



Planning Inspectorate

The Planning Act 2008

MORGAN AND MORECAMBE OFFSHORE WIND FARMS TRANSMISSION ASSETS

Examining Authority's report
of findings and conclusions
and

recommendation to the Secretary of State for
Energy Security and Net Zero

Examining Authority

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29 January 2026

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OVERVIEW

File Ref: EN020028

The application, dated 21 October 2024, was made under section 37 of the Planning Act 2008 and was received by The Planning Inspectorate on 21 October 2024.

The applicant is Morgan Offshore Wind Limited and Morecambe Offshore Windfarm Limited.

The application was accepted for examination on 18 November 2024.

The examination of the application began on 29 April 2025 and was completed on 29 October 2025.

The proposed development comprises transmission assets associated with the Morgan Offshore Wind Project and the Morecambe Offshore Windfarm including offshore export cables, onshore landfall infrastructure, onshore export cables, onshore substations, onshore grid connection cables and circuit breaker compounds, and other related onshore infrastructure.

Summary of recommendation:

The examining authority recommends that the Secretary of State (SoS) should withhold consent of the order as applied for, on the basis of the evidence in front of or missing from the examination, for the reasons explained in this report.

As set out in our findings and conclusions in chapter 9 of the report, there are matters regarding bird strike risk to aviation and the Habitats Regulations where the SoS may wish to seek and consider updates from the parties, including on any progress that may have been made in seeking to resolve such issues or to evidence a derogation case.

Our advice on the application of Critical National Priority is that some of the pre-requisite tests are not met. The recommendation is also unchanged by consideration of the revised National Policy Statements published in December 2025.

A draft potential Order is included in appendix E which the SoS may wish to consider further subject to the matters outlined in chapter 9.

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- appendix A – List of abbreviations
- appendix B – Key legislation and policy
- appendix C – Habitats Regulations Assessment
- appendix D – ExA's land rights summary table
- appendix E – The recommended DCO



Planning Inspectorate

ERRATA SHEET – Morgan and Morecambe Offshore Wind Farms Transmission Assets -
Ref. EN020032

Examining Authority's Report of Findings and Conclusions and Recommendation to the
Secretary of State for Energy Security and Net Zero, dated 29 January 2026

Corrections agreed by the Examining Authority prior to a decision being made

Page No.	Paragraph	Error	Correction
32	3.2.34	corrido	corridor
33	3.2.40	Sate	State
34	3.2.47	rote	route
35	3.2.49	20230	2030
38	3.2.64	sit	Site
39	3.2.73	he	the
155	4.9.16	Morgan onshore substation site permanent footprint 164,000 m2. Four main buildings 80 m wide x 140 m long and 15 m high. The temporary construction compound will be 60,000 m2 and will be in active for 36 months.	Morgan onshore substation site permanent footprint 164,000 m2. Four main buildings 80 m wide x 140 m long and 15 m high. The temporary construction compound will be 60,000 m2 and will be in active for 36 months.
158	4.9.24	Mogan	Morgan
172	4.10.4.	says	goes
172	4.10.4	in appropriate	inappropriate
174	4.10.12	every	even

Page No.	Paragraph	Error	Correction
175	4.10.16	particular	particularly
175	4.10.18	In relation to the very special circumstances test, section 1.6.4 of the applicants Green Belt Technical Note [REP4-092] includes consideration of of 'Other Potential Harm' that would arise including matters relating to landscape and visual, amenity, biodiversity and highways.	In relation to the very special circumstances test, section 1.6.4 of the applicants Green Belt Technical Note [REP4-092] includes consideration of of 'Other Potential Harm' that would arise including matters relating to landscape and visual, amenity, biodiversity and highways.
178	4.10.37	onshore	offshore
180	4.10.46	expect	except
189	4.11.49	Morecombe	Morecambe
192	4.11.69	Morecombe	Morecambe
193	4.11.71	Morecombe	Morecambe
261	4.17.123	Discharge,	Discharge.
267	n/a	No Paragraph number	4.18.30
296	6.2.3	Riblble	Ribble
297	6.2.8	concludes	conclude
297	6.3.3	The final 2025 amended NPSs were published on 6 January 2026 after the close of the examination and so the parties have not had the opportunity comment on them.	The final 2025 amended NPSs were published on 6 January 2026 after the close of the examination and so the parties have not had the opportunity <u>to</u> comment on them
297	6.3.5	onto considered	on to consider
298	6.3.10	they do carry any weight	they do not carry any weight
298	6.3.13	weigh	weight

Page No.	Paragraph	Error	Correction
311	7.5.13	He	The
335	7.6.117	6 or7	6 or 7
337	7.6.128.	The applicants have been able to obtain the consent from the Secretary of State for Defence but are yet to secure any of the other s135 consents required. These include consents from His Majesty's Coastguard, the SoS for Transport, the Sos for Defence, and the Ministry of Housing, Communities and Local Government.	The applicants have been able to obtain the consent from the Secretary of State for Defence but are yet to secure any of the other s135 consents required. These include consents from His Majesty's Coastguard, the SoS for Transport, the Sos for Defence, and the Ministry of Housing, Communities and Local Government.
341	7.7.3	paragraph 1.6.145	paragraph 7.6.149
341	7.7.4.	The CA powers included in the dDCO,	The CA powers <u>be</u> included in the dDCO,

1. INTRODUCTION

1.1. BACKGROUND TO THE EXAMINATION

- 1.1.1. An application (the application) for the Morgan and Morecambe Offshore Wind Farms Transmission Assets (the proposed development) was submitted by Morgan Offshore Wind Limited and Morecambe Offshore Windfarm Limited (the applicants) on 21 October 2024 under section 37(2) of the Planning Act 2008 (PA2008) and accepted for examination under section 55 of the PA2008 on 18 November 2024 [\[PD-001\]](#).
- 1.1.2. This report sets out the Examining Authority's (ExA) findings, conclusions and recommendations to the Secretary of State (SoS) for Energy Security and Net Zero.
- 1.1.3. On 4 October 2022 the SoS issued a direction [\[APP-229\]](#) under section 35 of the PA2008, that the transmission assets should be treated as a development for which development consent is required.
- 1.1.4. The legislative tests for whether the proposed development is a nationally significant infrastructure project (NSIP) were considered by the SoS for Levelling Up, Housing and Communities in his decision to accept the application for examination in accordance with section 55 of the PA2008 [\[PD-001\]](#).
- 1.1.5. The proposed development comprises of two electrically separate transmission systems (the transmission assets), connecting two nationally significant infrastructure projects (Morgan Offshore Wind Project and Morecambe Offshore Windfarm) in the east Irish Sea to the existing National Grid substation at Penwortham in Lancashire.
- 1.1.6. The SoS granted development consent for the Morgan Offshore Wind Project: Generation Assets on 29 August 2025 and for Morecambe Offshore Windfarm: Generation Assets application on 1 December 2025.
- 1.1.7. The [Examination Library](#) (EL) provides a record of all application documents and submissions to the Examination, each of which is given a unique reference number, for example [\[APP-001\]](#). The reference numbers are used throughout this report and hyperlinks are included to allow the reader to access them directly.
- 1.1.8. This report does not contain extensive summaries of the documents and representations received. Readers are referred to relevant material using linked EL references. Full regard has been had to all such material and to all important and relevant matters arising from it in all conclusions drawn by the ExA and the recommendation made in this report.

1.2. APPOINTMENT OF THE EXAMINING AUTHORITY

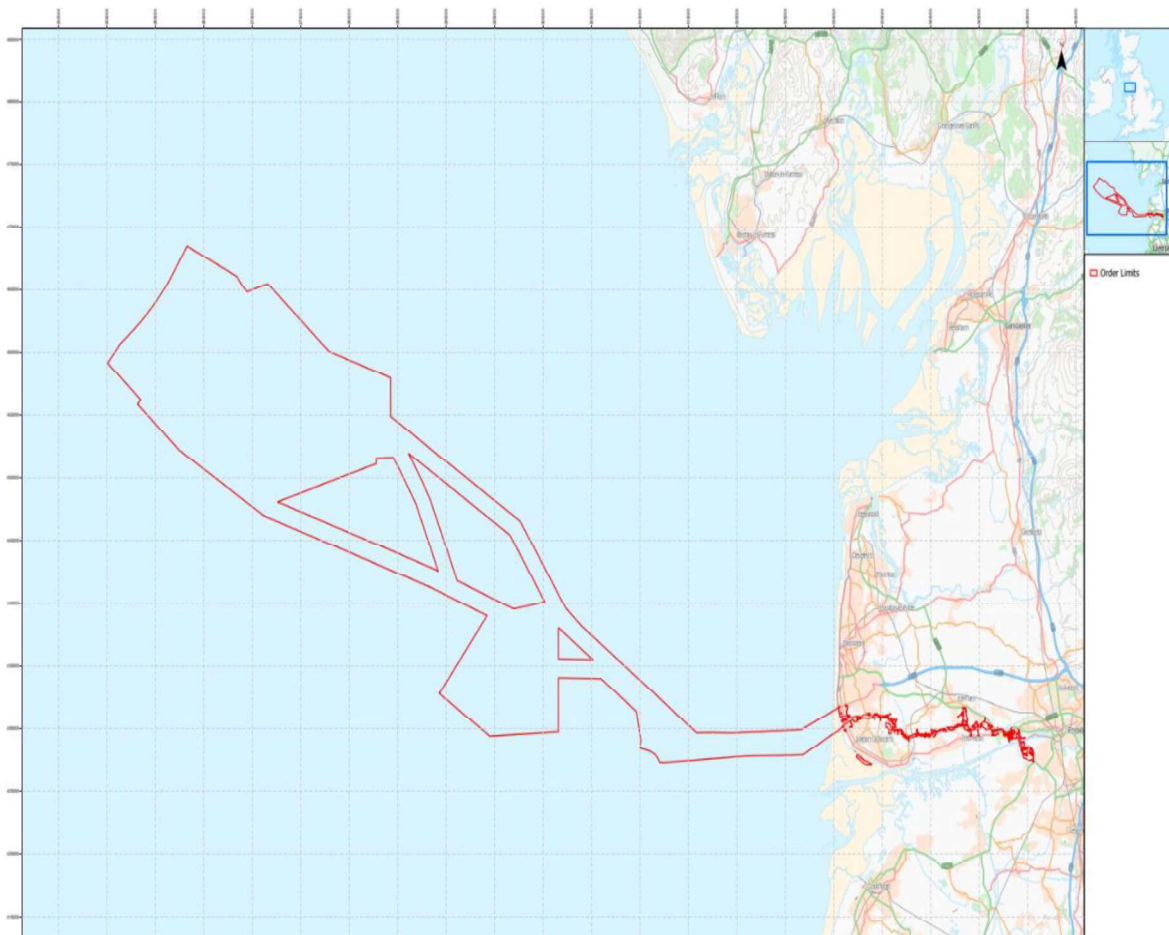
- 1.2.1. On 22 January 2025, David Cliff, Jonathan Gorst, Richard Morgan and Maria Rokicka were appointed as the ExA for the application under section 61 and section 65 of the PA2008 [\[PD-004\]](#). David Cliff was appointed as the lead panel member.

1.3. THE APPLICATION

LOCATION OF THE PROPOSED DEVELOPMENT

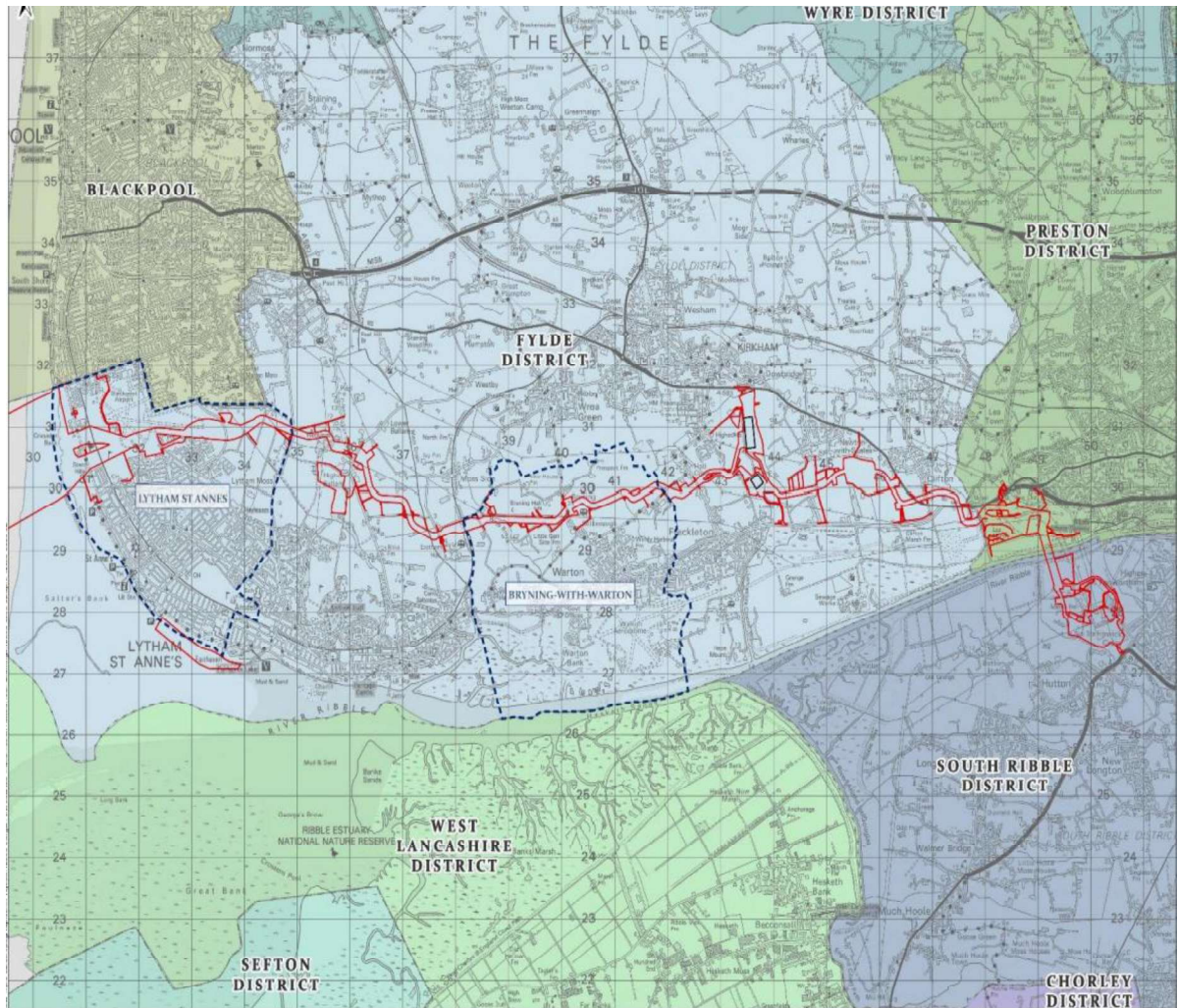
- 1.3.1. The offshore elements of the transmission assets are located in the east Irish Sea wholly within English offshore and inshore waters. The onshore elements are located within the local authority areas of Fylde Borough Council, Blackpool Borough Council, South Ribble Borough Council, Preston City Council and Lancashire County Council.

