, micro-siting of the offshore export cables within the offshore export cable corridors will be considered where successful burial could pose a challenge or where a higher risk of remedial works such as external cable protection may be required"* (CoT134) and updated the updated wording for micro-siting in the draft DCO under Schedules 14 and 15 (REP5-010). This is a matter that is Amber in Natural England's Risk and Issue Log submitted at Deadline 6 (REP6-193) where Natural England maintain that whilst the efficacy of the cable burial tools has been addressed, further evidence is still required for their use in shallow water and the implications of their use on designated site features. The Applicants maintain that the information provided in the outline CBRA and outline offshore CSIP relate to the entirety of the export cable corridor and that benthic subtidal and intertidal ecology assessment fully considered the MDS for cable installation tools.

5.2.1.9 Natural England's relevant representation (RR-1601) raised concerns about the potential impacts to physical processes and benthic ecology arising from that the distance between the cable crossings meaning that there will be separation in cable protection making one linear line of protection. The Applicants responded to the points within RR-1601.C.17 of PDA-017 confirming that the MDS for cable protection required for cable crossings, as outlined in Table 3.8 of the project description chapter (REP6-038), has been fully assessed in the relevant sections of the benthic subtidal and intertidal ecology chapter and physical processes chapter (REP5-030) which Natural England confirmed at Deadline 5 (REP5-177) had resolved their comment.

5.2.1.10 Natural England's relevant representation (RR-1601) raised a number of points related to the intertidal area at landfall, which are discussed below:

- Natural England requested clarity on the likely impacts from using direct pipe cable installation techniques including scour protection requirements at the direct pipe exit and/or entry locations, cable/scour protection requirements in the intertidal and subsequent mitigation (see also Section 5.7.2 regarding direct pipe trenchless technique). The Applicants initially responded to the points raised by Natural England within RR-1601.C.11 of PDA-017. The Applicants have made a commitment (CoT114) to ensure that all permanent infrastructure (i.e. the offshore export cables) located between mean low water springs (MLWS) and mean high water springs (MHWS) will be buried to a target depth of 3 m. Further to this, the Applicants included a clear commitment that no cable/scour protection shall be deployed in the intertidal area between MLWS and MHWS during construction and operation and maintenance phases (CoT133). This is a matter that is now agreed between Natural England and the Applicants as reflected in Natural England's Risk and Issue Log submitted at Deadline 6 (REP6-193).

- Natural England requested that the MDS for the sum of both projects' cofferdam area dimensions be provided. The Applicants explained in the Applicants' response to RR.1601.C.11 (PDA-017) that this parameter had not been provided because only Morgan OWL or Morecambe OWL are able to undertake work on the beach at any given time. The Applicants updated the benthic subtidal and intertidal ecology and project description chapters at Deadline 5 to include this information, trusting that this would resolve the matter. However, Natural England have advised in the Deadline 6 submission that the temporal risks on coastal morphology associated with the use of cofferdams remains unknown. The Applicants would highlight that there are no outstanding matters on this topic with the MMO (see Section 3.2.3 in the Closing Statement).
- Natural England requested that a landfall management plan should be provided in outline at the time of consent. In response to this, the Applicants submitted an Outline Landfall Construction Method Statement into the examination at Deadline 4, which was further revised at Deadline 5 and 6 (REP6-151) to address comments from Natural England and other interested parties. This plan also addressed queries from Natural England on the storage and back-filling of the exit pits and open cut trenching in the intertidal area and allowed Natural England to resolve this matter in the risk and issues log submitted at Deadline 6 (REP6-193).

5.2.1.11 The Applicants' position remains as outlined in RR-1601.C.1 of PDA-017 that all of the relevant potential impact pathways on intertidal and subtidal benthic habitats have been identified and the MDS has been defined as appropriate to each potential impact, activity and receptor. The identified impacts are assessed appropriately in the benthic subtidal and intertidal ecology chapter. In response to the request from Natural England, the Applicants updated the benthic subtidal and intertidal ecology chapter (in addition to other relevant chapters; see Section 3 in this Closing Statement regarding physical processes and Section 5.4.1 regarding the Fylde MCZ) to include all additional clarifications/justifications and errata provided in submissions at previous deadlines to address Natural England's comments relating to the assessment of impacts to benthic subtidal and intertidal ecology.

5.2.1.12 The assessment of the worst-case scenario during construction is a matter that is not fully agreed between Natural England and the Applicants as reflected in the in the final SoCG (NE.BE.1/C1; REP6-179). The Applicants would highlight that all matters relating to benthic subtidal and intertidal ecology are agreed with the MMO, as reflected in the final MMO SoCG (REP6-130).

Maximum Design Scenario for deployment of cable/scour protection during the operation and maintenance phase

5.2.1.13 Natural England has maintained its representations, as originally set out in its combined relevant and written representations (RR-1601) and Risk and Issues Log submitted at Deadline 1 (REP1-093), that the MDS

parameters for the Transmission Assets including the lifetime footprint should be revised to only include cable/scour protection anticipated to be installed during construction within the Fylde MCZ, and within the first 10 years of the O&M phase outside of the Fylde MCZ. The MMO also provided the same advice in their written representation (REP1-086) and that all other cable protection installed after these dates would require a new marine licence.

5.2.1.14 The Applicants made a commitment in the Outline Offshore operations and maintenance plan (OOMP) submitted at Deadline 4 (REP4-072) to limit deployment of cable/scour protection outside the Fylde MCZ to the first 10 years of the operation and maintenance phase or to the extent of the marine licensable activity (whichever is first). At Deadline 4 the Applicants also proposed that inside the Fylde MCZ, deployment of cable/scour protection would be limited to the first two years of the operation and maintenance phase or to the extent of the marine licensable activity (whichever is first). Following this, deployment of cable protection during the operation and maintenance phase would require a new marine licence application. The Applicants have explained that the inclusion of the 2-year period within the Fylde MCZ is required to allow for any 'snagging' delays in construction phase deployment and to cover the Offshore Transmission Owner (OFTO) divestment period. The MMO noted this in both their Deadline 4 (REP4-137) and Deadline 5 (REP5-175) submissions but did not object.

5.2.1.15 However, Natural England further advised (REP5-184) that the deployment of cable protection should be conducted within the construction phase due to deleterious consequences for both recovery times and the effectiveness of post construction monitoring. Natural England also stated that there would be requirement for a greater number of monitoring locations / expanded monitoring periods to mitigate for instances where additional cable protection was placed within the two year period overlaps or has potential to impact the recovery monitoring locations. The Applicants confirmed in their Deadline 6 response (REP6-172) to Natural England that this can be implemented via the design of the benthic monitoring programme or adaptive management approach, as outlined in the updates to Offshore In principle monitoring plan (IPMP) at Deadline 5 (REP5-079). During engagement on the SoCG (REP6-179) Natural England clarified that that any additional cable protection within Fylde MCZ will require a new Marine Licence application, regardless of when it is required. In response to Natural England's position, the Applicants further updated the Outline OOMP (and other relevant documents) at Deadline 7 (J19 / F04) to remove the ability to deploy cable/scour protection within the Fylde MCZ beyond the end of the construction phase without securing a marine licence. The Applicants consider that, with the additional commitment made at Deadline 7, this is now a matter that is agreed between Natural England and the Applicants as reflected in the SoCG under NE.BE.2/C2 (REP6-179).

Conclusion

5.2.1.16 In conclusion, the Applicants have submitted an evidence based and robust assessment of the Transmission Assets for benthic subtidal and intertidal ecology as required by the NPS EN-3. Appropriate design and mitigation measures have been adopted where appropriate, with no significant effects predicted as a result of the construction, operation or decommissioning of the Transmission Assets. The Secretary of State can conclude that the application accords with the relevant policies within NPS EN-1 and EN-3.

5.2.2 Fish and shellfish ecology

5.2.2.1 Volume 2, Chapter 3: Fish and shellfish ecology (REP6-046) presents the Applicants' assessment of the potential direct and indirect effects on fish and shellfish ecology receptors as a result of the Transmission Assets during the construction, operation and maintenance, and decommissioning phases. The Secretary of State can be satisfied that the assessment of potential impacts on fish and shellfish has been undertaken in accordance with NPS EN-1 and EN-3 as set out in Table 3.1 of the chapter. For all impacts the assessment concluded negligible to minor adverse impacts which are not significant in EIA terms on fish and shellfish receptors both alone and cumulatively with other plans and projects. Similarly, effects on Annex II fish qualifying features of Special Areas of Conservation (SACs) were considered in the HRA Stage 1 Screening Report (APP-015) and ISAA Part Two: SAC Assessment (APP-016), with no adverse effects on integrity predicted for any SACs with Annex II fish features. The Marine Conservation Zone (MCZ) Screening and Stage 1 Assessment Report (APP-019 as updated in REP6-028) considered those MCZs with fish ecology features and concluded that no MCZs designated for fish features will be significantly affected, and therefore no Stage 1 Assessment was required for these receptors.

5.2.2.2 Stakeholders with positions specific to fish and shellfish include the Marine Management Organisation (MMO), Natural England and the Environment Agency. The Applicants have reached broad agreement with the relevant stakeholders in respect of the scope and methodology of the assessment of potential effects, the proposed mitigation measures and how they are secured, and the assessment conclusions, both within the EIA, LSE Screening and ISAA and the MCZ Assessment. This is reflected in the Statements of Common Ground with those stakeholders (MMO, REP6-130; Environment Agency, REP6-129; Natural England, REP6-179).

Matters considered through Examination

5.2.2.3 The Applicants have summarised below how matters raised through the Examination have been resolved and where points of disagreement remain.

UXO Clearance

5.2.2.4 In their Relevant Representation (RR1414) and Written Representation (REP1-086), the MMO raised concerns in relation to the effect of UXO clearance on fish and shellfish receptors, in particular herring and cod spawning and suggested that seasonal restrictions may be appropriate. During Examination, the Applicants have provided further commitments, updating the draft DCO to restrict any UXO required to be cleared to low order methods only. This substantially reduces the extent of any effects of UXO clearance on fish and shellfish receptors, such that any concerns about significant effects on these receptors has now been removed, as confirmed by the MMO at Deadline 4 (see REP4-083) and seasonal restrictions are not required for these works. This has now been agreed with the MMO, as reflected in the final SoCG between the Applicants and the MMO (REP6-130).

EMF effects on European smelt

5.2.2.5 In their Relevant Representations, both Natural England (RR-1601) and the Environment Agency (RR-677) raised concerns in relation to effects of Electromagnetic fields (EMF) on European smelt, which is listed as a feature of the Ribble Estuary MCZ. These concerns related to EMF emissions from buried cables beneath the estuary leading to potential disruption of smelt migration as smelt are moving through the estuary. The Applicants provided further justification as to why effects on this species were screened out within the MCZ Screening (APP-019) which is set out in the Applicants' response to Natural England's Relevant Representation (PDA-018), which was further discussed during ISH2 (see REP4-104, 5(b)(i)). That is that cables would be buried to a depth greater than 7m below the bed of the Ribble Estuary and at this depth, EMF emissions from the cable would not be discernible from background levels of EMF in the estuary and therefore there is no impact-receptor pathway for this impact. This was accepted by the Environment Agency as set out in the SoCG (REP6-129).

5.2.2.6 Natural England maintain that due to uncertainties in relation to the effects of EMF on fish species, that monitoring should be undertaken at the crossing of the Ribble Estuary. The Applicants accept that uncertainties exist about fish and shellfish species responses to EMF emission. The Applicants are contributing to industry studies to examine these effects via The Crown Estate's Offshore Wind Evidence and Change programme and maintains that these more strategic studies are more appropriate to develop the evidence base, than site specific studies. The Applicants would note that there is limited uncertainty as to the scale of effects of EMF emissions and that there is considerable evidence to demonstrate that effects will be limited to within a few metres of the cable (see APP-048 for a discussion of these). At depths of 7m or more, EMF emissions from cables will not be detectable above background levels and therefore there is no risk to migrating smelt. For this reason, the Applicants' position is that site specific monitoring is not necessary or appropriate. The Applicants and Natural England are not

agreed on this matter, as set out in the Natural England SoCG (NE.FSF.1; REP6-179).

Conclusion

5.2.2.7 In conclusion, the Applicants have submitted an evidence based and robust assessment of the Transmission Assets for fish and shellfish ecology as required by the NPS EN-3. Appropriate design and mitigation measures have been adopted where relevant, with no significant effects predicted as a result of the construction, operation or decommissioning of the Transmission Assets. The Secretary of State can conclude that the application accords with the relevant policies within NPS EN-1 and EN-3.

5.2.3 Marine mammals

5.2.3.1 Volume 2, Chapter 4: Marine mammals (APP-050) presents the Applicants' assessment of the potential effects on marine mammals as a result of the Transmission Assets during the construction, operations and maintenance, and decommissioning phases. The Secretary of State can be satisfied that the assessment of potential impacts on marine mammals has been undertaken in accordance with NPS EN-1 and EN-3 as set out in Table 4.1 of the chapter. Impacts assessed included site investigation surveys, UXO clearance, vessel use, other (non-piling) sound producing activities, plus injury due to increased risk of collision with vessels and effects on marine mammals due to changes in prey availability. The Applicants have considered both potential positive and negative effects on marine mammals for the Transmission Assets project, in accordance with NPS EN-3.

5.2.3.2 In the absence of mitigation, all assessed impacts were concluded to be not significant in EIA terms (minor adverse or negligible) from the Transmission Assets project alone, with the exception of injury to harbour porpoise from elevated underwater sound from high order UXO clearance (moderate adverse). Cumulatively, all assessed impacts were concluded to be not significant in EIA terms (minor adverse or negligible), with the exception of injury to harbour porpoise from elevated underwater sound from high order UXO clearance (moderate adverse).

5.2.3.3 As set out in more detail below, the Applicants have committed to a range of mitigation measures, detailed within an outline Marine Mammal Mitigation Protocol (MMMP) (APP-223) and Measures to minimise disturbance to marine mammals and rafting birds from vessels (APP-221). The Applicants have amended the DMLs within the draft DCO (REP1-008) to restrict UXO clearance activities to 'low order' clearance only. The Applicants also updated the outline MMMP (REP2-024) to reflect newly published Defra (2025)[2] policy on requirements for offshore projects to make firmer commitments to reduce noise in the

[2] https://www.gov.uk/government/publications/reducing-marine-noise/reducing-marine-noise

marine environment and on clearance of UXOs[3]. The Applicants also updated the marine mammals at Deadline 5 (REP5-032) to reflect that high order UXO has been removed from the DCO (including the removal of all mention of scare charges/soft starts for UXO clearance, in line with Natural England recommendations).

5.2.3.4 The Applicants note that, in respect of the identified potentially significant effects in EIA terms, for the project-alone impact on harbour porpoise, this was in part due to the fact that final details of UXO clearance was undetermined. Whilst the assessment conclusions are not amended, the Applicants consider that the newly adopted Defra (2025)[2] policy reduces the likelihood of such a significant impact arising. The stated intention of the Defra (2025)[2] policy is to ensure that noise disturbance thresholds are not breached by upcoming projects, with all projects "required to demonstrate that they have utilised best endeavours to deliver noise reductions through the use of primary and/or secondary noise reduction methods in the first instance". That will also apply to wildlife licences, such as European Protected Species (EPS) licences. The Applicants have committed to adhering to the Defra (2025)[2] policy and guidance within its outline MMMP, and expect that where other projects move into the stage of discharging their own marine licence requirements, any mitigation plans they propose will similarly follow this approach. The required adherence to the Defra 2025)[2] policy makes it less likely that the potential cumulative significant effect would occur.

5.2.3.5 For the HRA Stage 2 Information to support an appropriate assessment (Part 2; Special Areas of Conservation (SAC) assessments) (APP-016) it was determined that there would be no adverse effects on the integrity of any SACs designated for marine mammal features either from the Transmission Assets project alone or in-combination with other plans or projects within the marine mammal cumulative study area. Natural England agree with the conclusion that low order methods have no potential to result in adverse effects on integrity of any SAC for the project alone or in-combination on any SACs designated for marine mammals within English waters (for UXO, in response to a direct question posed by the ExA's written questions (PD-011)) (REP5-184, Q2:9.3.3) (Natural England SoCG (REP6-179).

Marine Mammal Mitigation Protocol

5.2.3.6 The MMMP is the consent plan focussing on the measures required to meet existing legislative requirements or adopted industry practice (referred to as tertiary measures in IEMA, 2024[4]) to mitigate the potential effects of injury to marine mammals from a range of noise-producing activities (UXO clearance and site investigation surveys). The purpose of the MMMP is also to reduce the magnitude of any potential

[3] https://www.gov.uk/government/publications/marine-environment-unexploded-ordnance-clearance-joint-position-statement/marine-environment-unexploded-ordnance-clearance-joint-position-statement

[4] https://www.iema.net/media/oone2qce/iema-mitigation-in-eia-guidance-final.pdf

significant impacts such that there will be no residual significant effects from the project alone, thereby reducing the contribution to cumulative effects.

5.2.3.7 During Examination there were a number of updates made to the outline MMMP (REP2-026 and REP4-070) to capture issues raised by the ExA and IPs and to align with newly published Defra (2025)[2] policy on requirements for offshore projects to make firmer commitments to reduce noise in the marine environment and on clearance of UXOs[3]. Following these updates, the outline MMMP considers any primary mitigation measures that will be applied to reduce the amount of noise entering the marine environment, relevant to low order UXO clearance only (to reflect that high order UXO has been removed from the draft DCO). The outline MMMP also presents a summary of secondary measures currently available or likely to be available in the future, which could be applicable to further reducing residual effects from underwater sound from high order UXO clearance if required. The Natural England SoCG submission at Deadline 6 also welcomes the addition of secondary mitigation (REP6-179).

5.2.3.8 The Applicants will continue engagement with key stakeholders in developing the final MMMP post-consent. The latest updates of the outline MMMP have been submitted at Deadline 4 (REP4-070) and amendments reflect the new Defra (2025)[2] policy as requested by Natural England. The Secretary of State can be satisfied that paragraph 2.8.313 of NPS EN-3 has been addressed, with suitable noise mitigation proposed and secured through the MMMP. The Applicants would highlight that all matters related to the outline MMMP are agreed with the MMO in the final SoCG (REP6-130, MMO.OP.1).

Matters considered through Examination

UXO Clearance

5.2.3.9 Representations were made by Natural England (PDA-014, point NE10 /PDA-019, point E1) stating their position that UXO clearance should not be included in the Draft DCO/DML. Natural England's position has not changed despite engagement, and their latest position states that "*Natural England's position has not changed. We continue to advise that a separate marine licence should be sought for any UXO clearance due to the lack of information available regarding at this stage regarding the size, type, location of UXOs that will require clearance, the timing of clearance activities and the over precaution that must be incorporated into the impact assessment at this stage because of this*" (in response to a direct question posed by the ExA's written questions (PD-011)) (REP5-184, Q2:7.4.1). The MMO also made representations on the inclusion of UXO clearance in the Draft DCO/DML (PDA-013, RR-1414.2 / REP2-061 / REP3-085, paragraph 1.6.5/REP5-175, paragraph 1.2.2). In response to these representations at Deadline 1 the Applicants removed high order detonation of UXO from the Draft DCO/DML with only low order clearance options now being included (REP1-008). Whilst the MMO and Natural England have welcomed the

removal of high order clearance, it remains their position that UXO clearance should not be included within the DML.

5.2.3.10 The Applicants' position remains that it is appropriate and justified to include UXO clearance activities within the DMLs. The Applicants have included all necessary activities for the construction and operations and maintenance of the Transmission Assets in the application for development consent, in order to ensure a comprehensive application, and all such activities have been subject to a robust assessment process. This includes UXO clearance activities, with suitable mitigation secured.

5.2.3.11 Including UXO clearance activities within the DML is intended to remove the need to apply for and obtain a further licence post-consent and prior to construction, assisting with the expeditious delivery of the Transmission Assets and contributing to UK Government targets for Net Zero. UXO clearance has previously been included as a licenced activity within a DCO for an offshore wind farm, for example within The East Anglia ONE North Offshore Wind Farm Order 2022 and The East Anglia TWO Offshore Wind Farm Order 2022, and the recently consented Mona Offshore Wind Project and Morgan Offshore Wind Farm: Generation Assets. There is good justification for its inclusion within the draft DCO for the Transmission Assets, and no reason in principle why it should not be included. The Applicants submit that the Secretary of State can conclude that it is appropriate to do so in this instance. Accordingly, this matter is not agreed between the Applicants and Natural England or the MMO in their respective final SoCG (NE.DCO.3 in REP6-179 and MMO.DCO.2 in REP6-130 respectively). However, the Applicants would highlight the MMO confirmation in REP6-200 that *"on a without prejudice basis, should Secretary of State include low order UXO clearance, the provisions in the DML are suitable"*,

Other matters

5.2.3.12 Through engagement with Natural England and the MMO, the Applicants have largely agreed and resolved all other matters raised through Examination.

5.2.3.13 Natural England raised concerns about the dual effect categories in the assessment methodology (Risk and Issues log: REP5-124, RI_E2), noting that there has been no disagreement on the levels of significance concluded for each of the impacts in the assessment. The only exception to this was the conclusion of 'moderate' significant effect for injury and disturbance from elevated underwater sound due to UXO clearance, particularly for harbour porpoise, in the cumulative effects assessment (REP5-124, RI_E6, RI_E14). The Applicants set out justification for this conclusion (see item RR-1601.E.6 in PDA-017) and maintains that risk of injury would be fully mitigated via industry recommended measures as detailed in the outline MMMP (REP4-070). Further, this assessment was based on high order UXO clearance, which has now been removed from the Draft DCO. In any event, the Applicants submit the difference between the parties is immaterial to the

determination of the application, which Natural England agreed with as set out in the SoCG (NE.MM.2 / E2 in REP6-130).

5.2.3.14 Natural England raised other concerns, which remain outstanding Amber matters in their most recent Risk and Issues Log (REP5-124), including the use of soft start scare charges for UXO (RI_E4); the potential effects of UXO clearance activities occurring at the Transmission Assets, Morgan Offshore Wind Project: Generation Assets and Morecambe Offshore Wind Farm: Generation Assets simultaneously (RI_E23). Natural England have stated that provided updates are made to Volume 2, Chapter 4: Marine mammals and the outline MMMP and submitted in to examination, they believe these issues will be readily resolved. The Applicants have updated Volume 2, Chapter 4: Marine Mammals and submitted this at Deadline 5 (REP5-032) to reflect the removal of high order UXO clearance from the DCO, and to align with changes made to the Morgan Offshore Wind Project: Generation Assets. The Outline MMMP was previously updated to reflect that high order UXO clearance has been removed from the DCO, at Deadline 2 (REP2-026) and further updates were made to the outline MMMP in response to comments from the MMO, at Deadline 4 (REP4-070). However, since these updates to the Volume 2, Chapter 4: Marine Mammals during Deadline 5 the most recent SoCG by Natural England (REP6-179) concluded that they welcome the removal of scare charges/soft start charges and the matter is resolved.

Conclusion

5.2.3.15 The Applicants have submitted an evidence based and robust assessment of the Transmission Assets for marine mammals as required by the paragraphs 2.8.127 – 2.8.135 of NPS EN-3. The Applicants have taken a range of design choices, and proposed a range of mitigation measures, that reduce the potential impact on marine mammals and that have been broadly endorsed by the MMO and Natural England. The Applicants highlight that, irrespective of these additional measures, there were no outstanding issues from any of the IPs with respect to designated sites for marine mammals. The Secretary of State can conclude that the Transmission Assets accords with paragraphs 2.8.302 – 2.8.306 and 2.8.312 – 2.8. 314 of NPS EN-3.

5.2.4 Offshore ornithology

5.2.4.1 Volume 2, Chapter 5: Offshore ornithology (APP-053) presents the Applicants' assessment of the potential effects on offshore ornithology as a result of the Transmission Assets during the construction, operations and maintenance, and decommissioning phases. The Secretary of State can be satisfied that the assessment of potential impacts on offshore ornithology has been undertaken in accordance with NPS EN-1, EN-3 and EN-5 as set out in Table 3.1 of the chapter. Impacts assessed included:

- Disturbance and displacement from airborne sound, underwater sound and presence of vessels and infrastructure.

- Indirect impacts from underwater sound, habitat loss and increased SSCs affecting prey species.
- Temporary habitat loss/disturbance and increased SSCs.

5.2.4.2 The Applicants have considered both potential positive and negative effects on offshore ornithology for the Transmission Assets project, in accordance with NPS EN-3.

5.2.4.3 In the absence of mitigation, all assessed impacts were concluded to be not significant in EIA terms (minor adverse or negligible) from the Transmission Assets project alone. Cumulatively, all assessed impacts were concluded to be not significant in EIA terms (minor adverse or negligible).

5.2.4.4 The majority of relevant representations made regarding offshore ornithology related to the ornithological interest features of the Liverpool Bay Special Protection Area (SPA), which is covered in Section 5.3.1. Other matters relating to the EIA (e.g. the inclusion of the Hynet North West Carbon Capture and Storage project into cumulative and in-combination assessments) were raised by Natural England and resolved at Deadline 3 (REP3-055).

Conclusion

5.2.4.5 The Applicants have submitted an evidence based and robust assessment for offshore ornithological receptors in relation to impacts associated with the Transmission Assets within Volume 2, Chapter 5: Offshore Ornithology (APP-053 / REP5-036 and REP5-037) as required by the paragraphs 2.8.136 – 2.8.146 of NPS EN-3. The Applicants have taken a range of design choices, and proposed a range of mitigation measures, that reduce the potential impact on offshore ornithology and that have been broadly endorsed by Natural England leading to the resolution of all issues identified by Natural England in their representations into the examination. The Applicants highlight that, irrespective of these additional measures, there were no outstanding issues from any of the IPs with respect to designated sites for offshore ornithology. The Secretary of State can conclude that the Transmission Assets accords with paragraphs 2.8.302 – 2.8.306 and 2.8.315 – 2.8. 316 of NPS EN-3.

5.3 Likelihood of adverse effects on the integrity of European protected sites (including Ribble and Alt Estuary Special Protection Area (SPA), Liverpool Bay (SPA), including adequacy of information, the information to assess any potential derogation and in combination effects

5.3.1 Liverpool Bay SPA

5.3.1.1 For the Habitats Regulations Assessment Stage 2 Information to Support an Appropriate Assessment Part Three (ISSA Part 3) – Special Protection Areas (SPA) and Ramsar Site assessments (APP-017 as updated in REP6-024) it was determined that there would be no adverse effects on the integrity of any SPAs designated for offshore ornithology features either from the Transmission Assets project alone or in-combination with other plans or projects.

Matters considered through Examination

5.3.1.2 The primary stakeholder concerned with offshore ornithology was Natural England. Whilst other stakeholders may have submitted representations relevant to offshore ornithology these echoed the points made by Natural England. The following section therefore summarises the points raised in Natural England's Risk and Issues logs submitted throughout the Examination:

- Natural England did not agree that adverse effects on the red-throated diver and common scoter features of the Liverpool Bay SPA could be ruled out. They requested the provision of a quantified cumulative assessment of impacts on species sensitive to disturbance and displacement and the consideration of in-combination impacts on the distribution and the extent, distribution and availability of supporting habitats of the red-throated diver and common scoter features of the Liverpool Bay SPA.
- Provision of a more detailed maximum design scenario (MDS) incorporating a MDS for the key wintering months of November to March (inclusive)
- The use of a bespoke regional population for red-throated diver
- The inclusion of the Hynet North West Carbon Capture and Storage project into cumulative and in-combination assessments
- Provision of an assessment of long-term habitat loss within Liverpool Bay SPA

5.3.1.3 At Deadline 2, the Applicants submitted a revision to the measures to minimise disturbance to marine mammals and rafting birds from vessels (REP2-024), which committed the Applicants to a full seasonal restriction on construction activities and UXO clearance between November and March (inclusive) within the original boundary of the Liverpool Bay SPA (as designated in 2010) plus a 2 km buffer (see

CoT111 in REP5-027). In addition, at Deadline 4, the Applicants submitted an updated Outline OOMP (REP4-072) which introduced commitment CoT135 in which the Applicants committed to not planning routine O&M activities in the original Liverpool Bay SPA (as designated in 2010), or within a 2 km buffer between November and March (inclusive) unless in urgent circumstances.

5.3.1.4 In consequence, those qualifying offshore ornithological features of the three SPAs and two Ramsar sites for which the HRA Stage 1 Screening Report (document reference: E3) identified the potential for LSEs, are all screened out during the construction and operations and maintenance phases of the Transmission Assets. In addition, these commitments mean that there is no longer an impact pathway in relation to disturbance and displacement on red-throated diver and common scoter as assessed in the Offshore ornithology chapter. The assessments conducted for disturbance and displacement were updated at Deadline 5 in the Offshore ornithology (REP5-036) and ISSA Part 3 (REP5-020).

5.3.1.5 As there is no impact from the Transmission Assets alone, there will be no contribution from the Transmission Assets to any ongoing or existing cumulative and in-combination impact. This therefore means that issues in relation to cumulative and in-combination assessments are also resolved due to the introduction of commitments CoT111 and CoT135. In addition, there is no longer a requirement to estimate a regional population for red-throated diver, as there is no impact to assess against this population. This issue is therefore also resolved.

5.3.1.6 Regarding long term habitat loss in the SPA, the Applicants response to Procedural Deadline 1 outlined that the area of seabed impacted by long-term habitat loss was negligible in relation to the total area available to key receptors (see PDA-015). Following a request from Natural England, the Offshore ornithology chapter (REP5-036) and ISAA Part 3 (REP5-020) were updated at Deadline 5 to incorporate the justification for a conclusion of no significant effects or adverse effect would occur as a result of long-term habitat loss.

5.3.1.7 The Applicants would highlight that the SoCG between the Applicants and Natural England records that AEoI can be ruled out and all matters relating to offshore ornithology as agreed (Table 1.10; REP6-179).

SPA supporting habitats

5.3.1.8 Natural England's relevant representation (RR-1601) raised concerns that potential pressures and impacts on the supporting habitats for SPA features, including Liverpool Bay SPA, had not been assessed. The Applicants initially responded to the points raised within RR-1601.C.26 of PDA-017 clarifying that the relevant impacts relating to temporary habitat loss/disturbance had been fully assessed in the benthic subtidal and intertidal ecology (APP-045) and Offshore ornithology (APP-053) chapters and that all effects were predicted to be not significant in EIA terms. Natural England confirmed at Deadline 3 that they were satisfied that the predicted habitat loss would allow adverse effects on the Liverpool Bay SPA to be ruled out but to fully resolve the issue, relevant

parts of the application must be updated. The Applicants therefore updated the relevant sections of the ISSA Part 3 at Deadline 5 (REP5-020 as updated in REP6-024) to include the additional clarifications and information included in submissions at previous deadlines. This matter has now been agreed with Natural England, as reflected in the SoCG (NE.BE.7 / C6; REP6-179).

5.3.2 Ribble and Alt Estuary SPA

5.3.2.1 For the Habitats Regulations Assessment Stage 2 Information to Support an Appropriate Assessment Part Three – Special Protection Areas (SPA) and Ramsar Site assessments (REP6-024) it was determined that there would be no adverse effects on the integrity of any SPAs designated for onshore and intertidal ornithology features either from the Transmission Assets project alone or in-combination with other plans or projects. The impact areas can be split into:

- **Intertidal** which includes works at the landfall, and;
- **Terrestrial** which includes the onshore cable corridor and substations

Landfall and Intertidal

5.3.2.2 The Applicants assessment (Section 1.6 of REP6-024) identified no significant impacts on intertidal birds based on the assumption of a reduction in construction works between November to February at landfall (CoT110), and proposed mitigation at Fairhaven Saltmarsh (CoT113). A summary of the points raised by Natural England in their Risk and Issues log and submitted throughout the examination is provided below:

- A full November to March seasonal restriction should be considered for works at the landfall (RI_NE18 in their RR (RR-1601)).
- More detail was required about the birds present during the passage period (RI_H3 at Deadline 3 (REP3-094)).
- More detail was required about the potential energetic losses to birds at the landfall and how these may be balanced by energetic gains at Fairhaven Saltmarsh (RI_H51 and RI_H52 in their RR (RR-1601)).

5.3.2.3 Natural England's initial position (RR-1601) was that a full November to March seasonal restriction would be required as opposed reduction in works undertaken at landfall between November and March as suggested by the Applicants at application. Natural England also initially advised that the mitigation at Fairhaven Saltmarsh should be considered as compensation and a derogation under the Habitat Regulations would be required in the event that AEoI could not be ruled out (see RR1601.H_4 and RR1601.H_5 (RR-1601)).

5.3.2.4 At Deadline 2 the Applicants updated their commitment to a full November to March restriction within the intertidal area (CoT129 of F1.5.3 Environmental Statement Volume 1, Annex 5.3: Commitments

Register (REP2-011)). This addressed Natural England's concerns regarding the wintering features of the Ribble and Alt Estuaries SPA and Ramsar, however they still had concerns regarding the passage period and impacts to the energetic budgets of the features predicted to be impacted. To address these concerns the Applicants produced a series of Technical Notes to further clarify matters:

- S_D4_18 Passage Period at Landfall Technical Note (REP4-121)
- S_D2_12 Technical note on the energetics of the birds at landfall and the adequacy of the Fairhaven Saltmarsh (REP2-045).

