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Dear Secretary of State

Morgan and Morecambe Onshore Transmission Assets DCO application Response to second (20 May 2026) request for information

Introduction

1. This is a response to the Secretary of State's second (20 May 2026) request for information on behalf of Newton-with-Clifton and Freckleton Parish Councils, for whom TLT acts.
2. From the submissions made by the Applicants and others to the first request for information and the extent of the questions contained in the second request for information it is clear that no issues have been resolved since the first request was made and the number of outstanding issues is *increasing*, given that agreements (e.g. with Blackpool Airport) have been exited and the Secretary of State is asking for alternative mitigation solutions (paragraph 19(b)).
3. Even eight months after the examination ended the key issue of compensating for impacts on an internationally significant site without increasing bird strike risk at two aerodromes remains unresolved and indeed in our submission is incapable of being resolved within the scope of the current application.
4. The Parish Councils maintain that the application should be refused unless all of these significant issues are resolved before a decision is made. Each unresolved issue represents one or more adverse impacts of the project. Taken together, those impacts significantly outweigh the project's benefits, particularly as those benefits are now over

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For what comes next

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75% lower than at the time of the application because the Morgan offshore windfarm is no longer being taken forward (480MW of generation rather than 1980MW).

5. As previously stated, even if you are minded to grant the application, as the developers of the Morgan offshore windfarm have withdrawn their support for that project, there is no longer a compelling case in the public interest to grant compulsory acquisition powers for the Morgan elements of the project and so they should be removed from the application, and it would be unusual to grant consent to build part of a project for which no land rights existed.
6. If the project had just been for the Morecambe elements or the Applicants had not omitted to take the proximity of Blackpool Airport and Warton Aerodrome into account in site selection it would have been elsewhere, never mind that an alternative does obviously exist that has now been costed by three local authorities as over half a billion pounds cheaper.¹

Paragraphs 6 and 8: first information request submissions

7. Our comments on the submissions made in response to the first information request are as follows.
8. The Applicants (many submissions, main one [S SoSQ 9](#))
 - a. With regard to the irresolvable conflict between promoting wildlife in general and birds in particular, and the need to avoid more risk of birdstrike. We note the Applicants' continuing convoluted attempts to prove that not one more bird than agreed would be at both Newton-with-Scales and Lytham Moss. This is simply unachievable and would be impossible to regulate.
 - b. We also note that the Applicants do not accept Natural England's view that the Newton-with-Scales site is the only viable option for a permanent area.
 - c. It is disappointing that the Secretary of State, in referring the Applicants to the Fylde BC and Lancashire CC submissions only, has resulted in the Applicants not addressing the points raised by the Parish Councils previously. These included the continued failure, despite promises during the hearings, to provide renderings to allow local communities to judge the understand the visual impact of the two substations, and how any proposed mitigation, such as the mistitled "community led off site planting", would change that impact.
 - d. Also of concern is the reference to the use of the limited Community Benefits Fund. The consultation on this Fund was only for the smaller Morecambe proposal, and covered a substantial area well beyond the immediate scope of the route and substations including Poulton-le-Fylde in Wyre. Diverting this fund into works that should be provided by the applicant will further dilute the impact of the fund away from its intended use for impacted local communities around the substations.
 - e. We maintain our opposition to the proposed working hours, which will impact on local communities, businesses and schools. Shorter hours would reduce that impact.
 - f. We note the Applicants failure to agree the Secretary of State's approach to Biodiversity Net Gain as the latest in their attempts to avoid responsibility for meeting the Government's ambitions for Biodiversity Net Gain.

¹ [Lancashire councils welcome delay to offshore wind connection decision – Wyre Council](#)



- g. We compare the rather rosy picture painted of progress with landowners at points 37-42, with the more sombre reality set out below in paragraph 14.

9. Fylde BC (C1-015)

- a. We agree that there remains a lack of consideration of the 'alternative route' and the recent Green Book exercise commissioned by Fylde BC, Wyre BC and Lancashire CC.
- b. We note, as with many of the remaining issues, the failure of the Applicant to engage meaningfully
- c. We share their concerns about the withdrawal of the Morgan promoters and the failure to find a successor. In particular we agree the following:
 - i. that Fylde BC must be able to enforce all mitigation measures including s106 agreements against the Applicants and their successors;
 - ii. that the withdrawal of the Morgan promoters increases the likelihood of sequential development, which we have consistently warned about, with worsening of impacts on local communities;
 - iii. we agree with Fylde BC that any alternative provider must demonstrate that the development is deliverable and funding is in place;
 - iv. as with other Interested Parties the Applicants are failing to engage meaningfully on issues such as the requested s106 obligations, mitigation for the Lytham Sand Dunes SSSI and the Blackpool Road Recreation Ground s106 agreement;
 - v. we welcome Fylde BC's ongoing commitment to the Green Belt and designated Area of Separation to maintain open countryside between the settlements of Kirkham and Newton with Scales.