Figure 1: Source Location plan(s) (Onshore and offshore) [APP-145]



- 1.3.2. The locations of the Morgan Offshore Wind Project: Generation Assets and the Morecambe Offshore Windfarm Generation Assets, along with the proposed point of interconnection at Penwortham are shown in figure 4.2 of the volume 1, figures – Part 2 of 2 of the Environmental Statement (ES) [APP-041].
- 1.3.3. Administrative boundaries and neighbourhood plan areas in relation to the proposed onshore order limits are shown below:

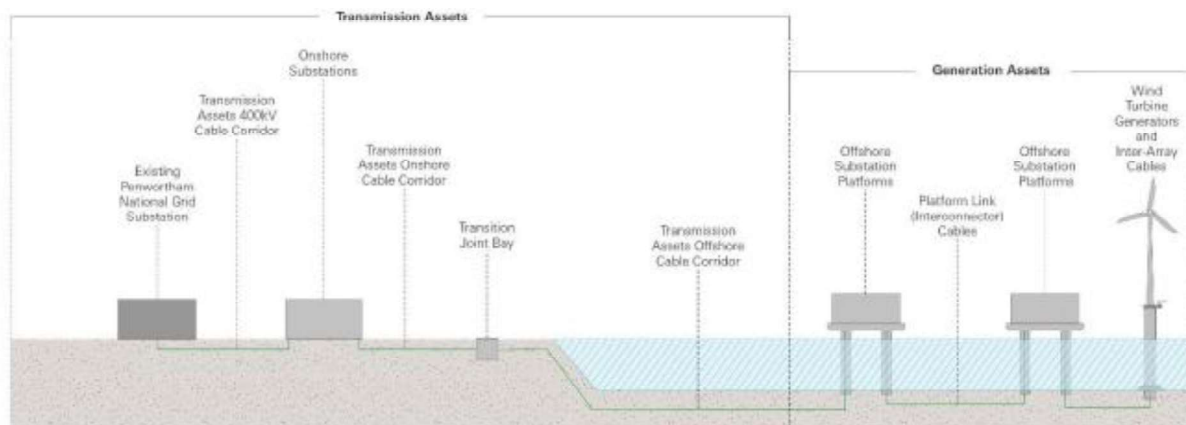
Figure 2: Administrative boundaries (source Planning Statement, page 48 [REP7-023])



DESCRIPTION OF THE PROPOSED DEVELOPMENT

- 1.3.4. In summary, the application includes the transmission infrastructure required to connect the Morgan Offshore Wind Project: Generation Assets and the Morecambe Offshore Windfarm: Generation Assets to the existing National Grid substation at Penwortham to the southwest of Preston.
- 1.3.5. Volume 1, chapter 3 (Project description) of the environmental statement (ES) [\[REP6-038\]](#) and the Non-Technical Summary [\[AS-056\]](#) set out a detailed description of the proposed development. Sections 3.12 and 3.15 of the ES Project description chapter include the key design parameters for the components of the proposed development.

Figure 3: Extracts from ES Non-Technical Summary [AS-056] showing key elements of the transmission assets and relationship with the separate generation assets.



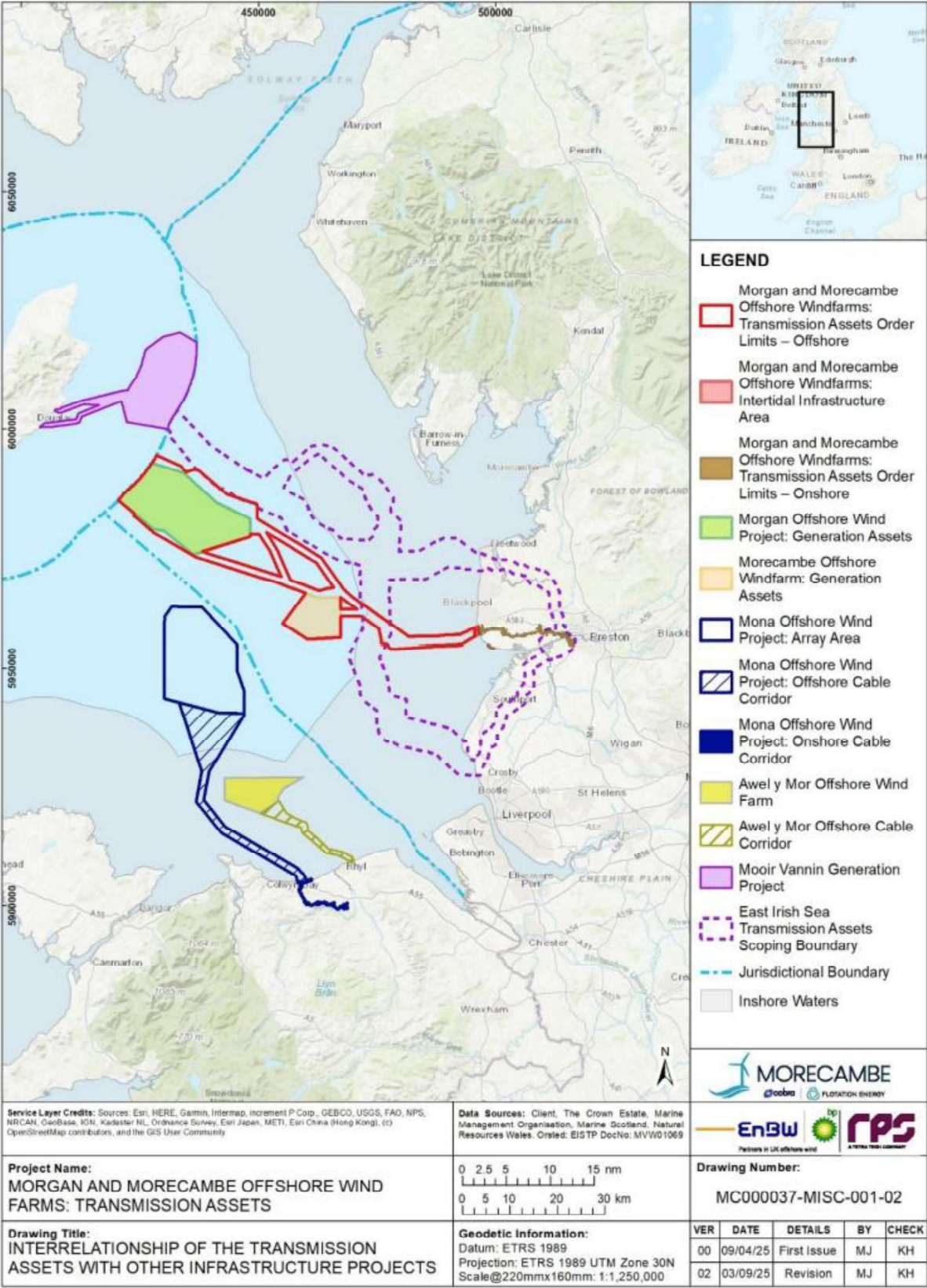
- 1.3.6. The applicants' design philosophy is for the transmission infrastructure for each wind farm to remain electrically independent (i.e. each wind farm to have its own set of cabling and substation infrastructure). The location of proposed infrastructure would be aligned within offshore and onshore cable corridors where possible.
- 1.3.7. The key elements of the proposed development works for both projects are described below.
- 1.3.8. Offshore works include offshore export cables, these export cables will bring the electricity generated by the generation assets to the landfall for onward transmission.
- 1.3.9. Intertidal works include landfall site, this is where the offshore export cables are jointed to the onshore export cables via the transition joint bays. This term applies to the entire area between mean low water springs and the transition joint bays.
- 1.3.10. Onshore elements include:
- onshore export cables: these export cables will be jointed to the offshore export cables via the transition joint bays at the landfall site, and will bring the electricity generated by the generation assets to the onshore substations
 - onshore substations: the two electrically separate onshore substations will contain the components for transforming the power supplied via the onshore export cables up to 400 kV
 - 400 kV grid connection cables: these export cables will bring the electricity generated by the generation assets from the two electrically separate onshore substations to the existing National Grid substation at Penwortham
 - environmental mitigation areas: temporary and/or permanent areas, including accesses identified to provide environmental mitigation only
 - biodiversity benefit areas: temporary and/or permanent areas, including accesses identified to provide biodiversity benefit only
- 1.3.11. Part 1 of schedule 1 of the dDCO [\[REP6-013\]](#) sets the different works numbers with each representing a different part of the proposed development for both projects.

- 1.3.12. The application comprises a range of possible construction scenarios. These and the dDCO provide scope for either both (scenario 2 or 3) or only one (scenario 1) of the projects to be implemented.
- 1.3.13. **Scenario 1: In isolation construction scenario:**
- scenario 1a: Construction of the Morgan Offshore Wind Project: Transmission Assets only (i.e. where the Morecambe Offshore Windfarm does not proceed to construction)
 - scenario 1b: Construction of the Morecambe Offshore Windfarm: Transmission Assets only (i.e. where the Morgan Offshore Wind Project does not proceed to construction)
- 1.3.14. **Scenario 2: Concurrent construction scenario:** Construction of the Morgan Offshore Wind Project: Transmission Assets and the Morecambe Offshore Windfarm: Transmission Assets at the same time.
- 1.3.15. **Scenario 3: Sequential construction scenario:** Where the Morgan Offshore Wind Project: Transmission Assets are constructed first and the Morecambe Offshore Windfarm: Transmission Assets are constructed second, or vice versa. This may include:
- scenario 3a: Immediate sequential construction of the transmission assets with no gap between the completion of construction of the transmission assets for the first project and commencement of construction for the second project
 - scenario 3b: Sequential construction with a gap of up to a maximum of four years between completion of construction of the transmission assets for the first project and commencement of construction for the second project
- 1.3.16. Overall construction durations are set out in table 3.4 of the ES project description [\[REP6-038\]](#). Plates 3.1 to 3.3 (pages 44 to 46) of the same document set out the indicative construction programmes for the proposed development.

RELEVANT PLANNING HISTORY

- 1.3.17. The proposed transmission assets would be developed within a period of rapid growth in the offshore wind sector in the Irish Sea evidenced by several other proposals within the area. The applicants have submitted a report on interrelationships with other relevant infrastructure projects [\[REP5-090\]](#) with an overview of the developments including timeframes for construction, grid connection and expected start of operation (table 1: Project consenting timeframes and table 2: Indicative project construction and operation programmes.). Figure 4 below shows the relationship of the proposed development with other infrastructure projects.
- 1.3.18. Reference has been made by interested parties to planning applications and proposals in the vicinity of the onshore order limits. Where important and relevant these are referred to in chapter 4 of this report in our consideration of the merits of the proposed development.

Figure 4: Order limits of the transmission assets with other infrastructure projects. (Source extract from Report on interrelationships with other infrastructure projects [REP5-090])



1.4. THE EXAMINATION

RELEVANT REPRESENTATIONS

- 1.4.1. A total of 2302 [relevant representations \(RR\)](#) have been made about the application. The very large majority of these are opposed to the proposed development. The applicants provided its written responses to the RR at procedural deadline (D) A in advance of the examination, including summaries of the points raised with thematic responses [\[PDA-005\]](#). All RRs have been read and considered by the ExA.

START OF THE EXAMINATION

- 1.4.2. The preliminary meeting (PM) took place on 29 April 2025 [\[EV3-005\]](#). The ExA's procedural decisions (PD) following the PM and the examination timetable took full account of matters raised at the PM. The examination timetable in the ExA's Rule 8 letter [\[PD-007\]](#) identified dates for hearings and set deadlines for receipt of written material. A list of all events in the examination can be found on the [project page](#) of the Planning Inspectorate's website.

STATEMENTS OF COMMON GROUND

- 1.4.3. The ExA requested the submission of Statements of Common Ground (SoCG) between the applicants and various interested parties in its Rule 6 letter, appendix F [\[PD-006\]](#) and subsequently during the examination.
- 1.4.4. The applicants' final Statement of Commonality summarises the status of agreement on SoCG at the end of the examination [\[REP7-026\]](#). SoCG have been fully taken into account by the ExA in all relevant sections of this report. The ExA notes that the final SoCG between the applicants and BAE Systems (Warton Aerodrome) and the Defence Infrastructure Organisation (on behalf of the Ministry of Defence) [\[REP7-030\]](#) has not been signed by the parties.