5.3.2.5 The Applicants also offered mitigation through screening of the construction compound on the beach and an ECoW present during the works at landfall within the Outline Ecological Management Plan at Deadline 4 (REP4-058) and by Deadline 5 this had satisfied Natural England's concerns regarding all species and behaviours except for foraging sanderling (see RI_H3 of Comments on any further information/submissions received by deadline 4 - Appendix K5 - Natural England's Risk and Issues Log (REP5-177)). Updates were made to Habitats Regulations Assessment Stage 2 Information to Support an Appropriate Assessment: Part Three (REP5-020) to further clarify the low numbers of foraging sanderling that were predicted to be impacted, and the limited nature of the impacts. Natural England's response to this issue at Deadline 6 confirmed that they were satisfied that AEoI could be ruled out for impacts at the landfall and that there was no need for a derogation case and that the proposed mitigation at Fairhaven Saltmarsh should now be considered as an alleviation measure (see RI_H3 of S_D7 Natural England R&I log (REP6-193). The Applicants and Natural England are therefore in full agreement that AEoI can be ruled out for impacts to intertidal birds without the need for additional mitigation.

Terrestrial

A.1.1.1 The Applicants assessment (Section 1.6 of REP6-024) concluded that there were no significant impacts upon the SPA feature waterbirds that utilise terrestrial habitats based on the assumption that the River Ribble would be crossed using trenchless techniques (CoT90) and that there would be two mitigation areas provided, one at Lytham Moss (CoT107) and one at Newton-with-Scales (CoT120). A summary of the points raised by Natural England in their Risk and Issues log and submitted throughout the examination (the latest version is REP6-193) is provided below:

- Concern there was not enough information provided to rule out impacts at the River Ribble crossing RI_H6 and RI_H27 of their RR (RR-1601).
- Concern that there was not enough information provided to rule out impacts at Newton Marsh SSSI (RI_H8 of RR-1601).

- Natural England did not agree that the full suite of species for which Functionally Linked Land (FLL) exists had been identified (RI_H11 of RR-1601).
- Natural England did not agree that the assemblage had been fully assessed (RI_H46 and RI_H47 of RR-1601).

5.3.2.6 Further information was provided by the Applicants in:

- S_D4_17 Onshore Terrestrial Waterbird Note (REP4-120)
- oEMP updates the latest version is J6 Outline Ecological Management Plan (REP6-116)
- S_D2_11 Technical note on Newton Marsh SSSI and River Ribble Crossing (REP2-044).

5.3.2.7 Further information was provided about the nature of the impacts at the River Ribble crossing and Newton Marsh SSSI. These alleviated Natural England's concerns and these issues have now been closed out (see RI_H27 and RI_H8 of REP6-193) with the Applicants and Natural England in agreement that there are no significant adverse effects on ornithological receptors at these locations.

5.3.2.8 The Applicants also provided further detail on the suite of species for which FLL may exist in the Onshore Terrestrial Waterbird Note (REP4-120). The Applicants note that for the large part this resulted in no material change to their assessment as they had already included whooper swan, pink-footed goose, wigeon, teal, golden plover, and black-tailed godwit as the suite of species for which mitigation was required in the ISAA. Following clarification in this note, it was concluded that there were no impacts on wigeon, so the Applicants have removed them from the mitigation design. The Applicants and Natural England disagree that FLL exists for shelduck (RI_H39 of REP5-177), as they were widely distributed in low densities and are largely reliant upon marine gastropods for food during the non-breeding season. Nonetheless the Applicants have agreed to consider them with the mitigation design and this issue has subsequently been closed out by Natural England (RI_H39 of REP6-193).

5.3.2.9 Although the Applicants have assessed the assemblage as a feature in its own right as those species named as the assemblage in the citation (e.g., Section 1.6.3.135 of the ISAA (APP-017)), further detail on the composition of the species that made up this assemblage was provided in the Onshore Terrestrial Waterbirds Note which also included further detail on all non-named assemblage features. This largely satisfied Natural England's concerns (RI_H46 of RE6-193), especially as the note highlighted that all non-named features had already been thoroughly assessed within the EIA. with a conclusion of no significant effect. The Applicants disagree with Natural England's assertion that the assemblage has not been assessed as a feature in its own right and would point to Section 1.6.3.135 of the ISAA (APP-017) as an example of where it has been, although this issue has now been resolved with the provision of this further detail.

5.3.3 Adequacy of the onshore and intertidal environmental mitigation areas

5.3.3.1 Although Natural England had concerns regarding all of the mitigation areas at the start of the Examination these have largely been resolved.

Fairhaven Saltmarsh

5.3.3.2 This mitigation is focussed on reducing existing recreational pressures on roosting waders thereby reducing energy loss during the roosting period. As set out in Site Selection of the Environmental Mitigation and Biodiversity Benefit Areas (REP2-046), the area was chosen largely because it already houses the birds predicted to be impacted at the landfall.

5.3.3.3 Natural England raised a number of matters in relation to the mitigation at Fairhaven Saltmarsh as part of their relevant representation (see RR1601.H68). The Applicants subsequently responded to Natural England with the Passage Period at Landfall Technical Note - Rev F01 (REP4-121) (although this was not initially submitted into examination and was only provided to Natural England) and Technical note on the energetics of the birds at landfall and the adequacy of the Fairhaven Saltmarsh (REP2-045). That clarification alongside the agreement of no AEoI at the landfall, and updates to the oEMP at Deadline 5 to reflect a commitment to a site specific recreational disturbance survey to inform the final measures and further detail on the monitoring strategy (J6 Outline Ecological Management Plan (REP5-069)) have led to this issue being closed out at Deadline 6 (RI_H51 of REP6-193).

5.3.3.4 The Applicants also note that Natural England support their position in that they "*advise the Applicant to consider how the Fairhaven scheme could be delivered in a strategic setting*" (Appendix H5 to Natural England's Deadline 5 Submission. Natural England's comments on Onshore and Intertidal Ornithology (REP5-183)) and clearly see the importance of this area going forward. Natural England are also in full agreement with the Applicants that this area is to be considered an "*alleviation measure to reduce the residual, sub-AEOI impacts on the Ribble and Alt Estuaries SPA*" (see Natural England's response to 3.4.3 in REP6-194) and is therefore not needed to conclude no AEoI on the Ribble and Alt Estuaries SPA and Ramsar from works at the landfall.

Lytham Moss

5.3.3.5 The arable land at Lytham Moss was identified as a suitable location to provide temporary mitigation for pink-footed geese, whooper swans, teal, golden plover and black-tailed godwit for the impacts of construction of the onshore cable corridor (the greatest impacts are at the locations where the greatest number of birds were found, this was at Lytham Moss and at land south of Newton-with-Scales). The mitigation at this area will take the form of supplementary feeding for the geese and swans, and temporary scrapes and wet grassland for the remaining waders and wildfowl. As set out in Site Selection of the

Environmental Mitigation and Biodiversity Benefit Areas (REP2-046) this area was chosen largely because it is within an area of FLL, and it is close to the area of greatest impact (i.e., where the greatest number of birds will be displaced from). Natural England did seek clarity on the species for which mitigation was needed, which was subsequently provided in Onshore Terrestrial Waterbird Note (REP4-120), Outline Ecological Management Plan (REP5-069) and the latest version is J6 Outline Ecological Management Plan (REP6-116). This included further detail on the monitoring of the area, clarification of what species the mitigation was for, and the inclusion of shelduck. By Deadline 6 Natural England had no further concerns over this mitigation area "*We are satisfied with the detail included in the OEMP [REP-069] on the species which will be supported and the proposed approach to monitoring the efficacy of the temporary mitigation area at Lytham Moss*."

5.3.3.6 Therefore, the Applicants and Natural England are in agreement that the plans provided for the mitigation at this area are suitable to reduce impacts on SPA features sufficiently to conclude that there will be no AEoI from the temporary impacts of disturbance and habitat loss caused by construction of the onshore export cable corridor and 400 kV grid connection cable corridor.

Land south of Newton-with-Scales

5.3.3.7 The land south of Newton-with-Scales was identified as permanent EIA mitigation to mitigate for the permanent loss of land at the substation sites for small numbers of non-breeding waders (including 104 golden plover recorded on a single visit) and to provide an area where the temporary impacts of construction of the onshore cable corridor could be mitigated for. This mitigation will take the form of enhancement of existing scrape features and controlling water levels to enhance the wet grassland habitats. As set out in Site Selection of the Environmental Mitigation and Biodiversity Benefit Areas - Rev F01 (REP2-046) this area was chosen largely because it already has some suitable habitats, is used by a number of waterbirds, and it is close to the area of impact.

5.3.3.8 The Applicants do not consider there is a permanent loss of FLL for golden plover as explained in in a previous response to 1601H.28 in Annex 3.2.16 to Response to RR - Natural England (RR-1601) - Appendix H (Onshore and Intertidal Ornithology) (PDA-023). Golden plover were only present at the substation sites on one of 14 survey visits and even when considering all birds that were recorded within the vicinity of the area of permanent habitat loss (i.e., a precautionary approach that includes birds that will not be directly affected but may be displaced by presence of the infrastructure) this equates to an average of only 11 birds or 0.3% of the SPA citation that will be impacted. After revising the habitat modelling, the area of permanent loss is only approx. 0.07 to 0.08% of available pasture and arable within the 10 km foraging range of their roost sites.

A.1.1.2 Natural England's own definition of FLL is "*an area of land or sea is 'linked' to the site in question because it provides a (potentially important) role in maintaining or restoring a protected population at*

favourable conservation status." (NECR207). Therefore, the Applicants dispute that birds being present on one of 14 visits constitute an important role in maintaining or restoring a population at favourable conservation status. Despite requests to discuss further the Applicants have not received any engagement from Natural England on this matter and this matter has been logged as "No change" in the Risk and Issues log throughout Examination (see all responses in RI_H22 of REP6-193).

5.3.3.9 Notwithstanding the Applicants' position regarding AEoI on golden plover from the permanent impacts at the substation sites, the Applicants have committed to providing long-term mitigation for non-breeding waders including golden plover at Newton-with-Scales and updates to the Outline Ecological Management Plan (REP6-116)) reflecting Natural England's concerns were made at Deadline 6.

A.1.1.3 Natural England's position at Deadline 6 stated that the only outstanding issue for the mitigation area at land south of Newton-with-Scales was the need for a long-term management plan (see RI_H7 of REP6-193). The Applicants have provided the additional detail on the long-term monitoring (30 years) at Newton-with-Scales in Appendix B.2.2 of J6 Outline Ecological Management Plan (REP6-115). The Applicants therefore consider this issue to be closed.

5.4 Effects on features of the Fylde Marine Conservation Zone and Ribble Estuary Marine Conservation Zone

A.1.1.4 The Marine Conservation Zone (MCZ) Screening and Stage 1 Assessment Report (APP-019 as updated in REP6-028) presented the Applicants' approach to determining if the Transmission Assets would have any potential direct or indirect impacts on MCZs as a result of the construction, operations and maintenance, and decommissioning phases. The screening for MCZs with benthic features concluded that only the designated features of the Fylde MCZ had the potential to be significantly affected by the Transmission Assets. Consequently, a Stage 1 Assessment was undertaken for the subtidal sand and subtidal mud features of the Fylde MCZ which concluded that there would be no significant risks to the achievement of the conservation objectives for the Fylde MCZ as a result of the Transmission Assets and that a MCZ Stage 2 assessment was not deemed to be required.

5.4.1 Fylde Marine Conservation Zone (MCZ) - lasting habitat loss/change from the placement of cable protection

A.1.1.5 As outlined in the MCZ Screening and Stage 1 Assessment Report (APP-019 as updated in REP5-022), Volume 1, Chapter 4: Site selection and consideration of alternatives (AS-026), the Offshore Export Cable Corridor search area for the Transmission Assets was defined to minimise interaction with designated sites. A spatial overlap with the Fylde MCZ was, however, unavoidable due to the north-south extent of the Fylde MCZ between the Generation Assets and the point of interconnection at Penwortham. As outlined in Table 1.13 of the MCZ

Screening and Stage 1 Assessment Report (APP-019), the Applicants applied the principles of the mitigation hierarchy throughout the pre-application phase to minimise impacts as far as possible to the features of the Fylde MCZ. This included designing the final offshore export cable route to cross the Fylde MCZ at its the narrowest point and minimising the number of crossings within the Fylde MCZ with existing cables (i.e. the Applicants have attempted to move the crossings outwith the Fylde MCZ however they are limited by existing infrastructure and engineering constraints). In response to statutory consultation feedback on the Preliminary Environmental Information Report (PEIR), the Applicants also substantially reduced the MDS for long term loss from cable protection requirements and MDS for temporary habitats disturbance. The Applicants would note that additional commitments were also made during the examination to further reduce impacts to the Fylde MZC, as outlined in the updated MCZ Screening and Stage 1 Assessment Report submitted at Deadline 5 (REP5-022).

5.4.1.1 As outlined in REP5-022, the MDS for long term habitat loss arising from the presence of cable protection (for ground conditions and cable crossings) within the Fylde MDS is 0.0304 km^2 / 3.04 hectares (which equates to 0.012% of the MCZ). The Applicants' assessment concluded that this would not result in a significant risk to the achievement of the conservation objectives of the Fylde MCZ and, therefore, a Stage 2 MCZ Assessment is not required. The Wildlife Trust asserted the need for a Stage 2 MCZ Assessment and MEEB for the Fylde MCZ in their written representation (REP1-210). Natural England has also maintained its representations that they consider that 3.04 hectares of lasting habitat change/loss of subtidal sand and subtidal mud interest features from the placement of cable protection within the Fylde MCZ will hinder the conservation objectives of the site and have advised that Measures of Equivalent Environmental Benefit (MEEB) will be required. Additionally, Natural England outline that as it is currently not possible to determine the location of the cable protection within the Fylde MCZ, compensation should account for the full area of long term habitat loss within both the subtidal sand and subtidal mud features (i.e. 0.0264 km^2 / 2.64 hectares for cable protection within both features, as well as 0.004 km^2 / 0.4 hectares for cable crossings within the subtidal mud feature resulting in a total of 0.0568 km^2 / 5.68 hectares of long term habitat loss). The Applicants however consider their current approach, which provides a MDS for each feature of the Fylde MCZ individually (i.e. 0.0264 km^2 / 2.64 hectares for subtidal sand (cable protection only) and 0.0304 km^2 / 3.04 hectares for subtidal mud (cable protection plus cable crossings)) to be a precautionary and realistic MDS. This approach accounts for the fact that the Applicants will not exceed 0.0264 km^2 / 2.64 hectares of long term habitat loss as a result of cable protection between features irrespective of its final location. Therefore, accounting for it in respect to both features would not accurately represent the scale of the cable protection, or the MDS. Following detailed design post-consent, the exact compensation requirements may be refined, in consultation with stakeholders, which would then inform MEEB compensation figures if it is deemed to be required by the

Secretary of State. The conclusions of the MCZ Assessment are a matter that is not agreed between Natural England and the Applicants as reflected in the SoCG with Natural England (NE.BE.3 / C3; REP6-179).

5.4.1.2 Without prejudice to the Applicants' position on the Stage 1 MCZ assessment, the Applicants submitted a Stage 2 MCZ Assessment at Deadline 1 (REP1-059 which was later updated at Deadline 5; REP5-094), as requested by Natural England, which included a without prejudice, in-principle MEEB Plan. Additionally, the Applicants also provided a without prejudice benthic compensation schedule at Deadline 3 (which was updated at Deadline 5; REP5-109) should the Secretary of State deem it required. The in-principle MEEB Plan and the without prejudice benthic compensation schedule include for the option of a payment into the Marine Recovery Fund (MRF) and project-led options. Project led options would only be considered in the event that the MRF is not made available to the Applicants. Natural England, in their Deadline 2 response to the Applicants' Stage 2 MCZ Assessment (REP2-062 and REP2-063), advised that the project-led options would not provide comparable ecological function for the habitats being compensated for and that there was no merit in further progressing project specific compensation measures at this time. The Applicants acknowledged this in the Applicants' Response to ExA's Written Questions (ExQ1) (REP3-056) and the Applicant's Deadline 3 response to the Risk and Issues log (REP3-055). However, the Applicants would highlight that Natural England has agreed to the basis upon which the Applicants have included the project-led options, where the matter is agreed between the parties under NE.MCZ.5 in the SoCG (REP6-179).

5.4.1.3 As reflected in the SoCG (NE.BE.3 / C3; REP6-179), both parties are agreed that, should the Secretary of State deem that benthic compensation (MEEB) is required, strategic compensation with a payment into the MRF should be the preferred and prioritised option for this project, as outlined in the Applicant's commitment made at Deadline 4 (CoT136).

5.4.2 Monitoring

5.4.2.1 Natural England's relevant representation (RR-1601) advised that the monitoring included in the Offshore IPMP only focused on physical/sediment recovery and lacked ecological context. Natural England requested it was updated to include monitoring of temporal and spatial changes in benthic communities and their recoverability. To address Natural England's comments, the Applicants updated the Offshore IPMP at Deadline 4 (REP4-074) to include for pre and post construction monitoring of subtidal benthic communities within the Fylde MCZ to monitor for temporal and spatial recovery. As outlined in the SoCG (NE.BE.5; REP6-179), this is a matter that is now agreed between the parties.

5.4.2.2 The Applicants would also highlight that the Offshore IPMP was updated at Deadline 6 to secure sandwave recovery monitoring (see

Section 3 ‘Marine physical processes and coastal change’) and that the SoCG with the MMO records matters relating to monitoring for physical processes, benthic communities and the Offshore IPMP as agreed (see MMO.PP.13, MMO.BE.14 and MMO.OP.2 in REP6-130).

5.4.3 Removal of infrastructure at the decommissioning stage

5.4.3.1 Natural England has maintained its position that the Applicants should commit to the removal of scour and cable protection at the point of decommissioning (RR-1601). As set out in the Applicants’ response at Procedural Deadline A (PDA-014) and in subsequent submissions (REP4-100), the Applicants consider that the Energy Act 2004 provides sufficient safeguards wherein a written decommissioning programme must be submitted to the Secretary of State for approval prior to the commencement of construction. Requirement 21 of the DCO requires a written decommissioning programme to be provided to the Secretary of State for approval prior to the commencement of any offshore works, and that finalisation of the precise level of decommissioning can only occur when the time for decommissioning is known.

5.4.3.2 On other projects including the Morgan Generation Assets and the Mona Offshore Wind Project, the Secretary of State has aligned with the Applicants’ proposed approach that a requirement specifying full removal of offshore infrastructure is not required and avoids any overlapping obligations with the separate process for approval of the written decommissioning plan by the Secretary of State.

5.4.3.3 The Applicants have updated Schedules 14 and 15 in the draft DCO (REP5-010) to prohibit rock dump as a cable/scour protection method in the Fylde MCZ, in acknowledgment that this is the least removable type of cable protection. The specific type of scour/cable protection required will be site specific and details of the design and construction will be detailed within the Offshore CSIP (in accordance with the Outline Offshore CSIP (REP5-077)) developed in consultation with the MMO. Additionally, the Applicants have committed to engaging with the Regulator and stakeholders on the requirements for removal of cable protection within the Fylde MCZ at the time of decommissioning (CoT109).The Applicants would also note that the made Orders for the Sheringham and Dudgeon Extension Projects (SEP and DEP) and Rampion 2 OWF, which are also associated with MCZs, do not include for decommissioning commitments beyond the written decommissioning programme.

5.4.3.4 As outlined in the SoCG with Natural England (REP6-179), this is a matter that is not agreed between the parties.

5.5 The scale and significance of potential construction, operational and maintenance effects of the proposal on statutory designated sites including, Lytham St. Anne's Dunes site of special scientific interest (SSSI), Ribble and Alt Estuary Ramsar, Ribble Estuary SSSI, Newton Marsh SSSI

5.5.1 Lytham St Anne's Dunes SSSI

5.5.1.1 The high sensitivity of the coastal sand dunes at Lytham St Anne's Dunes SSSI (and the sand lizard population it supports, which is not a qualifying feature of the SSSI) was identified at an early stage in the site selection process. The Applicants committed to avoidance of direct impacts to the dunes by using trenchless techniques (direct-pipe crossing) to install the onshore cables beneath them. Potential indirect impacts to the dunes were assessed in Volume 3 Chapter 3: Onshore ecology and nature conservation and were assessed as not significant.

5.5.1.2 Concerns regarding the assessment of the potential for indirect impacts to the dunes were raised during the examination in written representations from Natural England, Environment Agency, Fylde Borough Council and Lancashire County Council. These concerns related to the potential for hydrogeological effects to sensitive Groundwater Dependent Terrestrial Ecosystems (GWDTEs) as a result of the installation (and long-term presence) of the onshore cables and dewatering for the TJBs and exit pits, contamination due to the mobilisation of pollutants and potential 'frack-out' of drilling fluids during the trenching beneath the dunes resulting in damage to the SSSI, and potential disturbance to sand lizards and damage to the habitats upon which they are reliant.

5.5.1.3 The Applicants have provided a number of further documents throughout the Examination to address the concerns raised by stakeholders. These included an Outline Hydrogeological Risk Assessment (REP6-140), to examine in more detail the risks to the GWDTEs from cable installation and dewatering effects, and to set out the mitigation approach that would be informed by ground investigation as part of the detailed design stage. An Outline Sand Lizard Mitigation Plan (REP6-148) and draft EPS Mitigation Licence application (REP5-149) has also been prepared to set out how the Applicants would address the risks of disturbance to sand lizards and damage to their habitats during construction. These matters are considered in more detail below; however, the Applicants are confident that the risks to the highly sensitive habitats and protected species of the SSSI have been adequately identified, assessed and would be protected and mitigated during construction where necessary. It is also highlighted that despite Fylde Borough Council and Lancashire County Council maintaining that insufficient information has been presented in respect of the risk to the dunes during construction, Natural England has now accepted that further detail would be provided to inform the hydrogeological risk assessment post-consent, and that there are sufficient mechanisms

within the commitments and DCO Requirements to enable this matter to be agreed (Natural England Risks & Issues Log reference: NE.OE.3 / NE14 (PADSS) / G3/G4 (Appendix G)).

5.6 Matters considered through Examination

Sand Lizards

5.6.1.1 Although the ecological impact assessment concluded that there would be no significant adverse effects on sand lizards or their habitats as a result of the construction of the Transmission Assets, in their written representations Natural England and Fylde Borough Council and Lancashire County Council raised concerns that the potential impacts of construction disturbance to sand lizards and their habitats at Lytham St Annes Dunes SSSI had not been adequately assessed or mitigated. This issue was also raised in oral representations by Fylde Borough Council and Lancashire County Council at the ISHs.

5.6.1.2 The Applicants prepared an Outline Sand Lizard Mitigation Plan (OSLMP) (as Appendix F to the Outline Ecology Management Plan (OEMP), document reference: J6), which was submitted into the Examination at Deadline 4 (REP4-117). The Applicants have engaged with the Councils and Natural England throughout the Examination on this matter and the OSLMP was further updated at Deadlines 5 (REP5-112) and 6 (REP6-148) to address outstanding concerns.

5.6.1.3 The Applicants would obtain a European Protected Species (EPS) mitigation licence for sand lizards from Natural England, which would be sought post-consent prior to any construction activities taking place at the landfall site (as secured by requirement 13 of Schedules 2A and 2B of the draft DCO (REP6-013)). This would licence the implementation of mitigation measures such as temporary exclusion fencing and would permit the relocation by hand of any sand lizards incidentally encountered during the works. The Applicants are engaging with the Natural England Wildlife Licensing Service (NEWLS) team to obtain a Letter of No Impediment (LONI) and hope to have this resolved prior to the close of Examination. If a LONI is not received before the close of the Examination, it would be submitted to the Secretary of State for consideration.

5.6.1.4 Although this matter has not yet been fully resolved, given the temporary nature and small spatial extent of any potential construction impacts on sand lizards/sand lizard habitats, the Applicants are confident that Natural England would be satisfied that the risks would be adequately mitigated through the EPS licence process such that a LONI would be issued.

Ribble Estuary SSSI

5.6.1.5 The Ribble Estuary SSSI underpins part of the Ribble and Alt Estuaries SPA and Ramsar. As such all features have been fully assessed within E2.2 Habitats Regulations Assessment Stage 2 Information to Support Appropriate Assessment Part Two: Special Areas of Conservation

(SACs) Assessment (APP-016) and E2.3 Habitats Regulations Assessment Stage 2 Information to Support an Appropriate Assessment Part Three – Special Protection Areas (SPA) and Ramsar Site assessments (APP-017).

5.6.1.6 Natural England also raised concerns regarding potential air quality impacts on the Ribble Estuary SSSI, however the Applicants' position is that there is no route LSE for the Ribble and Alt Estuaries SPA and Ramsar due to the low traffic levels in the zone of influence of these European sites (see APP-122). The Applicants confirmed in their response at Deadline 3 (and in subsequent written responses to Natural England on this matter), that assessment of potential air quality effects on the sensitive features of the SSSI was presented in Tables 9.34 and 9.35 of Volume 3 Chapter 9: Air Quality (APP-121) and the effects were assessed as negligible (paragraph 9.11.2.1); the SSSI was therefore not carried over into the ecological impact assessment in respect of this matter. Therefore, the Applicants maintain that there is no potential for negative effects on either the habitats within the Ribble & Alt Estuaries SPA/Ramsar themselves or functionally linked land associated with them as a result of changes in air quality (matter RI_G20 in Natural England's Risks & Issues Log).

Newton Marsh SSSI

5.6.1.7 At the beginning of examination Natural England highlighted that they could not rule out AEoI at Newton Marsh SSSI. Further information was provided about the nature of the impacts in S_D2_11 Technical note on Newton Marsh SSSI and River Ribble Crossing (REP2-044). These alleviated Natural England's concerns and these issues have now been closed out (see RI_H27 and RI_H8 of REP6-193) with the Applicants and Natural England in agreement that there are no significant adverse effects on receptors at this location.

5.7 Impact on priority habitats and species including of the effect of direct pipe/horizontal directional drilling/ trenchless crossings on protected sites and important ecologically sensitive areas

5.7.1 NERC Priority habitats and species

Mitigation for NERC Priority Habitats

5.7.1.1 The assessments presented in Volume 2, Chapter 2: Benthic subtidal and intertidal ecology (APP-045 and updated in REP5-034) concluded that priority habitats listed under Section 41 of the NERC Act 2006 were recorded throughout the Order Limits (predominantly subtidal sands and gravels as demonstrated by the baseline surveys) but that there will be no significant effects on any benthic receptors, including NERC priority habitats.

5.7.1.2 Natural England has maintained its representations that the Applicants should commit to measures to avoid or reduce impacts to priority

habitats listed under Section 41 of the NERC Act 2006 (RR-1601.44 and RR-1601.C.4). The Applicants have responded to the points raised by Natural England in full in their Procedural Deadline A submissions (PDA-014 and PDA-017 respectively) and provided full details in the Applicants' Response to Natural England's risk and issues log (Section 7 in REP4-100) and in response to Natural England's response to ExQ1:7.1.7 (Section 5 in REP4-100) explaining how the mitigation hierarchy has been implemented, as far as reasonably practicable, for the Transmission Assets.

5.7.1.3 In summary, the mitigation hierarchy has been applied throughout the pre-application process to avoid and reduce impacts to all benthic receptors including priority habitats. Firstly, through site selection and refinement to avoid areas that would be most susceptible to significant impacts and to select the shortest route from the Generation Assets to the landfall. Secondly, via post-PEIR reductions to the MDS (e.g. for sandwave clearance and cable protection requirements) both within the Fylde MCZ and outside the MCZ, as detailed in the Project description chapter (REP5-024) and the MCZ Screening and Stage 1 Assessment Report (REP5-022). In addition to changes made to the project design (embedded mitigation) to minimise impacts, the Applicants have also committed to a number of measures to further reduce impacts to benthic habitats, including NERC priority habitats. To address Natural England's comments a number of additional commitments were made during the Examination:

- New commitment made at Deadline 2 to 'no rock dumping within Fylde MCZ' in acknowledgment that this is the least recoverable type of protection. Accordingly, the Outline Offshore CSIP was updated at Deadline 2 to include this commitment (REP2-022). At Deadline 4 the Applicants updated the draft DCO (REP4-007) to include this commitment under condition 18(e) of Schedule 14 and 15, with this update reflected in the Outline Offshore CSIP updates at Deadline 5 (REP5-077);
- New commitment made at Deadline 4 that "As part of the detailed design process, micro-siting of the offshore export cables within the offshore export cable corridors will be considered where successful burial could pose a challenge or where a higher risk of remedial works such as external cable protection may be required" (CoT134); and
- New commitment made at Deadline 4 (and revised at Deadline 6) that "No cable/scour protection shall be deployed in the intertidal area between Mean Low Water Springs (MLWS) and Mean High Water Springs (MHWS) during the construction and O&M phases" (CoT133).

5.7.1.4 The Applicants also updated the Offshore In Principle Monitoring Plan (OIPMP) at Deadline 4 (REP4-075), to include a new commitment to benthic community recovery specific monitoring in the Fylde MCZ through both pre- construction and post- construction benthic community sampling to monitor for temporal and spatial recovery and of

the potential colonisation by Invasive Non-Native Species (INNS) following construction activities within the Fylde MCZ.

5.7.1.5 As requested by Natural England, the Applicants submitted updated versions of the benthic subtidal and intertidal ecology chapter (REP5-034) and the MCZ Screening and Stage 1 Assessment Report (REP5-022) at Deadline 5 to include all new commitments made during Examination.

5.7.1.6 The Applicants consider that they have taken all reasonable measures (via project design changes and commitments) to minimise impacts to all benthic habitats, including habitats of principal importance in England listed under Section 41 of the NERC Act 2006. 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.

5.7.1.7 As outlined in the SoCG with Natural England (REP6-179), this is a matter that is not agreed between the parties but is deemed to be not material.

5.7.2 Direct pipe trenchless techniques

The landfall construction area, temporary compound 3 and a temporary access track onto the beach from Clifton Drive North are immediately adjacent to Lytham St Annes Dunes Site of Special Scientific Interest (SSSI) and Local Nature Reserve (LNR), which are designated for their sensitive dune habitats. The onshore cable corridor also crosses the St Anne's Old Golf Course Biological Heritage Site (BHS), which is designated for its diverse flora including remnant dune habitats. Direct impacts to the SSSI/ LNR and BHS would be avoided through trenchless direct pipe installation of the cables beneath the dunes, to which there is a specific commitment within the Commitments Register (CoT44 of F1.5.3 Environmental Statement Volume 1 Annex 5.3: Commitments Register (REP6-042). In response to concerns raised by Natural England and the Environment Agency during the Examination on potential dewatering effects to the sensitive Groundwater Dependent Terrestrial Ecosystems (GWTDEs) of the SSSI/ LNR and BHS resulting from the trenchless crossing, the Applicants have undertaken an Outline Hydrogeological Risk Assessment for the direct pipe installation, which was initially submitted at Deadline 3 (REP3-061) Detailed National Vegetation Classification (NVC) surveys of the SSSI and BHS were undertaken during the Examination in summer 2025 to further inform the hydrogeological risk assessment. Further iterations to the document were made at Deadline 5 (REP5-038) and Deadline 6 (REP6-140) following consultation with stakeholders including the Environment Agency.

5.7.2.1 The Applicants have identified mitigation options including installing the cables at a minimum depth of 10 m below ground, shuttering of exit pit excavations and re-infiltration of abstracted groundwater to minimise potential dewatering effects to sensitive habitats. Ground investigation

work would be undertaken post-consent to inform the detailed design of the trenchless crossing and depth of the cable installation, and the hydrogeological risk assessment updated (with any additional mitigation identified as necessary) (CoT128 of F1.5.3 Environmental Statement Volume 1 Annex 5.3: Commitments Register (REP6-042). The Applicants are confident that any potential risks to GWDTEs can be adequately mitigated during construction such that there would be no adverse effects on the Lytham St Annes Dunes SSSI/ LNR and St Anne's Old Golf Course BHS. The Environment Agency has now agreed in its Deadline 6 submission that the Outline Hydrogeological Risk Assessment has adequately addressed its concerns on this matter (REP6-186) although Natural England has been unable to reach a similar position.

5.7.3 Approach to and delivery of onshore biodiversity benefits

5.7.3.1 There is currently no mandatory requirement for NSIPs to deliver biodiversity net gain (BNG). The Applicants have therefore undertaken a voluntary BNG assessment for the permanent infrastructure elements of the Transmission Assets at the substations and this is presented in the Onshore Biodiversity Benefit Statement (AS-054) with subsequent submissions at Deadline 2 (REP2-020). Deadline 4 (REP4-066), Deadline 5 (REP5-074) and Deadline 6 (REP6-095).

5.7.3.2 Representations have been made that the whole Onshore Order Limits should be subject to BNG assessment (e.g. inclusion of the buried cables and temporary impacts). However, the Applicants maintain that the approach taken was a reasonable and proportionate approach that was agreed with the pre-application Expert Working Group. The Applicants' approach focusses on long term impacts and permanent loss of habitats as there is no long-term loss of biodiversity (as demonstrated in Volume 3 Chapter 3: Onshore ecology and nature conservation (APP-075)) associated with the installation of the buried cables and other infrastructure. Therefore, the BNG for permanent loss demonstrates that the Transmission Assets could deliver measurable net gains in biodiversity to meet national and local policy requirements.

5.7.3.3 Written and oral representations were made by Blackpool Airport Operations Limited (BAOL) and BAE Systems/ Ministry of Defence (MOD)/ Defence Infrastructure Organisation (DIO) with regards to the potential negative interactions between habitats created/ enhanced and managed for biodiversity benefits, and the requirements for aerodrome safeguarding of bird-strike risk at Blackpool Airport and Warton Aerodrome respectively. However, the Applicants engaged with both BAOL and BAE Systems/ MOD/ DIO throughout the Examination to address these concerns, and following the submission of Outline Wildlife Hazard Management Plan (REP5-107) no concerns have been raised by the DIO/MOD subject matter experts regarding the ability of the Applicants to control risk in these areas.