10. Natural England (C1-016)

- a. We note the following statement: *In summary we welcome the Applicant's efforts to locate an alternative suitable permanent mitigation area. However, based on the alternative option that has been presented to us, we have advised the Applicant that it does not represent suitable mitigation. Therefore, with regards to permanent mitigation, we advise that Newton-with-Scales remains the only viable option from an ecological perspective which has been presented by the Applicant so far.*
- b. This remains directly contradictory to the below comments from BAE Systems and MOD about the impact on bird strike.

11. BAE Systems (C1-023)

- a. We note the ongoing failure to resolve issues, which we believe are incapable of being resolved, between the drive to provide mitigation for birds at Newton-with-Scales, and the need to avoid an increase in bird strike risk at Warton Airport.
- b. We note BAE Systems' concerns over the project being a substantial bird attractor and that it presents a material and persistent risk to aviation safety and subsequent risk to life which cannot be adequately or tolerably mitigated.



- c. We also share their concerns that the Applicants' outline Wildlife Hazard Mitigation Plan (oWHMP) is misleading, inaccurate and inappropriate in its assessment of bird strikes, with particular concerns at Newton-with-Scales.

12. Ministry of Defence ([C1-020](#))

- a. We also note the concerns expressed by MOD on the creation of an enhanced attractant environment at Newton-with-Scales as being "problematic" from an aviation safety perspective.
- b. We note their view, similar to our own, that the only acceptable DCO would be one with no number of birds above the current number being tolerated, which directly contradicts the purpose of the habitat creation at the Newton-with-Scales site.

13. Crown Estate ([C1-017](#))

- a. We note, with some alarm, the complacent approach by the Crown Estate, with a timeline of up to Q1 2027 to identify an alternative provider, with no assurance to local communities of that provider's ability to meet costs and liabilities apart from the Crown Estate's assessment, which is conflicted given their expected income from the project.

14. We note ongoing delays and concerns on the following:

- a. Blackpool Council etc ([C1-027](#)) where there has been no progress on key issues and Morgan have withdrawn from the co-operation agreement;
- b. Canal and River Trust ([C1-006](#)) where land negotiations are stuck as M&M agents are not providing information for Heads of Terms;
- c. Executors for the late Derek Fare and Michelle Fare ([C1-004](#)) where there is no progress on option agreements for Morgan and they have been told this is "permanently on hold", and that all negotiations for the Morgan agreements are paused and will only be discussed when Morgan is recommenced;
- d. Christine and John Fare ([C1-019](#)) where no agreement has been reached and there is no progress for the Morgan proposal; and
- e. Jean and Harry Kirkham ([C1-013](#)) where Heads of terms were not finalised following the withdrawal of Morgan from the joint project.

Paragraph 7: submissions received during the recommendation period

15. Our comments on the submissions made during the representation period are as follows.

16. We note and agree with a number of the concerns raised by Lancashire County Council ([PIR-001](#)) including:

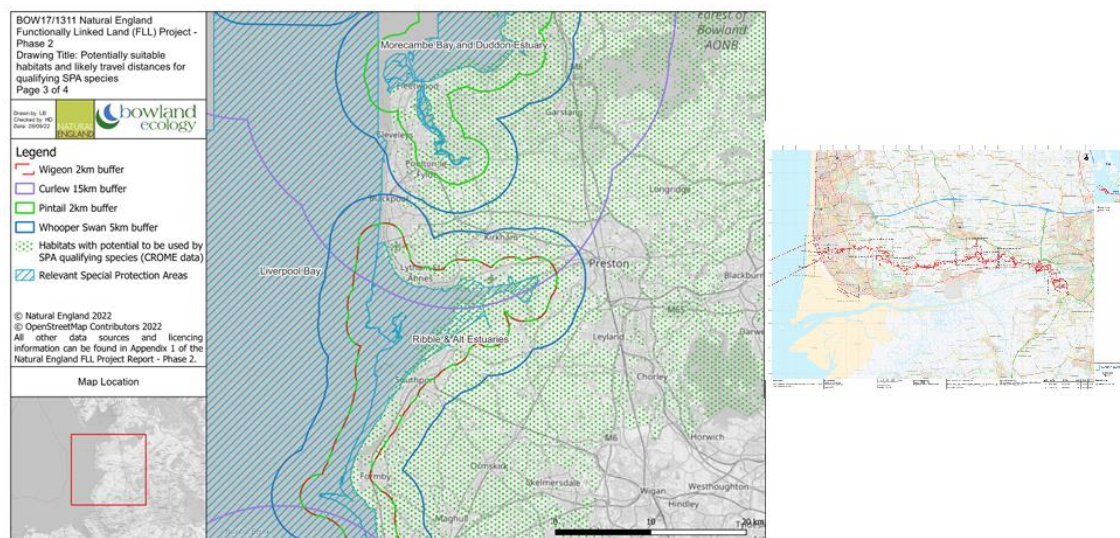
- a. gaps and inadequacies in ecological surveys which may also impact on the calculation of Biodiversity Net Gain;
- b. their criticism of the level and method of consultation on landscape and visual resources with the primary area of concern being the two substation sites, where we have consistently pointed out the failure to engage or inform local people about visual impacts, including the proposed Bluefield solar farm;
- c. that the current Green Belt designation for the substation sites will result in redesignation as Grey Belt (intended for poor quality or ugly land within the