WRITTEN QUESTIONS AND REQUESTS FOR INFORMATION

- 1.4.5. Following our appointment as ExA, we issued a Rule 9 letter [\[PD-005\]](#) on 14 February 2025 seeking further information and written comments from the applicants following the receipt of RR, including with regard to the following matters:
- matters raised by Natural England and Marine Management Organisation
 - construction scenarios
 - aviation including the potential for an increased risk of bird strike in relation to Warton Aerodrome (BAE Systems) and Blackpool Airport (Blackpool Airport Operations Limited)
- 1.4.6. The ExA asked two rounds of written questions:
- ExQ1 Examining Authority's Written Questions 1 [\[PD-008\]](#)
 - ExQ2 Examining Authority's Written Questions 2 [\[PD-011\]](#)
- 1.4.7. The ExA made the following requests for further information and comments under Rule 17 of the Infrastructure Planning (Examination Procedure) Rules 2010:
- Rule 17 - Request for further Information to Natural England [\[PD-016\]](#)
 - Rule 17 - Request for further Information to the applicants and Natural England [\[PD-017\]](#)

SITE INSPECTIONS

- 1.4.8. The ExA carried out the following unaccompanied site inspections (USIs):
- USI on 18, 19 and 20 March 2025 [\[EV1-001\]](#)
 - USI on 19, 20 and 21 May 2025 [\[EV1-002\]](#)
 - USI on 9 and 10 October 2025 [\[EV1-004\]](#)
- 1.4.9. The ExA carried out the following accompanied site inspections (ASIs) with notice to and in the company of parties:
- ASI on 25 and 26 June 2025 [\[EV1-003\]](#)

HEARINGS

- 1.4.10. Hearings were held under s 91 PA2008 into specific issues (ISH), under s 92 PA2008 into the compulsory acquisition of land and rights (CAH) and under s 93 PA2008 providing for open floor hearings (OFH).
- 1.4.11. The following ISHs were held:
- ISH1 on site selection and alternatives, scope of the proposed development and the applicants' assessments - 30 April and 1 May 2025 [\[EV4-001\]](#)
 - ISH2 on environmental, onshore and offshore matters - 29 July and 30 July 2025 [\[EV7-001\]](#)
 - ISH3 on the draft development consent order (dDCO) – 31 July 2025 [\[EV8-001\]](#)
 - ISH4 on environmental, onshore and offshore matters and the dDCO – 7 October and 8 October 2025 [\[EV10-001\]](#)
- 1.4.12. The following CAHs were held:
- CAH1 – 2 May 2025 [\[EV5-001\]](#)
 - CAH2 – 1 August 2025 [\[EV9-001\]](#)
 - CAH3 – 9 October 2025 [\[EV11-001\]](#)
- 1.4.13. The following OFHs were held:
- OFH1 – 29 April 2025 [\[EV2-001\]](#)
 - OFH2 – 24 June 2025 [\[EV6-001\]](#)

1.5. CHANGES TO THE APPLICATION

- 1.5.1. On 23 July 2025 [\[CR1-001\]](#), updated on 1 August 2025 [\[CR1-003\]](#), the applicants wrote to the ExA to give notice of its intention to make changes to the application. Four changes were proposed involving relocation of accesses, provision of additional construction accesses, operational access alignment, removal of operational access and reductions to the order limits and a corresponding reduction in the powers sought over extent of the order land.
- 1.5.2. The Change Request Report (CRR) [\[CR1-005\]](#) details the proposed changes in full. On 5 August 2025 the ExA responded to the notification [\[PD-010\]](#) including advice that a targeted, non-statutory consultation would be appropriate for the proposed changes. The applicants carried out the non-statutory consultation exercise and issued the Change Request Consultation Report [\[REP5-154\]](#).
- 1.5.3. In a procedural decision [\[PD-014\]](#), the ExA agreed with the applicants that none of the proposed changes were so material they constituted a materially different project. The proposed changes were not considered, individually or cumulatively, to

lead to the project being different in nature or substance to that which was originally applied for. Noting that additional areas of land would not be required, the ExA agreed that changes would not engage the Infrastructure Planning (Compulsory Acquisition) Regulations 2010. Additionally, parties that may be affected by the proposed changes were given an appropriate opportunity to engage and sufficient time remained in the examination to allow for their full and proper consideration.

- 1.5.4. The ExA's procedural decision therefore accepted the applicants' changes into the examination and made a variation to the examination timetable to accommodate the changes, including a new D5a for the applicants to submit updated documents and amend D6 to allow the opportunity for written submissions to be made on the changed application.

1.6. OTHER CONSENTS, UNDERTAKINGS, OBLIGATIONS AND AGREEMENTS

Consents and licences

- 1.6.1. At D6, the applicants updated the consents and licences required under other legislation document [\[REP6-108\]](#) which sets out the consents that are, or may be, required for the proposed development that are not contained within the dDCO. It also provided details of the consents that the applicants are seeking to disapply within the DCO and which, as a result would not be applied for separately.

S106 agreement

- 1.6.2. At D7, a section 106 memorandum was submitted [\[REP7-038\]](#) covering progress in relation to a draft s106 agreement with Fylde Borough Council and Lytham Town Trust. The draft agreement includes contributions to mitigate the construction impacts and support St Anne's Football Club to manage the temporary disruption from the construction works at Blackpool Road Recreation Ground. This is considered further in chapter 4.

Commercial agreements

- 1.6.3. Some parties have confirmed that, during the examination, they have reached private agreements with the applicants regarding protection of their assets and/ or interests. These are referred to, where relevant, in subsequent sections of this report.

1.7. STRUCTURE OF THIS REPORT

- 1.7.1. The structure of the remainder of this report is as follows:

- **chapter 2** identifies how the application is to be determined and summarises the key legislation and policy context that applies to the decision
- **chapter 3** focuses on the overarching issues
- **chapter 4** sets out the findings and conclusions in relation to the main planning issues that arose from the application and during the examination.
- **chapter 5** provides a summary of the Habitats Regulations Assessment.
- **chapter 6** sets out the balance of planning considerations arising from chapters 3 and 4 in the light of important and relevant factual, legal and policy considerations.
- **chapter 7** sets out the ExA's examination of land rights and related matters.
- **chapter 8** considers the implications of the matters arising from the preceding chapters for the DCO.

- **chapter 9** summarises all relevant considerations and then sets out the ExA's recommendation to the SoS.

1.7.2.

This report is supported by the following appendices:

- appendix A – List of abbreviations
- appendix B – Key legislation and policy
- appendix C – Habitats Regulations Assessment
- appendix D – ExA's land rights summary table
- appendix E – The recommended DCO

2. HOW THE APPLICATION IS DETERMINED

2.1. INTRODUCTION

- 2.1.1. This chapter identifies the key legislation, policy and local impact reports (LIR) relevant to the consideration of the application. In appendix C of its rule 6 letter [\[PD-006\]](#), the Examining Authority (ExA) set out its initial assessment of principal issues (IAP) as required under section 88(1) of the Planning Act 2008 (PA2008). In making its recommendation the ExA has considered all written and oral submissions that have been received during the examination.

2.2. LEGISLATION AND POLICY

- 2.2.1. This section identifies the key legislation and policy that the ExA considers to be important and relevant to its findings and recommendations to the Secretary of State (SoS). More detail is provided in appendix B to this report.

PLANNING ACT 2008

- 2.2.2. The Planning Act 2008 (PA2008) provides the basis for decision-making in respect of applications for Nationally Significant Infrastructure Projects (NSIPs).
- 2.2.3. Paragraph 3.4.1.11 of the applicants' Planning Statement [\[REP7-023\]](#) notes that the section 35 direction used for the transmission assets does not explicitly state that the Development Consent Order (DCO) should be determined under section 104 or section 105 of the PA2008. However, the applicants do not consider that s105 would apply given the clear wording of NPS EN-1.
- 2.2.4. NPS EN-1 prescribes (paragraph 3.4.1.10 of the Planning Statement) that "EN-1, in conjunction with any relevant technology specific NPS, will be the primary policy for SoS decision making on projects in the field of energy for which a direction has been given under section 35." The applicants go on to explain that the transmission assets are a project in the field of energy for which a direction has been given under section 35 and, given that NPS EN-1 prescribes that it (in conjunction with the relevant technology specific NPSs, in this case EN-3 (as appropriate) and EN-5) is the primary policy for such projects, there is a national policy statement which has effect in relation to the transmission assets.
- 2.2.5. The ExA agrees with the applicants' conclusion in this regard and notes that when the matter was discussed at Issue Specific Hearing 1 [\[EV4-001\]](#), no interested party disagreed with this approach. Consequently, the ExA is satisfied that the application falls to be determined under the provisions of s104 of PA2008. The 2024 NPS EN-1, EN-3 and EN-5 have effect in relation to the proposed development as explained below.
- 2.2.6. Section 104(2) of the PA2008 sets out the matters to which the SoS must have regard when making its decision. These include:
- any relevant NPS
 - any duly submitted Local Impact Report (LIR)
 - any matters prescribed in relation to the development
 - any other matters the SoS thinks are both important and relevant to the decision
- 2.2.7. Section 104(3) of the PA2008 requires the SoS to decide the application, in accordance with any relevant NPS that has effect subject to the exceptions in s104(4) to (8) as follows:

- where deciding the application in accordance with any relevant NPS would lead to the UK being in breach of any of its international obligations
- where deciding the application in accordance with any relevant NPS would lead to the SoS being in breach of any duty imposed on her or him by or under any enactment
- where deciding the application in accordance with any relevant NPS would be unlawful by virtue of any enactment
- where the adverse impact of the Proposed Development would outweigh its benefits
- where any condition prescribed for deciding an application otherwise than in accordance with a NPS is met

2.2.8. This report sets out the ExA's findings, conclusions and recommendations taking these matters into account and applying s104 of the PA2008.

MARINE AND COASTAL ACCESS ACT 2009

2.2.9. The Marine and Coastal Access Act 2009 sets the framework for the marine planning system in the UK. It provides for the preparation of a UK Marine Policy Statement marine plans for UK marine areas and the system of marine licensing. In deciding an application for an order granting development consent, the SoS must have regard to (amongst other things) the appropriate marine policy documents, which in this case is the UK Marine Policy Statement 2011 (MPS). The policies of the North West Inshore and North West Offshore Marine Plan 2021 are also capable of being an important and relevant consideration in relation to the proposed development.

OTHER LEGISLATION

2.2.10. A full list of relevant primary and secondary legislation, including but not limited to duties arising under the Equality Act 2010, Human Rights Act 1998 and the Climate Change Act 2008 (as amended), can be found in appendix B of this report. All applicable legislation has been considered by the ExA as required and the findings and recommendations in this report are framed to identify and enable the SoS to discharge all applicable statutory considerations or duties.

2.3. NATIONAL POLICY STATEMENTS

2.3.1. NPSs set out government policy for national infrastructure development and form the primary policy context for this examination. The NPSs that have effect for this application are:

- overarching NPS for Energy (EN-1)
- NPS for Renewable Energy Infrastructure (EN-3)
- NPS for Electricity Networks Infrastructure (EN-5)

2.3.2. They were all published in November 2023 and came into force from 17 January 2024. Chapters 3 and 4 of this report assesses the extent to which the proposed development accords with them.

OVERARCHING NPS FOR ENERGY (NPS EN-1)

2.3.3. 2024 NPS EN-1 sets out the government's policy for the delivery of major energy infrastructure. It lays out the general principles and generic impacts to be considered in examining applications for energy NSIPs and provides the policy framework within which all other energy NPSs sit.

- 2.3.4. Section 4.2 of 2024 NPS EN-1 establishes the principle of a critical national priority (CNP) for the provision of nationally significant low carbon infrastructure. Low carbon infrastructure for the purposes of this policy includes, amongst other things, offshore renewable electricity generation such as offshore wind farms (OWF) and all electricity grid infrastructure within the scope of 2024 NPS EN-5 such as power lines and associated substations. 2024 NPS EN-1 states that CNP infrastructure benefits from a presumption in favour of consent, subject to several exceptions.

NPS FOR RENEWABLE ENERGY INFRASTRUCTURE (NPS EN-3)

- 2.3.5. 2024 NPS EN-3 provides policy specific to major renewable energy infrastructure, including OWFs. It sets out the assessment criteria for offshore wind applications, which include the consideration of biodiversity, ecology and habitats, marine physical and historic environment, commercial fisheries, navigation and shipping, other offshore activities, and seascape and visual effects. Expectations around Habitats Regulations Assessment, climate change resilience and good design are also articulated.

NPS FOR ELECTRICITY NETWORKS (NPS EN-5)

- 2.3.6. 2024 NPS EN-5 sets out policy relevant to electricity transmission and distribution systems. It provides a framework of technology-specific impacts to be considered for electricity networks infrastructure including substations and overhead lines. Assessment criteria specific to electricity networks development include the consideration of effects relating to biodiversity and geological conservation, landscape and visual, noise and vibration and Electric and Magnetic Fields (EMFs). 2024 NPS EN-5 also supports the principle of achieving coordinated approaches to delivering offshore and onshore electricity transmission to minimise environmental, community and other impacts.

REVISED NATIONAL POLICY STATEMENTS

- 2.3.7. On 24 April 2025 (shortly before the start of the examination), the government published draft revised revisions of NPS EN-1, NPS EN-3 and NPS EN-5 for consultation.
- 2.3.8. The April 2025 draft suite of NPSs were discussed at ISH1. Following this the applicants submitted a 'Planning Statement Addendum' [\[REP2-042\]](#) which included the applicants' commentary on the revisions made in the draft NPSs. In addition, in their final version of the NPS Tracker [\[REP7-022\]](#) the applicants state that the changes proposed to the NPSs do not affect the application in any material way.
- 2.3.9. Subsequently on 13 November 2025, after the close of the examination, updated draft versions of this suite of NPSs (dated December 2025) were published along with the government's response to submissions made on the consultation. The final December 2025 revised NPSs were published on 6 January 2026.
- 2.3.10. The transitional provisions in section 1.6 of the draft NPS EN-1 (December 2025) makes clear that the 2025 amendments will only have effect in relation to those applications for development consent accepted for examination after the final publication of those amendments. Therefore, for the purposes of this application the suite of energy NPS designated in 2024 should have effect. The ExA has carried out our assessment on this basis with the 2024 suite having effect.
- 2.3.11. Furthermore, as the December 2025 drafts and the final January 2026 amended NPSs were published following the close of the examination there has not been the

opportunity for the ExA to receive any comments from interested parties on any implications arising from them. Therefore, our considerations have taken account of the April 2025 versions of the revised suite of NPSs.

- 2.3.12. As noted in paragraph 1.6.3 of the December 2025 NPS EN-1, the extent to which the 2025 amendments are relevant is a matter for the SoS to consider within the framework of the PA2008 and with regard to the specific circumstances of each development consent order application.

2.4. UK MARINE POLICY STATEMENT

- 2.4.1. The MPS provides a framework for preparing marine plans and taking decisions affecting the marine environment. It is jointly adopted by the SoS for the Department of Environment, Food and Rural Affairs, Welsh Ministers, Scottish Ministers and the Department of the Environment in Northern Ireland. The policy objectives for the key activities that take place in the marine environment are set out in chapter 3 of the MPS. These objectives inform the North West Inshore and North West Offshore Marine Plan, which aims to deliver the high-level marine objectives set out in the MPS. NPS EN-1 paragraphs 4.5.8 and 4.5.9 state that applicants must take account of any relevant marine plans in planning their development and the SoS must have regard to any appropriate marine policy documents when making a decision on an application. However, in the event of a conflict between a NPS and any marine planning documents, that NPS prevails for purposes of decision making (2024 NPS EN-1, paragraph 4.5.12).

2.5. OTHER RELEVANT NATIONAL POLICIES

- 2.5.1. Other relevant government policy and associated guidance have been taken into account by the ExA. Appendix B provides a list of the relevant national policy, statements and guidance to the proposed development. These policies are considered as relevant in chapter 3 of our report. We note that on 16 December 2025 the government published a consultation National Planning Policy Framework: proposed reforms and other changes to the planning system, including a draft text for consultation. These documents were not before the examination and are subject to ongoing consultation. With this in mind, whilst they may be treated as material considerations, we do not consider they materially alter our overall conclusions.