5.7.3.4 During the examination, the Applicants have made several amendments to the Biodiversity Benefit Statement, and at Deadline 6

the document was updated to an 'Outline Biodiversity Benefit Management Plan', which set out in more detail the principles regarding the delivery and management of the habitats for a 30-year period. This demonstrates the Applicants preference to deliver local biodiversity benefit insofar as feasible. This approach is aligned with the local representations made at hearings.

5.7.3.5 The delivery and management of biodiversity benefits would be secured post-consent, in accordance with the principles set out in the Outline Biodiversity Benefit Management Plan, secured through DCO Requirement 26 (Biodiversity benefit). This Requirement was previously put forward on a without prejudice basis subject to the securing of the necessary land rights (whether through voluntary agreement or the grant of Compulsory Acquisition (CA) powers for Work No. 44A/B; however, it is now not being offered on a without prejudice basis. The amendment balances compliance with policy and the need to meet the Compulsory Acquisition (CA) tests for work no. 44A/B.

5.7.3.6 In summary, the Applicants are satisfied that their approach to BNG demonstrates that the Transmission Assets would result in measurable biodiversity gains and therefore aligns with national and local policy requirements.

5.7.4 Potential conflicts of the ornithological mitigation with aviation concerns

5.7.4.1 Throughout the examination there have been various concerns raised by the aviation stakeholders Blackpool Airport (BA) and Warton Aerodrome (BAE Systems). These relate to the issue of whether the birdstrike risk could be increased to unacceptable levels as a result of the proposed environmental mitigation areas.

Matters considered through Examination

5.7.4.2 The Applicants worked alongside Blackpool Airport to deliver a robust Wildlife Hazard Management Plan (WHMP) which includes Appendix B, a draft Blackpool Airport Bird Strike Risk Assessment (REP6-145). At Deadline 6 the Applicants and Blackpool Airport submitted a joint policy statement confirming that Blackpool Airport were satisfied that the birdstrike risk had been properly considered and that suitable mitigation measures were in place to address any unforeseen rises in risk caused by the mitigation areas (REP6-181). The Applicants and Blackpool Airport are therefore in agreement that there will be no likely increase in birdstrike risk, and that the Applicants have identified the suitable measures to control any unforeseen rises in risk.

5.7.4.3 The Applicants have proposed that there will be trigger levels set (to be agreed with both Blackpool Airport and Natural England), regular monitoring, and measures and adaptive management designed to reduce risk if these trigger levels are reached.

5.7.4.4 Natural England are broadly in agreement that there is no conflict between the aims of ecological suitability and bird strike risk management, as set out in their response to Q2. in REP6-190. The Applicants note that Natural England have been taken forward as a stakeholder and consultee when setting trigger levels and targets for the mitigation areas in Outline Wildlife Hazard Management Plan (REP6-145).

5.7.4.5 The Applicants have pro-actively engaged with BAE to follow the same process but have been hampered by a lack of technical input from BAE Systems. However, they are confident that the same positive position could be reached if there had been earlier input from the Ministry of Defence and their subject matter experts.

5.7.4.6 The Applicants are clear in their detailed understanding of bird use in the 13km safeguarding area. The proposed mitigation areas are all located in close proximity to the area of impact, and none have the objective of increasing or materially altering bird numbers and activity. Whilst 'unintended consequences' associated with the mitigation areas cannot be completely ruled out, the Applicants have committed to control measures that would deal with these. None of the control measures, if implemented would conflict with the overall objectives of the mitigation measures. In summary:

- Warton Aerodrome and its 13km safeguarding zone are located in a highly dynamic and bird-rich environment. The Ribble and Alt Estuaries regularly hold over 200,000 waterbirds in the non-breeding period. The mitigations that the Applicants have proposed are small scale in comparison to the background baseline and are not designed to increase bird numbers, but to compensate for disturbance. Therefore, there will be a localised slight redistribution of impacted birds in areas that they currently use. This is endorsed by Natural England in their response to RIES question 14 (REP6-194) "We agree with the Applicant's that the purpose of the mitigation areas is to provide habitat for species already within the area and Ribble SPA/Ramsar which have been potentially impacted or displaced from FLL habitat as a result of the Project, not to attract birds from elsewhere outside of the SPA.".

5.7.4.7 There may be unintended consequences caused by their proposed mitigations such as attraction of the wrong species, or too many birds. There is provision made for this in the CAP772 guidance, and the Applicants have worked to identify the correct formula of agreed trigger levels, regular monitoring, a communication protocol, an escalation of active measures, and adaptive management to control birdstrike risk. This is all clearly set out in S_D3_8 Outline Wildlife Hazard Management Plan (REP6-145) and is the industry standard way of controlling birdstrike risk within the 13 km safeguarding zone.

5.7.4.8 Therefore, the Applicants closing position is, as the birds are going to be located in the same areas an increase in risk is unlikely, and as it is already within the control of both airports to disperse these birds from anywhere within their 13 km safeguarding zones there will be no detriment to the ecological efficacy of these areas.

5.7.5 Alternative options to avoid AEoI

5.7.5.1 The Applicants are clear that the approach set out during application and examination is their preferred option of delivering the project with no AEoI. In the unlikely event that not all of the mitigation areas can be delivered there are alternative mitigations that would mitigate the impact on the designated species.

5.7.5.2 While these alternative mitigation measures are less preferable (both from an overall ecological perspective and for efficient project construction) than delivery of the current mitigation areas, these are standard, recognised measures which will ensure avoidance of any adverse effect on integrity (i.e. they will remove impacts at source on SPA features). These additional measures would be agreed with Natural England as part of the discharge of the OEMP updated at Deadline 6 (REP6-116)). The measures include:

- Further screening 'at source' of construction works in the vicinity of sensitive areas (such as Lytham Moss) during sensitive periods to reduce visual and noise disturbance effects to acceptable levels.
- Scheduling of works to reduce/avoid working in certain areas (e.g. Lytham Moss) during periods of particular sensitivity for SPA species.

5.7.5.3 The Applicants would note that these are recognised and effective alternative mitigations which would also support a continued conclusion of no AEoI by altogether avoiding impacts on SPA species during key sensitive periods (i.e. in a similar manner to the seasonal restriction avoiding working during the overwintering period at the landfall).

6 Effects on safety and operations of civil and military aviation, including aviation interests at Blackpool Airport and Warton Aerodrome

6.1.1.1 Volume 3, Chapter 11: Aviation and radar (REP6-056) presents the Applicants' assessment of potential effects on civil and military aviation (including aviation interests) associated with the construction, operation and maintenance, and decommissioning phases of the Transmission Assets. This assessment has been supplemented with additional documents, which are secured under DCO requirements, provided and updated during Examination, including the Outline Wildlife Hazard Management Plan (oWHMP) (REP6-144).

6.2 Blackpool Airport

6.2.1.1 Volume 3, Chapter 11: Aviation and radar (REP6-056) concludes that, with the secondary mitigations identified, there will be no likely significant effects on Blackpool Airport arising from the construction, operation and maintenance, and decommissioning phases of the Transmission Assets.

6.2.1.2 During Examination, Blackpool Airport Operations Limited (BAOL) raised the following potential likely significant effects arising from the Transmission Assets:

- Operational impacts within the Airport's boundary, including impacts to the CAP791 process; and
- Potential increase to bird strike risk.

6.2.2 Operational Impacts and the CAP791 Process

6.2.2.1 Following extensive pre-application consultation, discussions during the course of Examination and site-specific considerations, the Applicants and BAOL reached agreement on the mitigation measures necessary for any potential operational effects from the Transmission Assets within the boundary of Blackpool Airport. A Cooperation Agreement (CA) has been agreed between the Applicants and BAOL to manage the implementation of these measures. The Cooperation Agreement ensures the continued safe, efficient and uninterrupted operation of Blackpool Airport.

6.2.2.2 The Civil Aviation Authority's (CAA) CAP791 process (for changes to aerodrome infrastructure) must be completed by Blackpool Airport before any works can take place within the licensed aerodrome. The CAP791 process will necessarily require a high degree of collaboration between the Airport and the Applicants. The steps needed to complete the CAP791 process are detailed within the Cooperation Agreement, which also provides commitment that the Applicants will continue to support with any activities necessary for the CAP791 process (at no cost to the Airport), including providing the Airport with any resourcing support and Project design information that it and/or the CAA require to

complete the process. The measures agreed in the Cooperation Agreement are designed to ensure that the CAA process is smooth and not prolonged.

6.2.2.3 The Applicants have also agreed DCO requirements with Blackpool Airport (requirements 4, 8 and 10 of Schedules 2A and 2B to the draft DCO as updated at Deadline 6 (REP6-013)) which secure the appropriate construction mitigation measures to ensure that the Airport can continue to operate uninterrupted and in a safe and manner.

6.2.3 Bird strike

6.2.3.1 The Applicants and Blackpool Airport have collaboratively engaged throughout the Examination on the potential for bird strike risk. This engagement resulted in the Applicants carrying out a bird strike risk assessment, based on Blackpool Airport's existing Wildlife Hazard Risk Assessment and Management Plan (submitted at Deadline 1 (REP1-115)), which considers the potential for any change in the level of bird strike risk as a result of the construction of the Transmission Assets. This assessment is contained in the oWHMP (REP6-144).

6.2.3.2 The Applicants have demonstrated that, whilst the construction of the Transmission Assets may lead to a localised relocation of birds due to temporary disturbance and habitat loss, the design of mitigation areas close to the areas of impact means that there will be no material changes to the numbers of birds, their distribution, or their behaviour or flight activity. In addition, the oWHMP outlines appropriate monitoring measures which ensure, in the unlikely scenario there were any potential for the mitigation measures to result in an increase in bird strike risk, that such potential risk is identified and that the appropriate measures (identified in the oWHMP) be taken to ensure that such risk is mitigated quickly. The bird strike risk assessment and the appropriate measures have been agreed with Blackpool Airport.

6.2.3.3 The Applicants have agreed a DCO requirement with Blackpool Airport (requirement 27 of Schedules 2A and 2B to the draft DCO as updated at Deadline 6 (REP6-013)) which secures the agreement of a detailed Wildlife Hazard Management Plan (in accordance with the oWHMP).

6.2.4 Conclusion

6.2.4.1 On the basis of the Cooperation Agreement and agreed DCO requirements, BAOL confirmed that it had no remaining objection to the application and withdrew its representations made in respect of the Transmission Assets on 29 September (AS-083).

6.2.4.2 It is also agreed with Blackpool Airport, that the design of the Transmission Assets combined with the robust risk assessment and the agreed mitigation measures (secured under the agreed draft DCO requirements (REP6-013)) ensures that the Airport can continue to operate uninterrupted and in a safe and efficient manner. This is recorded in the Joint Policy Statement submitted by the Applicants and Blackpool Airport at Deadline 6 (REP6-181) which confirms that the

parties consider that the Secretary of State can be satisfied that the Transmission Assets do not present any risks in respect of national security or physical safety in relation to the Airport and that consent may be granted in accordance with para. 5.5.60 of EN-1.

6.3 Warton Aerodrome

6.3.1.1 Volume 3, Chapter 11: Aviation and radar (REP6-056) concludes that there will be no likely significant effects on Warton Aerodrome arising from the construction, operation and maintenance, and decommissioning phases of the Transmission Assets.

6.3.1.2 During the Examination, BAE Systems (BAES) and the Defence Infrastructure Organisation (DIO) on behalf of the Ministry of Defence (MOD) raised the following potential likely significant effects on Warton Aerodrome arising from the Transmission Assets:

- Operations and Technical Safeguarding
- Bird Strike.

6.3.2 Operations and Technical Safeguarding

6.3.2.1 BAES and DIO/MOD raised concerns in respect of technical safeguarding that would be mitigated by suitable lighting and marking on infrastructure over a certain height. In order to secure this safeguarding, the Applicants have provided the maximum height measurements (above ordnance datum) for any building, external electrical equipment and lightning rods which are to be provided or erected as part of the Transmission Assets. These parameters will be used to inform the safeguarding assessment which BAES is required to undertake in accordance with CAA CAP738 guidance.

6.3.2.2 The Applicants, BAES and DIO/MOD have agreed requirements that secure the provision of this information and the implementation of any agreed lighting (Requirements 4 and 5 of Schedules 2A and 2B to the draft DCO (REP6-013)).

6.3.2.3 The Applicants will also provide the parameters for cranes and equipment to be used during the construction phase of the Transmission Assets. This is provided for in the Outline Code of Construction Practice (REP6-067). Requirement 8 of Schedules 2A and 2B to the draft DCO (REP6-013) secures the approval of a detailed Code of Construction Practice in accordance with the outline.

6.3.2.4 The Applicants, BAES and DIO/MOD have submitted a SoCG at Deadline 7 (S_D1_6.12/F02) which confirms the parties' position on operations and technical safeguarding.

6.3.2.5 The Applicants consider that the Secretary of State can be satisfied that there are suitable and robust requirements that address operations and technical safeguarding and that the Project is in accordance with paras. 5.5.9 and 5.5.60 of EN-1.

6.3.3 Bird Strike

6.3.3.1 Unlike Blackpool Airport (which shared its own existing Wildlife Hazard Risk Assessment and Management Plan with the Applicants), BAES did not provide the Applicants with any of its existing data or management plans on how bird strike risk is currently managed at Warton Aerodrome. This was due to the fact that a Non- Disclosure Agreement (NDA) could not be executed within the timeframes of the Examination. The Applicants therefore prepared their own Draft Wildlife Attractants Habitat Risk Assessment (included in the oWHMP submitted at Deadline 5 (REP5-106)) which sets out why the Applicants' proposed Ecological Mitigation Areas and Biodiversity Benefit Sites will not materially increase or change the distribution of birds within the 13km safeguarding area and therefore will not increase bird strike risk at Warton Aerodrome from the current managed levels.

6.3.3.2 As with Blackpool Airport, while the construction of the Transmission Assets may lead to a localised relocation of birds due to temporary disturbance and habitat loss, the design of mitigation areas close to the areas of impact means that there will be no material changes to the numbers of birds, their distribution, or their behaviour and flight activity in the vicinity of Warton Aerodrome. In addition, the oWHMP outlines appropriate monitoring measures which ensure, in the unlikely scenario there were any potential for the mitigation measures to result in an increase in bird strike risk, that such potential risk is identified and that the appropriate measures (identified in the oWHMP) be taken to ensure that such risk is mitigated quickly.

6.3.3.3 It is important to recognise the small-scale nature of the ornithology mitigation proposals, particularly when considered in the context of the dynamic and uncontrolled agricultural landscape in which Warton Aerodrome currently operates. None of the mitigation measures proposed by the Applicants are designed to increase bird numbers or materially alter bird behaviour within Warton's 13 km safeguarding zone. All mitigation areas have been carefully located in close proximity to the areas of impact (i.e. within less than 2 km), ensuring that any small-scale redistribution of birds remains localised. Importantly, all mitigation areas proposed fall within the foraging ranges of those species effected, which means that the same birds will already most likely be utilising the areas where the proposed mitigations are located.

6.3.3.4 Whilst the Applicants acknowledge the potential for unintended consequences associated with mitigation areas (which may include an increase to bird strike risk), as explained above this will be proactively managed through a robust framework of monitoring, reporting, and agreed control measures. This approach is clearly set out in the oWHMP, which has been developed with feedback from Blackpool Airport and BAES.

6.3.3.5 The Applicants have agreed a DCO requirement with BAES and DIO/MOD (requirement 27 of Schedules 2A and 2B to the draft DCO as updated at Deadline 6 (REP6-013)) which secures the approval of a detailed Wildlife Hazard Management Plan (in accordance with the

oWHMP). However, BAES (and, by extension, DIO/MOD) have been unwilling to remove their objection until their technical experts have been able to fully engage with the oWHMP. The Applicants' position is that the agreed requirement allows for any further engagement to be carried out post-consent by way of approval of the detailed WHMP. The Applicants note that the position on bird strike risk is consistent with BAES' recent position on radar mitigation, where objections were maintained despite the inclusion of a requirement providing for the approval of measures post-consent, but that the Secretary of State was comfortable that such measures could be addressed post-consent and consented both the Mona Offshore Wind Farm and Morgan Offshore Wind Project: Generation Assets applications despite remaining objections from BAES and DIO/MOD.

6.3.3.6 The Applicants have engaged extensively throughout Examination to address concerns regarding bird strike risk at Warton Aerodrome. Whilst BAES participated in this engagement, the Applicants note that this participation primarily consisted of legal and planning representatives, and it was not until Deadline 5 that BAES and DIO/MOD sought to engage with their technical experts in bird strike. As the Applicants first introduced a Strategy for Wildlife Hazard Management Plan to address potential bird strike risk at Deadline 2, followed by the oWHMP, it is disappointing that they did not involve their technical or subject matter experts (SMEs) until Deadline 5. The Applicants have made every effort to engage since the appointment of SMEs by DIO/MOD at Deadline 5; however, the DIO/MOD's SME has not been able to provide any further feedback on mitigation proposals due to the time constraints.

6.3.3.7 The Applicants note that, by contrast, Blackpool Airport engaged its technical experts at an early stage in Examination with the result that a Cooperation Agreement was negotiated during the course of the Examination and the oWHMP has been substantially progressed and agreed between those parties. The Applicants consider that had appropriate technical engagement occurred from BAES and DIO/MOD at the outset, similar agreement would have been achieved in relation to Warton Aerodrome.

6.3.3.8 Notwithstanding the unresolved objection from BAES and DIO/MOD, the Secretary of State can be satisfied that there is a suitable and robust requirement included in the DCO that secures the approval of a detailed Wildlife Hazard Management Plan post-consent. The Applicants note that BAES are under an existing legal obligation to manage bird strike risk. However, given the results of the Applicants' attractants assessment and that the monitoring and mitigation (if required) measures proposed in the oWHMP manage the risk at source (i.e. at the ornithology mitigation area), it is considered that there will be no deviation from the currently managed bird strike position at Warton.

6.3.3.9 The Applicants have demonstrated full compliance with all relevant aviation safety policies within EN-1, including paras. 5.5.41, 5.5.49, 5.5.50, and 5.5.59–60 (set out in detail in the Applicants' Bird Strike Policy Note submitted at Deadline 5 (REP5-133)).

6.3.3.10 The Applicants will continue to engage proactively with BAES and the DIO/MOD after the Examination closes to ensure that all technical matters are resolved appropriately with a view towards providing the Secretary of State with an update on the approval of the oWHMP.

6.3.3.11 In any event, the Applicants consider that, taking into account the oWHMP and the requirement for a detailed Wildlife Hazard Management Plan, which would be approved by the relevant planning authority prior to the commencement of construction, the Secretary of State can safely conclude that the Transmission Assets would not impede or compromise the safe and effective use of Warton Aerodrome.

6.3.3.12 The Applicants consider that the test in para. 5.5.60 of EN-1, which states that the Secretary of State must either be satisfied that the impacts of a proposed energy development does not present risks to national security and physical safety or, where it does present risk, appropriate mitigation can be achieved or secured through DCO requirements, is met and that the Secretary of State can therefore be satisfied that consent may be granted.

7 Flood Risk, Groundwater and Surface Water

7.1.1 Hydrology and Flood Risk

7.1.1.1 Potential impacts arising to Hydrology and Flood Risk are presented within Volume 3, Chapter 2: Hydrology and Flood Risk (APP-070).The Hydrology and Flood Risk chapter is supported by a site-specific Flood Risk Assessment (FRA) (REP6-032, REP6-034, and REP6-036) which has been developed in accordance with all relevant local and national planning policy. Overall, it is concluded that there will be no significant effects arising from the Transmission Assets during the construction, operation and maintenance or decommissioning phases, and there will be no significant cumulative effects from the Transmission Assets.

7.1.1.2 Flood risk will not be increased as a result of the Transmission Assets. The Surface and Groundwater Management Plan (the Outline Surface Water and Groundwater Management Plan (REP4-044)), secured by Requirement 8 of the draft DCO (REP6-013), will ensure that the appropriate mitigation measures are implemented during construction to manage existing flood risk, and ensure flood risk is not increased as a result of the Transmission Assets.

7.1.1.3 The Applicants acknowledge that the Transmission Assets interact with various flood zones. However, in accordance with the flood risk sequential test, key above ground infrastructure (i.e. the onshore substations) has been sited within Flood Zone 1. Temporary and permanent access tracks are located within Flood Zones 1, 2 and 3 (including Flood Zones 3a and 3b) and have been subjected to and have demonstrably passed the sequential test and the exception test (Volume 3, Annex 2.3: Flood risk assessment (REP6-032, REP6-034, and REP6-036). Given the nature of the Transmission Assets within Flood Zone 3 (primarily comprising underground cables), the Applicants maintain that the Transmission Assets will be safe for its lifetime without increasing flood risk. Accordingly, the ExA and the Secretary of State can be satisfied that the proposal accords with all relevant parts of paragraph 5.8.36 of NPS EN-1.

7.1.1.4 During the Examination, concerns were raised by landowners about a potential decrease in land drainage capacity as a result of cable installation. In line with CoT84, in order to manage impacts to field drainage, field drainage plans will be developed in consultation with the relevant landowners. Additional field drainage will be installed where identified in the field drainage plans to ensure the existing drainage of the land is maintained during and after construction. This is secured by Requirement 8 of the draft DCO (REP6-013). With respect to the Onshore substations, the Applicants have included measures in the Outline Operational Drainage Management Plan (REP6-093) (secured by Requirement 20 of Schedules 2A and 2B of the draft DCO (REP6-013) to ensure that existing land drainage is reinstated and/or maintained during operations. The Applicants note that this was updated to reflect the QBAR rate as the peak surface water discharge rate from impermeable areas, further to concerns raised by Lancashire

County Council as the Lead Local Flood Authority. The Outline Operational Drainage Management Plan (REP6-093) has been prepared in line with Sustainable Urban Drainage System (SuDS) principles including the recent National Standards for Sustainable Drainage Systems (Department for Environment, Food & Rural Affairs (DEFRA), 2025) and in accordance with paragraphs 5.8.36-5.8.32 of NPS-EN1 (refer to the National Planning Policy Tracker submitted at Deadline 7 (J26/F02).

7.1.1.5 All matters relating to hydrology and flood risk have been agreed with the Environment Agency and Lancashire County Council as the Lead Local Flood Authority agree as reflected in the Deadline 7 SoCG (S_D1_6.6/F06 and S_D1_6.1/F05 respectively).

7.1.1.6 Broader concerns, by members of the public, were also raised in relation to the potential for works at landfall (and more specifically below the sand dunes which are a natural flood defence at the Lytham St Annes Dunes Site of Special Scientific Interest (SSSI)) to result in a decrease in the efficiency of the sand dunes as a flood defence.

7.1.1.7 Members of the public, also raised similar concerns in relation to the St Annes Old Links Golf Course. The Applicants note that cable installation works within these areas will be installed exclusively by trenchless techniques, meaning that there will be no impact to the sand dunes or the golf course and, consequently, no associated increase in flood risk – this is discussed in further detail in the Groundwater and Hydrogeology section below.

7.1.2 Groundwater and Hydrogeology

7.1.2.1 Potential impacts on Groundwater are presented within Volume 3, Chapter 1: Geology, hydrogeology and ground conditions (APP-068). The assessment was undertaken in accordance with all relevant local and national planning policy. Overall, it is concluded that there will be no significant effects arising from the Transmission Assets during the construction, operation and maintenance or decommissioning phases, and there will be no significant cumulative effects from the Transmission Assets.

7.1.2.2 The relevant mitigation measures relating to groundwater are secured within the following outline management plans which are included within the Code of Construction Practice secured by requirement 8 of Schedules 2A and 2B of the draft DCO (REP6-013):

- An Outline Pollution Prevention Plan (PPP) (CoT04)
- An Outline Contaminated Land and Groundwater Discovery Strategy (CoT30).

7.1.2.3 Particular concerns were raised by the Environment Agency (RR-0677; PDA-010) and Natural England (RR-1601; PDA-021) during the Examination regarding the potential impact that the Transmission Assets landfall could have on the Lytham St Annes Dunes Site of Special Scientific Interest (SSSI), Lytham St Annes Local Nature Reserve (LNR) and St Annes Old Links Golf Course & Blackpool South

Rail Line Biological Heritage Site (BHS). These concerns are related to the short-term reduction of groundwater levels due to temporary dewatering of TJB excavation, contamination due to the mobilisation of pollutants, short term reduction in groundwater levels during the trenching beneath the dunes, long term reduction in groundwater levels due to presence of the export cables.

7.1.2.4 In response to these concerns and in line with CoT128, the Applicants provided an Outline Hydrogeological Risk Assessment (oHyRA) (REP6-140) which assessed the risks and to set out the mitigation approach that would be informed by ground investigation as part of the detailed design stage. The risk assessments will be developed into detailed hydrogeological risk assessment(s) following completion of detailed engineering design that will be agreed with the relevant consultees and stakeholders. Provision of a detailed Hydrogeological Risk Assessment(s), in accordance with the oHyRA, is secured by Requirement 8 of Schedules 2A and 2B to the draft DCO (REP6-013).

7.1.2.5 The Environment Agency has now agreed in its Deadline 6 submission that the Outline Hydrogeological Risk Assessment has adequately addressed its concerns (REP6-186). This is also reflected in the Environment Agency SoCG submitted at Deadline 7 (S_D1_6.6/F06) as all matters are agreed. Natural England has been unable to reach an agreed position on the specific issue relating to installing the cable at a minimum depth below the ground as discussed previously in Section 5.7.2.

8 Historic Environment

8.1 Onshore and Intertidal Historic Environment

8.1.1.1 The Applicants' assessment of likely impacts and effects regarding the onshore and intertidal historic environment is set out in ES Volume 3, Chapter 5: Historic environment (APP-096).

8.1.1.2 With regard to the tests set out in national policy regarding harm to the significance of heritage assets (see 5.9.27 onwards of NPS EN-1 and also 4.2.17 albeit that paragraph is not engaged or relied upon), all identified impacts and effects represent less than substantial harm. This position is agreed with Historic England in their SoCG (REP5-088)).

8.1.1.3 The Applicants' assessment of likely impacts on buried archaeological remains and deposits of geoarchaeological and/or palaeoenvironmental interest during construction of both the onshore cable corridor and onshore substations found that this could result in effects of up to moderate adverse significance. No other significant effects were identified as part of the Historic Environment assessment. No significant cumulative effects were identified in respect of any aspect of the historic environment. The ExA and the Secretary of State can be satisfied that the public benefits of realising the Transmission Assets outweighs the potential for (less than substantial harm) residual effects in terms of paragraph 5.9.32 of NPS EN-1.

8.1.1.4 During the Examination, concern was raised by Newton Parish Council with regard to potential physical impacts on land adjacent to the Quaker's Wood burial ground (RR-1616). A historic map suggested that this adjacent land may also have been used for burials. The Applicants provided evidence to show how physical impacts on the land in question have been avoided (in Annex 3.2.18 of PDA-025 and Annex 5.9 of REP1-045). The Quaker's Wood burial ground itself is excluded from the Order Limits. As outlined in the Project Description (REP6-038),the Applicants' have had due regard to the sensitivity of Quaker's Wood and are committed to the use of trenchless technology for cable installation in this area which will avoid impacts on the basis that burial depth can be sufficient to cross the land at a level well below any potential burials.

8.1.1.5 Concerns were also raised during the Examination by Lancashire County Council (REP5-174) regarding the adequacy of the programme of trial trenching in terms of the provision of sufficient information (in conjunction with other sources) to accurately characterise the nature, extent and significance of buried archaeological remains and deposits of geoarchaeological interest.

8.1.1.6 The Applicants maintain that the extent of the pre-submission trial trenching is appropriate and is in line with similar onshore cable DCOs (a number of which undertook no intrusive works pre-consent (refer to REP4-114). The Applicants' assessment of likely impacts on buried archaeological remains and deposits of geoarchaeological and/or palaeoenvironmental interest during construction is based on a

precautionary approach which acknowledges the current extent of the programme of trial trenching.

8.1.1.7 The programme of investigation set out in the Outline Onshore and Intertidal Written Scheme of Investigation (REP6-119), which will serve to offset any residual adverse effects, has been accepted as appropriate by the Historic Environment Team at Lancashire County Council. This agreement is confirmed in the SoCG with Lancashire County Council (Rev F03) (REP4-079 - Reference No. LCC.HE.13).

8.1.1.8 The Applicants have been engaged with relevant stakeholders throughout the duration of the Examination and have responded to any points of concern which have been raised, including undertaking additional assessment where necessary, such that there are no further outstanding points of concern at the close of the Examination in relation to Historic Environment (REP5-088).

8.2 Marine Archaeology

8.2.1.1 Volume 2, Chapter 8 Marine archaeology (AS-032) presents the Applicants' assessment of the potential effects on marine archaeology seaward of Mean Low Water Springs (MLWS) as a result of the Morgan and Morecambe Offshore Wind Farms Transmission Assets (the Transmission Assets). The Secretary of State can be satisfied that the assessment of potential impacts on marine archaeology has been undertaken in accordance with NPS EN-1 and NPS EN-3, as relevant.

8.2.1.2 The assessment drew upon information contained within Volume 2, Annex 8.1 Marine archaeology technical report (AS-034), which included an archaeological assessment of site-specific geophysical and geotechnical survey data as well as a desk-based assessment.

8.2.1.3 Overall, it was concluded that there will be no significant adverse effects on marine archaeology arising from the Transmission Assets during the construction, operation and maintenance or decommissioning phases.

8.2.1.4 An Outline Offshore Written Scheme of Investigation (WSI) and Protocol for Archaeological Discoveries (PAD) was prepared by the Applicants (REP4-068) and is secured by Condition 18 of Schedules 14 and 15 of the draft DCO (REP6-013). This sets out the general approach of the marine archaeology mitigation proposed for the Transmission Assets, and how this mitigation will be delivered. Historic England confirmed that all matters in relation to this were agreed at Deadline 5 in the final SoCG (REP5-088) where all matters are recorded as agreed.

9 Green Belt

9.1 Summary of the position in relation to the identified principal issues

9.1.1.1 The Green Belt Technical Note (GB TN) (REP4-092) sets out the Applicants' position in relation to the principal issues relating to Green Belt policy. This document provides point of reference for the ExA on the Applicants' position (expanding on the Planning Statement) along with other documents/responses submitted during the Examination including: Applicants' Response to ExA's Written Questions (ExQ1) (REP3 –056) and Applicants' Response to ExA's Written Questions (ExQ2) (REP5-130).

9.1.1.2 Matters relating to Critical National Priority infrastructure and its interrelationship to Green Belt policy are addressed in the GB TN and are expanded upon in its response to Hearing Action Point 45 within The Applicants' response to Hearing Action Points from ISH4 and CAH3 (REP6-176). In addition, final signed SoCG's that address Green Belt matters have been submitted for each relevant Council (Fylde Borough Council (S_D1_6.3/F05), South Ribble Borough Council (REP6-128), Preston City Council (REP6-153) and Lancashire County Council (S_D1_6.1/F05)).

9.1.1.3 For clarity, Green Belt policy is a spatial designation and not a landscape designation that would be considered in a landscape visual impact assessment (LVIA). As such it does not contribute to the consideration of value in a judgement relating to sensitivity of a landscape or indeed of the amenity of a user of rights of way for example. Fylde Borough Council (FBC) agree that Green Belt is a land use / spatial policy designation and not a landscape designation.

9.1.1.4 During the Examination 'Areas of Separation' (Fylde Borough Council Local Plan to 2032,policy GD32) have been considered in the exploration of Green Belt harm. The Applicants have been consistent in ensuring that matters relating to Green Belt are not conflated with Area of Separation policy however disagreement remains with FBC on the relevance of the Area of Separation policy.

9.1.1.5 The Applicants maintain that Areas of Separation do not have an undefined and unidentified exclusion zone beyond the borders of the policy area, as defined in the Local Plan Policies Map, and that as no part of the Transmission Assets will enter the Area of Separation between Kirkham and Newton with Scales, there will be no detrimental impact upon the designation or its function. The Applicants would note that further to its statutory consultation, where two siting options for the Morecambe onshore substation siting were presented (one of which was in the Green Belt, and the other within the Area of Separation), the feedback from FBC was in favour of the option which was not within the Area of Separation, therefore this option was dropped and the siting was finalised specifically to avoid this. Even if (which is not agreed) the policy is engaged, the Applicants do not consider that the Transmission Assets result in any significant harm to the effectiveness of the gap

between settlements as there is no merging of settlements. In regard to the degree to which development would compromise the function of the Area of Separation – the Applicants consider that the identity and distinctiveness of settlements as defined in policy, are not compromised. Both settlements remain identifiable and distinct in the landscape they lie within, with the proposed substations lying distant from each to permit the countryside context to prevail.

9.1.1.6 The three principal issues before the Examination are directly addressed below.

Whether any aspects of the proposals represent inappropriate development in the Green Belt

9.1.1.7 The onshore export cables and 400 kV grid connection cables are 'engineering operations' which benefit from the exemption in paragraph 154 of the National Planning Policy Framework (NPPF). The substations are considered to be inappropriate development, because parts of the substations would comprise buildings which are inappropriate development. The Applicants can confirm that FBC agrees as demonstrated within the final SoCG (S_D1_6.3/F05) under item FBC.GB.25.

9.1.1.8 The associated temporary construction compounds along the length of the cable route works and those associated with the substation construction, are also considered to be 'engineering operations', but are considered to be inappropriate development due to the potential temporary harm they could cause to the fundamental aim of maintaining openness of the Green Belt. The Applicants can confirm that FBC agrees as demonstrated within the final SoCG (S_D1_6.3/F05) under item FBC.GB.26.