protected Green Belt like disused car parks or old petrol stations) and lead to further development with further loss of Green Belt;

- d. that alternative substation sites should have been considered, which had lesser impacts on the Green Belt but with the same benefits;
- e. the failure to agree a position on public rights of way, one of many examples of unresolved issues, including traffic and transport; and
- f. failure to carry out trenching work on time impacting on the ability to gauge and mitigate impact on the historic environment.

Paragraphs 9-10: functionally linked land

17. The question asks if the substation sites are functionally linked land for golden plover, an SPA species. In November 2023 Natural England commissioned a report submitted with this response which considers (at section 3.4 and Figure 4, reproduced below and compared with the onshore order limits) that wigeon and pintail use land within 2km of an SPA and whooper swan use land within 5km (these are all species cited in the designation of the SPA, the fourth shown, curlew, is not).



18. Most of the cable route is clearly functionally linked land for these species and mitigation, if not derogation and compensation, should therefore be provided for the effects on them from this project and has not been.

Paragraphs 11-13: golden plover at substation sites

19. Although Natural England have focused on golden plover it should be noted that the conservation objectives for the Ribble and Alt Estuaries SPA² require maintaining or restoring the habitats of the qualifying features, which are 20 species of bird, namely: Bewick's swan, Whooper swan, Pink-footed goose, Common shelduck, Eurasian wigeon, Eurasian teal, Northern pintail, Eurasian oystercatcher, Ringed plover, European golden plover, Grey plover, Red knot, Sanderling, Dunlin, Ruff (Breeding), Black-tailed godwit, Bar-tailed godwit, Common redshank, Lesser black-backed gull (Breeding), Common tern (Breeding). Any of these that use the order land as functionally linked land should have the effects of its loss (or inadequate improvement due to not increasing bird strike risk) mitigated or compensated.

² [European Site Conservation Objectives for Ribble & Alt Estuaries SPA - UK9005103](#)



20. We also note that there are flocks of starlings at the substation sites and although these are not protected SPA birds they are likely to increase bird strike risk if their numbers increase through environmental improvements acting as an attractant – this will be the case for many other non-SPA birds as well.

Paragraph 14: Enhancements at substation sites

21. The Parish Councils note that if there are to be enhancements that could benefit golden plover this should not increase bird strike risk.

Paragraphs 15-18: Crossens Outer and Banks Marsh

22. Before this site is able to be used for environmental compensation, leaving aside the question of whether it is suitable for that, the Applicants must demonstrate that they have all the necessary land rights to create and maintain such a site and that all those affected by it have been consulted to the same level that would have occurred had the site been included in the application in the first place. Even should that be demonstrated, it is clear that this proposal will not have nearly the level of scrutiny that the rest of the application has undergone and this clearly hurried proposal should be treated with extreme caution as a result.
23. The Parish Councils also note that this site is still within the 13km buffer referred to in EN-1 paragraph 5.5.42, which derives from CAP772 produced by the Civil Aviation Authority.³

Paragraph 19: Active Management Measures

24. This question goes to the heart of the impossibility of delivering this project as applied for. Proposing additional wording that requires AMM to provide the necessary mitigation while not increasing bird strike risk is likely to be impossible to fulfil and so would make the project unimplementable. The Parish Councils strongly argue against a requirement that seeks to resolve this impasse later as it is their view that it cannot be resolved and so the powers of development and compulsory acquisition would be hanging over those affected unnecessarily. This impasse must be resolved by the time a decision is made on this DCO application and not afterwards.
25. The suggestion in paragraph (b) that further as yet unknown alternative mitigation solutions could be put forward at this stage is even more unfair than the late introduction of Crossens Outer and Banks Marsh on parties affected by this application. The scrutiny of an even later proposal is likely to be even more limited. Leaving the specification and securing of compensation until after the decision is made would be unlawful. The Applicants made this application on 21 October 2024 and should not be given yet more opportunities to correct its flaws.