2.6. REGIONAL AND LOCAL PLAN POLICIES

- 2.6.1. Chapter 2 of the environmental statement (ES) [[APP-023](#)], the applicants' Planning Statement [[REP7-023](#)] and the local authority LIRs (paragraph 2.7 below) set out the plans and policies deemed relevant to the application. The ExA does not seek to replicate them here. Should a particular policy be raised as contentious, this will be discussed, as relevant, in the topic matters within chapter 3 of this recommendation. The ExA has taken all regional and local policies into account in our considerations.

2.7. LOCAL IMPACT REPORTS

- 2.7.1. LIRs were received by the ExA from the following local authorities.

- Lancashire County Council [[REP1-085](#)]
- Blackpool Borough Council [[REP1-068](#)]
- Fylde Borough Council [[REP1-078](#)]
- South Ribble Borough Council [[REP1-227](#)]

- 2.7.2. Numerous matters are raised within these LIRs, including the local authorities views on the potential impacts of the proposed development. These matters are considered as relevant in chapters 3 and 4 of this report.

2.8. ENVIRONMENTAL IMPACT ASSESSMENT

- 2.8.1. The proposed development is development for which an Environmental Impact Assessment (EIA) is required.
- 2.8.2. On 28 October 2022, the applicants submitted a Scoping Report to the SoS under Regulation 10 of the EIA Regulations in order to request an opinion about the scope of the ES to be prepared (a Scoping Opinion).
- 2.8.3. On 8 December 2022 the Planning Inspectorate provided a Scoping Opinion [[APP-230](#)]. On 27 January 2025 the applicants provided the Inspectorate with certificates confirming that s56 and s59 of PA2008, and regulation 16 of the Environmental Impact Assessment Regulations 2017 (EIA Regulations) had been complied with. They were published on the Inspectorate's website on 6 February 2025.
- 2.8.4. FBC has raised concerns regarding the applicants' approach to the preparation of the EIA. Section 18 of the LIR [[REP1-078](#)] outlines those at a high level. FBC state that the EIA has not been prepared to properly assess all scenarios and impacts, with at least one alternative route not being adequately assessed.
- 2.8.5. FBC has also raised concerns throughout the examination, including during hearings, about adequacy of the applicants' approach and the definition of the maximum design scenario. Those remain outstanding and are referred to in the closing statement, section 2.7 [[REP7-046](#)].
- 2.8.6. In the final Statement of Common Ground (SoCG) between FBC and the applicants [[REP7-028](#)] the matter of baseline methodology remains as not agreed. FBC state that the council remain concerned that maximum and minimum design parameters have been insufficiently defined and are not supported by sufficient detail which undermines the assessment.
- 2.8.7. The applicants' position outlined in the final SoCG [[REP7-028](#)] is that they have complied with guidance provided in PINS Advice Note Nine: Rochdale Envelope and that the level of detail committed in the project parameters, provided indicatively in supporting plans and in certified Project Level Design Principles and Design Codes is sufficient to support the assessment of effects and provides sufficient context for post consent design development.
- 2.8.8. Concerns regarding adequacy of EIA have also been raised by other parties, those are set out in detail under points 14,15 and 16 of the closing statement provided by Newton with Clifton Parish Council and Freckleton Parish Councils [[REP7-051](#)]. Assessment methodology is also an outstanding matter in the final SoCG between the parish council and the applicants [[REP6-158](#)].
- 2.8.9. The ExA notes that in some areas of the ES, the information provided in the original submission with the application have been supplemented, either with updated chapters or with information separately submitted during the examination. For example, the bird strike risk to aviation considered in section 4.3 has led to the submission of additional information during the examination.

- 2.8.10. We are satisfied that the applicants' approach utilising the 'Rochdale envelope' and maximum design scenarios to be appropriately robust and in accordance with the expectations set out in section 4.3 of 2024 NPS EN-1.
- 2.8.11. Overall, the ExA considers that the ES, as supplemented by additional information during the examination, is sufficient to enable the SoS to take a decision in compliance with the EIA Regulations. Consideration is given to the findings of the ES in subsequent chapters of this report.

2.9. HABITATS REGULATIONS ASSESSMENT

- 2.9.1. The SoS is the competent authority for the purposes of the Conservation of Habitats and Species Regulations 2017 (as amended) (Habitats Regulations). The Habitats Regulations were amended by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019.
- 2.9.2. The proposed development is one that has been identified as giving rise to the potential for likely significant effects (LSE) on European sites and hence is subject to a Habitats Regulations Assessment (HRA). As is the convention and to inform SoS decisions prepared under the PA2008, a separate record of considerations relevant to HRA has been set out in appendix C of this report, a summary of which can be found in chapter 5.

2.10. TRANSBOUNDARY EFFECTS

- 2.10.1. A transboundary screening under Regulation 32 of the EIA Regulations was undertaken on behalf of the SoS on 20 September 2023 following the applicants' request for an EIA Scoping Opinion [\[OD-001\]](#). Significant effects were identified on the environment in the European Economic Area (EEA) member states of Belgium, and the Republic of Ireland and those states were notified of the applicants' proposals and confirmed that they wished to be consulted on them [\[OD-002\]](#)[\[OD-003\]](#).
- 2.10.2. A second screening was published on 15 January 2025 following acceptance of the application [\[OD-006\]](#). On the basis of the information provided by the applicants and taking a precautionary approach, the Inspectorate took the view that the proposed development is likely to have a significant effect on the environment in the Republic of Ireland (Marine Mammals, Commercial Fisheries and Shipping and Navigation) and Belgium (Commercial Fisheries). Accordingly, the governments of Belgium and Republic of Ireland were consulted on the application's submission.
- 2.10.3. A response was received from Belgium [\[OD-010\]](#), specifically from the Agency of Agriculture and Fisheries which raised matters relating to commercial fisheries.
- 2.10.4. The response from the Republic of Ireland [\[OD-009\]](#) indicated that responses on behalf of the state would be provided via a public consultation. Responses submitted to the Inspectorate were published [\[OD-012\]](#). A total of five responses were received which raised matters on the following EIA / HRA topics:
- Attracta Uí Bhroin in a personal capacity, and on behalf of the Irish environmental non-governmental organisations (eNGOs) Environmental Law Ireland at An Taisce and An Claiómh Glas (two responses):
 - Screening out of impacts from benthic ecology and seascape / landscape
 - Marine mammals, with specific concerns over baseline data and project alone / cumulative impact assessment

- Security and safety of the transmission assets
- Commercial fisheries
- Ornithological receptors
- Birdwatch Ireland:
 - Ornithological receptors, with specific concerns over a lack of consideration for multiple tern species and the connectivity between Irish and UK breeding colonies, and cumulative impacts.
- Louth County Council
 - Cumulative impacts to marine mammals, commercial fisheries and shipping and navigation.
- Oliver Donoghue
- Impacts to marine species, shipping and navigation and security risks.

2.10.5. Submissions about transboundary consultation were made by Ms. Uí Bhroin at the preliminary meeting acting on a personal capacity as well as on behalf of An Taisce and An Claíomh Glas and by Mr Byrne representing An Claíomh Glas. Concerns were related to procedural matters relating to the fairness of the transboundary consultation process [\[EV3-004\]](#).

2.10.6. In our rule 8 letter [\[PD-007\]](#), the ExA has confirmed that all three parties can be 'other persons' in the examination (noting the provisions of s102 of the Planning Act 2008 on the ability for persons to become interested parties). The ExA also confirmed that it is possible for further parties wishing to participate to become other persons as appropriate. The ExA encouraged all three parties to make submissions, as they consider appropriate, throughout the examination and requested that the applicants respond to any such submissions accepted by the ExA as they would for submissions from interested parties.

2.10.7. The applicants responded to the matters raised by the Irish Government at deadline 1 [\[REP1-062\]](#). No further responses were received on transboundary matters from the other parties listed above, including in response to questions [\[PD-008\]](#) directed by the ExA to Attracta Uí Bhroin. The matters raised and the response by the applicants were considered by the ExA in its examination of the EIA and HRA of the proposed development and are reported on in the relevant sections of this report.

2.10.8. The regulation 32 duty is an ongoing duty, and on that basis, we have considered whether any facts have emerged to change the applicants' screening conclusions, up to the point of closure of the examination. The ExA is satisfied, on the basis of the information provided to the examination, that there is no change to the screening conclusions.

3. OVERARCHING ISSUES

3.1. NEED

INTRODUCTION

- 3.1.1. This section considers the need in principle for the proposed development.

THE APPLICATION

- 3.1.2. The applicants set out the need for the proposed development in the Planning Statement [\[APP-233\]](#). This includes in section 4 of the Planning Statement the 'Need for the transmission assets' and in section 6.2 'Project need and benefits'. A final version of the Planning Statement was submitted prior to the end of the examination [\[REP7-023\]](#).
- 3.1.3. Chapter 2 of volume 1 of the Environmental Statement [\[APP-023\]](#) also provides a summary of the policy and legislative context for the proposed development including with reference to climate change and renewable energy legislation and policy and UK transmission infrastructure strategy and policy.
- 3.1.4. The applicants' 'Overview', in section 4.1 of the Planning Statement, make clear that the proposed development is required to connect two nationally significant infrastructure projects – the Generation Assets for the Morgan Offshore Wind Project and the Morecambe Offshore Windfarm to the UK electricity transmission network, contributing to:
- the UK Government's ambition to deliver 50 GW of offshore wind by 2030
 - delivering much needed investment and securing construction and operations jobs in the UK
 - securing our energy supply
 - the UK's response to the climate change crisis
- 3.1.5. The applicants explain that the generation assets, together with the transmission assets will provide up to almost 2GW of renewable energy generation capacity to the National Grid and will therefore play an important part in securing the timely delivery of the Government's renewable energy strategy and achieving legally binding greenhouse gas and emissions reduction targets.
- 3.1.6. In section 3 'Legislation, policy and guidance' of the Planning Statement, the applicants describe the national and international policy commitments to demonstrate the need for renewable energy, and specifically for offshore wind and electricity network improvements, to meet climate commitments and contribution to addressing the climate crisis. These include:
- The Energy Act 2015
 - The Energy White Paper: Powering Our Net Zero Future 2020
 - Net Zero Strategy: Build Back Greener 2021
 - British Energy Security Strategy 2022
 - Powering Up Britain: The Net Zero Growth Plan 2023
- 3.1.7. The applicants explain that proposed development is development of national significance for which development consent is required by virtue of the section 35 direction [\[APP-229\]](#). They note that NPS (National Policy Statement) EN-1 and the relevant technology specific NPS will be the primary policy for Secretary of State (SoS) decision making on projects in the field of energy for which a direction has

been given under section 35. The applicants go on to say that the NPSs establish the policy need for the new renewable energy generation and transmission infrastructure.

- 3.1.8. The applicants draw attention to paragraph 3.2.6 of 2024 NPS EN-1 which states “the SoS should assess all applications for development consent for the types of infrastructure covered by this NPS on the basis that the government has demonstrated that there is a need for those types of infrastructure which is urgent”. Paragraph 3.2.7 says that the substantial weight should be given to this need when considering applications for development consent.
- 3.1.9. The applicants emphasise that the weight given also needs to take account of the fact that in addition to being critical national priority (CNP) infrastructure in their own right, the transmission assets deliver the new clean offshore wind capacity from two nationally significant infrastructure projects. The applicants note that the SoS is not required to consider separately the specific contribution of any individual project to satisfying the need established in the NPS.
- 3.1.10. The applicants also highlight that paragraphs 3.3.62 and 4.2.4 of 2024 NPS EN-1 confirm that the Government “has concluded that there is a CNP for the provision of nationally significant low carbon infrastructure”. They note that paragraph 4.2.5 of 2024 NPS EN-1 confirms that energy transmission projects directed to be considered under the Planning Act 2008 and which fit within the normal definition of ‘low carbon’ (such as the transmission assets) are of a type to be considered CNP infrastructure.

MATTERS CONSIDERED DURING THE EXAMINATION AND ExA’s CONSIDERATION OF NEED

- 3.1.11. None of the local authorities have raised objections to the overall needs case for the proposed development, notwithstanding that concerns have been raised in relation to the site selection and alternatives as considered in the following section. For example, in its relevant representation [[RR-1262](#)], Lancashire County Council recognises the national benefit of this project in terms of energy security, meeting renewable energy targets and creating sustainable economic growth. Fylde Borough Council, in its relevant representation [[RR-0705](#)] noted that the offshore generation assets are subject to separate applications and therefore there is a question as to whether it is appropriate to effectively suppose that the principle of development is acceptable.
- 3.1.12. A small number of relevant representations (RR) from interested parties set out objections to offshore wind projects generally as either being unnecessary or not cost effective or expressed a preference for nuclear or tidal power. Other RR raised concerns that the electricity generated would be wasted due to a lack of capacity within the National Grid and if there is enough battery storage capacity to cope with the increased energy output.
- 3.1.13. During the examination, on 29 August 2025, the Morgan Offshore Wind Project: Generation Assets was granted consent. The ExA also notes that following the examination, the Morecambe Offshore Windfarm Generation Assets has been granted consent on 3 December 2025. The Morgan generation project would provide up to 1.5 gigawatts of energy generation, whilst the Morecambe generation assets would provide for up to 480 megawatts.