9.1.1.9 FBC agree within the final SoCG (S_D1_6.3/F05) under item FBC.GB.34, that the harm to the Green Belt by reason of inappropriateness and other identified harms, principally relates to the scale of proposed built form and the buildings within the substations leading to a reduction in openness and encroachment into the countryside. FBC also agree within the final SoCG (S_D1_6.3/F05) under item FBC.GB.35 that 'other harms' are considered to principally comprise landscape and visual impacts and impacts to amenity, biodiversity and highways, but also consider that impacts to Tourism and Human Health are relevant.

The effect on openness

9.1.1.10 The introduction of the substations and construction compounds would have an unavoidable impact on the openness of the Green Belt.

9.1.1.11 The concept of 'openness' is a combination of 'spatial' openness, where the scale, form and density of built development are the relevant factors; and 'visual' openness, where consideration is given to the role of topography, vegetation, buildings, linear features in maintaining or screening open views of the wider Green Belt. Openness does not imply a freedom from any form of development but is considered to

generally imply a lack of built development. The definitions for 'openness' are agreed in the SoCGs with all Councils Fylde Borough Council (S_D1_6.3/F05), South Ribble Borough Council (REP6-128), Preston City Council (REP6-153) and Lancashire County Council (S_D1_6.1/F05)).

9.1.1.12 FBC agree within the final SoCG (S_D1_6.3/F05) under item FBC.GB.20, that the primary function of the area of Green Belt is north - south between Kirkham and Freckleton, and is to protect the area of land which extends north-south between these two settlements and their settlement boundaries. The Green Belt does not extend to settlement boundaries, in an east-west direction.

9.1.1.13 FBC also agree within the final SoCG (S_D1_6.3/F05) under item FBC.GB.21 that development must be within Green Belt to harm it. Green Belt does not have a setting or a buffer zone of influence.

The effect on openness: construction

9.1.1.14 Beyond the substations and their immediate context, once construction works are complete and the land reinstated there will be no ongoing harm to Green Belt.

9.1.1.15 At year 1 of operation the harm to openness will be concentrated in the vicinity of the substation sites and will be major, reducing to moderate at year 15 as the proposed planting matures. Harm to the wider Green Belt will be negligible. FBC agree within the final SoCG (S_D1_6.3/F05) under item FBC.GB.13 that vegetation and landform are capable of providing visual enclosure which may mitigate impacts on openness, but dispute the extent to which the existing and proposed planting and landform will mitigate impacts in this instance.

9.1.1.16 The effect on openness during operation is not agreed with all Councils. In the case of FBC, while they agree with the methodology for the assessment of effects on openness they do not 'necessarily agree with the outcomes' of the assessment as stated within the final SoCG (S_D1_6.3/F05). The issue relates to the assessment of the existing openness of the Green Belt resulting from the impact of HM Kirkham. The existing spatial openness is agreed within the final SoCG (S_D1_6.3/F05).

9.1.1.17 The Applicants note that while consideration of openness forms a key part of the assessment of harm, the purposes of Green Belt are relevant to understanding harm and have relevance to the Transmission Assets. FBC agrees with the Applicants that impact of the proposed substations on Green Belt purposes a) 'to check the unrestricted sprawl of large built up areas' and c) 'to safeguard the countryside from encroachment' are relevant and purpose c) is considered to be the principal issue to be addressed.

9.1.1.18 FBC note under item FBC.GB.17 of the final SoCG (S_D1_6.3/F05) that Freckleton is an extended urban area and question whether purpose b) ought to be included due to significant pressures for growth. The Applicants do not consider that that Purpose b) 'to prevent neighbouring towns merging together' is of relevance to this application because

whilst Kirkham is a 'town', Freckleton and Newton with Scales are 'villages'. This approach aligns with Planning Policy Guidance relating to Green Belt, which states at Paragraph 005 Reference ID: 64-005-20250225 that, 'This purpose b) relates to the merging of towns, not villages'. FBC acknowledge that Kirkham is a town and Freckleton is a village, and that PPG guidance stipulates that purpose b) relates to the merging of towns not villages.

9.1.1.19 The Design Framework described in the Outline Design Principles (REP6-109) accords with recognised practice and describes the process and measures to maximise landscape integration and as a result minimise harm to the Green Belt in relation to visual openness and in relation to consideration of 'any other harms' associated with landscape and visual effects, through good design. FBC agree within the final SoCG (S_D1_6.3/F05) under item FBC.GB.37 that opportunities for enhanced mitigation are possible through post-consent discussion and ongoing design development.

The effect on openness: operation

9.1.1.20 Whether the harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations to amount to the very special circumstances required to justify the proposed development. the Green Belt would be clearly outweighed by the very special circumstances (VSC) required to justify the proposed development and as Critical National Priority infrastructure further weight is added. FBC agree within the final SoCG (S_D1_6.3/F05) under item FBC.GB.41 that in principle that a case of very special circumstances can be built upon the generation of renewable energy. FBC do not dispute the VSC identified in Section 1.7 of REP4-092 as promoted by the Applicants. It is understood that FBC do not consider the identification of VSC to be warranted because they allege the potential alternative not to co-locate substations sites outside the Green Belt has not been considered (FBC.GB.41 of S_D1_6.3/F05). FBC has not provided an indication of where any non Green Belt alternative site or sites may be found, nor given any direction on the alterations to the site selection methodology that would lead to any alternative outcome. FBC recognise that a site selection exercise has been undertaken but consider that Green Belt should have been factored in as a 'constraint' at an earlier stage of the process (FBC.GB.1 of S_D1_6.3/F05). The Applicants does not consider that Green Belt is a constraint to development but should be subject to proper consideration and the approach taken to Green Belt is correct as detailed in Green Belt Technical Note (REP4- 092)). FBC agree within the final SoCG (S_D1_6.3/F05) under item FBC.GB.3 that the Applicants have provided reasoned justification to explain why the substations cannot be co-located on a single site.

9.1.1.21 There is no reasonable means by which the Green Belt could have been avoided and therefore all reasonably practicable effort has been made to minimise and mitigate impacts in accordance with the mitigation hierarchy. This includes the site selection process that

followed the Horlock Rules embedded in NPS EN-5 and implementation of a structured post-consent design process. FBC agree that in relation to the cabling routing, the Green Belt cannot be avoided in its entirety.

9.1.1.22 The resulting harm on Green Belt will be limited and the general performance of Green Belt would remain effective in both the construction and operational phases. It is not considered that harm caused by temporary works should carry much, if any, weight, given Green Belt policy is directed towards consideration of development that is permanent. Through the implementation of good design principles, the permanent aspects of the Transmission Assets maintain the openness of the Green Belt overall and prevent urban sprawl and significant encroachment into the countryside. The resultant harm, from both inappropriate development and other harms has therefore been demonstrated to be limited.

9.1.1.23 As a project of national significance, the policy set out in the relevant NPSs, namely NPS EN-1, EN3 and EN-5, has primacy in decision making. Paragraph 4.2.14 of NPS EN-1 confirms that where the Secretary of State is satisfied that an application for development consent meets the requirements of the NPS, applying the mitigation hierarchy and any other legal and regulatory requirements, 'the CNP presumptions set out below apply'. As set out in paragraph 4.2.1.6 of the Planning Statement (REP1-032) and demonstrated though the consideration of the harms and proposed mitigation in the Green Belt Technical Note, the Applicants considers these requirements have been met. FBC Agree that the Transmission Assets comprise Critical National Priority Infrastructure and that the Applicants have applied the mitigation hierarchy in relation to the site selection process.

9.1.1.24 Regardless of this, robust very special circumstances have been demonstrated for the Transmission Assets as delivering the new renewable energy generation from two offshore wind NSIPs, and which clearly outweigh any harms to be caused to the Green Belt.

10 Land Use and Recreation

10.1 Assessment Overview for Land Use and Recreation

10.1.1.1 The Applicants' assessment of likely impacts and effects on land use and recreational receptors is set out in Volume 3, Chapter 6: Land Use and Recreation (APP-104) and has been carried out in accordance with section 5.11 of NPS EN-1.

10.1.1.2 In accordance with paragraph 5.11.23 of EN-1, the Applicants have sought to minimise effects on existing land uses through the design of the Transmission Assets and incorporation of best practice measures with regards to construction and land restoration including soil management. Further mitigation measures are secured through the requirements in Schedules 2A and 2B of the draft DCO (REP6-013) including requirement 8 (code of construction practice) and requirement 28 (Blackpool Road recreation ground). Following application of appropriate mitigation, the Applicants assessment has identified that:

- the permanent loss of agricultural land due to the construction of the onshore substations has resulted in a residual major adverse effect which is considered significant in EIA terms.
- the impact on farm holdings during the construction phase has resulted in a long term temporary moderate adverse effect which is considered significant in EIA terms.
- the permanent loss of agricultural land alongside other projects/plans during the construction phase has resulted in a residual major adverse effect which is considered significant in EIA terms.

10.1.1.3 These impacts are a result of the location of the Transmission Assets on agricultural land. As explained in the Applicants Response to ExQ2:1.1.6 - Mitigation Hierarchy (REP 5-132) these effects would occur whether or not the Transmission Assets are constructed concurrently or sequentially. In addition, the land take required for each project would not be reduced if the projects had been developed independently. No other significant effects were identified as part of the Land Use and Recreation assessment.

10.2 Key Matters considered during Examination

10.2.1 Survey Effort and Robustness of the Assessment

10.2.1.1 Concerns have been raised by Natural England (RR-1601 G.6 and G.48) regarding the extent of Agricultural Land Classification (ALC) and soil survey coverage and the robustness of the ES assessment based on this information as well as the adequacy of the mitigation proposed.

10.2.1.2 The Applicants addressed these concerns in REP1-043 which explained that appropriate data had been collected in order to provide a robust baseline for the ES assessment and the development of mitigation measures through the outline Code of Construction Practice

(CoCP). The data collection included detailed desk top baseline data together with representative detailed ALC and soil survey within areas of the main soil types within the Onshore Order Limits. These surveys included a detailed ALC survey of the areas affected permanently by Transmission Assets.

10.2.1.3 The data collected has informed the development of the outline Soil Management Plan (REP5-059), which sets out suitable measures for soil management and protection during construction and decommissioning. This includes a commitment to undertake further detailed soil survey pre-construction to further inform the development of the detailed Soil Management Plan(s) (SMP), which is secured through Requirement 8 of Schedules 2A & 2B of the draft DCO (REP6-013).

10.2.1.4 The methodology that has been applied to the Transmission Assets is consistent with approaches previously accepted by Natural England for comparable consented DCOs, including cases where no site survey work was undertaken, as detailed in REP1-043. These precedents involve projects with impacts on significant areas of best and most versatile (BMV) land and a wide range of soil types within the onshore order limits. The approach being taken is therefore not consistent with that adopted for other comparable projects by Natural England. Further to this, in the recent decision for the Tillbridge Solar Project (July 2025) the ExA concluded that whilst *"the ALC of the cable route connection (CRC) has yet to be established the works proposed in the CRC will not materially affect the ALC as the upper soils will be carefully, removed and replaced on completion of the works. Therefore, whilst we note that once the chosen route is settled upon, appropriate surveys and testing will still be required to establish its condition prior to the works, the proposed development will not lead to a loss of BMV land or deterioration of the soil resource."*

10.2.1.5 Based on the detailed survey of the areas of permanent agricultural loss at the onshore substations, together with the conservative assumption that the link boxes would all be located in BMV agricultural land, paragraph 6.11.2.13 of Volume 3, Chapter 6: Land use and recreation (APP-104) concludes that the potential impact of permanent loss of agricultural land, including BMV land during construction of the Transmission Assets will result in a major adverse effect which is considered significant in EIA terms. As such, further ALC and soils surveys would not change the likely significance of the effect reported in Volume 3, Chapter 6: Land use and recreation (APP-104). Whilst the Applicants have committed to further pre-construction surveys, the worst case scenario assessment adopted and assessment outcomes demonstrate that no further survey is required to inform the EIA.

10.2.2 Consideration of alternatives and alignment with NPS EN-1

10.2.2.1 At ExQ1 (PD-008), through Q12.1.3 the ExA requested clarification on how the Applicants intend to satisfy the policy requirement at paragraph

5.11.34 of EN-1, given the Proposed Development utilises a significant amount of best and most versatile agricultural land.

10.2.2.2 As explained in REP3-056, the available published provisional ALC mapping does not differentiate between Grade 3a and 3b in the definition of Grade 3. As such, with respect to the Onshore Substation Search Zones and Substation Options, a precautionary approach was adopted by the Applicants in their assessment, whereby areas of Grade 2 and 3 agricultural land were assigned an amber rating, as the Grade 3 areas and the soil types on which they were located could contain a significant proportion of the best and most versatile Subgrade 3a land (see Tables 4.7 and 4.10 (APP-033)). However, with respect to the onshore export cable corridor and the 400 kV grid connection cable corridor, Grade 3 agricultural land was assigned a green rating on the basis that land would be reinstated post-construction applying best practice techniques that have been frequently applied to other cable installations (see Tables 4.14 and 4.18 (APP-033)).

10.2.2.3 The Applicants have therefore been mindful of the requirement at paragraph 5.11.34 of NPS EN-1, but the distribution of the provisional ALC mapping is shown on Figures 1.4 and 1.5 of Volume 3, Annex 6.1: Published Agricultural land classification and soils data (APP-105), shows the prevalence of high quality Grade 2 land in a broad swathe around the Transmission Assets boundary. Here, even if the cable route were to be moved north or south of its current alignment by up to several hundred metres, this would not make any material difference to the areas of best and most versatile land affected.

10.2.3 Soil and Peat Management

10.2.3.1 The Applicants were questioned by the ExA during Issue Specific Hearing 1 in relation to the process for the approval of the detailed Soil Management Plan(s) (SMPs) and the management of the implementation of the SMPs. The outline SMP has been updated during the Examination in parallel with the outline CoCP to ensure that these comments have been addressed (REP6-091).

10.2.3.2 Issues have also been raised in relation to areas of peat that may be disturbed within the Onshore Order Limits during the construction phase. Natural England question the extent of the survey work that has been undertaken by the Applicants and identify the requirement for the development of a Peat Management Plan where such resources may be affected (RR-1601.G7 and RR1601.51).

10.2.3.3 The Applicants have shown through the desk top analysis of soil types and soil survey work as shown in Volume 3, Annex 6.2: Agricultural land classification survey results (APP-106), that there are very limited areas of predominantly shallow agriculturally used commonly drained peat within the Onshore Order Limits. In addition, the soil survey work also found that peat resources identified in the Soil Survey of England and Wales mapping (see Table 6.5 of (APP-106)) have been subject to significant wastage over the 60 year period since the original mapping

was undertaken in the late 1960's as intensive agricultural management of these soils has continued.

10.2.3.4 The Applicants further clarified at ISH4 Day 1, that the Peat Map of England recently published by Natural England confirmed the limited extent of potential peat resources within the Onshore Order Limits which covers only approximately 2.91% of the area.

10.2.3.5 Section 1.9.6 of the outline SMP identifies potential measures that can be applied where peat soils have been identified and cannot remain in situ within the construction areas and states that Peat Management Plans for these areas will be developed as part of the detailed SMP(s). This section also confirms that additional soil survey will be undertaken to identify the extent and depth of peat resources as part of the development of Peat Management Plans post consent.

10.2.3.6 Following discussion of the extent and management of peat within the Onshore Order Limits in ISH 2 Day 1, in response to Hearing Action Point 14 (REP4-118), the Applicants produced a Peat Technical Note" identifying where all the different elements of peat soils and peat land habitats have been considered through the Environmental Statement and provide responses to Natural England points raised on this topic.

10.2.3.7 The conclusion of the work remains that the nature and extent of peat resources and their land use function within the Transmission Assets Order Limits is not extensive nor high quality. The peat resources which may be affected are agriculturally cultivated which means it is largely drained and therefore degraded. This is not valuable peatland ecological habitat as set out within paragraph 1.3.1.5 of the Peat Technical Note (REP4-118). The measures proposed through the implementation of the outline CoCP (REP6-067), including the outline SMP (REP6-091), are appropriate to ensure that the peat resources used for agricultural production can be appropriately managed and restored to their productive agricultural land use following construction of the Transmission Assets.

10.2.4 Farm Holdings and other Businesses

10.2.4.1 Concerns have been raised by landowners and occupiers about the extent of the temporary and permanent effects of Transmission Assets on individual land holdings and farming businesses, this includes the National Farmers Union, landholding 22, landholding 26 and landholding 11. The Applicants have continued to engage with all land interests within the order limits to address concerns and identify mitigation measures that could be implemented to reduce the impact to individual holdings to ensure that existing land uses may continue. The Applicants have provided a note on mitigation measures at Annexure 1 Landholdings, Consideration of Interaction and Accommodation Measures (REP4-111), and discussions on these measures with individual landholdings will continue beyond the close of examination. The Applicants note particular concerns raised in relation to landholding 26, and would emphasise that as demonstrated by the Stage 2 Grays Report (REP6-128), use of the land as a viable dairy farming business

can continue so long as the necessary mitigation measures are put in place.

10.2.4.2 Section 17 addresses the concerns raised by landowners and occupiers in the context of the Temporary Possession (TP) and Compulsory Acquisition (CA) powers included in the draft DCO (REP6-013) and how the relevant tests set out in section 122 of the Planning Act 2008 are met.

10.2.4.3 The Land Use and Recreation chapter (APP-104) provides an assessment of the impacts on landholdings and farming businesses in the EIA context. It does not rely on a detailed economic assessment for each holding as sensitive commercial information was not available and, in any event would not have been included in the documentation. However, the assessment did identify a significant adverse effect on farm holdings during the construction, particularly those holdings affected by both permanent works at the Onshore Substation sites and other temporary works.

10.2.4.4 In recognition of the conclusions within the ES and in response to ongoing concerns raised in relation to these impacts during the examination, the Applicants have sought to complete farm business assessments for those holdings where permanent acquisition of land is sought for the Morgan onshore substation and the Morecambe onshore substation. The Applicants provided an update on these assessments within the Farm Business Assessment report (REP6-182).

10.2.4.5 Landholding 22 have completed the information required for the assessment and the Applicants will discuss the outcome of the business assessment with the landholders prior to its finalisation. The Applicants have also now secured the heads of terms for the land rights sought from those landholders for the Morgan substation platform and cable corridor and are progressing the option agreements.

10.2.4.6 Landholding 25 have confirmed that they do not wish for an assessment to be completed on their farm holding and are satisfied that any losses that cannot be mitigated will be compensated in accordance with the compensation code. The heads of terms are near agreement subject to an outstanding item on access being agreed, the Applicants have verbally communicated a mutually agreeable solution and are in the process of formalising this.

10.2.4.7 The Applicants are in ongoing engagement with landholding 26 regarding the business impacts and the two reports which have been completed which look at mitigation measures available, it is understood that the nature and management of the existing business could be adapted to maintain the holding, which is consistent with the assessment completed in the ES.

10.2.4.8 The Applicants will continue to engage with all farm businesses along the order limits to identify and secured measures such as the use of crossing points to ensure access to severed land within the order to ensure impacts on landowners and agricultural practices are mitigated to allow businesses and practices to continue where possible. this is secured through the provisions of the Agricultural Liaison Officer set out

in the Outline Code of Construction Practice (REP6-068), secured by Requirement 8 of Schedules 2A and 2B of the draft DCO (REP6-013).

10.2.4.9 The Applicants have been engaging with the landowners and the NFU on the commitments within the application in relation to link boxes. Landowners and their appointed agents acknowledge the requirement for link boxes within land and the restrictions on locating these. As set out within the Outline Onshore Construction Method Statement (REP6-146) the Applicants have included the consultation and engagement with landowners and occupiers on these locations.

10.2.5 Wrea Green Equitation Centre and Midgeland Riding School

10.2.5.1 Concerns have been raised throughout the Examination about the impacts of the Transmission Assets on the Wrea Green Equitation Centre (a horse-riding school which caters for disabled users and young people). The impacts are specifically around construction activities and the associated noise and vibration. In addition to the obligation to account for this within the detailed Construction Noise and Vibration Management Plan (to be developed in accordance with the associated outline plan (REP6-083)), the Applicants have committed within the outline Communications Plan (REP6-069) to prepare a bespoke Communications Plan for Wrea Green with specific measures in place to minimise the potential impacts.

10.2.5.2 The Applicants have engaged, and will continue to engage, with Wrea Green Equitation Centre regarding the proposed works and the ongoing operation of the business. This engagement will include the development of a forward-looking communication plan, incorporating provisions for regular meetings to discuss and agree upon appropriate mitigation measures as the project progresses toward the construction phase.

10.2.5.3 In relation to Midgeland Riding School, the Applicants will continue to engage in accordance with the timings set out in the landowner engagement flow chart (REP4-111) as they have an interest in the land within the order limits. These discussions will include the implementation of accommodation works to mitigate the impact on the business prior to construction and during. These communication measures will be undertaken with the Agricultural Liaison Officer within the Outline Code of Construction Practice (REP6-068), secured by Requirement 8 of Schedules 2A and 2B of the draft DCO (REP6-013). In addition, the Applicants are continuing to negotiate the heads of terms for the land rights sought which also include engagement and accommodation measures.

10.2.6 Recreation

Public Rights of Way

10.2.6.1 Lancashire County Council (LCC) have raised comments on the outline Public Rights of Way (ProW) management plan in relation to the

approvals process for the implementation of PRoW measures during construction, together with the detail of the two proposed temporary diversions and other outline management measures.

10.2.6.2 The Applicants have maintained an active dialogue with LCC during the examination to address the concerns raised. The latest version of the oPRoW management submitted at D6 (REP6-087) addresses the following concerns raised:

- The identification of potential work gates across the line of PRoW on Figures 1.1, 1.2 and 1.3. These figures have been updated to show these as PRoW gates (if required).
- The length of notice period for the implementation of temporary closures is too short. This has therefore been increased to 2 weeks as requested by LCC

10.2.6.3 In response to LCC's concerns the Applicants propose no works which would directly affect the Guild Wheel route and relevant powers were removed from the draft DCO (REP6-013) at deadline 6. Updates were made to the Works Plans (REP6-004 and REP6-005), Land Plan – Onshore (REP6-006), Street Works Plan (REP6-008), Access to Works Plan (REP6-007), Pubic Rights of Way Plan (REP6-009) and the Tree Preservation Order and Hedgerow Plan (REP6-011) at deadline 6 to reflect this.

10.2.6.4 The second remaining concern is around the proposed detail of the temporary diversion of the bridleway route at Anna's Road (which was part of Change Request 2). The Applicants have clarified that the proposed diversion route is indicative within the outline PRoW and the detail of the proposed diversion would be subject to detailed design and approval as part of the detailed Public Right of Way Management Plan pursuant to Requirement 8 of Schedules 2A and 2B of the draft DCO (REP6-013).

Beach

10.2.6.5 The sensitivity of the Lytham St Anne's beach as an area of public recreation was identified early in the site-selection and design process. During the pre-application phase, consultation with Natural England and other stakeholders focused on ensuring that the installation method at the landfall would avoid direct disturbance to the sensitive features and minimise disruption to recreational use of the beach.

10.2.6.6 In response to the Section 42 consultation response from Natural England, for the DCO Application, the Applicants refined the trenchless technique to install the offshore export cables beneath the Lytham St Anne's Dunes SSSI to direct pipe trenchless technique (CoT44), which results in a shorter installation duration and reduces interaction with the intertidal area in comparison the other techniques such as horizontal directional drilling. This approach significantly reduced the period during which sections of the beach would be restricted, thereby minimising disruption to public access.

10.2.6.7 Prior to submission, the Applicants also committed to coordinated construction activities at the landfall, ensuring that only one Applicant would undertake beach works at any given time. This measure limits the spatial and temporal extent of construction disturbance for beach users. In addition, temporary construction compounds were sited of the beach where practicable, away from the recreational beach frontage reducing the physical footprint of construction activities within areas of public use.

10.2.6.8 To further support public access and amenity, an Open Space Management Plan was submitted as an appendix to the outline Public Rights of Way Management Plan (REP6-087). This management plan sets out the principles for maintaining safe public access around temporary work areas on the beach.

Matters considered through Examination

10.2.6.9 During the Examination, a number of Relevant Representations from members of the public raised concerns regarding the potential closure of Lytham St Anne's Beach during construction activities associated with the landfall works. In response, the Applicants provided clarification that the beach would not be closed during the construction phase, and that public access of the beach would remain available throughout, except for small temporary working areas associated with the active works.

10.2.6.10 To provide further clarity, an outline Landfall Construction Method Statement (REP6-151) was submitted into examination to describe the nature and extent of the beach works, including how construction activities would be managed to maintain safe public access. The outline Landfall Construction Method Statement (REP6-151) provided the indicative locations of the temporary working areas and temporary construction compound 2 located on the beach in support of landfall activities. Only the immediate vicinity of the working area would be fenced and demarcated to ensure public safety. Public access between the cable pull-in working areas and the sand dunes will remain largely unrestricted throughout the cable installation works, as the cables installation working area will be maintained at least 100m seaward of the Lytham St Annes Dues SSSI (Cot44) as secured in Schedule 2A & 2B, Requirement 8 of the draft DCO (REP6-013). However, during the offshore cable pulling and burial, a section of the beach from the exit pits to MLWS would need to be closed off to public access, while certain activities are taking place. In such cases, the Applicants will implement managed crossings either to the seaward or landward side to allow users to maintain access from one side of the works area, to the other. Further details of the public access of the beach during construction is detailed in Appendix A, of the Outline Public Rights of Way (PRoW) Management Plan (REP6-009)

10.2.6.11 The outline Landfall Construction Method Statement was updated at Deadline 5 and 6 to incorporate feedback received from the relevant planning authorities and through consultation with other interested parties, including the Royal National Lifeboat Institution (RNLI). In

consultation with the RNLI the Applicants confirmed that temporary construction compound 2 located on the beach will not be located between MHWS and MLWS in front of the Thursby Care Home to maintain access for lifeboat recovery by the RNLI.

10.2.6.12 The order limits include land at Lytham St Annes beach that is classed as open space (see Special Category Land Plan - Onshore (REP6-012). The Applicants confirm that the construction of the Transmission Assets will not require closure of the beach and there will be no loss of open space as the cables will be buried. Section 17 of the Applicants' Closing Statement addresses how the open space tests in section 132 of the Planning Act 2008 are met in relation to the beach.

Blackpool Road Recreation Ground

10.2.6.13 The Applicants recognised at an early stage the potential impact from the construction of the Transmission Assets to the public open space and community recreation at the Blackpool Road Recreational Grounds. Accordingly, the Applicants committed to installing the onshore export cable corridor beneath the recreational grounds using trenchless installation techniques (CoT128 of Volume 1, Annex 5.3: Commitments Register (REP6-042)). This approach removes the need for open-cut trenching through the playing fields and reduces surface disturbance to land used by the public.

10.2.6.14 Under this approach, the Applicants further committed to limiting works within the recreation ground to a maximum of 5 months of total active construction (CoT128, REP6-042). Within this period, temporary exclusion fencing between the entry and exit pits will be erected for a maximum of 2 months within the 5 months of active construction, ensuring that disruption to public access and recreational use of the space is minimised throughout the construction period (CoT128, REP6-042).

Matters considered through Examination

10.2.6.15 Fylde Borough Council raised concerns during Examination about the impacts on St Annes football club located at Blackpool Road Recreation Ground including in REP3-082 and verbally at hearings.

10.2.6.16 Table 6.14 of Volume 3, Chapter 6: Land use and recreation (APP-104) outlines that the Blackpool Road Recreation Ground is an area of designated open space associated with Blackpool Road Playing Field and Recreation Ground (BRRG). The Applicants produced a summary of impacts on BRRG (REP1-041), which notes that trenchless technique installation will be used at this location and is anticipated to last a maximum of 5 months of total active construction. Table 1.2 provides a summary of the ES conclusions, which identified that for landscape and visual impact there is minor to major adverse (temporary and reversible) significance of effect and no further mitigation is required. Nonetheless, in recognition of the impact of the construction activities at BRRG, the Applicants made a commitment (CoT124 of REP6-042) to secure mitigation for the construction activities at BRRG

via a section 106 agreement. The Applicants have updated the s106 Explanatory Memorandum for Deadline 7 (S_D4_16/F02), which sets out the steps the Applicants have taken to progress the draft s106 agreement with Fylde Borough Council. This also includes details of what the s106 agreement, once signed, would provide for.

10.2.6.17 Whilst engagement to date with Fylde Borough Council has been slow despite the Applicants efforts to proactively engage on this matter since September 2024, the Applicants hope that post Deadline 7, this can be expedited. Fylde Borough Council's position (set out fully in REP5-171) is that they require the s106 agreement to cover items that fall outside of the impact on BRRG. The Applicants provided a response at REP6-169, which confirms that the items requested are either already appropriately secured through the management plans and requirements or are not mitigation and fall within the remit of community benefits. On that basis, there is no justification to include them within a s106 Agreement which is aimed at mitigating against specific impacts through financial contributions which cannot otherwise be secured through the management plans or a positively worded requirement. The mitigations included in the s106 agreement as most recently shared with FBC are listed in the updated s106 Explanatory Memorandum (S_D4_16/F02). The Applicants' position is that the mitigations to be secured through the s106 are reasonable and proportionate to mitigate the worst case construction impacts for St Anne's Football Club.

10.2.6.18 In recognition of the fact that the s106 agreement is unlikely to be signed before Deadline 7, the Applicants updated the draft DCO (REP6-013) and Explanatory Memorandum (REP6-016) to include a without prejudice Grampian style requirement in Schedules 2A and 2B of the draft DCO (REP6-013) (see Requirement 28). The Applicants set out the reason for this inclusion and how it meets the statutory tests in REP6-176.

10.2.6.19 The Applicants will nonetheless continue to engage with Fylde Borough Council in the post-Examination phase and are willing to provide an update on progress to the Secretary of State at the appropriate time. As set out in the Explanatory memorandum (REP6-016), the s106 requirement in the DCO is only required in the event the s106 agreement is not completed prior to the making of the Order.

10.2.6.20 The Applicants have identified Blackpool Road Recreation Ground as open space (see Special Category Land Plan - Onshore (REP6-012). Section 3 of the Applicants' Closing Statement addresses how the open space tests in section 132 of the Planning Act 2008 are met in relation to Blackpool Road Recreation Ground.

10.2.6.21 Therefore, the Applicants confirm that they have complied with the mitigation hierarchy by first seeking to avoid, then minimise, and finally mitigate adverse effects on the agricultural land and have demonstrated compliance with NPS EN-1 particularly, Paragraph 5.11.12.

11 Landscape and Visual

11.1 Summary of the position in relation to the identified principal issues

11.1.1.1 The Landscape and Visual Impact Assessment ('LVIA') presented in Volume 3, Chapter 10: Landscape and visual resources (APP-123) sets out the Applicants' position in relation to the principal issues raised.

11.1.1.2 The LVIA provides a point of reference for the ExA along with other documents and responses submitted during the Examination.

11.1.1.3 Statements of Common Ground ('SoCG') in relation to landscape and visual matters have been prepared for each relevant Council and final versions are submitted at D6 and D7.

11.1.1.4 There were four principal issues identified by the ExA, which are addressed below:

- visual effects, including from public rights of way
- effects on landscape character
- design and appearance of the substations including the principles of good design
- effects on hedgerows and trees etc.

11.1.2 Visual effects, including from public rights of way

11.1.2.1 The visual effects of the Transmission Assets are assessed for effects during construction and operation. As described in the LVIA (APP-123) and relevant comment from Fylde Borough Council (FBC) and captured in the SoCGs (see S_D1_6.3/F05), the method of assessment is substantially agreed with Fylde Borough Council, including the extent of the study area informed by a Zone of Theoretical Visibility study.

11.1.2.2 Effects during construction and operation are summarised in Table 10.29 in the LVIA (APP-123). The range of visual effects are informed by 19 viewpoints agreed with the Councils through the Landscape and visual resources Stakeholder Group in February 2024 following the publication of the PEIR (Table 10.7 of Landscape and Visual Resources chapter (APP-123)).

11.1.2.3 LVIA Figure 10.2 (APP-135) illustrates the location of the representative viewpoints that inform the visual assessment. Fylde Borough Council ('FBC') and Lancashire County Council ('LCC') have claimed the Applicants have taken a 'biased' approach to the 'representation' of certain views from the agreed viewpoints. This is strongly refuted by the Applicants. The photographs taken and presented in Volume 3, Figures - Part 6 of 7 (APP-136), accord with best practice, and are also supported by the wider contextual photography that accompanies each viewpoint location – see Appendix A of Volume 3, Annex 10.3: Visual baseline technical report (APP-126). The Applicants do not believe the Councils have acknowledged the existence of or reviewed these wider context photographs, which should be considered alongside the

individual viewpoint photography as they informed the assessment undertaken by the Applicants.

11.1.2.4 In addition, neither FBC nor LCC have provided a comparable assessment to that undertaken by the Applicants (which would normally be done) which would clarify the specific components that have led to a difference in opinion ultimately leading to a different assessment outcome. Instead, they have simply identified where they disagree with the Applicants' conclusions on significance on the basis that they allege the Applicants' assessment judgements are understated and predicated on insufficient detail in relation to construction programme and design information to inform an understanding of operational effects.

Construction effects

11.1.2.5 The significance of visual effects during construction of the substations ranges from negligible to major and is clearly presented in the LVIA at section 10.12.5 and Table 10.29, with the greater effects in close proximity (up to 500m) to the substations occurring at VP: 1,2,3 and 6 as illustrated in Figure 10.2 of LVIA (ES VOL 3, Figures - Part 5 of 7 (REP5a-030) .