Paragraphs 20-22: BAE Systems

26. The Parish Councils have no comment on these paragraphs.

Paragraphs 23-29: Marine ecology

27. The Parish Councils have no comment on these paragraphs.

Paragraph 30: Flooding

28. The Parish Councils are pleased that this issue has been taken up by the Secretary of State; flooding is a real issue in this area and the risk to residences, farmland and other property should not be increased by the presence of this project.

³ <https://www.caa.co.uk/publication/download/13426>



Paragraphs 31-33: Funding

29. The Parish Councils are of the view that compulsory acquisition powers should not be granted in the absence of the identification of the party who is to exercise them. This is not just an issue for blight claims and negotiation for acquisition by agreement but also there needing to be demonstrated that there is a reasonable prospect of funds being available, as in paragraph 8 of the MHCLG guidance on compulsory acquisition⁴, how any shortfalls are to be met (paragraph 17) and that the funding is likely to be available during the acquisition period (paragraph 18). None of these is currently able to be demonstrated.
30. The Morgan project has clearly gone into reverse already, with land negotiations having paused and an exit from co-operation with Blackpool Borough Council having occurred. The effect of the latter is that anything that was agreed between those parties is now no longer agreed and other agreements may have been voided, as suggested in paragraph 33.

Paragraph 34-35: Crown Estate

31. The Parish Councils would be concerned if the consents were transferred to another as yet unknown party by the Crown Estate and note that the provisions of the Morgan DCO (in particular article 7) would need to be complied with pursuant to any such transfer despite what any Crown Estate lease might say, as the law would override a lease.
32. The Parish Councils consider that notwithstanding any response given to the question of viability by the Applicants and the Crown Estate it would remain the decision of a new owner whether the project remained viable enough to pursue land acquisition rights by other means, so their answers to this question should be given little weight.

Paragraphs 36-39: Land powers

33. The Parish Councils have no comments on these paragraphs other than that agreement with the Morgan applicants is now unlikely if it has not yet happened.

Other issues

34. Although not the subject of the second request for information, the Parish Councils note that several other issues remain unresolved as mentioned in the response to the first request for information.
35. On biodiversity net gain, the government confirmed on 15 April 2026 how it is to be implemented for nationally significant infrastructure projects for which applications are made from 2 November 2026. While this means such provisions will not apply to this project as mandatory obligations, our previous points remain that other projects have voluntarily provided biodiversity net gain, calculated across their whole order limits, which is in line with what is now proposed; whereas this project would produce a biodiversity net loss if calculated in the proper way according to the now fully formed proposals.
36. The Applicants have still not provided visualisations of the substations as they will be visible by local residents and so this has not been properly tested.

Legal challenge

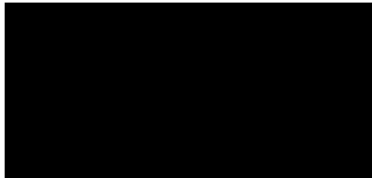
37. The Parish Councils put the Secretary of State on notice that approving this project is likely to be the subject of legal challenge from them or one or more of their residents. This will depend on the contents of the decision letter but is likely to include:

⁴ [Planning Act 2008: procedures for the compulsory acquisition of land - GOV.UK](https://www.gov.uk/government/publications/planning-act-2008-procedures-for-the-compulsory-acquisition-of-land)



- a. the rationality of granting powers to be exercised by an unidentified applicant, in particular compulsory acquisition powers;
- b. the rationality of relying on a s106 agreement (referred to in paragraph 44 of the Secretary of State's first request for information) that is not close to agreement and has inadequate safeguards;
- c. the lawfulness of granting an application that either increased risk to human life or had an uncompensated adverse effect on a Natura 2000 site, or both;
- d. the lawfulness of a derogation from Habitats obligations given the existence of an obvious alternative to the project;
- e. the rationality of granting a project with biodiversity net gain proposals that fall so short of the proposals in all other recent consents; and
- f. the rationality of granting a project with its very significant attendant costs and environmental and social impacts, when there exists an obviously material alternative that not only has a fraction of these impacts but would also have additional benefits of local regeneration through site reclamation and job creation.

Yours sincerely



Partner
for TLT LLP