- 3.1.14. In providing for the transmission assets for these two generation projects, the ExA considers that the proposed development would facilitate a significant and positive contribution to the urgent need for new renewable energy generating capacity established by 2024 NPS EN-1 (taken together with other legislation, policy and guidance) to assist with the transmission to a low carbon net zero economy. The ExA finds that the need for the proposed development is clearly established and notes that the proposed transmission assets, in connecting the offshore generation assets to the National Grid, would make a significant contribution to the established need and targets for renewable energy generation.
- 3.1.15. The ExA acknowledges that the government has identified a CNP for nationally significant low carbon infrastructure, such as the proposed development (para 4.2.4 of 2024 NPS EN-1) and that the applicants project needs case draws on this. 2024 NPS EN-5 (paragraph 2.12.7) notes that CNP includes for electricity grid infrastructure, all power lines in scope of EN-5 including network infrastructure and upgrade works, and associated infrastructure such as substations. It makes clear that this includes infrastructure identified in the Holistic Network Design and subsequent strategic network design exercises.
- 3.1.16. 2024 NPS EN-1 makes clear that the CNP policy does not create an additional or cumulative need case or weighting to that which is already outlined for each type of energy infrastructure. Therefore, the application of the CNP policy would only apply following the normal consideration of the need case, the impacts of the proposed development and the application of the mitigation hierarchy. As such, the correct place for this to be considered is in chapter 6 of this report in reference to any residual impacts that have been identified once all project-specific issues have been considered.
- 3.1.17. As referred to in chapter 2 of this report, draft revisions to the energy suite of NPSs were published in April 2025. The April 2025 draft NPS EN-1 (paragraph 2.2.5) refers to the Clean Power 2030 Action Plan published by the government in December 2024. This plan seeks to ensure that by 2030 clean sources would produce at least 95% of Great Britain's generation, meeting the sixth Carbon Budget advice and pushing the country towards net zero 2050. It goes on to discuss in, section 2.3, the government's Clean Power 2030 Mission, including meeting this through increased deployment of low carbon generation, flexibility infrastructure and electricity transmission infrastructure. Paragraph 2.3.6 explains that renewable technologies (offshore wind, onshore wind and solar) will form the foundation of a clean power system and that very significant deployment is needed to make this a reality.
- 3.1.18. The ExA notes the revised content of the April 2025 draft NPS EN-1 and, whilst it was in draft form during the examination, considers that it strengthens the case for renewable infrastructure and the need for the proposed transmission assets.
- 3.1.19. Regarding other concerns raised by interested parties, the ExA notes and concurs with the applicants' response that the National Energy System Operator is responsible for managing the National Grid and ensuring that there is adequate capacity for new offshore wind projects. Noting the grid connection agreements in place with National Grid, there is no substantive evidence raised in the examination to suggest that it is not feasible for the grid connection to be provided.
- 3.1.20. The applicants state in paragraph 3.9.1.1 of the Project description [\[REP6-038\]](#) that the timing of construction is indicative but at the time of writing both the Morgan and Morecambe offshore wind farms projects intend to be fully operational by 2030 at

the earliest. Whilst some interested parties have suggested that it is unlikely that the projects would achieve this earliest operational date (and therefore would not help the UK Government's ambition to deliver 50 GW of offshore wind by 2030) the ExA is satisfied that this makes no material difference to the overall needs case for the proposed transmission assets as the need for renewable energy will clearly remain beyond 2030. We go on to consider the matter of the time limit for the commencement of development, secured through requirement 1 of schedules 2A and 2B of the draft development consent order in chapter 8 of this recommendation.

CONCLUSIONS

- 3.1.21. Notwithstanding the consideration of project specific issues set out elsewhere in this report, we are satisfied that there is a clear and compelling need for the proposed development. The urgent need for offshore wind for both energy security and net zero is established by the NPSs. The proposed transmission assets in facilitating the connection of the proposed separate Morecambe and Morgan Transmission Assets to the National Grid would make a significant and important contribution to meeting this need. The ExA gives very great (substantial) positive weight in the final planning balance to the role of the proposed development in satisfying the urgent need for renewable energy infrastructure.
- 3.1.22. In accordance with paragraph 4.1.3 of NPS EN-1, the starting point is therefore a presumption in favour of granting development consent unless any more specific policies set out in the relevant NPSs clearly indicate that consent should be refused and subject to the provisions in the PA2008. This is considered further in chapter 6 of our recommendation including our consideration of CNP.

3.2. SITE SELECTION AND ALTERNATIVES

INTRODUCTION

- 3.2.1. This section considers the applicants consideration of site selection and alternatives, including the applicants' selection of the locations of the key components of the proposed development.
- 3.2.2. It does not consider matters where there are specific requirements in relation to compulsory acquisition or habitats sites or where a National Policy Statement (NPS) imposes a specific requirement to consider alternatives. These are considered, where relevant, in the individual issue sections of this report.

THE APPLICATION

- 3.2.3. Chapter 4 of volume 1 'Site selection and consideration of alternatives' of the Environmental Statement (ES) [\[AS-027\]](#) sets out the applicants' approach on these matters. It draws upon more detailed information in the following annexes:
- annex 4.1: Selection and refinement of cable landfall [\[APP-031\]](#)
 - annex 4.2: Selection and refinement of offshore infrastructure [\[APP-032\]](#)
 - annex 4.3: Selection and refinement of onshore infrastructure [\[AS-028\]](#)
- 3.2.4. The approach to site selection and the consideration of alternatives as set out in the application as submitted is summarised below.

Background

- 3.2.5. The applicants explain [section 4.2.2 of [AS-027](#)] that the Morgan and Morecambe areas for lease were awarded following the Crown Estate's Offshore Wind Leasing Round 4 in 2019. Both offshore windfarms were scoped into the 'Pathways to 2030' workstream under the Offshore Transmission Network Review (OTNR) the outcome of which is considered below.
- 3.2.6. The applicants go onto say that the transmission assets have been designed so that each wind farm is electrically independent. Therefore, each wind farm will have its own set of transmission assets (i.e., cables and substation infrastructure). However, the location of the infrastructure is aligned within offshore and onshore cable corridors, where possible, to minimise impacts to environment and the community.
- 3.2.7. The applicants emphasise that 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.

Applicants general approach to site selection

- 3.2.8. The site selection principles adopted by the applicants include:
- 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 minimising transmission losses.
 - Minimising impacts to environmental features and social receptors, where possible.
 - The necessary space to accommodate the design envelope.

3.2.9. The applicants explain that a series of overarching principles and engineering assumptions were identified for infrastructure which governed the decisions made at each stage. These included environmental, physical, technical, commercial and social considerations and opportunities. Each stage of the process involved gathering data from different sources (e.g. surveys, desktop studies, stakeholder and public feedback) to define and assess alternative site options. This information was then collated, reviewed and appraised to reach cross-discipline decisions about refining the site selection options at each stage.

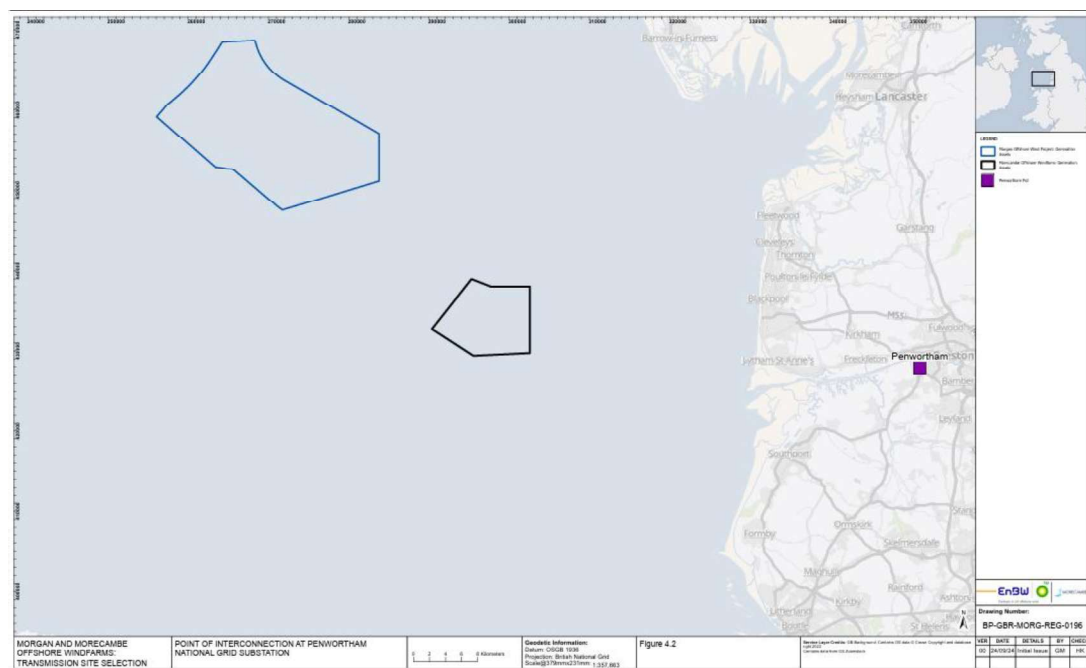
3.2.10. The stages of the applicants' site selection process are set out in table 4.11 'Site Selection and Refinement Stages Directory of the ES [page 83 of [APP-031](#)] and an overview of the site selection process is set out in diagram 4.1 on page 84 of the ES [[APP-031](#)].

Identification of point of interconnection

3.2.11. The applicants explain that a number of potential grid connection locations and options were considered by National Grid Electricity System Operator (NGESO) through the Holistic Network Design (HND) process based on an understanding of the grid infrastructure capacity in relation to the location of the Morgan Offshore Wind Project and Morecambe Offshore Windfarm (and considering other round 4 offshore wind projects coming forwards in the Irish Sea).

3.2.12. As set out by the applicants, in July 2022, the UK Government published the Pathway to 2030 Holistic Network Design documents, which set out the approach to connecting 50 GW of offshore wind to the UK electricity network. The output of this process concluded that the preferred connection option representing the most optimal design (economic, efficient and coordinated) considering all criteria (i.e. technical, cost, environmental and deliverability) that the Morgan Offshore Wind Project and the Morecambe Offshore Windfarm should work collaboratively to consent the connection of their respective wind farms to the National Grid at Penwortham in Lancashire. The location of the proposed point of interconnection at Penwortham in relation to the proposed Morgan and Morecambe offshore windfarm locations (the generation assets) is shown in figure 4.2 of the ES [[APP-041](#)] and below.

Figure 5: Location of point of interconnection in relation to the proposed Morgan and Morecambe offshore windfarms (source: figure 4.2 of the ES [APP-041]).



Landfall site

- 3.2.13. A landfall area of search was defined by the applicants, based on the location of the Morgan and Morecambe generation assets proposals and the National Grid substation at Penwortham, extending 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.
- 3.2.14. The applicants explain that 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. 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.
- 3.2.15. While the applicants acknowledge that 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 Site of Special Scientific Interest, it was ultimately deemed the most appropriate option when compared to the available alternatives.

Offshore infrastructure

- 3.2.16. The applicants explain that the offshore export cable corridor routing exercise sought to identify the shortest route from the generation assets to the selected landfall location at Lytham St Annes, whilst avoiding environmental sensitivities and existing seabed infrastructure. This is detailed in volume 1, annex 4.2 of the ES

‘Selection and refinement of the offshore infrastructure’ [APP-032]. The previously proposed offshore booster station was removed at the pre-application stage.

Onshore cable route

- 3.2.17. Full details of the applicants site selection process for the onshore substations is set out in section 4.6 of annex 4.3 of the ES [AS-028].
- 3.2.18. The applicants emphasise that a key design decision was to install cables underground rather than to use overhead lines. 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.
- 3.2.19. 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 proposed connection point at Penwortham.
- 3.2.20. A BRAG (Black, Red, Amber, Green) methodology was then applied by the applicants to find the most suitable routing from the landfall to the onshore substation statutory consultation zone. A 400 kV grid connection cable corridor search area was also defined using the Preliminary Environmental Information Report (PEIR) substation statutory consultation zone as the western extent and the proposed connection point Penwortham as the eastern extent.
- 3.2.21. The applicants set out that the refinement of the onshore export cable corridor route options between the PEIR and the application was largely driven by refinements to key infrastructure parameters, consultation in the form of section 42 and section 47 (of the Planning Act 2008) feedback, and review of environmental constraints. Changes made by the applicants include:
- Avoidance of all residential properties (though a reduction in the cable corridor width from 122m to 100m).
 - Minimised interaction with the Farmland Conservation Area.
 - Removal of the option to install cables within the public highway.
 - Reduction of interaction with Blackpool Airport.
 - Reduction of interaction with sensitive ecological receptors (including trees and ponds).

Onshore substations

- 3.2.22. Full details of the applicants site selection process for the onshore substations are set out in section 4.5 of annex 4.3 of the ES [AS-028].
- 3.2.23. The applicants have committed to the co-location of the two proposed substations within a single zone to minimise proliferation of infrastructure and facilitate the delivery of the recommendation of the HND review for a shared cable corridor.
- 3.2.24. 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. In accordance with the Horlock Rules (guidelines for the design and siting of substations established by National Grid), environmental designations and built up commercial and residential areas were excluded from the 8 km search area.

- 3.2.25. 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. 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 or notable species compared to other zones.
- 3.2.26. A further site selection exercise was then undertaken by the applicants 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.
- 3.2.27. The applicants explain that throughout the site selection process, refinements were made 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 relocated Morgan substation site also allows more opportunity to utilise existing screening to reduce visibility and views of the substation from residential areas. The refinement of the Morgan onshore substation location prior to the submission of the application is shown on figure 4.18 of the ES [\[APP-041\]](#) with the final location of the Morgan substation shown on figure 3.17 of the ES [\[APP-040\]](#).
- 3.2.28. The two potential Morecambe onshore substation options were subjected to a BRAG analysis. From this analysis, option 2 (south) was identified as the preferred option for the Morecambe onshore substation due to the distance from residential receptors and the use of an access from the A584 Preston New Road, rather than the A583. This option also results in a significant reduction in cable length for both the onshore export cable and the grid connection cable corridors.
- 3.2.29. The refinement of the Morecambe onshore substation location between the PEIR and development consent application is shown on figure 4.19 of the ES [\[APP-041\]](#) with the final location of the Morecambe substation shown on figure 3.18 of the ES [\[APP-040\]](#).

Biodiversity benefit and environmental mitigation

- 3.2.30. The applicants explain (4.9.7 of [AS-027](#)) that areas for environmental mitigation and/or biodiversity benefit were also refined between PEIR and the DCO application to seven areas for ecological and or ornithological mitigation as shown in figure 3.9 of volume 1 of the ES [\[APP-040\]](#) with further details provided within the Outline Ecological Management Plan [\[APP-212\]](#) as revised during the examination.
- 3.2.31. The application seeks to achieve an overall biodiversity benefit of 10% for areas of permanent habitat loss associated with the areas of habitat loss arising from above ground infrastructure (such as the onshore substations, associated permanent access tracks and transition joint bays). Principles were established to select the most suitable site to deliver biodiversity benefit. This resulted in Lea Marsh Fields (figure 3.9 of volume 1 of the ES [\[APP-040\]](#)), being selected due to the proximity to an area identified for mitigation and Masons Wood which in turn provides further benefits due to the connectivity of the three sites.

ISSUES CONSIDERED DURING THE EXAMINATION

- 3.2.32. Matters concerning site selection and alternatives were considered in some detail at issue specific hearing (ISH) 1 [EV4-001], through the ExA's written questions [PD-008 and PD-011] and through various written submissions made by interested parties and the applicants through the examination. Oral submissions were also made by interested parties at open floor hearing 1 [EV2-002, EV2-003] and open floor hearing 2 [EV6-003].