11.1.2.6 FBC and LCC do not agree with all assessment judgements in relation to construction due to concern about the lack of detail relating to the construction phasing and the identification of construction effects as 'short term'. The Applicants' approach to the duration of effect accords with best practice as set out in the evidence they provided to the Examination in relation to the use of 'short term' and the interpretation of 'temporary' in their response to LCC in document REP4-097 for Q13.1.2 (a). The Councils' view that the duration has been underplayed and by implication, results in an under estimate in significance of construction effects is not correct. The LVIA assumes the worst case scenario in relation to consecutive construction and there is no risk of under estimating effects. The Applicants consider the level of detail available at this stage is entirely adequate to inform assessment of effects and aligns with normal practices for NSIPs and the Guidelines for Landscape and Visual Impact Assessment (GLVIA3, 2013).

11.1.2.7 The Councils have also expressed concern in relation to the threshold for significance and consider it has not been properly addressed, arguing that the threshold of above 'moderate' as outlined in the LVIA methodology risks effects material to the judgement on landscape and visual impacts being overlooked. The Applicants do not agree and provided clarity on this point during ISH2, recorded in the Applicants' Hearing Summary of ISH2 Day 1, at item 5(a) (see REP4-103).

11.1.2.8 The LVIA outlines a clear and transparent methodology that is robust and consistent with both the EIA Regulations and accepted industry guidance, namely GLVIA3. The LVIA methodology identifies the threshold of significance, in EIA terms, as any significance of effect above 'moderate'. This is entirely aligned with GLVIA3, which does not prescribe the exact threshold at which point a landscape or visual effect becomes significant, but it does require a transparent process to be followed, which considers the sensitivity of receptors, magnitude of

impact, and sufficient descriptive text to support the final significance of effect. The Applicants outlined this point in their response to ExQ1 13.1.2 Significant effects (a) (see REP3-056).

11.1.2.9 The Applicants also confirmed (REP3-056) that it is for the decision maker to use the EIA to inform their judgement considering the significant effects identified along with all other effects, ensuring that all effects are taken into account. The point was recorded at ISH2, in the Applicants' Hearing Summary of ISH2 Day 1, at item 5(a) (see REP4-103).

11.1.2.10 In relation to temporary visual effects from construction recorded from viewpoints on PRoW which are considered to be above moderate and therefore significant in EIA terms the following is noted:

- VP1 – Bridleway - immediately south of and adjoining Morgan substation - major
- VP3 – Bridleway BW0505016 - immediately adjoining the Morgan substation site (north west) - major
- VP6 - PRoW 150-200m south of Morecambe substation - major
- Sequential visual effects during construction are recorded from 3 points on the PRoW extending north – south and west of Morgan and north and south of Morecambe substations and include VP1, VP3, and east of Lower House Farm: The recorded effect is major adverse. This is agreed with the Councils.
- Significance of visual effects during construction of the landfall cable recorded at VP19 at Blackpool Beach - south is recorded as moderate – major. This is not specifically agreed or disagreed by the Councils.

Operation

11.1.2.11 The significance of visual effects during operation of the substation's ranges from negligible - major at Year 1 to negligible – moderate at Year 15. The effects above moderate occur in close proximity to the substations and comprise the following: VP 1,3,6 and sequential visual effects recorded from 3 points on the PRoW extending north – south and west of Morgan and north and south of Morecambe substations and include VP1, VP3, and east of Lower House Farm.

11.1.2.12 FBC and LCC do not agree with all assessment judgements, in relation to operation, due to concern about the lack of detail relating to the design and mitigation proposals that they consider undermines the ability to make sufficiently well informed assessment judgements and determine whether the proposed planting strategy would be sufficient to reduce effects over time. The Applicants stand by the assessment which accords with best practice. These matters were explored at ISH 2 (see REP4-103) where the Applicants confirmed that the level of detail submitted to the Examination and as part of the draft DCO, was entirely normal and that it was sufficient to inform the LVIA and to provide a

framework for consent and the basis for a post consent design process guided by agreed Design Principles and Design Code.

11.1.2.13 The Applicants consider planting of the type proposed is appropriate and is in accordance with the local landscape character assessment's landscape guidance.

11.1.2.14 The LVIA records a reduction in operational effect after 15 years in certain viewpoints reducing all views to moderate or below. This reduction principally relates to the screening effect of proposed planting supporting the integration of the proposed substations. While not screening all elements of the substation infrastructure (– see the Applicants' response to ExQ1 13.1.7, REP3-056) the planting will substantially screen eye level views and support the integration of the proposals into the landscape and reduce visual effects. The ability of planting to reduce visual effects through its screening is normal practice and the use of woodland planting is considered to be appropriate to the landscape character of the Fylde. In the Applicants' responses to ExQ1 at Q13.1.2 a) the Applicants note that they do not contend that mitigation planting wholly eliminates adverse effects. Rather, the LIVA recognises that, within the local context of the substations mitigation planting reduces the magnitude of change by 'softening' the visual envelope of the substations supporting their integration into the surroundings. It is noted that such mitigation is not assumed to negate the levels of effects and in that regard the LVIA concludes moderate residual adverse effects. At ISH2 (see REP4-103) the Applicants explained that the assumption was that proposed planting would not necessarily screen all elements of the substation but that what remained visible above or through planting would appear well designed, considered and ordered and that the Design Code would be used to support the design development post consent to achieve this.

11.1.2.15 Sequential visual effects during construction are recorded from 3 points on the PRoW extending north – south and west of Morgan and north and south of Morecambe and include VP1, VP3, and east of Lower House Farm: The recorded effect at year 1 operation is - major and at year 15 – major. The year 15 assessment records the visual receptors at those individual viewpoints reducing to moderate due to the screening effects of proposed planting, however the assessment remains overall major due to the cumulative effect of the 3 viewpoints along the north-south PRoW (approx. 2km). The LVIA records this point at paragraph 10.17.1.3.

11.1.3 Effects on Landscape Character

11.1.3.1 FBC and LCC do not agree that the effects on landscape character have been properly judged based on the scale of the proposals and the co-location of the substations which results in a concentration of built form. The Councils also disagree with the appropriateness of the proposed planting, the influence of the existing landscape and the contribution of existing energy infrastructure (pylons) in the receiving landscape. The Applicants stand by the LVIA judgements in relation to

existing landscape character and the assessment of effects of development on landscape character at year 1 and 15 years.

11.1.3.2 The Applicants' assessment and methodology are consistent with established best practice and have been appropriately applied by their consultants. It is recognised by the Applicants that it is possible (and not unusual) for different judgements to be made on the effects on landscape character resulting from development by another professional but less usual for there to be disagreement on the existing landscape character. The Applicants engaged with FBC/LCC following receipt of their commentary on landscape and visual matters (REP4-136) and provided responses at Deadline 4 (see REP4-097 and REP4-098) . The description of the landscape character, issues and effects identified in the Councils' commentary are not structured to accord with GLVIA. Similarly, LCC's assessment of various viewpoints (but not all) touch on elements of landscape character relevant to judgement, in response to the ExA's question Q13.1.2 a) but provide no clear structured assessment for comparison with the Applicants. In both cases the Councils' contributions do not provide a clear baseline assessment to support their case in Examination. The Applicants stands by their assessment of the receiving landscape character including its assessment of its susceptibility to change and its sensitivity, which forms a sound basis upon which to assess change resulting from development and inform the design proposals and associated mitigation. It is important to recognise the full range of elements that combine to inform the character of a place. The Applicants consider that acknowledgement of the presence of pylons and the expansive nature of HM Kirkham by example, are important in considering the baseline character.

11.1.3.3 FBC and LCC do not consider that the application design is sufficiently developed to demonstrate an integrated approach that responds to the existing landscape character. The Applicants do not agree and have set out a summary of their consideration of design in Section 11.1.4 of this document.

11.1.3.4 As noted above, the Applicants consider planting of the type proposed is appropriate and in accordance with the local landscape character assessment's landscape guidance. Furthermore, the undertakings in the Project Level Design Principles and Design Codes of the outline Design Principles (oDP, REP6-109) have been structured to provide clear direction on the development of the design to respond to the landscape context of the site and provide design governance to support the proper discharge of the requirements. FBC have agreed that the post consent design process reflected in the oDP, supports ongoing design development with a view to meeting the Project Level Design Principles and Design Codes, some of which point directly to the need to address landscape character more specifically as a normal part of design development and set within the parameters of the Draft DCO submission.

11.1.3.5 LCC retain the view as at ISH2, that there is insufficient space to support the delivery of an appropriate design that responds to the existing landscape character and that there is a lack of enforceable commitment by the Applicants to deliver on these design undertakings

which they expressed in the final exchanges associated with the SoCG. The Applicants disagree.

11.1.3.6 The Applicants consider that FBC's work on the oDP, together with the post consent design process and enhancement of Project Level Design Principles and Design Codes, and the clear undertakings set out within the certified oDP document, along with the role of Design Champions in supporting the delivery of good design, are all entirely adequate and appropriate.

On- and off-site planting

11.1.3.7 FBC and more extensively LCC, have suggested that offsite planting should form part of the mitigation proposals to support landscape integration. The Applicants acknowledge the importance of landscape integration, biodiversity enhancement, and screening, but do not consider that offsite planting is required to support landscape integration of the substations.

11.1.3.8 The draft DCO commits to delivering landscape works within the Order Limits and includes provision for the restoration of removed vegetation and proposals for new planting. The potential for additional planting outside the Order Limits is recognised, but as is the case with all planning applications (whether NSIPs or otherwise), it is necessary to balance the taking of land for planting to mitigate identified landscape and or visual effects.

11.1.3.9 The Applicants have sought to strike that balance and proportionate response to mitigation with a focus on using the land around the substations where land is to be acquired to deliver the most effective landscape and visual mitigation.

11.1.3.10 The LVIA process did not identify the need for offsite planting works or any landowners to support the mitigation strategy beyond what are now within the defined Order Limits. The scope of the EIA and the project parameters secured through the draft DCO, are legally and procedurally confined to land within the Order Limits. Off-site works would fall outside this statutory framework and require separate agreements or consents from landowners and the local planning authority.

11.1.3.11 The approach of the Applicants is typical of, and consistent with, established practice for NSIPs, where mitigation is designed and secured within the Order Limits to ensure deliverability, enforceability, and compliance with the Rochdale Envelope.

11.1.4 The design and appearance of the onshore substations, including the application of principles of good design

11.1.4.1 The Applicants have applied the principles of good design to the project to minimise and mitigate the impact of the Transmission Assets, especially the onshore substations. Good design comprises both the design process, as well as securing a good design outcome. Achieving good design requires the consideration of design from the outset of a project including the site selection process, securing an understanding

of the natural environment and landscape context and ensuring that appropriate design governance is in place throughout the project's design development. The design process and design governance for pre and post consent are detailed in the Design Framework outlined in the outline Design Principles document (REP6-109).

11.1.4.2 The Design Framework provides a clear process for the delivery of good design for all elements of the Transmission Assets and especially for the substations, from project Vision, Objectives, Strategic Design Principles, Project Level Design Principles and ultimately to the Design Codes to be applied to inform detailed design post consent and meet the details outlined in the Requirement 4 of the draft DCO (REP6-013) the outline Landscape Management Plan (oLMP) (REP6-101) which is secured through Requirement 6 of the draft DCO.

11.1.4.3 The Applicants approach detailed in the oDP, fulfils the criteria of 'good design', as set out in NPS EN-1, EN-3 and EN-5 and elsewhere. The use of design principles also aligns with the NIC's guidance. Section 6.0 of the oDP provides clear and enforceable post consent design governance for FBC to secure good design and the discharge of Requirement 4 of Schedules 2A and 2B of the draft DCO. This Design Framework is supported by a commitment to prepare a Compliance Report that will form a record of how the design has progressed during post consent design development process reflecting engagement with the FBC, Working Group and stakeholders along with the Applicants' design team, Delivery Partner and the Applicants' Design Champions.

11.1.4.4 The Applicants have reached substantial agreement with FBC, as the discharging authority, on design matters relating to the onshore substations. The points of agreement are recorded in the SoCG and have been reflected in the oDP.

11.1.4.5 The Transmission Assets application is typical in its detail and content for projects of this type. This reflects that the final design to be developed by the Applicants' Delivery Partners, must accommodate electrical components whose dimensions, layouts and safety requirements are proprietary to individual equipment manufacturers. Contracts with these manufacturers cannot be placed without a consent in place. The final detailed design of the onshore substations must accord with the 'maximum design envelope', which is secured through the Works Plans (REP6-004) and parameters set out within the DCO and the Environmental Statement. Further to this, the onshore substation works cannot commence until details of the final proposed design have been approved by FBC pursuant to Requirement 4 of Schedules 2A and 2B of the draft DCO (REP6-013).

11.1.4.6 During the Examination and at ISH2 and ISH4 concerns were expressed about the indicative nature of the design information before the ExA, by members of the community and LCC in particular, with questions raised about why greater specificity could not be provided at this stage. The Applicants responded at those hearings and consider that a substantial level of detail has been provided to date in line with normal practice for projects of this type (for the reasons set out in the paragraph above), endorsed by the NPSs, and envisaged by guidance provided on NSIP

projects by PINS – 'Advice Note Nine: Rochdale Envelope' (see REP4-103 and REP6-163). Importantly, the approach to assessment of the 'maximum design envelope' is also demonstrated which ensures that all potential worst-case impacts have been assessed and considered.

11.1.4.7 Throughout the Examination, the Applicants have worked with officers from FBC and LCC through a series of meetings to outline the approach to pre consent and post consent design maturity to provide confidence that the process being pursued is entirely within normal practice for projects of this type. The provision of a clear set of design commitments via the certified Project Level Design Principles and Design Code along with the delivery of a Compliance Report and the appointment of Design Champions to accord with best practice, provides robust design control and governance for post consent requirements discharge. All these matters are fully reflected in the oDP and oLMP and reflected in the good level of agreement reached with FBC as the discharging authority on post consent design matters.

11.1.4.8 The Applicants have also provided additional information to address the concerns raised by the Councils throughout the examination process and this is captured in the oDP section 5 pre consent and oLMP. This comprises additional illustrative design information and details of indicative layouts for each substation that inform an understanding of the Works Plans (parameter plans) submitted for approval. Further to this, the oDP outlines an indicative post consent process in section 6, with a commitment to design development through a series of meetings with a Working Group which will provide relevant stakeholders with the opportunity to comment on emerging design at the express request of FBC.

11.1.4.9 The Applicants consider that matters relating to good design as defined by policy, are fully addressed and align with the following best practice guidance documents published by PINS and the National Infrastructure Commission's Design Group.

- National Infrastructure Commission Project Level Design Principles (May 2024)
- Advice Note: Linear Infrastructure Projects: Best Practice in NSIP Applications (PINS, 2024) and
- Achieving Good Design in Nationally Significant Infrastructure Projects (PINS, 2024).

11.1.4.10 It is noted that the Projects' expert on design was peer advisor to the PINS guidance and also was lead author of the NIC's Project Level Design Principles. He has applied his detailed understanding of good design for infrastructure projects to the Transmission Assets. His experience has also ensured that the information secured at the close of Examination is appropriate to inform the post consent discharge process, and that the pre consent design information which informed the LVIA demonstrates sufficient information to make informed judgements underpinned by the worst-case assessment approach detailed in the EIA methodology. The ExA and the Secretary of State can therefore be satisfied that the approach of retaining necessary flexibility, ensuring a

worst case assessment and embedding design considerations on an ongoing basis is in full accordance with Paragraph 4.3.18 and 4.7.10 onwards of NPS EN-1 and Section 2.4 of NPS EN-5.

11.1.5 Effects on hedgerows and trees, including ancient woodlands, important hedgerows and veteran trees

11.1.5.1 A tree survey and arboricultural impact assessment is presented in Volume 3, Annex 10.5 (APP-128 and APP-129). This considers tree preservation orders, ancient woodland and veteran trees. The installation of the onshore cables will only result in minimal tree removal, as micro-siting will be used within the Onshore Infrastructure Area to avoid as many trees as possible. During detailed design, options will be explored to limit conflicts with the RPAs and maximise tree retention. There will be no effects on trees protected by tree preservation orders, ancient woodlands and veteran trees. The typical export cable corridor width will be reduced when crossing 'Important' hedgerows (as defined by the Hedgerows Regulations 1997). Further commentary on 'Important' hedgerows is set out in Section 5.1.3.

11.1.5.2 The Applicants have committed to implementation of detailed arboricultural method statements (AMS) which are secured through Requirement 8 of the draft DCO (REP6-013). An outline AMS has been prepared which will form the basis for future, detailed AMS(s) which will relate to specific areas of arboricultural impact.

11.1.5.3 In response to comments from FBC following the Issue Specific Hearing 4, as presented under item 4 (d) Issue Specific Hearing 4 Day 1 hearing summary (REP6-163), the Applicants have committed to a 10 year maintenance period for trees and hedgerows, as set out within the draft DCO. In addition, articles 35 and 36 of the draft DCO (REP6-013) have been amended to state that any works involving the felling, lopping or cutting back of the roots of any tree are undertaken in compliance with the process for tree removal, as set out in the outline AMS.

12 Noise and Vibration

12.1 Construction effects

12.1.1.1 In accordance with section 5.12.6 of EN-1 ES Volume 3, Chapter 8: Noise and Vibration (REP6-063) presents the Applicants' assessment of the potential effects on construction noise and vibration sensitive receptors as a result of the construction and operation of the Transmission Assets. The assessment presented in REP6-063 includes an update to the construction noise assessment reported in Volume 3, Chapter 8: Noise and Vibration (APP-117) and in Volume 3, Annex 8.2: Construction noise and vibration (APP-119). These updates were made following engagement with Fylde Borough Council's noise specialist between Deadline 4 and Deadline 5 and feedback from other consultees. This includes updates to a number of residential properties affected by transient construction works (REP3-068) and revisions to tables reporting impacts at receptors close to landfall works (Tables 8.24 and 8.25 of REP6-063).

12.1.1.2 The assessments presented in the Noise and Vibration chapter take account of mitigation to be employed during construction and decommissioning phases which is included in the Construction Noise and Vibration Management Plan to be approved as part of the Code of Construction Practice secured by Requirement 8 of the draft DCO (REP6-013).

12.1.1.3 These mitigations secure appropriate measures to ensure construction noise and vibration levels will not exceed the relevant thresholds designed to protect the amenity and living conditions of those in proximity to the works. With these measures secured, the potential for significant adverse effects is avoided at all noise and vibration sensitive receptors during the construction of the Project.

12.1.1.4 The assessment of construction noise and vibration is based upon nationally accepted industry guidance and has been applied to other consented Nationally Significant Infrastructure Projects. In addition, the assessment methodology applied by the Applicants is a matter which is agreed with local authorities, as reported in the Fylde Borough Council SoCG (FBC.NV.10 in S_D1_6.3 F03), Preston City Council SoCG (PCC.NV.2 inREP6-153) and the South Ribble Borough Council SoCG (SRBC.NV.10 inREP6-128). Preston City Council (Paragraph 4.5.5, REP1-095) noted that a best practice approach has been taken in all reports and undertaken with reference to all relevant legislation and standards. Blackpool Borough Council and Lancashire County Council have deferred to the other local authorities in relation to noise and vibration matters.

12.1.1.5 The Applicants have also prepared an Outline Construction Noise and Vibration Management Plan (oCNVMP) (REP6-083) which sets out general measures to mitigate noise and vibration impacts from construction activities. The Plan(s), which are secured in Requirement 8 of Schedules 2A and 2B of the draft DCO (REP6-013), also include examples of noise control measures that can be applied to specific

construction activities. These measures are in line with British Standard 5228:2009+A1:2024 and comply with NPS-EN1 (refer to National Policy Statement Tracker (J26/F02)). These measures will be defined as the detailed design progresses and will be agreed with the relevant authorities through agreement of the final CNVMP.

12.1.1.6 The oCNVMP has been updated to address specific concerns raised by Fylde Borough Council (S_D1_6.3) and other consultees during the Examination:

- Inclusion of construction noise and vibration limits in line with BS 5228:2009+A1:2024, as well as agreement to monitoring of construction noise and vibration.
- Control of noise and vibration at receptors with particular sensitivities and in some cases protected characteristics, including Century Care Home, schools and equestrian receptors=.
- Commitment to using low noise and low vibration construction plant, where practicable.

12.1.1.7 The oCNVMP is agreed with two local authorities, as reported in the Fylde Borough Council SoCG (FBC.NV.18 inS_D1_6.3 F03) and the Preston City Council SoCG (PCC.NV.2 inREP6-063). South Ribble Borough Council have noted this as a matter of ongoing discussion with a request for a commitment to low-noise and emission running plant as mandatory (SRBC.NV.16 inREP6-128).

12.1.1.8 In response to matters raised during Examination with regard to potential impacts on horses and the protected characteristics of users of the equestrian facilities, the Applicants undertook a study to identify the risk of noise impacts on equestrian receptors which will be used to inform specific noise mitigation at these receptors during construction. This study, submitted at Deadline 6 (REP6-183), identified approaches to mitigating impacts, both from existing commitments within the oCNVMP (REP6-083) and potential additional measures to be considered on a receptor specific basis. Alongside this, the Applicants have committed to a bespoke communications plan with Wrea Green Equitation centre included within the updated Outline Communications Plan at Deadline 6 (REP6-069).

12.1.1.9 The working hours proposed by the Applicants in Requirement 14 of Schedules 2A and 2B of the draft DCO have not been agreed as reported in the Fylde Borough Council SoCG (FBC.NV.15 and FBC.NV.17 inAS-089), South Ribble Borough Council SoCG (SRBC.NV.13 and SRBC.NV.15 inREP6-128) and Preston City Council SoCG (PCC.NV.1 inREP6-153).

12.1.1.10 The Applicants have considered feedback from the relevant planning authorities and have greatly reduced Saturday working hours, as updated within the draft DCO at Deadline 4 (REP4-007). Any further shortening of the working hours would disproportionately reduce the productive on-site working time once Construction Design and Management required mobilisation, health and safety briefings, mandated breaks and demobilisation are accounted for. Retaining

07:00 – 19:00 core working hours on weekdays, and 07:00 – 13:00 on Saturdays allows for efficient delivery and shortens the active construction period at any one location, thereby limiting the duration of local disturbance. These hours are consistent with comparable DCO decisions, including Awel y Môr Offshore Wind Farm and Hornsea 4 Offshore Wind Farm.

12.2 Operational effects, including from the onshore substations

12.2.1.1 In accordance with 5.12.6 of EN-1 and 2.9.39 of EN-5 ES Volume 3, Chapter 8: Noise and Vibration (REP6-063) presents the Applicant's assessment of the potential effects on operational sensitive receptors as a result of the operation of the Morgan Onshore Substation and Morecambe Onshore Substation (these comprising the only permanent above ground infrastructure within the Transmission Assets application).

12.2.1.2 The operational noise effects from the Morgan and Morecambe Onshore Substations will be controlled through the imposition of noise limits at the identified receptors, as set out in Requirement 18 of Schedules 2A and 2B of the draft DCO (REP6-013). These limits have been based on the guidance within BS 4142:2014+A1 2019 and set to be less than 5 dB(A) above the representative background sound level measured during the night-time at these residential receptors, as presented in section 1.3 of APP-120. As requested by Fylde Borough Council and to ensure proactive management the Applicants have also committed to developing a scheme for the monitoring and management of noise during the operation of the onshore substations (CoT80).

12.2.1.3 FBC agrees, as set out in the SoCG, that this Requirement represents reasonable control of operational noise from the Onshore Substations (FBC.NV.16 in S_D1_6.3 F03).

12.2.1.4 The measures set out above ensures that the Secretary of State can conclude the Transmission Assets accords with the relevant requirements of paras 5.12.17 and 5.12.18 of NPS EN-1 and 2.9.39 of EN-5.

13 Air Quality

13.1.1.1 In accordance with EN-1 paragraph 5.7.12 Volume 3, Chapter 9: Air quality (APP-121) the Applicants have assessed the potential effects on air quality as a result of the Transmission Assets. The assessment considered:

- The impact of dust and suspended particulates on human and ecological receptors generated during the construction and decommissioning phases
- The impact of construction traffic emissions on human and ecological receptors during the construction and decommissioning phases.

13.1.1.2 The assessment was undertaken in accordance with relevant guidance including the Institute of Air Quality Management (IAQM) guidance[5]. The assessment concluded that there will be no significant effects from dust and construction traffic related emissions.

13.1.1.3 The Secretary of State can be satisfied that Section 5.2 of NPS EN-1 has been complied with by the Applicants.

13.1.1.4 In compliance with paragraph 5.7.14 of NPS EN-1, an Outline Dust Management Plan (ODMP) (REP6-081) is secured by Requirement 8 of the draft DCO (REP6-013). This sets out how construction dust will be managed to ensure that the residual effect is negligible. This plan was amended in response to the ExA's Written Questions (PD-008). Fylde Borough Council, as the relevant local planning authority, have agreed within the SoCG (S_D1_6.3/F03) that the proposed mitigation measures are appropriate. It is agreed that with the implementation of these measures, there will be no significant residual effects on air quality receptors from the development of the Transmission Assets.

13.1.1.5 Other queries raised by the ExA were related to specific technical matters such as meteorological data and baseline data used in the modelling of traffic emissions. These queries were addressed within the Applicants' response to ExQ1 (REP3-056).

13.1.1.6 Natural England advised that further air quality assessments are necessary to inform the design of the measures required to manage air quality impacts including dust, to inform SSSI mitigation (REP6-193). The potential impacts of changes in air quality including dust deposition have already been assessed in detail in Volume 3 Chapter 3: Onshore ecology (APP-075). This includes the assessment of potential dust impacts during construction to the Ribble and Alt Estuaries Ramsar and Ribble Estuary SSSI/ NNR (paragraph 3.11.3.17); Lytham St Annes Dunes SSSI and Lytham St Annes LNR (paragraph 3.11.4.29); Red Scar and Tun Brook Woods SSSI (paragraph 3.4.1.1); and BHS and LNR sites (paragraphs 3.11.6.34 and 3.11.6.36). Assessment of impact of changes in air quality from emissions and deposition of pollutants

[5] IAQM (2024) Guidance on the assessment of dust from demolition and construction. Available at: Construction-Dust-Guidance-Jan-2024.pdf

from construction traffic movements to Red Scar and Tun Brook Woods SSSI is also considered (paragraphs 3.11.5.7 - 3.11.5.20); and BHS and LNR sites (paragraphs 3.11.3.39 - 3.11.6.44).

13.1.1.7 The measures within the ODMP take into account the location of sensitive receptors (including the SSSI) and are in line with IAQM guidance. These measures are appropriate to mitigate the risk of any significant impacts and the Applicants do not consider that any further assessment is required.

13.1.1.8 Through the secured mitigation measures (set out in Table 9.15 of Volume 3, Chapter 9: Air quality (APP-121)), which ensure a negligible residual effect, the Applicants have demonstrated compliance with both the mitigation hierarchy and the relevant NPS and local policy (refer to section 5.2 (air quality and emissions) of the NPS tracker (J26/F02) and policy 30, air quality of the local planning policy tracker (J28.3/F02)).

14 Socio-economic Effects and Human Health

14.1 Summary of principal issues

14.1.1.1 Volume 4, Chapter 2: Socio-economics (APP-141) presents the Applicants' assessment of the potential effects on socio-economics. The principal issues considered during the Examination were:

- Effects on tourism
- Effects on GVA, jobs and skills

14.1.1.2 The key matter that has been considered during the Examination is the potential effects of the Transmission Assets on local tourism as raised by Fylde Borough Council (FBC) and Blackpool Borough Council (BBC), as opposed to regional tourism. The Applicants' position on this is set out in section 14.2 of this statement.

14.1.1.3 This section also considers direct environmental and economic local benefits that would arise from the Transmission Assets.

14.1.1.4 Volume 1, Annex 5.1: Human Health (APP-035) presents the Applicants' assessment on Human Health. The principal issues considered within the topic of human health were:

- Effects on individuals and communities
- Potential impacts on human health and wellbeing, including for vulnerable groups.

14.2 Key matters considered during Examination

14.2.1 Tourism

Policy compliance

14.2.1.1 There is no statutory guidance available to direct the identification of appropriate socio-economic study areas, including for the assessment of potential tourism effects.

14.2.1.2 Paragraph 5.13.2 of NPS EN-1 requires that 'Where the project is likely to have socio-economic impacts at local or regional levels, the applicant should undertake and include in their application an assessment of these impacts as part of the ES' (emphasis added). Paragraphs 5.13.3–5.13.6 detail the advised scope of any such assessment.

14.2.1.3 In accordance with paragraph 5.13.2 of NPS EN-1 the Applicants undertook an assessment of potential socio-economic effects (including tourism) at a regional level within section 2.11 and 2.12 of the Socio-economics chapter (APP-141). Paragraph 5.13.2 (and therefore 5.13.3 - 5.13.6) of NPS EN-1 was complied with on the basis that an assessment would only be required as part of the application where it was considered, prior to the application stage, that the project would be likely to have significant socio-economic effects (including tourism) at a local level – there was no evidence (either from the Applicants' own assessments, or presented by local planning authorities) at or prior to

the application stage that such an impact would be likely, therefore no assessment was required or undertaken at application stage.

14.2.1.4 The Applicants view, therefore, is that the approach taken to assess the impacts at a regional level is in line with the NPS. Albeit a local tourism assessment was submitted at Deadline 5 and updated at Deadline 6 following discussions with BBC and FBC.

Approach to the Assessment

14.2.1.5 To inform the assessment the Applicants had published a Preliminary Environmental Information Report (PEIR) as part of the statutory consultation, which included an assessment of potential socio-economic effects (including tourism) also at the regional level. This regional level assessment covers North West England.

14.2.1.6 No statutory consultation responses were received from interested parties on the spatial scale at which potential tourism effects had been assessed, nor were any other comments received to suggest that there was any concern regarding the Transmission Assets' potential to have any likely significant effects on tourism at a local level.

14.2.1.7 The full Environmental Statement submitted as part of the DCO application was subsequently accepted for examination by the Planning Inspectorate. Neither the Section 51 advice to the Applicants (PD-002) nor the Rule 9 letter from the ExA (PD-005) included any request for information from the Applicants to suggest that the Environmental Statement was inadequate in respect of potential tourism impacts. Therefore, the Applicants' view is that the regional level assessment was appropriate to robustly assess the impacts of the proposed development.

14.2.1.8 The approach taken within the Socio-economics chapter is further supported by the ExA's Report of Findings and Conclusions with respect to the Mona Offshore Wind Farm, published on 4 July 2025. The assessment of potential socio-economic effects (including tourism) associated with the Mona Offshore Wind Farm included both offshore and onshore effects. The consideration of potential onshore effects associated with that project's transmission assets makes it a relevant example to cite.

14.2.1.9 The Mona Offshore Wind Farm application followed a comparable approach to assessing onshore socio-economics (and tourism) effects at a regional level, and the ExA concluded in paragraph 6.4.53 of their findings they were '…satisfied that the Applicant's assessment has fully addressed the potential socio-economic effects associated with the construction, operation and decommissioning of the Proposed Development in accordance with Section 5.13 of NPS EN-1.'

14.2.1.10 Notwithstanding and without prejudice to the above, further to concerns being raised during the examination process, the Applicants have undertaken a Local Tourism Assessment (REP6-160). Consultation has taken place with representatives from the local authorities within the study area to inform the preparation of this assessment, and to ensure it

contains information which will assist in their consideration of the Transmission Assets application.

14.2.1.11 Potential effects on tourism at a local level are assessed as not significant. This supports the findings of Volume 4, Chapter 2: Socio-economics (APP-141), which assessed no significant effects on tourism at a regional level.

14.2.1.12 The Applicants have updated the relevant outline management plans to take account of potential local impacts which have been assessed as not significant in the context of the local tourism economy as a whole, in order to provide further assurances to local planning authorities around future engagement. The updated outline management plans are the Outline Construction Traffic Management Plan (REP6-113), which mitigates potential traffic and transport-related effects on major events, and the Outline Communications Plan (REP6-069) which mitigates potential effects on individual tourism businesses, including accommodation and hospitality providers.

Concerns raised on the Assessment Approach

14.2.1.13 Section 4.2 of NPS EN-1 referred to in paragraph 5.13.2. Paragraph 4.2.4 requires that '*To consider the potential effects, including benefits, of a proposal for a project, the applicant must set out information on the likely significant environmental, social and economic effects of the development, and show how any likely significant negative effects would be avoided, reduced, mitigated or compensated for, following the mitigation hierarchy. This information could include matters such as employment, equality, biodiversity net gain, community cohesion, health and well-being*' (emphasis added).

14.2.1.14 Neither the Applicants, nor their advisors, are aware of any wider evidence which suggests the construction and/or operation of onshore infrastructure associated with offshore wind development is likely to have any significant effects on local tourism. Fylde Borough Council and Blackpool Borough Council were requested by the ExA to 'Provide evidence of where projects of this kind have had an impact on the tourism economy' via Hearing Action Point 53 under Agenda Item 6(i) of the Issue Specific Hearing 1. No such evidence has been provided to substantiate either Council's position on the matter, however through resolution of its concerns regarding Starr Gate Blackpool Borough Council have confirmed they are satisfied with the Applicants' local tourism assessment. Blackpool Borough Council confirms (in the SoCG submitted at D7 document reference S_D3_6.2/F05) the Transmission Assets is unlikely to have significant residual effects on socio-economic receptors within the BBC administrative area.

14.2.1.15 At Deadline 6 Fylde Borough Council (REP6-187) made no further comment in respect of the spatial scale of the tourism assessment. However, the Council maintains that without a more detailed analysis (including matters such as a local tourism sensitivity analysis, quantifying visitor volumes, seasonal trends, and events overlap) the Local Tourism Assessment underestimates the potential for temporary but locally significant effects on tourism, recreation, and hospitality

within Fylde (and significant harm to local tourism as a result). The type of data Fylde Borough Council requested for inclusion in the Local Tourism Assessment is not publicly available and it would be wholly disproportionate for the Applicants to be expected to gather such information to inform the assessment of potential tourism effects, given the absence of evidence indicating a potentially significant relationship between offshore energy infrastructure and tourism activities (as per Glasson et al, 2021).

14.2.1.16 Fylde Borough Council has also raised concerns regarding the validity of the evidence of Glasson et al, 2021 and Biggar Economics, 2020 and its interpretation through the SoCG process. A detailed response to the issues raised is set out at Appendix A.1 to the Applicants' response to Deadline 6 Submissions (document reference S_D7_2).The claim of gross oversimplification and misrepresentation of the research findings is rejected by the Applicants and must be considered in the context of the lack of any evidence to the contrary being provided by FBC, despite specific requests from the ExA.

14.2.1.17 The Applicants remain confident in their summarisation of relevant aspects of the above research conclusions as presented in 5.1.1.6-5.1.1.8 of the Local Tourism Assessment, and the conclusion of no significant effects on local tourism as being evidence-based. Fylde Borough Council's claim that this evidence is not reputable is rejected by the Applicants.

14.2.1.18 Overall, the Applicants remain confident in the methodology and findings of the Local Tourism Assessment (document reference S_D6_8) in concluding the Transmission Assets will have no significant effects on local tourism. This is supported by the industry evidence.

14.2.1.19 The Applicants maintain that the Local Tourism Assessment is a proportionate consideration of potential local tourism impacts associated with the Transmission Assets. In addition to the more localised consideration of potential effects which the assessment provides when compared to ES Volume 4, Chapter 2: Socio-economics (document reference F4.2), the assessment was updated for Deadline 6 to take account of a multitude of detailed comments submitted by Fylde Borough Council, which adds further local specificity. The Applicants have also included commitments in the Outline Communications Plan (document reference J1.1/F06) to address the concerns raised by Fylde Borough Council. Tourism-related businesses are included in the local liaison committee process and where evidenced by the Councils the Applicants will support the promotion of tourist destinations (within the immediate vicinity of the Transmission Assets) that may be affected by the construction activities associated with the Transmission where this is a clear and proportionate need.

14.2.2 GVA, jobs and skills

Effects on GVA, jobs and skills

14.2.2.1 As demonstrated in Table 1.2 of Volume 4, Annex 2.1: Socio-economics technical report (APP-142), the development, construction, operation and decommissioning of the Transmission Assets, particularly in conjunction with the related Generation Assets, will deliver a substantial economic stimulus to the North West regional economy. The £4.4bn total investment creates the opportunity for an economic legacy, creating employment and skills development opportunities for residents to forge careers, and supporting investment throughout the supply chain contributing to wider business development and capacity building. This is particularly important for the North West of England, where the region has experienced significant economic challenges following the decline of traditional industries. Towns and cities within the region, including Blackpool face some of the highest levels of economic inactivity with employment rates below the regional average. The decline of traditional industries, including tourism and fishing coupled with underinvestment results in limited employment opportunities particularly for younger generations. The Transmissions Assets offer an opportunity for direct employment as well as helping broader economic benefits in the region.

14.2.2.2 Economic impacts will include direct, indirect and induced effects with more than a third of project expenditure anticipated within the North West region. The operational phase is expected to lead to almost half of total expenditure being retained in the region, offering long term employment opportunities to residents.

14.2.2.3 **Table 14.1** sets out the estimate of content by expenditure category for the Transmission Assets at the North West England and UK levels, with the remainder expected to be spent outside the UK.

Table 14.1: Content estimates, 2023 prices

Source: HJA analysis, partly adapted from BVGA (2023)

Note: figures may not sum due to rounding

Expenditure category	North West England	UK
DEVEX	7%	72%
CAPEX	10%	25%
OPEX	46%	77%
DECEX	29%	29%
TOTEX	**34%**	**61%**

14.2.2.4 Economic impacts are summarised in **Table 14.2**. Overall, it is estimated the Transmission assets total project investment would support around 4,500 FTE years employment and £350 million GVA across the lifetime of the projects within the UK, and around 840 FTE years employment and £90 million GVA within North West England.

Table 14.2: Economic impact estimates – development, construction, operation and maintenance, and decommissioning phases combined (offshore and onshore)

Source: HJA analysis, based on Volume 4, Annex 2.1: Socio-economics technical report (APP-142).

Economic impact	North West England	UK
Employment (FTE years)	840	4,500
GVA	£90 m	£350 m

14.2.2.5 The Outline Employment and Skills Plan (OESP) (REP6-111) provides an insight into the Applicants' proposed approach to working with local stakeholders to maximise the employment opportunities associated with the offshore wind sector within North West England.

14.2.2.6 The OESP includes commitments which will support local residents' access to skills training and employment, either directly through the Transmission Assets, or in the local supply chain. Outline commitments are made in relation to employment and skills training:

- Education and careers engagement
- Apprenticeships, work experience and graduate programmes
- Support the transition of workers from declining industries into the offshore wind sector
- Employability and recruitment (including individuals who are not in education employment and training)
- Diversity, equal opportunities, and supporting those from disadvantaged backgrounds
- Workforce development and advanced skills.

14.2.2.7 The Applicants are currently engaging, and will continue to engage, with key consultees and local stakeholders on the content of the OESP and the subsequent detailed Employment and Skills Plan(s) prepared by each of the Applicants post-consent.

14.2.3 Consideration of any direct local benefits that would arise from the proposed development

14.2.3.1 The Transmission Assets, alongside the Morecambe Offshore Windfarm: Generation Assets and the Morgan Offshore Wind Project: Generation Assets, will deliver significant environmental and economic benefits. These are set out in section 1.5 of the Statement of Reasons (REP6-018). To summarise, these are:

- Should either the Morgan Offshore Wind Project or the Morecambe Offshore Wind Farm participate in a future allocation round under the UK Government's Contracts for Difference (CfD) scheme, the projects will be required to submit a Clean Industry Bonus (CIB) application as part of the CfD process. The CIB is intended to incentivise developers to support economic growth and regeneration in disadvantaged or deprived areas of the UK. To be eligible for the CIB, applicants must demonstrate credible and

tangible commitments to investment that deliver measurable local benefits. These could be through the location of manufacturing, assembly, installation, or port-related activities within qualifying areas..

- The Transmission Assets will make a significant contribution towards the reduction of the UK's GHG emissions.
- Potential for long term biodiversity benefits at Lea Marsh Fields and at the onshore substations and associated access tracks (Outline Biodiversity Benefit Management Plan (REP6-095)).
- As per section 14.2.2**14.2.2**, the Transmission Assets will have direct socio-economic benefits through the creation of employment associated with delivering the onshore aspects of the project, i.e. the potential for up to 255 employment opportunities (Full Time Equivalent years) during development and construction, and up to 50 long term employment opportunities during the operation and maintenance phase (Table 2.69 and 2.73 of Volume 4, Chapter 2: Socio-economics).
- A commitment to support employment and skills development in the local area, devised in alignment with various outline principles which have been identified to support employment and skills needs in North West England in order to leave a legacy.
- Benefits of a coordinated approach to deliver two projects through a single application in terms of reducing environmental and community impacts which the Applicants have sought to do in line with paragraph 2.13.14 of EN-5.
- The Applicants are also committed to delivering a community benefit fund in line with the Community Funds for Transmission Infrastructure guidance recently published (updated 9 April 2025) by the Department for Energy Security and Net Zero. The guidance sets out the government's recommendation for the level of funding that developers should consider for community benefit, which is outlined to be £530,000 for each onshore substation.

14.2.3.2 One point which was raised in Relevant Representations, is where the electricity generated by the Morgan Offshore Wind Project or Morecambe Offshore Windfarm would be allocated or transmitted – the Applicants maintain that this is not something which they have control over, as the transmission and distribution of electricity is managed by the National Grid.

14.2.4 Human Health

14.2.4.1 ES Volume 1, Annex 5.1: Human Health (APP-035) presents the Applicants' assessment of the potential human health effects of the Morgan and Morecambe Offshore Wind Farms: Transmission Assets at national (England), regional (North West), local (Fylde and Preston Local Authority Areas) and site-specific levels (St Leonards Ward, Kilnhouse Ward, Freckleton East Ward and Lea and Larches Ward).

14.2.4.2 The assessment focused on aspects of the environment that influence population health (e.g., changes to the social, economic and biophysical environment) and drew upon the conclusions from assessments undertaken by the Applicants within the Environmental Statement each of which concluded that there would be no significant residual effects in their own right. The assessment was undertaken in accordance with guidance from ISEP (formerly IEMA), the Institute of Public Health and the World Health Organisation. The assessment concluded that overall, there would be no significant adverse or beneficial human health effects.

Stakeholder position

14.2.4.3 The Applicants consulted with the applicable stakeholders, including the UK Health Security Agency (UKHSA) and the Department of Health Office for Health Improvement and Disparities (OHID) (see Section 2.147 of S_PD_3.2).

14.2.4.4 No concerns were raised by the consultees. In their additional submission (AS-061) UKHSA/OHID confirmed that they are satisfied with the Applicants' methodology and conclusion that the proposed development should not result in any significant adverse impact on public health.

Effect on health and wellbeing of individuals and communities, including vulnerable groups

Marybank Farm

14.2.4.5 The ExA (REP5-130, ExQ2:1.3.1) requested a comprehensive assessment of the potential effects of the proposed Morecambe substation on the living conditions and amenity of the occupiers of Marybank Farm.

14.2.4.6 The Applicants acknowledge the concerns raised by residents through their Relevant and Written Representations and as referenced in the ExA's Second Written Questions (REP5-130 ExQ2:2:1.3.1 and 1.3.6) regarding potential effects from construction and operation including noise, disturbance, visual impacts, traffic and electro-magnetic effects, along with in-combination effects.

14.2.4.7 The Applicants confirmed in REP5-130 the potential health impacts on Marybank Farm have been comprehensively assessed across a number of topics, as shown below. The findings confirmed that the Transmission Assets would not result in significant adverse effects on the health and wellbeing of residents.

14.2.4.8 ES Volume 1, Chapter 8: Noise and vibration (APP-117) includes an assessment of construction noise and operational substation noise and its mitigation such that there would be no significant effects (section 8.11 (APP-117)). Mitigation includes commitments CoT18, CoT34, CoT79, CoT88, CoT80, and CoT19 (including reasonable construction hours, use of low-noise plant, acoustic barriers, an Operational Noise Management Plan, and use of trenchless crossing).

14.2.4.9 The Landscape and Visual Resources (APP-123) assessment concluded that views of the substations would not overwhelm or fundamentally alter residential amenity.

14.2.4.10 The traffic and transport assessment (ES Volume 3, Chapter 7: Traffic and transport (APP-108)) confirmed there would be no significant effects, including for construction traffic. The Applicants reiterated that Lower Lane would not be used as a route for construction traffic.

14.2.4.11 Volume 1, Annex 3.3: Electro-Magnetic Fields (EMF) Compliance Statement (APP-029) confirmed full compliance with International Commission on Non-ionizing Radiation Protection Guidelines (ICNIRP, 2010) and Government codes of practice with no expected health risks.

14.2.4.12 Volume 1, Annex 5.1: Human health (APP-035) applied these findings and concluded that the Transmission Assets would not result in any significant adverse impact on public health. The integration of these findings is outlined in greater detail in REP5-130 which provides further explanation of how the evidence base was used to assess potential impacts on public health, including for residents of Marybank Farm. While acknowledging local concerns, no particular locations or receptors are predicted to experience disproportionate health effects beyond those assessed. Adherence to mitigation measures including those described in REP5-130 are designed to maintain transparency and address community concerns.

In-combination effects on the health and well-being of local residents

14.2.4.13 The ExA (REP5-130, Q2:1.3.6) requested that the Applicants provide an updated position on the combined effects of the Transmission Assets on the health and wellbeing of local residents during both construction, operation and maintenance and decommissioning. It was requested that the updated position consider the combined effects of impacts during both construction and operation and provide clarification on whether there are any specific locations or receptors where these effects might be more pronounced.

14.2.4.14 The Applicants' response is provided in REP5-130 and confirms that the position on health and wellbeing remains as set out in Volume 1, Annex 5.1 (APP-035), which concludes that the Transmission Assets will not result in significant adverse public health impacts, including for vulnerable groups.

14.2.4.15 Combined effects during construction and operation were assessed in Volume 4, Chapter 3: Inter-relationships (APP-143), which found that even in combination, there would be no potential for significant public health effects. The assessment considered the project lifetime effects on water quality and noise and vibration and concluded that mitigation measures already embedded within topic chapters and secured through the CoCP would prevent significant or disproportionate effects including combined effects. Receptor-led effects based on the inter-relationship of open space, noise and vibration, and concern about EMF would be

limited and not significant given the transitory and short-term effects at any given location.

Sensitive receptors

14.2.4.16 The assessment also considered sensitive receptors identified in topic chapters, including Blackpool Road Recreation Grounds as set out in Volume 3, Chapter 6: Land use and recreation (APP-104), and Century Healthcare Care Home and Wrea Green Equestrian Centre as set out in ES Volume 3, Chapter 8: Noise and vibration (REP6-083).

14.2.4.17 Mitigation commitments would be secured through the detailed Construction Noise and Vibration Management Plan and Construction Artificial Light Management Emissions Plan under Requirement 8 of the DCO.

Blackpool Road Recreation Ground

14.2.4.18 This issue of temporary changes to recreational and leisure opportunities at Blackpool Road Recreation Ground was raised by Fylde Council in their Local Impact Report. The Applicants provided responses in REP1-078 15.6.1 of REP2-038.

14.2.4.19 Potential disruption to sports facilities has been substantially mitigated through design refinements, including the adoption of trenchless construction techniques at the Recreational Ground, alternative access routes, and visual screening, reducing the duration of works from over a year to up to five months. The Applicants have committed to providing the necessary funding for the alternative facilities through a planning agreement (pursuant to Section 106 of the Town and Country Planning Act 1990) with Fylde Borough Council as the relevant planning authority and Lytham Town Trust as landowner (CoT20) (REP5-143), and a without prejudice requirement has been included in Schedules 2A and 2B of the draft DCO (Requirement [28]) to secure that this must be entered into before works within the Recreation Ground can commence. Positive negotiations are ongoing, (see the updated Section 106 Explanatory Memorandum (S_D4_16/F02) and the Applicants expect that the agreement will be entered into in advance of the Secretary of State's decision and therefore Requirement 28 would not be required. These measures will ensure activities can continue and that there will be no long-term changes away from recreational activity as a result of the temporary disruption of the Blackpool Road Recreation Ground.

Wrea Green, Midgeland Riding School and and Quakers Wood Equestrian Facilities

14.2.4.20 The Applicants recognise the particular sensitivity of Wrea Green Equitation Centre (a horse riding school which caters for disabled users and young people where specific concerns have been raised given the protected characteristics of the users). and the potential for horses to be startled by construction activities. Section 6.11.4 of Volume 3, Chapter 6: Land Use and Recreation (APP-104) assessed the construction

effects that have the potential to affect users of recreational resources and in particular Wrea Green Equitation Centre.

14.2.4.21 Regarding the potential impacts on the operation of the businesses, the assessment concluded that with appropriate mitigation secured through the draft DCO (REP6-013) the potential effects would be minor adverse, which is not significant in EIA terms.

14.2.4.22 Building on that assessment and following concerns raised by the Centre, the local community and during Examination (Q2:1.3.6; Q2:5.1.3 and Q2:14.1.5), a dedicated technical note Managing Construction Noise at Equestrian Receptors (REP6-183) was produced to inform specific mitigation.

14.2.4.23 The Applicants have worked very closely with Wrea Green, with the most recent meeting held on Friday 17th October to discuss the findings of the Construction Noise at Equestrian Receptors (REP6-183) and the principles of a bespoke communications protocol for the Centre, given the protected characteristics of some of its users. The technical note submitted by the Applicants in relation to Managing Construction Noise at Equestrian Receptors (REP6-183) drew on British Horse Society guidance and confirmed that horses can react unpredictably to sudden or unfamiliar sounds. The Outline Noise and Vibration Management Plan (REP6-083) included commitments to receptor-specific engagement and control measures for equestrian facilities (including Midgeland Riding School if required).

14.2.4.24 The bespoke communications protocol (together with the detailed Construction Noise and Vibration Management Plan, Construction Traffic Management Plan and Construction Method Statement) will include specific measures to mitigate potential impacts on the Wrea Green Equitation Centre and its users (refer to the Outline Communications Plan – REP6-069).

14.2.4.25 As stated in the Public Sector Equality Duty Statement (REP6-132), the Applicants are confident that with the application of the mitigation set out within Section 1.2 of the Outline Noise and Vibration Management Plan (REP6-083), and commitments made within the Outline Communications Plan (REP6-069) in relation to the details to be included within the detailed Onshore Construction Method Statement post-consent, that the potential construction effects to those with protected characteristics at care homes, schools and the riding schools (and in particular Wrea Green Equitation Centre and its users with protected characteristics) will be appropriately managed via the suite of mitigation techniques available, which form part of the Outline CoCP (REP6-067) and the Outline Construction Traffic Management Plan (REP6-113)

14.2.4.26 These measures, secured through the CoCP under Requirement 8 of the draft DCO (REP6-013), demonstrate how community feedback has directly improved development of the mitigation measures as part of the Transmission Assets. The measures represent a proactive, good-practice response to local concerns with targeted and practical solutions.

Century Care Home

14.2.4.27 Century Care Home, approximately 35 m from the onshore cable corridor at Landfall, has been identified as another sensitive receptor due to its elderly residents.

14.2.4.28 In this area, cables would be installed using trenchless techniques, avoiding open-cut excavation near the care home and thereby eliminating the most intrusive construction activities.

14.2.4.29 As stated in the Public Sector Equality Duty (PSED) Statement (REP6-132), the Applicants have proposed a construction noise limit at Century Care Home within Table 1.4 of the Outline Noise and Vibration Management Plan (REP6-083) to acknowledge the increased sensitivity of the care home. The final limits and mitigation would be confirmed in the detailed Construction Noise and Vibration Management Plan for approval by the relevant planning authority in accordance with Requirement 8 of the draft DCO.

14.2.4.30 The Outline Construction Artificial Light Management Emissions Plan (REP6-073) has been updated during the examination to give specific consideration regarding the control of artificial lighting at receptors as having increased sensitivity or requiring receptor specific mitigation such as care homes.

14.2.4.31 These specific mitigation measures will be included in the detailed Construction Artificial Light Emissions Management Plan for approval by the relevant planning authority in accordance with Requirement 8 of the draft DCO (REP6-013).

Public Sector Equality Duty

14.2.4.32 Although the Applicants are not public authorities, the Secretary of State must have due regard to the PSED under Section 149 of the Equality Act 2010 in determining this application.

14.2.4.33 The PSED Statement (REP6-132) demonstrated how equality considerations have been integrated across the project. Section 1.11.5.1 of Volume 1, Annex 5.1 (APP-035) identifies vulnerable groups which are considered within the assessment and how the sensitivity of those groups has been taken into account.

14.2.4.34 As detailed at section 1.3.3 of APP-035 the potential impacts of the Transmission Assets are considered on vulnerable groups in various contexts, individually and cumulatively. Vulnerable groups include children and young people; older adults; people on low income, those who are economically inactive or unemployed/workless; people with existing poor health; people with existing long-term physical or mental health conditions or disability; people who suffer discrimination or other social disadvantage, including relevant protected characteristics under the Equality Act 2010 or groups who may experience low social status or social isolation for other reasons; and people experiencing barriers in access to services, amenities and facilities and people living in areas known to exhibit high deprivation or poor economic and/or health indicators.

14.2.4.35 The assessment confirmed that the Transmission Assets has been designed and assessed to avoid disproportionate impacts on any vulnerable group. Particular attention was given to facilities serving these populations, including schools, the Blackpool Road Recreation Grounds, the Century Care Home, and the Wrea Green Equitation Centre.

14.2.4.36 As stated in the PSED Statement (REP6-132), engagement processes were designed to be accessible, with consultation materials available in alternative formats and special arrangements (including sign-language interpretation) provided where requested.

14.2.4.37 APP-035 concluded that there would be minor adverse, non-significant effects in EIA terms, on vulnerable groups and a minor beneficial effect on vulnerable groups in relation to socio-economic impacts.

14.2.4.38 The Applicants have committed to extensive mitigation and control measures secured through the Outline CoCP (REP6-067) and associated management plans. With the identified mitigation in place no aspect of the Transmission Assets would affect the protected characteristics of anyone in the community.

15 Traffic and Transport

15.1 Overview of approach to assessment to Traffic and Transport and the extent of likely significant effects assessed

15.1.1.1 Potential impacts to Traffic and Transport receptors are presented within Volume 3, Chapter 7: Traffic and Transport (APP-108). The Traffic and Transport chapter complies with NPS EN-1 by determining and mitigating the likely impacts and effects on the highway network.

15.1.1.2 The assessment considers all relevant potential transport impacts during the construction phase of the onshore and intertidal elements of the Transmission Assets including disturbance (effects) from traffic and Abnormal Indivisible Loads (AILs). The study area for the assessment of traffic and transport has been established to include all relevant routes along the connecting transport network and associated sensitive receptors (EN-1 paragraphs 5.14.1 to 5.14.3).

15.1.1.3 The outline Construction traffic management plan (oCTMP) (REP6-113) contains a range of mitigation measures, prioritising demand management and only proposing infrastructure improvements where necessary to facilitate the safe and efficient movement of HGVs. The OCTMP also contains facilities for HGV parking and waiting. (EN-1 paragraphs 5.14.4, 5.14.9, 5.14.10, 5.14.11 to 5.14.16, 5.14.17).

15.1.1.4 Travel plan measures have been included within the OCTMP to introduce demand management for light vehicles and promote user travel options as an alternative to driving, decarbonise the movement of construction staff and seek to reduce the need for parking (EN-1 paragraph 5.14.7).

15.1.1.5 The application has been informed by comprehensive engagement with the relevant highway authorities (National Highways, Blackpool Borough Council and Lancashire County Council) both during pre-application and during the examination process (EN-1 paragraph 5.14.6).

15.1.1.6 Two detailed abnormal load studies (Abnormal Indivisible Load Study: Transformers (REP2-049) and Abnormal Indivisible Load Study: Cable drums (REP2-050)) were submitted by the Applicants at Deadline 2 (EN-1 paragraph 5.14.16).

15.1.1.7 The assessment also accords with relevant local planning and highways policy for administration areas affected by the Transmission Assets.

15.1.1.8 The assessment scoped in the construction of the onshore elements of the transmission assets and the impacts resulting from increases in HGV and Light vehicle flows on the highway network. Operation and maintenance of onshore elements of the transmission assets were scoped out due to the very low traffic demand (as has the construction, operation and maintenance of the offshore elements of the Transmission Assets.

15.1.1.9 The assessment has considered the potential impacts of the Project in relation to driver delay, severance, non-motorised user delay, fear and intimidation, road safety and abnormal loads.

15.1.1.10 With the application of embedded and secondary mitigation to control construction routes and access, the hours of construction traffic movement and restrict movement on sensitive routes, the assessment concludes that the residual effects would not be significant in EIA terms. The summary of this assessment can be found in [APP-108] F3.7 Volume 3, Chapter 7: Traffic and transport **Table 7.43**.

15.1.1.11 An outline Construction Traffic Management Plan (oCTMP) (APP-211) and outline Highway Access Management Plan (oHAMP) (APP-213) were submitted in support of the DCO application. These plans have been updated and revised throughout the examination in response to extensive engagement with the highway authorities. Final versions of the oHAMP (REP6-117) and oOCTMP (J5/F06) were submitted at Deadline 6 and Deadline 7 respectively.

15.1.1.12 The aims of the oCTMP (REP6-113) are to set out the processes to manage, monitor and control the movement of construction traffic to ensure that the effects of the Transmission Assets' construction traffic are not significant. The oHAMP (REP6-117) presents the details and preliminary access designs for the accesses and haul road crossings and outlines the processes for securing approval of their detailed design post determination.

15.1.1.13 The requirement to agree the final detailed CTMP and HAMPs with the relevant highway authorities is secured by Requirements 9 and 10 of Schedules 2A and 2B of the draft DCO (REP6-013).

15.1.1.14 The principal issues raised during Examination in relation to Traffic and Transport were:

- Construction traffic generation and increased vehicle movements; concerns relating impacts on the strategic highway network and the local highway network.
- Phasing and timing of works; how this informed the assessment and how the associated timing of traffic demand would be controlled.
- Suitability of access strategy; request for significant detail in relation to the outline Highway Access Management Plan designs for accesses and crossing point submitted for Transmission Assets and how HGVs would safely negotiate the narrow 'last leg' routes that serve the Transmission Assets.
- Effects on recreational routes, such as Public Rights of Way (PRoWs); concerns were raised with the interaction of PRoW users and construction traffic at the Guild Wheel overbridge crossing of the A583, Starr Gate and the adjoining boat ramp/slipway and the Change Request Access from Lytham St Annes Way.
- Road Closures and Safety and access for emergency vehicles; concerns were raised that roadworks and traffic management

delays could impact local communities and businesses and impact on road safety.

- Abnormal Indivisible Load routes; Concerns were raised with regard to the suitability of some routes and structures to accommodate abnormal load deliveries
- Regarding other matters, clarifications were requested on the Cumulative Effects Assessment, the OCTMP and the approach to managing highway condition.

15.1.1.15 These matters are discussed below and have been substantially agreed as set out in the Statements of Common Ground with both National Highways (S_D1_6.9/F04) and Lancashire County Council (S_D1_6.1/F05).

15.2 Construction traffic generation and increased vehicle movements

15.2.1.1 To inform the Traffic and Transport assessment the Applicants undertook a comprehensive data collection exercise including capturing of baseline traffic flows, speeds, identification of sensitive receptors and collisions for all highway links within Blackpool Council, Lancashire County Council and National Highways administration areas. In total, data for 91 highway links was collected covering over 155 km of highway network.

15.2.1.2 At the request of LCC, further detailed data has been captured during the Examination relating to non-motorised users and highway geometry.

15.2.1.3 The data collection exercise has ensured the assessment of all potential impacts is comprehensive, and the resultant conclusion of no significant effects is robust. A comprehensive suite of mitigation and management measures are secured in the oCTMP (REP6-113) in support of the assessment conclusion.

15.2.1.4 Specific matters relating to the construction traffic generation and increased vehicle movements are discussed under the following principal matter headings.

15.3 Construction phasing and timetable

15.3.1.1 The assessment presented in the Traffic and Transport chapter (APP-108) has been undertaken on the basis of the worst case for traffic and transport, i.e. the peak demand and Morecambe and Morgan constructed concurrently (the Concurrent Construction Scenario). This results in the highest volumes of traffic and as such the greatest potential for magnitude of change.

15.3.1.2 The assessment concludes that residual effects are no greater than minor adverse, i.e. not significant in EIA terms. It should also be noted that no reduction has been applied to the significance of effect to account for the temporary nature of the Project. Whilst the Applicant acknowledges that the Sequential Scenario will result in effects occurring over a longer period, the volume of traffic (and therefore

magnitude of impacts) will be less. The assessment complies with all relevant traffic and transport guidance.

15.3.1.3 F3.7.5 Volume 3, Annex 7.5: Construction trip generation assumptions (APP115) contains the traffic derivation that has informed the traffic and transport maximum design scenario which in turn, has informed the assessment contained in the Traffic and transport chapter (APP108). With reference to APP-115, page 45 to page 76 (Morgan monthly vehicle movements) and page 115 to page 146 (Morecambe monthly vehicle movements) the basis for the daily traffic derivation was a 22 day month (equating to 5.5 day week) which aligns with the outline Code of construction practice (oCoCP) and requirement 14 of Schedules 2A and 2B of the draft DCO (REP6-013).

15.3.1.4 The oCTMP contains a range of measures to ensure that employee and HGV movements comply with the stated hours of work.

15.4 Suitability of access strategy

15.4.1.1 An access strategy has been developed to reduce the requirement for construction traffic to travel via local roads and instead prioritise the use of motorways and A and B roads (in line with the functional road hierarchy) for the movement of construction traffic where possible. To facilitate this strategy the Applicants have made a commitment to the use of a temporary haul roads as set out in CoT24, REP6-042 and secured by Requirement 9 of the draft DCO (REP6-013), thereby reducing the requirement for construction traffic to avoid travel via the local road network and where possible avoiding sensitive communities.

15.4.1.2 Throughout the Examination, comments relating to the access strategy have been raised by the relevant highway authorities, (Lancashire County Council, Blackpool Borough Council and National Highways) as well as Fylde District Council and other interested parties. The Applicants have hosted multiple meetings with the three highway authorities and discussions have been collaborative. The following sections provide a summary of the key themes that have been discussed and resolved.

15.4.2 Accesses

15.4.2.1 The Lancashire County Council Relevant Representation (RR-1262) and Local Impact Report (REP1-085) raised concerns with the outline approach to accesses and crossings and requested amendments. Specific details were also raised by people with land interests in relation to certain accesses.

15.4.2.2 Prior to the submission of the DCO application, extensive work was undertaken by the Applicants to produce bespoke individual outline designs for all accesses and crossings. These outline designs were contained within the outline Highway Access Management Plan (oHAMP) (AS-052) and included details of critical geometry (informed by swept path analysis), extents of visibility (informed by speed surveys) and provision for non-motorised users.

15.4.2.3 It should be noted that the level of detail submitted in support of the Transmission Assets is greater than has been accepted by the Secretary of State for other recently consented DCO projects (examples include: Norfolk Vanguard Offshore Wind Farm, Norfolk Boreas Offshore Wind Farm, Hornsea Three Offshore Wind Farm, Hornsea Four Offshore Wind Farm, Rampion 2 Offshore Wind Farm, Sheringham and Dudgeon Extension Projects and Awel y Mor Offshore Wind Farm). Notably for these projects, the applicants presented general outline concept plans for most accesses and crossings only (i.e. generally not location specific), with the agreement that the designs could be micro sited and developed post consent. This contrasts with the application for the Transmission Assets where bespoke designs for each access point and crossing location were provided at application and have been further progressed and resultantly, subject to a high level of detailed scrutiny.

15.4.2.4 Through the Examination (R.R-1262, Rep1-085, REP3-084, REP4-136, REP5-174, REP6-188 and ten technical meetings spanning June to October) LCC requested additional detail and amendments to access and crossing designs. The Applicants discussed LCCs comments and provided clarifications in regard to the expected levels of vehicle use of the accesses and crossings.

15.4.2.5 Whist the Applicants have maintained the position that the level of detail requested by LCC is not typically provided predetermination (typically provided at the detailed design stage), the Applicants agreed to work with LCC to try and address their concerns and provide additional details and refinements through the Examination (e.g. sign locations).

15.4.2.6 Access design detail (including those related to the change request (CR1-001)) has been discussed with LCC via a series of workshops and the parties agreed minor revisions to the oHAMP (REP6-117) to address all concerns. The Applicants note that the matter of accesses is agreed with LCC as reflected in the Deadline 7 SoCG (S_D1_6.1/F05).

15.4.2.7 The requirement to agree the final design of accesses and crossings with LCC is secured by Requirement 10 of the draft DCO (REP6-013). These final designs will also be subject to an independent road safety audit.

15.4.3 HGV routes

15.4.3.1 Within the Local Impact Reports for Lancashire County Council (REP1-085), Fylde Council (REP1-078) and Blackpool Borough Council (REP1-06), concerns were raised with regard to the suitability of some routes for HGVs (referred to as ‘last leg’ links). The interested parties noted that the use of these routes could lead to the potential for conflict, damage to the highway and impacts upon non-motorised users. These concerns were also raised by the other interested parties through Written Representations.

15.4.3.2 The oCTMP was revised at Deadline 2 (REP2-016, updated at Deadline 6 (REP6-113) in response to these comments to include

specific commitments to the implementation of a range of measures to manage the passage of HGV traffic along these last leg links.

15.4.3.3 The oCTMP set out a range of measures (such as passing places, road widening, escort vehicles, etc.) that could be adopted and agreed with the highway authorities to accommodate the passage of HGVs as part of preparing the final detailed CTMPs. This approach was adopted noting that it is not untypical for large linear projects (e.g. road schemes, transmission infrastructure, pipelines, etc.) to require temporary HGV access via narrower roads and there are established industry tried and tested measures to address the effects of HGVs in these circumstances (such as those set out in the oCTMP at Deadline 2).

15.4.3.4 The Applicants highlighted that the deferring detailed mitigation strategy approach has been accepted for similar projects such as, Dogger Bank A and B Offshore Wind Farms in the East Riding of Yorkshire, Triton Knoll Offshore Wind Farm in Lincolnshire, East Anglia One and Two offshore wind farms in Suffolk and Norfolk Vanguard and Boreas offshore wind farms and Hornsea Three Offshore Wind Farm in Norfolk (the later three of which are currently under construction). For these locations the commitment to agree an implement a range of measures post consent from a suite outlined in the oCTMP was accepted by the local highway authority and the Secretary of State.

15.4.3.5 Throughout the Examination, the Applicants have reiterated that consideration must be given to existing levels of use by HGVs and other large vehicles, such as buses. Notably, across the UK (and within Lancashire) roads can be observed that are of constrained width that are designated within the upper tiers of the functional road hierarchy (e.g. A and B roads) and are attracting varying levels of HGV traffic. In this regard it is evident that width constraints do not necessarily lead to functionality or road safety concerns, and a range of factors contribute to the satisfactory operation of these roads (e.g. speeds, frequency of bends, volume of heavy or large vehicles).

15.4.3.6 The Applicants have included a suite of mitigation measures within the oCTMP. It was and remains the Applicants' position that these measures are appropriate and industry proved (across multiple DCO projects for offshore wind farms and other linear projects) and could have been developed into detailed link specific mitigation strategies as part of the final detailed CTMPs in agreement with LCC (as secured by Requirement 9 of Schedules 2A and 2B of the draft DCO (REP6-013).