Identification of point of interconnection

- 3.2.33. The identification of the point of interconnection at the existing Penwortham substation was discussed at ISH1 [EV4-001]. The applicants provided their further explanation of the process and responsibilities to identify a point of interconnection is section 3 of their deadline 3 post-hearing submission [REP3-041]. This includes the HND process (section 3.4) being devised to provide an avenue for the transmission connections for offshore wind generation to be delivered in the most appropriate way and, where applicable, in a co-ordinated way, considering the cost, deliverability and operability, environmental impacts and community impacts on an equal footing.
- 3.2.34. For the Morgan and Morecambe projects, the applicants note that the HND 2022 report (page 41) recommends 'radial connections with a shared cable corridor'. It goes on to say that the shared onshore and offshore cable corridor and landfill minimise the impact of the cables on the environment and the local community. The HND also considers 'an optimised radial design' (figure 14 of the HND) where Morgan windfarm would connect to Penwortham but the Morecambe windfarm would connect to the Middleton substation near Heysham, Lancashire. A comparison with the radial design is summarised in section 4.7 of the HND. This includes recognition that the HND has tried to reduce community impacts and reduce the number of cable routes to shore, whilst noting it is not possible to fully eliminate community impacts. It also notes that the recommended design provides community benefits by reducing the number of connection location in northwest England (due to the shared cable corridor to Penwortham).
- 3.2.35. The applicants also highlight [REP3-041] that alternative co-ordinated designs were also explored in the HND, including a single shared export cable between the applicants which the HND explains is a variant to the recommended design because the recommended option has a shared corridor but no electrical connection (see the "R4 5 to R4 6 Coordination" part of section 5.1.11.3 of the HND). This option did not perform as well as the preferred design from an economic perspective. The HND notes the proposed change from the shared cable solution was jointly proposed by the applicants as they considered that a wholly integrated shared cable solution would be more expensive due to offshore platform design, but also would not be practically deliverable because it would not be viable for either project to deliver a fully shared export cable for the other on an anticipatory basis when there is no legal basis for the recovery of such costs.

Suggested alternative route using Stanah substation and Hillhouse Technology Enterprise Zone (HTEZ)

- 3.2.36. Throughout the examination, representations were made by IPs on a potential alternative cable corridor and connection utilising the existing National Grid substation at Stanah and the HTEZ, located to the southeast of Fleetwood. The matter was raised in several relevant representations including Fylde Against Cable Transmission and Substations (F.A.C.T.S) [RR-0704] and Newton Residents

Association [\[RR-1615\]](#). Oral submissions were also made early in the examination at OFH1 [\[EV2-002, EV2-003\]](#) and ISH1 [\[EV4-001\]](#).

- 3.2.37. The case was made in some detail by Newton with Clifton and Freckleton Parish Councils (NCFPC) and Lancashire Association of Local Councils Fylde Area Committee Energy Working Group (EWG). Their representations include the following:
- Relevant representations [Freckleton Parish Council (at that stage on an individual rather than joint basis [RR-0703](#)) and [EWG [RR-1261](#)]
 - Deadline (D) 1: written representations [NCFPC [REP1-183](#)] and [EWG [REP1-083](#)]
 - D2: [NCFPC [REP2-064](#)] and EWG [REP2-058](#) and [REP2-059](#)
 - D4: [NCFPC [REP4-166](#) and [REP4-167](#)] and EWG [\[REP4-160\]](#)
 - D5: [NCFPC [REP5-185, REP5-186](#) and [REP5-187](#)] and [EWG [REP5-173](#)]
 - D6: [NCFPC [REP6-196](#) and [REP6-197](#)]
 - D7: Closing statements [NCFPC [REP7-052](#)] and [EWG [REP7-047](#)]
- 3.2.38. Figures A2, A3 and A4 of EWG's written representation [\[REP1-083\]](#) include the locations of HTEZ and the existing Stanah substation, their relationship with the proposed development, an indication of a potential landfall location, along with the existing overhead line between Stanah and Penwortham.
- 3.2.39. In summary, both NWFPC and the EWG argue that these is a significantly cheaper alternative to the proposed cable route with the potential to save an estimated £904 million. They argue that their suggested alternative would avoid key areas of issue and contention with the existing application in relation to aviation, green belt, biodiversity loss, international protected areas and compulsory acquisition. They disagree that only Penwortham can be used as a connection point thereby ignoring the benefit to be obtained by use of a closer to shore connection site and use of existing grid infrastructure at Stanah.
- 3.2.40. They accept that new substations would be required at Stanah/Hillhouse but consider that ample space is available and the site owners of HTEZ would welcome their presence noting that it would assist in the retention of significant local industries at HTEZ. NWFPC state that this would accord with paragraph 2.3.4 of 2024 NPS EN-1 which states that the requirement for new energy infrastructure will present opportunities for the UK and contributes towards the ambition to support jobs in the UK's clean energy industry and local supply chain. NWFPC and EWG argue that the Stanah/Hillhouse alternative amounts to an 'obviously material' alternative. It notes that the HTEZ is a 138 hectare site designated for energy and industrial development offering established utilities and transport infrastructure, direct access to the existing Stanah 400kV substation, ample land for expansion and co-location for new transmission assets, a proven precedent in the Walney 2 Offshore Wind Farm connection and a protected 2km open corridor from the HTEZ to the Irish Sea shore at Rossall beach.
- 3.2.41. NPL Hillhouse Thornton Facilities Management, as the owners of HTEZ, submitted its own relevant [\[RR-1656\]](#) and written representation [\[REP1-187\]](#) expressing concerns about the onshore cable route as currently proposed and stating that the Stanah/Hillhouse route, with its existing infrastructure and proximity to the Irish Sea has not been adequately assessed as a viable alternative.
- 3.2.42. In response, the applicants draw attention in paragraph 2.2.3.10 of their closing statement [\[REP7-042\]](#) and to their earlier response on this matter at D3 [pages 46

to 52 of [REP3-052](#)]. Included within this, the applicants note that under the alternative the electricity would still need to make its way to the existing Penwortham substation (via up upgrade of the existing overhead line) and that this would be a longer route from the coast to Penwortham than the applicants proposal.

- 3.2.43. In relation to the HND, the applicants explain [paragraph 3.4.1.10 of [REP3-041](#)] that, although the HND process was led by the National Energy Systems Operator (NESO), the applicants expressly raised Stanah, Middleton, Kirkby and Penwortham as possible connection points for consideration. The ExA notes that there is an example in the HND of the process for the northwest of England which appears to show Stanah substation (north of Blackpool) was considered (figure 32 of appendix B to appendix 2 of the HND), although it was not selected for further consideration for either the co-ordinated or optimised radial designs. The specific reasons for why Stanah was not taken forward through the HND itself are not included in the HND documents. We note that FBC confirms in its closing statement [[REP7-046](#)] that it has requested further details of this assessment (this was not provided for the examination). FBC also questions the validity of the HND process given that FBC considers it more likely that the connections for the proposed development would not take place until the mid-2030's rather than 2030 and so would not meet the clean power 2030 targets.
- 3.2.44. In respect of the submission of NWFP and EWG that their proposed alternative would lead to savings of approximately £904 million, the applicants note that the identified saving is based on the lower cost of reconductoring compared to that of underground cables or a new overhead line. The applicants submit that the suggestion that the reconductoring of the existing overhead line between Stanah and Penwortham is even technically possible, strategically appropriate or compliant with regulatory requirements is wholly speculative and contrary to NESO's expert review and decision. They also argue that it would also amount to a change to the contracted point of interconnection offered by NESO on the basis of the HND, which is not within applicants' control and so the applicants consider that the proposed alternative remains purely hypothetical.
- 3.2.45. The applicants do accept that the substations for both projects could in theory be located at HTEZ but there would still be a need to get the electricity to Penwortham. This, they state, would involve new underground cabling from the landfall to HTEZ/Stanah (they would not propose new overhead lines) and then to onto Penwortham (requiring the upgrade of existing overhead lines) which would be longer and more expensive, without considering potential environmental and other constraints. The applicants note that the costings for the suggested alternative route are based on a report that was not intended to be used by any party for the purposes of estimating project cost. They also state that it is not the role of the consenting regime set up by the Planning Act 2008 to act as a forum to determine whether NESO has complied with section 163(a)(c) of the Energy Act 2023.
- 3.2.46. We asked written questions ExQ1.2.1 and ExQ1.2.2 [[PD-008](#)] seeking comments from National Grid Electricity Transmission plc (NGET) on the feasibility of this alternative and the cases put forward by NCFPC and EWG. NGET [[REP3-088](#)] state that the connection point for Morgan and Morecambe wind farms was decided in line with the national Energy System Operator's (NESO) Holistic Network Design (HND) process.
- 3.2.47. NGET say that to connect the proposed windfarms to Stanah, it would need to install additional equipment, significantly increasing the size of the substation, and construct a new overhead line. It explains that Stanah is a small substation located

in a residential area and due to neighbouring homes does not have the capacity or flexibility on site to do the necessary work. NGET goes on to state that it has not proposed building a new substation on the HTEZ to facilitate the Morgan and Morecambe connections for a number of reasons, including:

- There are no current connection requests that demonstrate the need or demand to build an additional substation.
- The overall impact on the environment and community would be significantly greater, because in addition to NGET needing to construct a new substation in a residential area, a new high voltage overhead line to transmit the power to Penwortham would also be required.
- While the cabling from the Morgan and Morecambe wind farms to Stanah would be shorter than direct cabling to Penwortham, the new overhead line that would be needed in addition to the cabling would make the overall route for the connection longer and in turn less efficient and cost effective.
- The cabling to the new substation and new high voltage overhead line to transmit the power to Penwortham would make the overall route for the cabling and overhead line longer and costly.
- Construction of a new substation at HTEZ would take approximately 6-7 years, not complying with the current commercial load dates for Morgan and Morecambe. Siting studies would need to be conducted which would take 1-2 years, the outcome of which might conclude that this was not a suitable location for a substation, accumulating further delays to construction and connections.

3.2.48. NCFPC [\[REP4-166\]](#) responded to NGET's submission. It states that NGET has failed to understand the opportunities flowing from using HTEZ, that the HND does not appear to have recognised the availability of land at HTEZ and that the HDN is completely silent on the potential use of Stanah as a connection point. NCFPC also notes that HTEZ has been previously shortlisted for a number of energy projects and notes that the Walney 2 wind farm is connected to its onshore substation at HTEZ and then to Stanah. Furthermore, it argues that if the proposed Mooir Vannin offshore windfarm is also considered then the predicted savings would increase further. EWG [\[REP4-160\]](#) also responded concluding that the government's objectives for clean power 2030 could be delivered faster, cheaper with less risk and without the cumulative effects of the proposed development, through a coordinated approach utilising the established infrastructure of HTEZ, Stanah and the 400kV Heysham Ring by the three projects including Mooir Vannin.

3.2.49. The closing statements of NCFPC [\[REP7-051\]](#) and EWG [\[REP7-047\]](#) include their final positions on this matter. NCFPC draws attention to the potential for either project to not complete until 2036 (based on seven-year implementation time-period and three- year construction process). NCFPC argue that this would be well after the intended earliest connection date of 20230 and therefore would give Stanah plenty of time to be upgraded.

3.2.50. NCFPC's closing statement [\[REP7-051\]](#) also includes 'An Assessment of Benefits and Harms Including a Comparison with the "Obviously Material Alternative Route"'. This, it explains, is a summary of the perceptions gained during the examination process of the overall benefits and adverse impacts that result from the proposal. NCFPC makes clear that the principle of bringing energy ashore onto the Fylde and routing via Penwortham is not contested, the issue being the proposed routing and failure to make use of existing, capable infrastructure, thereby minimising environmental impacts and costs to the consumer. As this was submitted at the final deadline the applicants have not had the opportunity to comment upon it during the

examination. NCFPC acknowledge that the benefits and harms comparison is subjective but considers that it does help illustrate the comparison with effect.

- 3.2.51. Whilst not raising Stanah/HTEZ in either its local impact report [[REP1-078](#)] or its deadline 1 written representation [[REP1-079](#)], the closing statement of FBC [[REP7-046](#)] states that it remains of the view that Stanah/HTEZ offers a better economic, social and environmental solution which would be cheaper and quicker to deliver, as well as providing a significant economic boost and power to the sub-region, reduce significant environmental harms and would have the wider support of local communities.

ExA's consideration

- 3.2.52. The ExA notes that paragraph 4.3.9 of 2024 NPS EN-1 explains that it does not contain any general requirement to consider alternatives or to establish whether the proposed project represents the best option from a policy perspective (whilst noting the specific requirements in relation to compulsory acquisition and habitats sites). We also note the existing case law regarding the consideration of alternatives as discussed at ISH1 and referred to in further representations made on the relevance of alternatives, including that from the applicants [[REP1-039](#)] and NCFPC [[REP1-183](#)].
- 3.2.53. The ExA has considered all the evidence and submissions made on the matter of an alternative cable route and connection via Stanah and the HTEZ. We note that this alternative would not accord with the recommendations of HND and acknowledge the applicants' submission that any form of alternative point of interconnection would be a change to that identified in the HND for these projects and secured in the connection agreement.
- 3.2.54. Paragraph 2.2.1 of 2024 NPS EN-5 states in relation to factors influencing site selection and design that the SoS should bear in mind that the initiating and terminating points – or development zone – of new electricity networks infrastructure is not substantially within the control of the applicant. Paragraph 2.2.2 goes into say that siting is determined by the location of new generating stations or other infrastructure requiring connection to the network, and/or system capacity and resilience requirements determined by the Electricity System Operator.
- 3.2.55. Taking account of the evidence before us, including representations from IPs and the views of NGET, it does not appear to us that the suggested Stanah/HTEZ option can be considered as a viable or feasible alternative to the proposed development. There is considerable uncertainty regarding the potential new infrastructure and upgrades of existing infrastructure required, including but not limited to the necessary connection from Stanah to the existing Penwortham substation, along with any works that might also be needed to the existing constrained Stanah substation. We note that the issues in utilising the existing Stanah substation and HTEZ are confirmed in the letter from NGET to Andrew Snowden MP that is included in annex 3 of EWGs closing statement [[REP7-047](#)]. Whilst noting that land within HTEZ could provide a potential location for a new substation, an extensive selection study would be required to determine the most appropriate site. In addition, the letter confirms that a new overhead line to link the new site back to Penwortham would be required.
- 3.2.56. The ExA notes the submissions of NWFPFC and EWG that the alternative route has the potential to lead to savings of approximately £904 million for this project (and greater savings if the separate Moor Vannin wind farm also sought to follow the

alternative proposed). However, these costs appear to be approximate estimates and do not appear to have taken into account of the full feasibility of the suggested alternative, the detail of the requirements to upgrade or replace the existing overhead lines between Stanah and Penwortham or any particular complexities and requirements that might arise from the alternative suggestion.