15.4.3.7 To provide further assurance to LCC, the Applicants submitted a detailed technical note and supporting plans to LCC following Deadline 4. This note collated all the detail requested by LCC (e.g. carriageway widths, traffic flows, non-motorised user flows) and satisfied the review criteria provided within LCC's Local Impact Report (REP1-085). In summary, this note outlined that mitigation measures are deliverable for all routes under discussion.

15.4.3.8 The Applicants have provided clarifications to LCC in regard to the proposed and existing levels of use of the last leg links (including Non-

motorised users), as well as critical width measurements. LCC also required link specific detail supported by swept path analysis at agreed locations.

15.4.3.9 Whist the Applicants have maintained the position that the level of detail requested by LCC is not typically provided pre-determination (typically provided at the detailed design stage), the Applicants agreed to work with LCC to try and address their concerns and provide additional details and refinements through the Examination.

15.4.3.10 To support these discussions the Applicants undertook selective swept path analysis as agreed with LCC to progress discussions and facilitate agreement on the deliverability of measures. Of the 16 links originally identified by LCC as a concern, the Applicants note that agreements in principle have been reached on all routes (as confirmed in the SoCG submitted at Deadline 7 (S_D1_6.1/F05)).

15.4.3.11 The parties have agreed strategies that are deliverable to manage the passage of HGVs via all links. A description of these link specific mitigation strategies (and graphical figure) was included within an update to the oCTMP at Deadline 6.

15.4.3.12 The Applicants note that the matter of last leg links has been agreed with LCC as confirmed in the Deadline 7 SoCG (S_D1_6.1/F05).

15.4.3.13 The Applicants would note that the final link specific mitigation measures agreed with LCC and captured within the oCTMP (REP6-113) at Deadline 6 have been informed by the range of measures that were included at Deadline 2.

15.4.3.14 The requirement to agree the final design of highway mitigation measures with LCC is secured by Requirement 9 of Schedules 2A and 2B of the draft DCO (REP6-013). These final designs will also be subject to an independent road safety audit.

15.5 Effects on recreational routes, such as PRoWs

15.5.1 Guild Wheel

15.5.1.1 Lancashire County Council and Fylde Council identified concerns within their Local Impact Reports with regard to the suitability of HGVs passing along the Guild Wheel cycle route. These concerns were also raised by other interested parties through Relevant Representations.

15.5.1.2 The Applicants acknowledged that there is the potential for users of the Guild Wheel to interact with construction traffic at the crossing of the A583 on the overbridge (which forms part of the Guild Wheel). Due to the width of the existing overbridge, it is not possible for two vehicles to pass, nor for users of the Guild Wheel to safely pass oncoming vehicles for a short distance (approx. 175m).

15.5.1.3 Through initial conversations LCC advised that they were willing to consider mitigation options for the use of this route. In response, the Applicants developed a comprehensive package of mitigation measures within an update to the oCTMP at Deadline 2 to manage the potential risk of the limited numbers of HGVs.

15.5.1.4 Despite the commitment to a comprehensive package of mitigation and confirmation of the limited numbers of vehicles, at Deadline 4, LCC continued to object to the use of this route. Whilst the Applicants note that it is not uncommon for construction projects to manage interactions with non-motorised users, the Applicants noted LCCs continued strong opposition to this route. The Applicants therefore developed an alternative access strategy, allowing the removal of the access over the Guild Wheel.

15.5.2 Starr Gate

15.5.2.1 Concerns were raised with regard to the proposed use of Starr Gate and the adjoining boat ramp/slipway (down to the beach) by Blackpool Borough Council (BBC) within their Local Impact Report (REP1-068).

15.5.2.2 Through initial dialogue with BBC, the Applicants were able to provide clarifications that access would be infrequent for boat launches and only required by light vehicles (e.g. a 4x4 towing a trailer). No HGVs would be permitted to access via Starr Gate. This type and level of use is compatible with the existing use of Starr Gate and the boat ramp. The Applicants agreed the form of use would be captured within updates to the outline Highway Access Management Plan (oHAMP) (REP6-113) and outline Construction Traffic Management Plan (oCTMP) (REP6-116).

15.5.2.3 Whilst the proposed use of Starr Gate and the boat ramp is no different to its current use, the Applicants also agreed with BBC to include commitments to manage the potential for any conflict on the boat ramp and Starr Gate through the use of a banksperson. The banksperson would be responsible for managing traffic and non-motorised users to ensure that the boat can traverse down the ramp.

15.5.2.4 Following these additions to the oCTMP and oHAMP the parties were largely agreed with BBC on traffic matters, however, BBC have continued to raise concerns in relation to the extent of the DCO TP powers which the Applicants are seeking in order to take access to the Landfall site via Starr Gate. The Applicants and BBC have had a difference in legal opinion in relation to the temporary possession powers sought in relation to the land plots at Starr Gate. Despite this, the Applicants and BBC have reached an agreed way forward. BBC has recently adopted as public highway more of the Starr Gate access all the way up to the boat ramp. For land plots which are public highway, the Applicants do not consider they will need to exercise any TP 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 TP powers over any plots at Starr Gate which are public highway. Row BBC.TT.11 of the BBC SoCG (S_D3_6.2/F05) submitted at Deadline 7 confirms that, with regards to traffic and transport matters, the position in relation to Starr Gate is now agreed.

15.5.3 Change Request Access from Lytham St Annes Way

15.5.3.1 Following the opening of the Lytham St Annes Way, the Applicants identified a need to relocate temporary and permanent accesses (TAT_MGMC_9A and OAR_MG_10 on the Access to Works Plan (B11/F04)) in order to align those accesses to the final constructed layout of Lytham St Annes Way (Change 1a and 1b). As part of this relocation of accesses, the Applicants also identified the potential to reduce the impacts on an existing land use through the provision of an alternative point of access to the east of Lytham St Annes Way. Change 1c therefore proposed the provision of a new construction access for both Morgan OWL and Morecambe OWL to the east of the Lytham St Annes Way within the existing Order limits (access 9b within the outline Highway Access Management Plan (REP6-117).

15.5.3.2 This access aligns with an existing field access that also forms part of a PRoW. To avoid the potential for conflict between construction traffic and users of the PRoW, the access design has been developed to allow construction traffic and users of the PRoW to be segregated.

15.5.3.3 The matter of access design detail (including those related to the change request (CR1-001)) has been discussed with LCC via a series of workshops and the parties agreed that the designs included within the oHAMP (REP6-117) are acceptable (as confirmed in the LCC SoCG (S_D1_6.1/F05) submitted at Deadline 7).

15.5.3.4 The requirement to agree the final design of accesses and crossings is secured by Requirement 10 of Schedules 2A and 2B of the draft DCO (REP6-013). These final designs will also be subject to an independent road safety audit.

15.6 Road Closures and Safety and access for emergency vehicles

15.6.1.1 One of the principal issues identified by the ExA was ‘safety and access for emergency vehicles’. Concerns were raised with regard to the proposed impacts of additional construction traffic, suitability of accesses and road closures on emergency services by interested parties through Relevant Representations. No specific comments or concerns were however raised by the emergency services. Concerns were also raised more generally within the Local Impact Reports for Lancashire County Council (REP1-085), Fylde Council (REP1-078) and Blackpool Borough Council (REP1-068) with regard to the requirement for roads to be closed. Stakeholders noted concerns such as delays to road users and impacts upon businesses as well as emergency services. These concerns were also raised by other interested parties through Relevant Representations.

15.6.1.2 Potential impacts to Traffic and Transport receptors are addressed within Volume 3, Chapter 7: Traffic and Transport (APP-108) in accordance with the relevant IEMA guidelines (The Environmental Assessment of Traffic and Movement, IEMA (2023)).

15.6.1.3 The IEMA guidelines set out the process for assessing driver delay for all road users (including emergency vehicles). With regard to changes in traffic, the salient traffic and transport guidance identifies that delays to road users are only likely to be significant when traffic on the network surrounding the development is already at, or close to capacity of the system.

15.6.1.4 National Highways apply the threshold that vehicle movements of less than 30 per hour would create negligible impacts upon highway capacity and the operation of junctions/ highways. The Traffic and Transport chapter shows that during the most sensitive periods (network peak hours) movements through the local and strategic network are typically no greater than 30 trips an hour, with a peak of 33. On this basis the impacts upon all road users (including emergency services) was assessed to not be significant.

15.6.1.5 To ensure that access via the highway network can be maintained for all road users, including emergency services, significant commitments have been made by the Applicants to the use of trenchless installation techniques, such as Horizontal Directional Drilling (HDD) to minimise disruption to all A, B and Classified roads (with the exception of Leach Lane) and railways proposed to be crossed by the Transmission Assets (see CoT02 in REP6-042).

15.6.1.6 With regard to Leach Lane, the Applicants have committed to maintaining access, with works completed on a 'half / half basis' with traffic to be controlled through the use of temporary traffic management, such as traffic signals, as such access would be maintained at all times including for emergency services. The approach to managing highway crossings is outlined in Section 1.8 of the oCTMP (REP6-113). The requirement to produce the detailed CTMP(s) in accordance with the oCTMP, in agreement with the relevant highway authority, is secured by Requirement 9 of Schedules 2A and 2B of the draft DCO (REP6-013). The Applicants note that the scope of the oCTMP with respect to this matter, has been agreed with LCC.

15.7 Abnormal Indivisible Load routes

15.7.1.1 Concerns were raised with regard to the suitability of some routes and structures to accommodate abnormal load deliveries within the Local Impact Report for LCC and BBC as well as Relevant Representations from National Highways. These concerns were also raised by other interested parties through Relevant Representations.

15.7.1.2 Wynns (consulting engineers specialising in the movement of abnormal loads) were appointed by the Applicants to assess the impact of moving the special-order abnormal loads for the Transmission Assets transformers and non-special order abnormal loads for the Transmission Assets cable drums.

15.7.1.3 Two abnormal load studies (Abnormal Indivisible Load Study: Transformers (REP2-049) and Abnormal Indivisible Load Study: Cable drums (REP2-050)) were submitted by the Applicants at Deadline 2. These studies outlined that (based upon Wynns' industry knowledge)

the non-special-order abnormal loads (such as cable drums) would approach from a suitable port via the M6 which is a designated abnormal load route.

15.7.1.4 In line with National Highways Water Preferred Policy, Wynns have identified the nearest facilities to import the special-order abnormal loads by water along the River Ribble to Preston Marina. The abnormal load studies note that this route was recently used by National Grid to import 200 tonne transformers (special order loads) from Preston Marina to Penwortham in 2024.

15.7.1.5 In support of the abnormal load studies, Wynns submitted notifications for the movement of both transformers and cable drums to National Highways who consulted with LCC and Network Rail and no concerns in regard to structural clearance were advised. Wynns have also checked all routes for geometry and confirmed that the routes are negotiable, with typical temporary accommodation works for the larger special order abnormal loads (e.g. temporary relocation of signs, trimming of trees, etc). These types of measures are common for the movement of abnormal loads and many items of street furniture are installed in 'sockets' allowing for quick removal and reinstallation.

15.7.1.6 The requirement to agree the movements of abnormal loads with the highway stakeholders is captures in the oCTMP and is secured by Requirement 9 of Schedules 2A and 2B of the draft DCO (REP6-013). Notably, the movement of abnormal loads is consented by National Highways on behalf of the Secretary of State for Transport through the ESDAL (Electronic Service Delivery for Abnormal Loads) process. Subject to the award of DCO consent, prior to the movement of any abnormal load hauliers will be required to apply for permissions for the movement of any abnormal load via ESDAL.

15.7.1.7 The ESDAL notifications are issued to the relevant highway authorities, police and Network Rail to understand based upon the route and vehicle parameters what accommodations may be required, e.g. delivery hours, police escort requirements, asset protection etc.

15.7.1.8 The Applicants note that the matter of AIL movements has been agreed with National Highways and LCC as set out in their respective SoCG (see REP6-131 and S_D1_6.1/F05).

15.8 Other matters raised

15.8.1 Cumulative Effects Assessment

15.8.1.1 Concerns were raised with regard to the potential for cumulative effects with other schemes within the Local Impact Report for LLC and BBC as well as Relevant Representations from National Highways. These concerns were also raised by other interested parties through Relevant Representations.

15.8.1.2 The Applicants undertook a detailed Cumulative Effects Assessment based upon the outputs of the screening exercise detailed in Volume 1,

Annex 5.5: Cumulative screening matrix and location plan (APP-039) for a future year of 2027.

15.8.1.3 The cumulative screening matrix has been updated throughout the examination at Deadline 1 (REP1-020) and Deadline 5 (REP5-028) to capture any project updates and relevant applications submitted since August 2024 (when the list was finalised for submission).

15.8.1.4 The screened in cumulative sites have been assessed to determine the developments that will generate material traffic and therefore have the potential for cumulative effects with the Transmission Assets. The traffic forecasts from these projects plus the Transmission Assets have been assessed against 2027 baseline flows to determine the magnitude of impact (as set out in Table 7.38 of APP-108).

15.8.1.5 The findings have also been evaluated in light of the updated cumulative screening matrix. Overall, has been concluded that there would be no significant cumulative effects arising from the Transmission Assets, plus the screened in cumulative projects. In addition to the consideration of cumulative schemes, baseline traffic flows have also been growth-ed to 2027 reference year by the application of the DfT Trip End Model Presentation Programme (TEMPRo) factors. The model derives growth factors at a local level to forecast increases in traffic due to forecast growth in housing and businesses.

15.8.1.6 Through discussions with National Highways, the Applicants have also provided further detailed clarifications upon a number of significant projects of interest to National Highways and how these are considered as part of the CEA. In addition to these clarifications, the Applicants also discussed and agreed with National Highways the establishment of a Transport Working Group (TWG) to manage cumulative projects. The scope of the TWG is presented in the oCTMP but in summary allows developers to discuss matters and coordinate traffic demand with the aim of minimising disruption where practicable.

15.8.1.7 This approach to coordination with other developers through the establishment of a TWG has been discussed and agreed with LCC and National Highways (see REP6-131 and S_D1_6.1/F05).

15.8.2 Outline Construction Traffic Management Plan (oCTMP)

15.8.2.1 Concerns were raised with regard to the scope of the oCTMP submitted with the DCO application by LCC and BBC within their Local Impact Reports as well as Relevant Representations from National Highways.

15.8.2.2 The Applicants progressed extensive updates to the oCTMP at Deadline 2 following comments from LCC, National Highways and BBC. Minor updates have then been progressed at D4, D5, D6 and D7 in response to comments from LCC and National Highways.

15.8.2.3 Key matters addressed and agreed include:

- The applicants would provide funding to LCC as Lead Highways Authority (LHA) via a Planning Performance Agreement, for the provision of a Morgan and Morecambe Highways Support Officer (M&MHSO). The funding will be sufficient to support a LCC

highways post, for the duration of construction of the projects. The M&MHSO will address the requirement for ongoing collaborative work, required to ensure the best management and successful delivery of projects in line with the CTMP. Whilst the applicants have acknowledged the requirement for the above role, there is currently disagreement with the mechanism for securing and level of funding to be provided.

- Details of highway condition measures and responsibilities, including the commitment to fund a Morgan and Morecambe Highway Support Officer for LCC to monitor the construction impacts of the project, (including the Development), in so far as they relate to the Local Highway Network for the duration of construction
- Details on HGV waiting areas and local holding locations.
- Details of escalation of enforcement processes and identification of non-compliances.
- Link specific last leg mitigation.
- Introduction of a Transport Working Group to manage cumulative impacts with other projects.

15.8.2.4 National Highways have confirmed that all matters are agreed.

15.8.2.5 LCC have confirmed that all matters material to the management of construction traffic impacts are agreed, however, there remains disagreement with regard to the funding mechanisms for the M&MHSO.

15.8.2.6 The Applicants are confident that all matters raised during the extensive engagement with LCC have been addressed. The Applicants would also reiterate that the requirement to agree the final detailed CTMP and with the relevant highway authorities is secured by Requirements of the draft DCO (REP6-013).

15.8.3 Highway Condition

15.8.3.1 Within the Local Impact Report for LCC and BBC concerns were raised with regard to the potential for the Transmission Assets construction traffic to adversely impact upon the condition of the highway, e.g. additional traffic leading to damage to the road surface. These concerns were also raised by other interested parties through Relevant Representations.

15.8.3.2 In response the Applicants have engaged with LCC via a series of workshops to refine the scope of the highway condition management measures from that presented within the initial oCTMP (APP-211).

15.8.3.3 The final oCTMP (REP6-113) includes commitments to undertaking condition surveys of key routes prior to the commencement of construction to establish if there would be a requirement for preventative maintenance, e.g. works to repair/strengthen the highway in advance of the construction. The surveys would also provide a record

of the condition of the highway, including footways, verges, etc prior to commencement.

15.8.3.4 Where preventative measures are required, the oCTMP outlines that these would be either delivered by the Transmission Assets Contractor(s) or a financial contribution made to the relevant highway authority to deliver the works.

15.8.3.5 In addition to the delivery of preventative maintenance at critical locations, the oCTMP also outlines that once construction activities have ceased the condition surveys would be repeated to identify any significant changes in highway condition attributable to the Transmission Assets.

15.8.3.6 Following the agreement of the damages, the oCTMP outlines that a remediation strategy will be discussed with the relevant highway authorities. This would either include a proportionate financial contribution being made to the highway authorities to cover the cost of remedial works or the Contractor(s) for the Transmission Assets undertaking the repairs.

15.8.3.7 In support of the highway condition measures, the Applicants have agreed to fund (via a PPA) a Morgan and Morecambe Highway Support Officer for LCC to monitor the construction impacts of the project, (including the Development), in so far as they relate to the Local Highway Network for the duration of construction. The full scope of the outline measures developed and agreed with LCC is contained within the oCTMP (J5/F06).

15.8.3.8 Subject to the award of DCO consent, the final approach to managing highway condition would be agreed with the relevant highway authorities as part of developing the detailed CTMPs (which is secured by Requirement 9 of Schedules 2A and 2B of the draft DCO (REP6-013)).

15.9 Conclusion

15.9.1.1 The Applicants have submitted an evidence based and robust assessment of the Transmission Assets of the effect upon traffic and transport within the Traffic and transport chapter (APP-108).

15.9.1.2 The assessment concludes that with the application of mitigation measures (secured within the oCTMP and oHAMP) that the residual effects would not be significant in EIA terms.

15.9.1.3 Throughout the Examination, the Applicants have worked collaboratively with key highway stakeholders to provide additional clarifications and commitments. As set out under the principal matters, substantial technical detail has been provided to LCC to provide the assurance that the access strategy will not lead to significant environmental impacts. The Applicants' position remains that there are adequate provisions in the DCO to address matters of detail post determination. Notwithstanding, the Applicants' have adopted a collaborative approach that has resulted in:

- All matters have been agreed with National Highways (as detailed within the final SoCG (REP6-131)).
- LCC have confirmed that all matters material to the mitigation of construction traffic impacts are agreed, however, there remains disagreement with regard to the funding mechanisms for a Morgan & Morecambe Highway Support Officer (as confirmed in the final SoCG submitted at Deadline 7 (S_D1_6.1/F05)).
- All matters have been agreed with BBC relating to traffic and transport (as detailed within the final SoCG (REP6-143)).

15.9.1.4 The Applicants assert that the Transmission Assets accords with the aims of NPS EN-1 and in accordance with paragraph 5.14.21 of NPS EN-1 there would not be significant impacts on highway safety or severe cumulative impacts and as such no basis for the Secretary of State to refuse consent.

16 Legislative and Planning Context

16.1.1.1 The Planning Statement (J28/F03) sets out in detail the background to and the context of the Transmission Assets, as well as the legal and policy framework it must be assessed against. The following sections provide a summary of how the Transmission Assets comply with that legal and policy framework.

16.2 Section 104 of the Planning Act 2008

16.2.1.1 Further to a section 35 direction (APP-229), the Secretary of State for the Department for Business, Energy and Industrial Strategy directed that the Transmission Assets are to be treated as development for which development consent is required under the Planning Act 2008.

16.2.1.2 In response to questions raised by the ExA at Issue Specific Hearing 1, the Applicants updated the Planning Statement at Deadline 1 to confirm that this Application should be determined in accordance with section 104 of the Planning Act 2008.

16.2.1.3 Section 104 of the Planning Act 2008 sets out that in determining a DCO application, the Secretary of State must take into account any relevant National Policy Statement (NPS), any appropriate Marine Policy Statement, any local impact reports, any matters prescribed in relation to the development and any matters the Secretary of State considers important and relevant.

16.2.1.4 Section 104(3) of the Planning Act 2008 further makes it clear that the fundamental test to be applied in the decision-making process is whether, on balance, the Transmission Assets are in accordance with the relevant NPSs, which are the overarching NPS for Energy (NPS EN-1), the NPS for Renewable Energy Infrastructure (NPS –EN-3) and the NPS for Electricity Networks Infrastructure (NPS EN-5). Section 3.4.6 of the Planning Statement notes that DESNZ published a consultation on revisions to these NPS between 24 April and 29 May 2025. The Planning Statement confirms that the January 2024 NPSs remain the relevant government policy in regard to the determination of the Transmission Assets, but that the draft NPSs may be a material consideration for the ExA (with more detail on these updates provided in the Planning Statement). The Applicants have confirmed that the consultation draft NPSs do not change the policy in the extant NPS for the purposes of determination of the Transmission Assets application.

16.2.1.5 In addition, the Secretary of State is required to have regard to matters which are important and relevant to the decision. As required by the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017, the Transmission Assets have been subject to EIA as reported in the Environmental Statement. This document reports the application of the mitigation hierarchy and the identification of any significant adverse residual effects. Section 6.3 of the Planning Statement provides a summary of these impacts within the context of the application and how these have been taken into account with the planning balance.

16.2.1.6 Finally, the Applicants recognise that additional consents and licences will be required in order to implement the Transmission Assets. These are identified in the Applicants' Consent and Licences document (J27/F04). The Applicants are not aware of any reason why any of those consents and licences should be withheld.

16.2.1.7 As set out below and in the Planning Statement (as supplemented by the National Policy Statement Tracker (J26/F02) the Transmission Assets accord with the requirements of section 104.

16.3 Transmission Assets: Project Need

16.3.1.1 Part 3 of NPS EN-1(Department for Energy Security and Net Zero, 2024a) outlines the urgent need for all types of energy infrastructure in order to achieve energy security and dramatically reduce GHG emissions (see paragraphs 3.1.1 and 3.3.63 of NPS EN-1).

16.3.1.2 NPS EN-1 confirms that the Transmission Assets, which are inherently necessary to the delivery of two offshore wind farms, are in themselves Critical National Priority Infrastructure (CNPI) and should be considered on the basis that the Government has demonstrated that there is a need for renewable energy infrastructure, that the scale of the need is significantly in excess of what is currently being promoted and that the need for renewable energy is urgent (paragraphs 3.1.1, 3.2.6 and 3.5.58 of NPS EN-1).

16.3.1.3 Accordingly, substantial weight must be given to the contribution which the Transmission Assets would make towards satisfying this urgent need (paragraph 3.2.7 of NPS EN-1). As the Transmission Assets are CNPI and deliver the new clean energy generation for two Nationally Significant Infrastructure Projects (the Morgan and Morecambe Offshore wind projects) with a combined capacity of almost 2 GW, the Applicants consider this should be given due weight in considering both the urgency of the need and the positive weight to be applied.

16.3.1.4 This need is further confirmed in wider international and national governmental obligations and objectives relating to low carbon electricity generation, climate change and the economy including the UK Climate Change Act 2008, the CoP Glasgow Climate Pact 2021, the CoP 29 Global Renewables and Energy Efficiency Pledge (November 2024), the UK Government Energy Security Statement (April 2022) and the Clean Power 2030 Action Plan (2024). The Applicants note that the Clean Power 2030 Action plan highlights that 'successful delivery will require rapid deployment of new clean energy capacity across the whole of the UK' including delivery of 43-50 GW of offshore wind. The action plan also acknowledges that delivery of clean power by 2030 requires rapid delivery of the pipeline of existing infrastructure projects already at an advanced stage of planning and development, such as the Transmission Assets. Further, the Applicants note that the 7th carbon budget, released in February 2025, set a legally binding limit on greenhouse gas emissions for the period 2038-2042 to align with the UK's commitment to reach net-zero by 2050.

16.3.1.5 Whilst there is a general presumption in favour of consenting Nationally Significant Infrastructure Projects (NSIPs) based on the UK Government's assessment of the need for electricity generating capacity, the NPSs include a strengthened presumption specifically in relation to critical national priority (CNP) infrastructure. Paragraphs 3.3.62 and 4.2.4 of NPS EN-1 confirm that the Government "… has concluded that there is a critical national priority (CNP) for the provision of nationally significant low carbon infrastructure." The strengthened presumption in favour of CNP infrastructure also confirms that "where non-HRA or non-MCZ impacts remain after the mitigation hierarchy has been applied, these residual impacts are unlikely to outweigh the urgent need for this type of infrastructure" and "… in all but the most exceptional circumstances, it is unlikely that consent will be refused on the basis of these residual impacts." (paragraph 4.2.16).

16.3.1.6 NPS EN-5 sets out important considerations for electricity networks infrastructure, including consenting, siting and design considerations. Paragraph 2.7.3 of NPS EN-5 recognises that there may be circumstances in which a single application contains works relating to multiple generation projects and that this will be acceptable where those works meet the need set out in EN-1. Section 2.13 confirms policy support for a coordinated approach. As identified in the Planning Statement, the Transmission Assets are recognised as transmission and energy infrastructure within the scope of NPS EN-5 and considered as nationally significant in their own right, but also as a key element required in connection with offshore wind generation and are therefore of the type considered to be CNP infrastructure in EN-1.

16.3.1.7 Overall, as set out at paragraph 6.2 of the Planning Statement, the Transmission Assets deliver two Nationally Significant Infrastructure projects that:

- Deliver the types of energy infrastructure confirmed as needed in NPS EN-1, EN-3 and EN-5 in order for the UK to decarbonise its economy and achieve energy security and Net Zero
- Contribute substantially towards the recognised urgent need in the UK for new low carbon energy infrastructure 'to be brought forward as soon as possible' (NPS EN-1 paragraph 3.3.58)
- Contribute to the UK's part in meeting the revised recently agreed COP 28 Global Renewables and Energy Efficiency Pledge to triple the world's installed renewable energy generation capacity by 2030
- Contribute towards the British Energy Security Strategy's recently revised target of 50 GW of offshore wind by 2030 set out in the UK Government's 2022 Energy Security Statement
- Assist in meeting the UK Government's revised target in the Climate Change Act of 'net zero' greenhouse gas emissions for the year 2050 (i.e. to be 100% lower than the 1990 levels) in order to meet its obligations under international climate change agreements
- Make a significant contribution to the delivery of clean power by 2030 in accordance with the Clean Power 2030 Action Plan.

16.3.1.8 As summarised above and set out in detail in the Planning Statement, the need for the Transmission Assets and offshore wind in general is clearly supported by the NPSs and other identified material planning policy matters.

16.3.1.9 As noted in the Introduction of this closing statement, the Transmission Assets are required to connect two separate applications for the Morgan Offshore Wind Project Generation Assets and the Morecambe Offshore Windfarm Generation Assets to the National Grid. This joint application is the output of unprecedented collaboration between two commercially separate organisations, which accords with NPS EN-1 and EN-5 as it provides a co-ordinated approach to connections to the onshore transmission network, having consideration of strategic network design.

16.3.1.10 The Introduction sets out how the Transmission Assets have complied specifically with paragraph 3.3.71 of NPS EN-1 with regard to coordination. When operational the Transmission Assets will deliver almost 2 GW of installed renewable energy as generated by the corresponding Generation Assets, thereby making a substantial contribution to the delivery of the 50 GW of renewable energy that the UK Government is aiming to be provided by offshore wind by 2030.

16.4 Policy Compliance

16.4.1.1 The Planning Statement, as supplemented by the NPS Policy Tracker (J26/F02), NPPF Policy Tracker (APP-234), Local Planning Policy Tracker (J28.3/F03), Marine Policy Tracker (APP-235), together with these closing submissions in relation to each specific topic assessed in the Environmental Statement and the ExA's principal issues, set out a detailed assessment of the Transmission Assets against all relevant policy considerations. The Applicants also provided further details on their compliance with various policies in the Applicants' responses to questions from the ExA, including in REP3-056 (notably in response to questions 1.2.3, 3.1.5-3.1.7, 13.1.8, 14.1.6-14.1.9, 15.1.2-15.1.3), REP5-130 (notably in response to questions 2:1.1.6-2:1.1.7 (regarding CNP), 2:4.1.20 (regarding aviation policy), 2:5.1.11 and 2:6.2.6 (regarding biodiversity benefit), 2:12.1.7 (regarding open space), 2:15.1.5 (regarding tourism) and 2:17.1.2 regarding Green Belt)) and the following policy notes: REP4-092 (regarding Green Belt), REP5-133 and REP6-181 (regarding aviation), and a local tourism assessment (RE6-180).

16.4.1.2 The National Policy Statement Tracker (APP-231) in particular, confirms in detail how the Transmission Assets accord with NPS EN-1 and EN-3, and EN-5.

16.4.1.3 Section 3.4.9 of the Planning Statement (J28/F03) and the Local Planning Policy Tracker (J28.3/F02) confirm in detail how the Transmission Assets have complied with relevant local planning policies and emerging (and/or submitted) new local plans of which the Applicants were made aware during the Examination. Paragraph 1.3.10.1 of NPS EN-1 and the rule 6 Letter (PD-006) confirm that the

local planning policies are important and relevant, however, that they do not displace the primacy of the NPS.

16.4.1.4 The assessment in section 5 of the Planning Statement together with each topic specific section of this closing statement, demonstrates that the mitigation hierarchy has been followed and that where there are predicted impacts from the Transmission Assets, appropriate and proportionate mitigation measures are proposed.

16.4.1.5 In making decisions, NPS EN-1 paragraph 4.1.3 confirms that the decision maker should start with a presumption in favour of granting consent to applications for energy projects unless more specific policies set out in relevant NPSs clearly indicate that consent should be refused or the adverse impacts will outweigh the benefits, with paragraph 4.1.5 setting out that when weighing its adverse impacts against its benefits, the decision maker should take into account benefits including contribution to meeting the need for energy infrastructure, job creation and environmental enhancements; all of which the Transmission Assets provide.

16.4.1.6 The decision maker should weigh these benefits against potential adverse effect, whilst taking into account any measures to avoid, reduce, mitigate or compensate for any adverse impacts. Paragraphs 4.2.4 and 4.2.5 of NPS EN-1 also confirm that the Government "… has concluded that there is a CNP for the provision of nationally significant low carbon infrastructure" which includes offshore wind. Paragraph 4.2.7 of NPS EN-1 further concludes that this CNP policy should be applied during decision making following 'the normal consideration of the need case, the impacts of the project, and the application of the mitigation hierarchy'. It is relevant 'specifically in reference to any residual impacts that have been identified.'

16.4.1.7 As noted above, the Transmission Assets are CNP infrastructure in NPS EN-1 (being the transmission works for an essential part of low carbon energy projects and directed into the regime under section 35 of the Planning Act 2008). The Applicants have demonstrated how the mitigation hierarchy has been applied in the design of the Transmission Assets, and the applied mitigation that has been identified and secured through the draft DCO. The CNP infrastructure provision is intended to support projects that have followed appropriate planning and environmental processes and does not override those processes. The Applicants 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. The Secretary of State is entitled to consider the application as a whole and the CNP provision does not introduce a new separate or elevated test.

16.4.1.8 Section 6.2 of the Planning Statement (J28/F03) also summarises the wider benefits of the Transmission Assets, including wider economic and social impacts.

16.4.1.9 The Applicants are also committed to achieving overall biodiversity benefit for the Transmission Assets and have developed an approach for achieving this in the biodiversity benefit management plan (REP6-

095) as secured through requirement 26 in Schedules 2A and 2B of the draft DCO (REP6-013). Section 3.4 of the Planning Statement sets out that whilst there is no current mandatory requirement to deliver BNG, at the time of writing, it is anticipated that BNG for NSIPs will be introduced from May 2026. Therefore, the Applicants' approach reflects emerging best practice. In accordance with paragraph 4.6.2 of EN-1 the provision of biodiversity benefit should be given material weight by the Secretary of State given it is not a statutory requirement for the Transmission Assets.

16.4.1.10 The Environmental Statement and submissions made during Examination demonstrate that, where there are predicted impacts from the Transmission Assets, appropriate and proportionate mitigation measures are proposed and the mitigation hierarchy has been followed. Any residual effects are significantly outweighed by the benefits of the scheme and the CNP policy applies (with the Applicants having followed the mitigation hierarchy) to the delivery of the Transmission Assets.

16.5 Marine policy compliance

16.5.1.1 Section 3.4.7 of the Planning Statement sets out the relevant marine policy for the Transmission Assets.

16.5.1.2 It notes in particular the UK Marine Policy Statement (MPS) 2011 and the North West Inshore and North West Offshore Marine Plan 2021. The MPS provides that the following issues should be taken into account by decision makers when examining and determining applications for energy infrastructure:

- The national level of need for energy infrastructure, as set out in NPS EN-1;
- The positive wider environmental, societal and economic benefits of low carbon electricity generation and carbon capture and storage as key technologies for reducing carbon dioxide emissions; and
- The potential impact of inward investment in offshore wind, wave, tidal stream and tidal range energy related manufacturing and deployment activity; as well as the impact of associated employment opportunities on the regeneration of local and national economies. All of these activities support the objective of developing the UK's low carbon manufacturing capability (MPS, paragraph 3.3.4).

16.5.1.3 The MPS further recognises the role of offshore wind in meeting renewable energy and carbon emission targets and improving energy security.