- 3.2.57. The ExA notes NWFC's deadline 7 submission includes a benefits and harms comparison within its closing statement [[REP7-051](#)]. This is acknowledged as being subjective and that the applicants have not had the chance to respond to it. The ExA also notes that it appears as a very high-level summary with little in the way of assessment or evaluation. The ExA has therefore accorded it little weight in our conclusions on this matter.
- 3.2.58. Paragraph 4.3.22 of 2024 NPS EN-1 makes clear that only alternatives that can meet the objectives of the proposed development need to be considered. Paragraph 4.3.23 of 2024 NPS EN-1 goes on to state that the Secretary of State (SoS) should be guided in considering alternative proposals by whether there is a realistic prospect of the alternative delivering the same infrastructure capacity (including energy security, climate change and other environmental benefits) in the same timescale as the proposed development. Furthermore, paragraph 4.3.24 states that the SoS should not refuse an application for development on one site simply because fewer adverse impacts would result from developing similar infrastructure on another suitable site and should have regard as appropriate to the possibility that all suitable sites for energy infrastructure of the type proposed may be needed for future proposals.
- 3.2.59. Paragraph 4.3.29 of 2024 NPS EN-1 says that where an alternative is first put forward after an application is made, the SoS may place the onus on the person proposing the alternative to provide the evidence for its suitability as such and the SoS should not necessarily expect the application to have assessed it.
- 3.2.60. The ExA considers that, from the evidence, it is not at all clear that the Stanah/Hillhouse alternative is capable of delivering the infrastructure that is required for the proposed development. We consider there to be significant unknowns about its capability to do so, including the works required to link from Stanah to Penwortham, any works that might be required to the existing Stanah substation and how they would be achieved and, despite the comments made regarding the availability of land within the HTEZ, how necessary infrastructure work including substations could be accommodated within it. The concerns expressed by NGET also add to our concerns.
- 3.2.61. Therefore, the ExA conclude this alternative to be an immature and inchoate suggestion. We consider it should be afforded very little weight in the overall planning balance. Furthermore, taking account of the HND process and relevant 2024 NPS EN-1 policy, we consider that the applicants have taken a reasonable approach to the point of interconnection.

Onshore substations

- 3.2.62. Following discussion of the site selection of the two proposed onshore substations at ISH1 the applicants clarified how their choice of location took account of the green belt [[REP1-037](#)] confirming that the green belt was considered as part of the BRAG assessment for the substations under the 'Planning policy and future development potential' category of tables 4.7 and 4.20 of volume 1, annex 4: Selection and Refinement of the Onshore Infrastructure [[AS-028](#)].

- 3.2.63. The applicants also clarified [\[REP1-037\]](#) that due to the extensive physical constraints within the original 5km search area, it was concluded that there were no suitable land parcels that could accommodate both onshore substations, either immediately adjacent to each other or separate but within the same zone. Hence the search zone was expanded to 8km, noting that extending it any further than 8km would result in the need for electrical compensation due to electrical losses, which could include greater quantities or sizes of electrical equipment within potentially larger substation footprints and greater height requirements.
- 3.2.64. In response to concerns from IPs during the examination regarding the location of the proposed substations within the green belt, the applicants explain [\[REP1-037\]](#) and [\[REP4-092\]](#) that there are no alternative options (either zones or sites) which could have avoided the green belt. The applicants also argue that the green belt does not represent an absolute constraint in policy terms, noting that paragraph 153 of the 2024 National Planning Policy Framework states that development considered harmful to the green belt should not be approved except in 'very special circumstances'. An 'amber' rating was therefore applied in the BRAG assessment as the green belt did not represent an absolute constraint on sit selection.
- 3.2.65. Concerns were raised by FBC, including at ISH1 and [\[REP2-057\]](#), that the substations could be sited in different locations and did not need to be located the same zone. The applicants' response [\[REP1-037\]](#) reiterated that the key elements of the onshore substation site selection process were co-ordination, co-location / zone and iterative approach, having regard to the Horlock Rules and NPS EN1 (section 4.3.2). The applicants state that they coordinated and aligned the substation site selection process from its outset, underpinning the coordinated approach to the siting and design of the proposed transmission assets.

ExA's consideration

- 3.2.66. The effects of the proposed development, including the two proposed substations, will be considered later in this report, including matters relating to the green belt. Noting our conclusions on the suggested Stanah/Hillhouse alternative, no details of viable sites have been put forward that would be suitable for the proposed substations in a location outside of the green belt. Furthermore, we are satisfied that the applicants have sought to reasonably refine the final locations of the substations in response to consultation feedback, notwithstanding that several parties have issues with the finally chosen locations, as considered in chapter 4 of the report.
- 3.2.67. We acknowledge that utilising entirely separate locations for each substation, might have the potential for reducing the effects in the locality where both substations are proposed. Nevertheless, such an approach would also result in new effects elsewhere, would result in the need for two separate cable corridors and would be contrary to the general strive for more co-ordinated energy infrastructure (as set out in the HND) as opposed to the radial approach.
- 3.2.68. The ExA is satisfied that the applicants have carried out a reasonably robust and adequate site selection process for the proposed substations.

Onshore cable route

- 3.2.69. In response to concerns raised during the examination about the siting of the proposed cable route through parts of the green belt, the applicants explained that, once installed, it would be buried for its entire length underground, and therefore would maintain the openness of the green belt. As such the applicant explained that the green belt is not appropriate to consider with the BRAG criteria for the site

selection of the onshore cable corridor. The ExA considers this to be fair justification in terms of site selection, and we go onto to consideration the effects on the green belt in chapter 3 of our report.

- 3.2.70. We have dealt specifically with the suggested Stanah/HTEZ route above.
- 3.2.71. We are satisfied that the applicants have provided a robust and adequate reasoning of the site selection process from the proposed onshore cable route.

Offshore infrastructure

- 3.2.72. The ExA is satisfied that that the applicants have carried out a robust and adequate site selection process for the offshore cable route (as set out in annex 4.2: Selection and refinement of offshore infrastructure [APP-032], noting the need to content to the two separate offshore generating stations. No substantive outstanding issues remained on this matter at the end of the examination.

Environmental mitigation and biodiversity benefit areas

- 3.2.73. Further to concerns raised during the examination on the potential implications for the environmental mitigation and biodiversity benefit areas (including those raised by BAE Systems in relation to Warton Aerodrome and by Blackpool Airport Operations Limited), the applicants submitted a technical note on 'Site Selection of he Environmental Mitigation and Biodiversity Benefit Areas' [REP2-046]. This sought to clarify the applicants' approach to the selection of the environmental mitigation and biodiversity benefit areas within the order limits.
- 3.2.74. Paragraph 1.2.1.9 of the technical note says that given the extent of the wildlife habitat management zones in relation to the order limits [shown on figure 1.4 of REP2-046], the applicants could not locate environmental mitigation and benefit areas outside of the wildlife hazard zones whilst also meeting their site selection guiding principles (as set out in paragraphs 1.2.1.2 and 1.2.1.3 of the technical note) and ultimately delivering effective mitigation. It goes onto say that the proximity of Blackpool Airport and Warton Aerodrome were considered in the refinement process with many of the environmental mitigation and biodiversity benefit areas closest to the airport and aerodrome being discounted following statutory consultation [shown in figure 1.5 of REP2-046]. The technical note then goes onto detail the parameters considered in the site selection of each environmental mitigation and biodiversity benefit area and seeks to highlight where areas were discounted due to proximity to the airport and aerodrome.
- 3.2.75. Through ExQ1.6.2.3 [PD-008] we sought explanation from the applicants for why the selection guiding principles do not include specific safety considerations and policy requirements including potential for increased risk to defence (aviation) activities. Included within their response [REP3-056], the applicants explained that the mitigation areas were chosen primarily due to their proximity to areas of impact, particularly on protected species and SPA/Ramsar birds. Furthermore, any alternative mitigation areas would also be within the 13km airport/aerodrome safeguarding zone and so could not have been avoided and they reiterated that with careful management they would not give rise to additional safety considerations for the airports/aerodrome.
- 3.2.76. On this matter BAE Systems [REP3-073] response includes that that the site selection methodology should take a balanced approach between ecological mitigation objectives and the need to avoid an increased risk of wildlife hazards to aviation interests, including Warton Aerodrome. It says that it requires detailed

assessment, the findings of which should be a key driver in the identification of suitable locations for the mitigation areas even if this results in less effective ecological mitigation. BAE Warton also state that the applicants should have considered locations for the biodiversity benefit areas outside of the 13km safeguarding zone to avoid risk to aviation.

- 3.2.77. The applicants closing statement [[REP7-042](#)] refers back to its technical note [[REP2-046](#)] and its conclusions on the adequacy of the environmental mitigation areas in section 5.3.3 of its closing statement.

ExA's consideration

- 3.2.78. With regard to site selection and alternatives, through its technical note the applicants have provided some additional clarification on how the issues of bird strike risk was considered in the site selection process, albeit that this is rather limited and was not clearly set out in the originally submitted 'Site selection and consideration of alternatives' chapter of the ES [[AS-027](#)].
- 3.2.79. The ExA also notes that the issue of bird strike was scoped out of the EIA and therefore the applicants did not go on to give any further detailed consideration to whether any alternative sites for mitigation and biodiversity benefit might avoid any potential bird strike effects. Furthermore, in response to the objections raised during the examination in this respect, most particularly by BAE Warton and the Ministry of Defence, we note that the applicants have consistently argued that no significant adverse bird strike risks would result from the proposed development.
- 3.2.80. Based on the originally submitted ES, where the issue of bird strike risk was scoped out, the applicants have provided a reasoned approach to the selection of the proposed environmental mitigation and benefit areas. Nevertheless, as the issue of bird strike risk to aviation has clearly been an important and relevant issue in the examination, the proposed location and suitability of these areas has been placed under scrutiny. We go on to consider this in further detail in chapter 4.

CONCLUSIONS

- 3.2.81. 2024 NPS-EN1 states that applicants are obliged to include in their ES, information about the reasonable alternatives they have studied, including an indication of the main reasons for the applicant's choice, taking into account the environmental, social and economic effects and including, where relevant, technical and commercial feasibility.
- 3.2.82. The applicants have set out in detail their approach to alternatives and site selection, including the proposed offshore and onshore cable route and choice of sites for the proposed substations.
- 3.2.83. Whilst noting the submissions made suggesting an alternative cable route via Stanah and HTEZ, for the reasons set out above the ExA concludes it to be an immature and inchoate suggestion that should carry very little weight in the planning balance.
- 3.2.84. Noting their position that no significant effects would arise from bird strike risk, the applicants have provided their reasons for their choice of locations for the environmental mitigation and biodiversity areas. This will be considered in our detailed consideration of specific issues (including onshore ecology and aviation) in chapter 4 of the report.

- 3.2.85. Notwithstanding the issues regarding bird strike risk and the proposed environmental mitigation/biodiversity areas, the ExA is satisfied overall that ES chapter 4 (volume 1) along with annexes 4.1, 4.2 and 4.3 (volume 1), and the additional technical note on environmental mitigation and biodiversity benefit areas submitted during the examination, provides adequate detail of the reasonable alternatives the applicants has considered and the reasons for their choice, taking into account the environmental, social and economic effects and including, where relevant, technical and commercial feasibility. The applicants have also adequately demonstrated how they have had due regard to the Horlock Rules in respect of the choice of substation sites.
- 3.2.86. We do not consider that the revised 2025 draft suite of NPS EN-1, EN3 and EN-5 change our conclusions on these matters.
- 3.2.87. The ExA concludes that, overall, adequate regard has been had to site selection and alternatives and that the legislative requirement under regulation 14(2)(d) of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 to consider alternatives as part of the Environmental Impact Assessment process has been met. The specific issues arising from the development as proposed will be considered later in chapter 4 of the report.

3.3. CO-ORDINATION BETWEEN PROJECTS

INTRODUCTION

- 3.3.1. The Examining Authority's (ExA) initial assessment of principal issues [[PD-006](#)] included 'co-ordination between projects' as one of the principal issues identified under general matters. This is a particular issue for this application given that it essentially consists of two projects each under two entirely separate commercial entities – the transmission assets for Morgan Offshore Wind Limited and those for Morecambe Offshore Windfarm Limited.
- 3.3.2. The issue of co-ordination between the projects, including during the construction phases, was therefore a central issue of consideration during the examination. Whilst we consider in chapter 4 the effects of the proposed development on a topic-by-topic basis, the aim of this section is to set out the applicants' approach to co-ordination, the submissions made by interested parties (IPs) about it and how we consider it accords with the relevant policy framework.
- 3.3.3. Further reference to relevant policy will be considered below but, to set the scene, paragraph 3.3.71 of 2024 National Policy Statement (NPS) EN-1 says that for regions with multiple windfarms or offshore transmission projects it is expected that a more coordinated approach will be delivered. It goes on to say that for these areas, the approach is likely to reduce the network infrastructure costs as well as the cumulative environmental impacts and impacts on coastal communities by installing a smaller number of larger connections, each taking power from multiple windfarms instead of individual point-to-point connections for each windfarm.

THE APPLICATION

- 3.3.4. The applicants' approach to co-ordination was initially set out in several of the submitted application documents including (with the final updated versions added in brackets):
- Environmental Statement (ES) volume 1, chapter 3: Project description [[APP-024](#)] (final updated version [[REP6-038](#)])
 - ES Volume 1, chapter 4, Site selection and consideration of alternatives [[AS-026](#)]
 - Planning Statement [[APP-233](#)] (final updated version [[REP7-023](#)])
 - Outline Code of Construction Practice (oCoCP) [[APP-193](#)] (final updated version [[REP6-067](#)])
- 3.3.5. Paragraph 5.25.1.4 of the applicants' Planning Statement explains that both Morgan Offshore Wind Limited and Morecambe Offshore Windfarm Limited, being in agreement with the output of the Holistic Network Design Review, are jointly seeking a single consent for their electrically separate transmission assets comprising aligned offshore export cable corridors to landfall and aligned onshore export cable corridors to separate onshore substations (and associated infrastructure), and onward connection to the National Grid at Penwortham.

Contracts for Difference and Anticipatory Investment

- 3.3.6. Paragraph 3.3.1.6 of the applicants' Project description [[REP6-038](#)] states that under the current Contracts for Difference (CfD) regime, two projects with separate legal ownerships are not permitted to submit shared or dependent bids, as the CfD in the UK is fundamentally constructed to secure competition to drive down the costs of offshore wind and ensure timely delivery of offshore wind developments.