16.5.1.4 Relevant policies of the UK Marine Policy Statement 2011 for the Transmission Assets are included and addressed in each of the relevant topic chapters of Volume 2 of the submitted ES (document reference F2) and an assessment of compliance with these is presented within Appendix 2 of the Planning Statement.

16.6 Policy conclusion

16.6.1.1 Overall, the Applicants submit that the Secretary of State can conclude that the proposed Transmission Assets:

- Accord with the requirements of section 104 of the Planning Act 2008
- Contribute to meeting renewable energy targets and providing energy security
- Assist in reducing carbon emissions
- Bring significant national, regional and local benefits that would outweigh any adverse impacts
- Comply with national and local planning and marine policy
- Should be delivered as critical national priority.

16.6.1.2 The Applicants further submit therefore that, under the terms of section 104 Planning Act 2009, consent for the Transmission Assets should be granted.

17 Compulsory Acquisition, Temporary Possessions and Other Land Rights

17.1 The need for and the amount of land, rights and powers proposed to be subject to Compulsory Acquisition and/or Temporary Possession

17.1.1.1 The draft DCO (REP 6-013) seeks powers of TP, and the power to compulsorily acquire land and rights that are required to carry out or to facilitate the construction, operation, maintenance and decommissioning of the Transmission Assets.

17.1.1.2 The Applicants have taken the cautious approach of seeking powers of CA, or TP, in respect of all plots of land required for the Transmission Assets. This approach is supported by paragraph 25 of the Department for Communities and Local Government (DCLG), Planning Act 2008: Guidance related to procedures for the CA of land (CA Guidance). These powers are needed in order to ensure that the Applicants are able to acquire the relevant interests in the Order Land which are required to deliver the scheme, in the event that (i) a voluntary land agreement in relation to any particular area of land, despite best efforts, cannot be reached; or (ii) any unidentified owner later asserts an interest in the Order land.

17.1.1.3 The Applicants acknowledge that reliance on powers of CA should be a last resort, and will continue to prioritise securing voluntary agreements with landowners. However, the Applicants maintain that the approach of seeking CA and TP powers across the Order Limits as set out above is endorsed by Sections 2.6.1 - 2.6.6 (inclusive) of NPS EN-5.

17.1.1.4 The relevant tests set out in Section 122 of the Planning Act 2008 (PA 2008) are met as the Applicants have demonstrated that: (1) all of the order land is either required for the Transmission Assets or is required to facilitate, or is incidental to the Transmission Assets; and (2) there is a compelling case in the public interest for the land to be acquired compulsorily in order to ensure the Transmission Assets can be delivered.

17.1.1.5 The Applicants are seeking TP powers over all of the Order Land to undertake the construction of the Transmission Assets. CA of permanent rights would then be secured over the area where the cables are laid, in addition to any areas required for access during the operational phase. Any land which is only required during the construction phase will therefore not be subject to any permanent CA of land or rights, this significantly reduces the extent of land over which those CA powers are needed.

17.1.1.6 CA of the freehold, rather than of rights in land, is only required in relation to the onshore substation sites and the associated permanent accesses for each of Morgan and Morecambe, land which is required for permanent environmental mitigation, and the biodiversity benefit areas. These are areas of land where the nature of the works involves a permanent change of land use where the Applicants will require full

control of the land on a permanent basis. In order to minimise disruption to landowners, the Applicants have sought to acquire permanent rights only along the entirety of the cable route, which means that the land along the cable corridor can return to its previous use (in most cases farming) post-construction alongside the adjacent areas of land which have been unaffected and where the existing use has continued.

17.1.1.7 As noted above, the Applicants acknowledge that freehold acquisition is sought for delivery of the biodiversity benefit areas. As explained at CAH3 (REP6-165), delivery of biodiversity benefit is voluntary, as this is not yet a statutory requirement for NSIPs. The Applicants note that delivery of biodiversity benefit is proposed in accordance with Section 4.6 of NPS EN-1, however this will only be delivered by the Applicants if the relevant land rights are secured, either through the use of CA powers if granted by the Secretary of State, or if a voluntary agreement can be achieved (noting that this is not yet secured, however the Applicants will continue to progress negotiations). Through amendments to Articles 20 and 22 of the draft DCO the Applicants have tied the extent of land to be acquired within the biodiversity benefits areas to the details approved in the Biodiversity Benefit Management Plan (J11/F07) secured by requirement 26 ensuring it meets the test of necessity.

17.2 Effects on those impacts by Compulsory Acquisition and/or Temporary Possession

17.2.1.1 The Applicants recognise that reliance on CA and/or TP powers is a last resort measure, and therefore it is the Applicants' aim and preference to reach voluntary agreement wherever possible. The Applicants and their jointly appointed land agent have worked extensively with all parties who hold an interest in the Order land to seek voluntary agreements, and as confirmed at CAH3, the Applicants and their land agent will continue to progress these negotiations after the close of examination. The Applicants would note that where land interests have been open and willing to engage in negotiations, that the Applicants have moved quickly to secure the necessary agreements and will continue to prioritise engagement after the close of the examination.

17.2.1.2 The Applicants understand the particular concerns of the parties impacted by the two proposed onshore substation sites. In relation to the Morgan onshore substation site heads of terms for the permanent acquisition of the land have been agreed, and the option agreement is currently progressing through the respective legal representatives. The heads of terms for plot 12-011A for the acquisition of the Morgan onshore substation access are still outstanding however an agreed position has been verbally agreed and heads of terms are being updated to reflect this. In relation to the Morecambe onshore substation site heads of terms for the permanent acquisition of the land have also been agreed, and the option agreement is currently progressing through the respective legal representatives

17.2.1.3 The Applicants also note the particular concerns raised by the occupier of the Morecambe substation site. The Applicants have engaged with

the occupiers of Landholding 26 both through the pre-application stage, and throughout the examination, and as a result of feedback have sought for farm business assessments be completed to understand the impacts on business loss to that occupier, and potential mitigation which could be put in place. The Applicants have completed two assessments on this s landholding to consider these impacts (and the potential mitigation measures available). These can be found within the Farm Business Assessment report (REP6-182). The Applicants and occupier have agreed a redacted version of the Stage 1 Assessment. The Applicants also submitted the Stage 2 Assessment which has been prepared for Examination. As part of the Farm Business Assessment report, the Applicants have also provided a summary of the key conclusions of the Stage 2 Report. See further discussion of 'Impact of CA on Farming Businesses' under Section 17.7 below. The Applicants will seek to agree a voluntary agreement with the occupier and will continue to engage beyond the close of examination to address the matters raised.

17.2.1.4 The extent of land which is subject to freehold acquisition, and the needs case for this, has been tested thoroughly throughout the Examination. Extensive written and oral submissions on these matters have been submitted to the ExA demonstrating that freehold acquisition of the relevant land is needed for the onshore substations, permanent mitigation and (subject to the comments at paragraph [1.1.1.6] above) biodiversity benefit areas.

17.2.1.5 The Applicants also recognise, and have sought to allay, wider concerns raised by some landowners along the cable route about impacts to agricultural activities as a result of the construction of the Transmission Assets. In response to the concerns raised, the Applicants prepared an Onshore Construction Method Statement (REP6-146) which provides a greater level of detail about how the works will be undertaken. In addition, the Applicants prepared a summary of the landholdings impacted by the Transmission Assets which set out details of the interaction with each landholding, how communication and engagement will continue in advance of and during the works, and proposed tailored accommodation measures in order to minimise impact on each landholding to ensure impacts are reduced insofar as possible (REP-4-111). This note also sets out the availability and timing of compensation for any residual impacts on those landholdings. The Applicants have held a number of engagement events throughout Examination where landowners have been invited to meet with the project team to address questions they had regarding the application and proposed works. The feedback sessions have been well received from those that attended the events and the Applicants are proposing to hold another event in November to continue engagement.

17.2.1.6 Blackpool Borough Council had previously raised concerns in relation to the TP powers which the Applicants are seeking in order to take access to the Landfall site via Starr Gate. Following Blackpool Borough Council's very recent adoption of further plots at Starr Gate as public highway, the covenants in Article 29 of the draft DCO (REP6-013) that the Applicants will not exercise any TP powers over the plots at Starr

Gate which are public highway are understood to address the Council's concerns in relation to plots 02-007i, 02-008, 02-008i, 02-009, 02-010, 02-011, 02-012. 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. The TP powers are necessary for these plots to ensure that, in the event voluntary agreement cannot be reached, the Applicants can still deliver the projects. The draft DCO places appropriate restrictions on the use of those plots which mean the Applicants would not be able to take exclusive possession and prevent the use of the slipway by any other person. The Applicants maintain that the powers sought are necessary and are appropriately restricted within the DCO.

17.2.1.7 The Applicants have sought to integrate feedback from landowners insofar as possible, and have given substantial thought to the proposed accommodation and mitigation measures. The Applicants have engaged with and responded to those landowners who have formally objected to powers being sought over their land through the Examination and outside that process. The Applicants submit that the objections raised do not undermine the Applicant's case made in the Statement of Reasons and by way of its specific responses in written and oral submissions.

17.2.1.8 The Applicants have now reached Heads of Terms agreements with approximately 54% of affected landowners. For those land interests where agreements are not yet in place, the Applicants will continue to engage in negotiations with the aim of securing voluntary arrangements wherever possible. A comprehensive update on the status of these negotiations is provided in the Land Rights Tracker submitted at Deadline 7.

17.2.1.9 For those land interests who are willing to engage, the Applicants remain committed to progressing discussions with the aim of reaching mutually acceptable agreements. Additionally, the Applicants are planning a further landowner engagement event in November to help resolve outstanding matters and facilitate agreement. It is recognised that certain practical matters - particularly those relating to construction - will continue to evolve through the detailed design phase. The Applicants will maintain open dialogue with affected parties throughout beyond the Examination period, to seek resolution of any outstanding issues wherever possible.

17.3 Crown Land

17.3.1.1 The Applicants acknowledge that there are areas of land over which the Applicants are seeking CA and/or TP powers, which is Crown Land. The Applicants have obtained the necessary consent required from the Secretary of State for Defence pursuant to Section 135 of the Planning Act 2008. The Applicants are in ongoing active discussions with the remaining Crown entities, namely the Duchy of Lancaster and other Government departments, including the Secretary of State for Transport. The position relating to land owned by Crown entities is explained in the Applicants' Section 135 Progress Tracker

(S_D4_21/F04). The Applicants are confident that any outstanding consents can be resolved following close of Examination such that an update can be provided to the Secretary of State in advance of any decision.

17.4 Special Category Land

17.4.1.1 Special Category Land is identified on the Applicants' Special Category Land Plans (REP6-012). Special Category Land has been identified at the beach, as well as the Blackpool Road Recreation Ground.

17.4.1.2 The Applicants consider that while there will be temporary disruption to parts of areas of land used as open space during construction, once the cables have been installed there will be no ongoing impact or effect on the existing use. The rights sought would not interfere with the current or ongoing use as open space, or interfere with any other party's rights in these areas as there is no proposal to extinguish any other party's right or ability to use the land. Therefore, when burdened with the order rights, the land will be no less advantageous than it was before to the persons in whom it is vested, or other persons, if any, entitled to rights and to the public, thereby engaging and satisfying the exemption under s132(3) of the PA 2008.

17.4.1.3 In particular, the Applicants acknowledge the concerns which were raised throughout the Examination by Fylde Borough Council in relation to impacts on the Blackpool Road Recreation Ground and its recreational use as a football club. In order to address these concerns, the Applicants have committed to use trenchless techniques (as opposed to open cut) to install the cables across the majority of the Recreation Ground and in relation to the plots where surface access is required, the Applicants have created bespoke rights packages, which (as confirmed by Fylde Borough Council at CAH3) have been accepted by the relevant parties in that they will allow the existing use for recreation purposes to continue and that this will not result in the open space land being less advantageous to those who use it. In addition, the Applicants are engaging with Fylde Borough Council, and the landowner of the Recreation Ground, to enter into a Section 106 Agreement which secures the necessary mitigation measures.

17.5 Public Sector Equality Duty

17.5.1.1 The Applicants recognise that the Secretary of State must have regard to the Public Sector Equality Duty (PSED), as set out in Section 149 of the Equality Act 2010 (the 2010 Act), when exercising its function in determining the application for development consent for the Transmission Assets.

17.5.1.2 The Applicants provided a comprehensive assessment of the potential impacts of the project on receptor groups within Volume 1, Annex 5.1: Human Health (the Human Health Annex) (APP-035). This considers the potential impacts of the Transmission Assets on vulnerable groups in various contexts, individually and cumulatively.

17.5.1.3 Particular concerns have been raised throughout the Examination about the impacts on the Wrea Green Equitation Centre (a horse-riding school which caters for disabled users and young people) and impacts as a result of construction activities and the associated noise and vibration. In addition to the obligation to account for this within the detailed Construction Noise and Vibration Management Plan (to be developed in accordance with the associated outline plan (REP6-083)), the Applicants have committed within the outline Communications Plan (REP6-069) to prepare a bespoke Communications Plan for Wrea Green with specific measures in place to minimise the potential impacts.

17.5.1.4 The Environmental Statement and outline management plans have considered the impact that the project would have on vulnerable groups and whether the mitigation measures proposed are sufficient to prevent any significant effects from arising. Through having regard to the information within the Application documents and the further information provided during Examination and summarised within the Public Sector Equality Duty Statement (REP6-132), the ExA and SoS can be satisfied that they have complied with their PSED duties and met the necessary procedural requirements.

17.6 Whether the interference of rights of those with an interest in land is necessary and proportionate

17.6.1.1 The Applicants acknowledge the interference of the TP and CA sought with the private rights of interested parties within the Order Land. However, the Applicants maintain that the CA and TP powers which are sought are proportionate and justified.

17.6.1.2 The Applicants intend to construct the Transmission Assets under TP powers. Permanent CA powers will then be drawn down over a reduced scope of land, which will be solely in relation to the land required for the operation and maintenance of the projects. This ‘two-stage’ approach has allowed the Applicants to minimise the area of land over which CA powers are exercised, because any areas of land which are only required for the construction phase will be limited to the use of TP powers.

17.6.1.3 For the cable route in particular, this carefully tailored approach ensures that the Applicants can utilise TP powers for the wider working construction corridor, and then CA powers for the permanent land rights actually required on an enduring basis upon once the Applicants know where the cables are laid.

17.6.1.4 The Applicants have reduced the scope of the Order Land where possible and have sought to create bespoke rights packages for different areas of land depending on the needs of the project and current use of that land. This has ensured that the Applicants are only seeking compulsory powers to the extent which is necessary and proportionate in relation to each plot of land.

17.7 Consideration of the implications of the two separate projects with potentially different timescales

17.7.1.1 The Applicants acknowledge that there is the potential for construction of the respective transmission assets for each of Morgan and Morecambe to be undertaken sequentially or concurrently.

17.7.1.2 However, the Applicants have structured the Land Plan (REP6-006), which identify the areas identified for each project, and the powers within the draft DCO such that regardless of whether or not the construction is undertaken concurrently or sequentially that the permanent CA powers drawn down would be the same, meaning that from a CA perspective there would not be different implications whether the projects were constructed concurrently or sequentially. See more detail in Section 6: General Matters of this closing statement.

17.8 Impact of CA on Farming Businesses

17.8.1.1 During Examination the impact of CA of land on agricultural businesses at the Morgan and Morecambe substations was raised. The Applicants agreed to conduct bespoke individual business impact assessments for each business.

17.8.1.2 Landholding 25 did not wish to provide the necessary information for this and agreed with the Applicants that the exercise of powers will not result in the extinguishment of that business (REP6-182) and any concerns could be dealt with by Agreement or operation of the compensation code.

17.8.1.3 The same applies to Landholding 26 where the landholder is working with the Applicants on the production of a draft business impact assessment, but the Applicants would maintain that there is no indication that an agricultural business cannot continue if CA powers are exercised.

17.8.1.4 In relation to Landholding 26 which will house the Morecambe substation, expert evidence was submitted which demonstrates the continued viability of the current farming enterprise (at a reduced scale) so long as support measures are provided and accepted. In addition, the land remaining following exercise of CA powers would be sufficient to support the current occupiers transitioning to a different form of business, but still specialising in cattle farming (see the Stage 2 Assessment (REP6-182)). Further the compensation code will ensure that, as business owners they will be in no worse financial position than they would have been had they continued to operate their business in the current way. Crucially, the Occupiers will still be able to operate a farming business if they want to, whether that be a dairy farm (of a reduced scale, which would be compensated for) or an alternative form of cattle farming. The Applicants acknowledge that this position is not agreed with the Occupiers who maintain that the only solution to retain a viable business would be a transition to cattle farming. The Applicants would refer to their Response to the Rule 17 Letter dated 24 October (S_D7_4).

17.9 The requirement for the powers sought and whether a compelling case in the public interest has been established

17.9.1.1 The Applicants consider that there is clearly a compelling case in the public interest for granting of the CA and TP powers which are required for the delivery of the Transmission Assets. The Transmission Assets are critical national priority infrastructure and are required to connect two nationally significant infrastructure projects (the Morgan and Morecambe Generation Assets) to the National Grid and facilitate the transmission of almost 2 GW of new renewable energy generation, which will directly contribute to the UK Government's net-zero energy targets.

17.9.1.2 In addition to the critical contributions to net-zero energy targets, the Transmission Assets would contribute towards the British Energy Security Strategy's target of 50 GW of offshore wind by 2030, as set out in the UK Government's 2022 Energy Security Statement. There are various wider benefits which are set out in Section 1.5 of the Statement of Reasons (REP6-018). These include socio-economic benefits, biodiversity benefits for the local area, and provision of community funds pursuant to the Community Funds for Transmission Infrastructure guidance recently published (updated 9 April 2025) by the Department for Energy Security and Net Zero.

17.9.1.3 The Applicants recognise that the inclusion of CA powers could infringe the human rights of those that hold an interest in the land, specifically Articles 1 and 6 of the European Convention on Human Rights. In respect of Article 1 there are provisions in law under the Planning Act 2008 for the inclusion and granting of CA powers in a DCO. As set out above, the Applicants have sought to limit the land to be acquired compulsorily and ensured that the land and rights sought are the minimum necessary to deliver the Transmission Assets.

17.9.1.4 If the land needed to bring forward the Transmission Assets cannot all be acquired through voluntary agreement, then without the ability to use CA powers it may not be possible for the Transmission Assets to be developed. In such cases the significant public benefits would not be realised.

17.9.1.5 Finally, those who are affected also have the right to claim compensation in accordance with the statutory compensation code. Compensation has been factored into consideration of funding for the Transmission Assets (see the Funding Statement (APP-008).

17.9.1.6 In relation to Article 6 rights to a fair hearing and public hearing, those who are affected have had the ability to engage with the pre-application stage of the Application, through formal and informal consultation (as detailed in the Consultation Report (APP-170))and through the Examination process and the 3 CA hearings have had extensive opportunity to make their case.

17.9.1.7 In accordance with paragraph 13 of the CA Guidance, the public benefits that would be delivered by the Transmission Assets outweigh

any private loss suffered by those whose land is to be acquired or burdened with permanent rights. There is clear evidence of this set out in the Statement of Reasons (REP6-018) and Planning Statement (J28/F03), and that the CA and TP powers sought have been carefully considered in order that they are clearly and demonstrably necessary and proportionate.

17.10 The position and/or effects of Statutory Undertakers and Protective Provisions and whether the tests of s2217(2), (3), (5) and (6) and s138(4) of the PA2008 are satisfied

17.10.1.1 The Applicants are not intending to extinguish any rights or remove any apparatus belonging to any statutory undertakers (SUs). However, the Applicants need to reserve the right to do so through the DCO in the event that there are interests that have not been identified so far through diligent inquiry. The exercise of such powers will be carried out in accordance with the protective provisions included in the DCO which set out constraints with a view to safeguarding the relevant statutory undertaker's interests. The Applicants therefore consider that the relevant tests within Sections 127 and 138 of the Planning Act 2008 are satisfied.

17.10.1.2 Notwithstanding the above, the Applicants would note that agreement has been reached with all SUs, apart from the LLFA, which is outstanding solely on the basis of one point around the disapplication of legislation.

17.11 The adequacy and security of funding for compensation

17.11.1.1 The Applicants' Funding Statement accords with Regulation 5(2)(h) of the Infrastructure Planning (Applications: Prescribed Forms and Procedures) Regulations 2009 (the APFP Regulations) as it explains how the authorisation of CA is proposed to be funded.

17.11.1.2 Article [33] of the draft DCO (REP6-013) ensures that appropriate security, approved by the SoS, will be in place before any CA powers that could give rise to compensation are exercised.

17.11.1.3 Following changes to the identity and structure of the Applicant companies, the Applicants provided an update to the Funding Statement at Deadline 4. In response to further questions from the ExA regarding Morecambe Offshore Wind Limited specifically, a letter of comfort has been prepared and submitted by Copenhagen Infrastructure Partners (REP6-180) to demonstrate that the necessary funds are available to meet any CA liabilities.

17.11.1.4 The Applicants have given substantial assurances and would reiterate that it is normal for projects of this size, scale and cost to be promoted by SPV entities which themselves do not hold substantial assets, but which have funding secured through parent companies as explained in the Funding Statement.

17.12 Blight

17.12.1.1 The Applicants note that throughout the examination, questions have been raised by the ExA around the Applicants' understanding of and ability to meet the costs of any blight claim, should this arise.

17.12.1.2 The Applicants' position on blight is informed by practice and their view that the continued existence of all farming businesses along the cable route is compatible with the installation of the Transmission Assets. The Applicants also consider that the Transmission Assets would not result in affected parties being unable to sell or do so at a substantially lower price than that for which it might reasonably have been expected to sell, in accordance with the test in Section 150(1)(c) of the 1990 Act. The Applicants are mindful that blight is a particular protection for landowners in the gap before CA powers are exercised, and is distinct from the compensation which would be due pursuant to the compensation code following the actual exercise of any CA powers (if that were to be necessary).

17.12.1.3 Notwithstanding the above, the Applicants have provided the necessary assurance that they would be able to meet the costs of any blight claim, and in response to concerns of the ExA in relation to the unique nature of the Transmission Assets, the Property Cost Estimates for each project have been updated in order that blight is clearly accounted for and to demonstrate that resource implications have been properly considered per Paragraph 17 of the CA Guidance.

17.12.1.4 The Applicants are in regular discussions with landowners and their agents, and to date have not been made aware that any landowner intends (or would necessarily be eligible) to make a blight claim. However, if this were to occur both Applicants have sufficient financial backing such that if a blight claim was made before the Secretary of State confirms powers of CA can be used, sufficient funding is available in satisfaction of Paragraph 18 of the CA Guidance

17.12.1.5 The Applicants therefore consider that they have complied with paragraph 17 and 18 of the CA Guidance.

17.13 Whether the proposal meet the requirements of PA2008 in all other respects

17.13.1.1 The Applicants consider that the proposals for the Transmission Assets meet all relevant CA requirements of the PA2008.

18 Draft Development Consent Order

18.1 The appropriateness of the Applicants' draft DCO

18.1.1.1 The draft DCO seeks consents for two projects – the transmission assets for the Morgan Offshore Wind Project (referred to as Project A in the draft DCO) and the transmission assets for the Morecambe Offshore Wind Farm (referred to as Project B in the draft DCO) (collectively referred to as the Transmission Assets). The draft DCO (REP6-013) provides for all the necessary rights and powers for the delivery of the Transmission Assets, including within the DMLs (DMLs - Schedules 14, 15, 16 and 17) as explained in the Applicants' Explanatory Memorandum (REP6-016). In addition, the draft DCO (REP6-013) secures suitable controls on those rights and powers within the Requirements (Schedule 2A for Project A and Schedule 2B for Project B) and DML Conditions (Part 2 of Schedules 14 and 16 for Project A and Schedules 15 and 17 for Project B). The form of the Order has had regard to comparable, relevant precedent orders including other offshore wind farm DCOs and other recently consented DCOs (including as directed by the ExA).

18.1.1.2 Throughout the pre-application phase and during the Examination, the Applicants have considered comments made by interested parties and the ExA and made updates to the draft DCO. In respect of changes made through the Examination, these are detailed and justified in the Schedule of Changes to the draft DCO (REP6-184).

18.2 Articles, Requirements and Deemed Marine Licences within the dDCO

18.2.1.1 The Articles, Requirements (including Schedule 12 (Approval of matters specified in requirements) and the DMLs of the draft DCO follow precedent, save for where otherwise stated in the Explanatory Memorandum (REP6-016) and where agreed specifically with stakeholders. The Applicants have captured within Annex 3.1: Applicants' Summary of Outstanding DCO Drafting Points (S_D7_3.1) those matters which were highlighted by interested persons as outstanding or not formally agreed within their Deadline 6 submissions. The Applicants consider that many of the concerns included in the Deadline 6 submissions made by interested persons have already been resolved through amendments to the draft DCO which were made by the Applicants at Deadline 6, and where that is the case, it has been noted in Annex 3.1 (S_D7_3.1).

18.3 Deemed marine licences

18.3.1.1 The DMLs are considered to be reasonable and proportionate. The Applicants have resolved all drafting points with Trinity House, the MCA and Historic England in respect of offshore matters, as is reflected in the following SoCGs: REP5-088 (Historic England), REP6-126 (Trinity House) and REP6-127 (MCA). A small number of points remain in

disagreement with the MMO and Natural England and these are set out within Annex 3.1 (S_D7_3.1) – Applicants' Summary of Outstanding DCO Points at Deadline 7. The latest SoCGs with the MMO and Natural England are REP6-130 and REP6-179 respectively. The outstanding points with the MMO and NE (relating to the transfer of benefit, adaptive management and inclusion of low order UXO clearance) are matters of principle rather than disagreements over the Applicants' DML drafting.

18.4 Protective Provisions

18.4.1.1 Schedule 10 contains the protective provisions which statutory undertakers can rely on. The final Statutory Undertakers Negotiation Tracker (REP6-139) contains a list of statutory undertakers who have apparatus that interacts with the Transmission Assets. Except for GTC Pipelines and those statutory undertakers listed in Table 2 of REP6-139, who have agreed bespoke protective provisions and/or commercial side agreements with the Applicants, no additional representations have been made by other statutory undertakers with regards to this application. Those listed in Table 3 of REP6-139 any other statutory undertakers will be able to rely on Part 1 and Part 2 of Schedule 10 for protection.

18.4.1.2 The Applicants also confirm that the protective provisions included at Parts 3-12 (not including part 10, as noted below) of Schedule 10 to the draft DCO (REP6-013) are agreed. Table 2 of REP6-139 provides details of where statutory undertakers' objections are subject to the procedural matter of signing processes for entering into side agreements; however, the Applicants note that these are all in agreed form.

18.4.1.3 The protective provisions for the Lead Local Flood Authority are not in agreed form at Deadline 7. The LLFA has concerns that the disapplication of sections 23, 30 and 66 of the Land Drainage Act 1991 at article 7(1)(b) and (d) have a subsequent impact on the LLFA's powers of entry under section 24 and 64 of that Act (REP6-188). The Applicants have proposed drafting to provide further comfort, which can be seen at paragraph 9(1) in the version of the draft DCO submitted at Deadline 6 (REP6-013). The Applicants have sought to explain to the LLFA that the Planning Act 2008 enables a DCO to amend and disapply legislation (with the LLFA's consent in this case). The Applicants have directed the LLFA to precedented protective provisions in other DCOs such as the recently granted Byers Gill Solar Order 2025 and Tillbridge Solar Project Order 2025, which contain similar provisions to those in paragraph 9 of the Applicants' proposed protective provisions. There are also outstanding points concerning the indemnity provisions, whereby the LLFA are seeking to widen these provisions further than is acceptable to the Applicants and indeed, in a manner that goes further than other recently granted orders (as referenced above). The Applicants will nonetheless continue to engage with the LLFA in the post-Examination phase with the intention of reaching agreement on the protective provisions and will provide an update on progress at the

appropriate time. If they cannot be agreed, the Land Drainage Act disapplications would be removed from article 7 of the DCO.

18.5 Conclusion

18.5.1.1 The Policy in NPS EN-1 is clear that drafting in a DCO, including its requirements, should be precise and suitably justified. Requirements and conditions should only be imposed where they are necessary, relevant to planning, relevant to the development to be consented, enforceable, precise, and reasonable in all other respects (EN-1 paragraph 4.1.16). The Applicants consider they have set out a clear justification within the Explanatory Memorandum (REP6-016) and through submissions made through Examination as to why the draft DCO (including the DMLs) (REP6-013) as drafted is in suitable terms.

19 Conclusion

19.1.1.1 In accordance with paragraph 1.3.10 of NPS EN1 the application for development consent for the Morgan and Morecambe Transmission Assets must be determined in accordance with section 104 of the Planning Act 2008.

19.1.1.2 In addition, the Secretary of State must have regard to:

- NPS EN-1, EN-3 and EN-5, as the overarching energy NPS and relevant technology specific NPSs for offshore wind and transmission infrastructure.
- For the reasons summarised in this Closing Statement and as detailed in the application and submissions throughout the Examination, the Transmission Assets accord with the relevant NPS.
- The UK Marine Policy Statement 2011 (MPS) and the North West Inshore and North West Offshore Marine Plan 2021, as the appropriate marine policy documents.
- The Applicants have demonstrated that the Transmission Assets accord with these policy documents.
- Any matters prescribed in relation to development of the description to which the application relates.
- Any other matters which the Secretary of State thinks are both important and relevant to the Secretary of State's decision.

19.1.1.3 Due consideration has been given to NPPF and local policy and the Applicants conclude that the Transmission Assets either accord with the relevant policy or that NPS policy overrides any apparent non-compliance.

19.1.1.4 NPS EN1 paragraphs 3.2.11 and 3.2.12 (read with 3.2.6-8 and 3.3.65 – 3.3.83) provide that "*substantial weight*" should be given to urgent need for the Transmission Assets (as electricity network infrastructure directed into the DCO regime by Section 35 of the Planning Act 2008). The Transmission Assets accord with the recommendations of the Holistic Network Design report and have been designed from the outset, and through the delivery phase, to balance cost to consumers, accelerated timelines for delivery and the minimisation of community and environmental impacts (in accordance with NPS EN1 paragraph 3.3.66).

19.1.1.5 NPS EN1 paragraph 4.1.5 requires the Secretary of State to take into account a project's "*potential benefits including its contribution to meeting the need for energy infrastructure, job creation, reduction of geographical disparities, environmental enhancements, and any long term or wider benefits.*"

19.1.1.6 The Transmission Assets, alongside the Morecambe Offshore Windfarm: Generation Assets and the Morgan Offshore Wind Project: Generation Assets, will deliver significant benefits, some of which are a result of the nature of the project (the delivery of significant offshore

wind generation from the Morgan and Morecambe offshore wind farms) and some that are specific to the Transmission Assets and the Applicants' approach (for example underground rather than overhead lines and the projects' co-ordination and collaboration).

19.1.1.7 Key benefits of the Transmission Assets, including local benefits, are:

- Making a significant contribution towards the UK's much-needed transition to a low carbon economy with 255 employment opportunities during development and construction, and up to 50 during the operation and maintenance phase.
- A commitment to supporting the region's development of local skills and employment through an Employment and Skills Plan, maximising the local and regional opportunities resulting from the Irish Sea wind farm developments
- Making a significant contribution towards the reduction of the UK's GHG emissions and to meeting global, European and national targets on carbon dioxide (CO2) reduction
- Contributing to halting overall biodiversity loss nationally and globally through its contribution to addressing climate change and through integrated biodiversity mitigation and benefit measures.
- The delivery of long term benefits associated with onshore biodiversity through additional planting and environmental works at the onshore substations.
- The delivery of at least 10% in biodiversity benefit either through habitat enhancement at Lea Marsh Fields, local nature recovery schemes or the purchase of biodiversity credits
- A reduction in environmental and community impacts in line with paragraph 2.13.14 of EN-5 which has:
  - minimised the overall number of communities and environmental receptors which are affected;
  - detailed alignment of infrastructure which avoids the proliferation of infrastructure within the host community and contains impacts to an overall smaller area and a smaller number of landowners;
  - through a one single joint application, the local community has only been subject to one consultation phase and DCO examination process, and there is a single suite of application and environmental assessment documents; and
  - ensured mitigation measures are coordinated to deliver more effective reduction of environmental impacts and the development of a single set of outline management plans to align the approach across both projects.
- Whilst not material to the determination of the Transmission Assets the Applicants are also committed to delivering a community benefit fund in line with the Community Funds for Transmission

Infrastructure guidance recently published (updated 9 April 2025) by the Department for Energy Security and Net Zero.

19.1.1.8 The Applicants submit that there are no matters that would outweigh the considerable benefits of the Transmission Assets, or otherwise indicate that consent should not be granted.

19.1.1.9 The Applicants submit that the Secretary of State can and should therefore conclude that the proposed Morgan and Morecambe Transmission Assets:

- accords with the requirements of section 104 of the Planning Act 2008;
- complies with national and marine policy;
- would through the delivery of almost 2 GW of new offshore wind capacity from the Morgan and Morecambe offshore wind farms (comprising two separate NSIPs) make a significant contribution to UK renewable energy targets, a substantial contribution to meeting UK Government's legally binding targets to achieve Net Zero, and to achieving greater energy security; and
- should be delivered as critical national priority infrastructure of national significance for which there is an urgent need.

19.1.1.10 To the extent that the Transmission Assets would give rise to residual adverse effects, those have been mitigated as far as practicable and in accordance with the mitigation hierarchy. There are no residual effects that would outweigh the considerable benefits of the Transmission Assets.

19.1.1.11 The Applicants submit that none of the circumstances in section 104(4) to (8) Planning Act 2008 apply. Accordingly, consent should be granted for the Transmission Assets in the terms sought by the Applicants.