- 3.3.7. Paragraph 3.3.1.7 goes onto explain that as the separate projects are being developed by two independent companies with entirely separate joint venture partners, should each project decide to seek funding under the CfD scheme, each must submit separate bids into an allocation round with no guarantee that both bids will result in successful CfD awards. Furthermore, the projects may take independent commercial decisions to enter different CfD rounds resulting in significantly different CfD contractual and delivery milestones. The applicants explain that this prevents either project from making any commitment that the projects will be constructed concurrently, in part or as a whole.
- 3.3.8. Paragraph 3.3.1.9 of the Project description explains that the CfD Regulations do not allow for shared or dependent bids, with no guarantee that either project would be awarded a CfD in the same allocation round, should they bid into the same CfD allocation round. It says this disincentivises offshore wind developers from taking on additional development risks which may put them at a competitive disadvantage due to factors such as cost and timescale. In particular, it says that this creates a significant risk for offshore wind developers in making anticipatory investment in offshore transmission infrastructure to support the later connection of other offshore development(s).
- 3.3.9. Paragraph 3.3.1.10 goes on to explain that as the Morgan project and Morecambe project are owned by two different legal entities comprised of separate joint venture partnerships, joint construction of the transmission system would likely require preinvestment by one entity early and at risk. It says that the substantial commercial risk of doing so without assurance that the other project will proceed with certainty is not acceptable and introduces an untenable risk to either project regardless of any potential benefits.
- 3.3.10. In paragraph 3.3.1.11, the applicants acknowledge the ongoing work led by Ofgem to support the potential need for anticipatory investment mechanisms for coordinated transmission systems. As this regime remains unclear, applicants cannot accept the commercial risk of assuming concurrent construction underpinned by an unknown and undeveloped Anticipatory Investment model.
- 3.3.11. The applicants therefore explain that it is necessary to retain flexibility to develop the projects in line with the maximum design construction scenarios set out in section 3.9 of the Project description [[REP6-038](#)]. These are:
- In isolation construction scenario (where only one of the two projects proceeds to construction)
 - Concurrent construction scenario (where both projects are constructed at the same time)
 - Sequential construction scenario (where one project is constructed first and the other is constructed second, with either no gap between the completion of one and the commencement of construction of the other or with a gap of up to a maximum of four years between completion of construction of one project and the commencement of the other)
- 3.3.12. Section 3.10 of the Project description sets out the applicants' approach to works areas. This comprises firstly the 'centreline' approach (3.10.1) whereby a specific cable corridor is identified for each wind farm's cable infrastructure with the 'centreline' delineating and separating the areas. Secondly, 'overlapping' works areas (3.10.2.3) where it has not been possible to delineate separate work areas at this stage, with the overlapping work areas providing the ability for both projects to carry out their authorised development.

MATTERS CONSIDERED DURING THE EXAMINATION

- 3.3.13. We firstly set out each of what we consider to be the important and relevant matters considered during the examination with regard to co-ordination before providing our consideration and conclusions on these matters as a whole.
- 3.3.14. Issue specific hearing 1 [\[EV4-001\]](#) included consideration of matters relating to the scope of the proposed development including co-ordination between the two projects. At this hearing the ExA asked questions and concerns were raised by interested parties (IPs) about the need for the flexibility of construction scenarios, most particularly the sequential construction scenario described above.
- 3.3.15. In paragraph 2.4.1.5 of their closing statement [\[REP7-042\]](#) the applicants summarise that 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. The applicants also noted that this is the position for all projects of this nature seeking consent.

Co-ordination

- 3.3.16. Concerns and questions were also raised by IPs and the ExA throughout the examination with regard to how the applicants would coordinate following any grant of development consent. The applicants set out in response to ExQ2.1.1.1 [\[REP5-130\]](#) how the application, as submitted, would ensure post consent collaboration through:
- The alignment of infrastructure inherent in the design of the transmission assets
 - The alignment of the drafting of project A (Morgan) and project B (Morecambe) requirements and deemed marine licence conditions in the draft development consent order (dDCO) [\[REP6-013\]](#)
 - The submission of joint outline management plans
 - The joint approach taken to land agreement negotiations and tripartite voluntary agreements
- 3.3.17. During the examination, the applicants have also made the following additional commitments seeking to ensure continued collaboration and cooperation in all construction scenarios.
- 3.3.18. Firstly, the addition of requirement 25 (onshore collaboration) to schedules 2A and 2B of the dDCO [\[REP6-013\]](#) and also the addition of similar conditions on collaboration to the relevant Marine Licences of the dDCO. These require that before the submission of any material under the requirements/conditions the project submitting the material must provide a copy of that material to the other project to provide comments that will have to be included with the relevant submission together with a statement setting out how they have been taken into account or why they have not been taken into account.
- 3.3.19. Secondly, a commitment, secured through requirement 8 (Code of construction practice) of schedules 2A and 2B of the dDCO to establish 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, including in the context of requirement 25 (onshore collaboration) in schedules 2A and 2B of the dDCO.

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 Onshore and Intertidal Written Scheme of Investigation [\[REP6-119\]](#).

- 3.3.20. The applicants explain that overall, these controls would ensure that each project remains fully updated and aware of what the other project is doing, facilitating opportunities, wherever possible, for post consent collaboration whilst ensuring that both projects can be implemented efficiently and effectively. The applicants also 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 both applicant's ongoing commitment to coordination between the projects wherever possible.
- 3.3.21. With regards to potentially yet greater construction coordination, the applicants' response to ExQ1.1.10 [\[REP3-056\]](#) provided details on the progress being made with the Anticipatory Investment mechanism, including amendments to the Connection and Use of System Code (CUSC) and changes to the current User Commitment provisions. It also notes that the issue is the subject of the separate CUSC Modification Proposal 402 (CMP402) which, it notes, is still being considered by the relevant CUSC working group with a final modification report possibly being issued to Ofgem over the coming months for determination.
- 3.3.22. Later in the examination we requested, through ExQ2.1.1.4 [\[PD-011\]](#), an update on these matters including whether further progress might be made to overcome the current obstacles that exist to a more co-ordinated construction approach. In response, the applicants explained [\[REP5-130\]](#) that in relation to CMP402, no further updates have been issued by the CUSC Working Group. Accordingly, the applicants explain that they do not have any clarity on when developments are expected to be made which would resolve the regulatory uncertainty described previously. The applicants emphasised that they would endeavour to provide the best possible coordination to minimise impacts, however it is not possible to guarantee whether the obstacles to a more coordinated approach will be reduced prior to the implementation of the proposed development or before key investment decisions need to be made.
- 3.3.23. In light of that uncertainty, as described above the applicants committed to establishing a CCWG.

Construction scenarios and durations

- 3.3.24. Concerns were raised in relevant representations [including [RR-0705](#), [RR-1314](#) and [RR-1601](#)] about the applicants' assessment of construction scenarios and the maximum design scenario. Furthermore, concerns were raised about the length of duration of construction in the event construction is undertaken under the sequential scenario which includes a gap of up to four years between projects.
- 3.3.25. Our rule 9 request for further information [\[PD-005\]](#), issued before the commencement of the examination, noted that the worst-case scenarios in the Environmental Statement (ES) differ depending on the topic being considered. We therefore sought further explanation of and justification for the sequential construction scenario including, where not already provided, assessments on a

topic-by-topic basis of impacts that may arise (including cumulative impacts) from the sequential scenario with a gap of up to a maximum of four years.

- 3.3.26. The applicants responded [\[AS-070\]](#) through a 'Construction Scenario Statement' providing an overview and explanation of the construction scenarios that would be authorised through the dDCO together with an explanation of how these have been assessed in the ES, including the sequential scenario.
- 3.3.27. The applicants concluded that they have appropriately justified the use of the maximum design construction scenario depending on the topic and topic impact being considered. There were no topics where a need was identified to undertake a new assessment of the maximum design sequential construction scenarios (with up to 4-year gap) as this was considered during the initial identification of the worst-case maximum design construction scenario. Where the applicants' review of the construction scenario within the maximum design scenario identified that additional clarifications were required, the applicants committed to providing technical notes early in the examination.
- 3.3.28. 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, the applicants explain that 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 [\[REP6-146\]](#), active construction would not take place continuously across the entire order limits during this period.
- 3.3.29. Newton with Clifton and Freckleton Parish Councils (NCFPC) made representations [including [REP4-167](#)] calling for simultaneous construction arguing that many environmental impacts would be more than doubled if the projects were built consecutively rather than concurrently. NCFPC indicated that any interval between the construction of the two projects could exacerbate adverse impacts, as significant portions of land may remain unrestored during the interim, prolonging the total duration of disturbance beyond simply doubling each project's construction period. NCFPC provided further elaboration of these concerns in its response [\[REP5-187\]](#) to our ExQ2.1.1.3 [\[PD-011\]](#) including in relation to transport and ecological impacts.
- 3.3.30. We asked the applicants, ExQ2.1.1.3 of [\[PD-011\]](#) to provide a summary of how the effects arising from a concurrent construction scenario would differ from those assessed in the ES. The applicants' response [\[REP5-131\]](#) emphasises that the maximum design scenarios have been selected as those having the potential to result in the greatest effect on an identified receptor or receptor group.
- 3.3.31. The applicants explain [\[REP5-131\]](#) that the sequential scenario has a longer duration and less activities occurring at any one time compared to a concurrent scenario where the overall programme is shorter but with more activities occurring at any one time. Therefore, for some receptors, a concurrent construction scenario would be less impactful and for others a sequential construction scenario would be less impactful; this is reflected in the maximum design scenario for each receptor in the ES.
- 3.3.32. The applicants note that of all the impacts presented in the ES, eight were concluded as resulting in significant effects in the sequential scenario and two in the concurrent scenario. They conclude, in response to ExQ2.1.1.3, that for these ten

impacts, although there would be slight differences in effects, there would be no change to the assessment outcome were the opposite construction scenario to be assessed in place of the assessed approach. Therefore, the applicants argue that, in relation to changing the assessment from the sequential to concurrent scenario, the applicants' analysis above, together with the Rule 9 - ES Assessment of Construction Scenarios [\[AS-070\]](#), Clarification Note: Construction Scenarios [\[REP1-060\]](#) and Construction Noise and Vibration Assessment Clarification Note [\[REP3-068\]](#), demonstrates that it is incorrect to assert that effects would 'double' if the projects were built sequentially rather than concurrently.

- 3.3.33. The applicants say that their EIA does not support that conclusion and no evidence has been provided by any other party to support that statement. Rather the analysis undertaken by the applicants demonstrates that, even where the maximum design scenario for an impact is considered to be sequential and significant residual effects are identified, the impacts would not be halved in the concurrent construction scenario. In fact, the applicants say, it confirms that there would be no change to the residual effects.

Restoration works

- 3.3.34. In the context of the construction scenarios, specific concerns have been raised in relation to how the Morgan and Morecambe transmission projects would collaborate post consent in relation to restoration and reinstatement requirements for each project.
- 3.3.35. In relation to the implementation of restoration works, the applicants 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, and south of the River Ribble which are shared work areas), there is a separate defined construction corridor for either project as shown on the Works Plans – Onshore and Offshore [\[REP6-004\]](#) delineating works packages for each project based on the centreline approach. The applicants explain that this means that, whether the projects are built concurrently or sequentially, the same area of land within each project's corridor would not be disturbed twice, as each project only has rights to construct and reinstate within its own corridor.
- 3.3.36. 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.
- 3.3.37. At ISH2 under item 10(c) [\[REP4-104\]](#) and ISH3 under item 6(a) [\[REP4-106\]](#), the ExA questioned the reinstatement of land of overlap areas (focusing mainly on shared accesses). The concerns focused upon requirement 16 (restoration of land used temporarily for construction) of schedules 2A and 2B of the dDCO [\[REP6-013\]](#) which states 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.
- 3.3.38. Subsequently, at deadline 4 the applicants updated requirement 16 of the dDCO to provide for a 12-month restoration period unless otherwise agreed with the relevant

planning authority. They argue that 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.

Summary of applicants' position at end of the examination

3.3.39. At the end of the examination the applicants conclude in their closing statement [\[REP7-042\]](#) that they have demonstrated their commitment to coordination through the submission of this application for a joint DCO for two electrically separate projects. They state that 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.

3.3.40. The applicants go on to state (paragraph 1.2.1.2 of their closing statement that they 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"

ExA's considerations on the above matters

3.3.41. The ExA acknowledges that this is a somewhat unusual nationally significant infrastructure project (NSIP) requiring collaboration between two entirely separate commercial entities, seeking to deliver the Government's aim for a co-ordinated approach to electricity transmission networks. 2024 NPS EN-5 recognises (paragraph 2.13.1) that the strategic network designs such as those led or enabled by National Grid Electricity System Operator will usually form the basis for identifying proposals for co-ordinated transmission. This includes the Holistic Network Design (HND) for offshore-onshore transmission. It goes on to say (paragraph 2.13.4) that any opportunities for subsequent local co-ordination between projects, irrespective of whether they have been through strategic network design exercises, should be considered in project development. This is in addition to considerations on co-ordinating delivery in construction.

3.3.42. We recognise the co-ordination that has taken place in joining the two projects into a single application, including a joint approach to environmental assessment, consultation and application documents, and the general alignment in the design of proposed infrastructure and mitigation.

- 3.3.43. Paragraph 2.13.14 of 2024 NPS EN-5 states that Co-ordinated transmission proposals, including multi-purpose interconnectors and other types of offshore transmission are expected to reduce the overall environmental and community impacts associated with bringing offshore transmission onshore compared to an uncoordinated, radial approach. These reduced impacts could, for example, relate to fewer landing sites and reduced landfall impacts, reduced overall cable length and impacts and fewer cable corridors and reduced impacts from these. It goes on to say (paragraph 2.13.16) that for onshore infrastructure, reduced impacts could, for example, relate to fewer or co-located substations and converter stations and transmission lines as well as demonstrating how environmental and community impacts have been avoided as far as possible.
- 3.3.44. In this case the applicants have not gone as far as, for example proposing shared cable ducting where the ducting for the cable corridor for both projects is laid simultaneously. Nor have they proposed a single substation, though located only 300m apart the substations do have an element of co-location notwithstanding that they would be constructed as two separate projects. Whilst greater collaboration such as the use of shared infrastructure could have had the benefits of reduced community and environmental impacts, we broadly agree that under the current infrastructure arrangements, it is not reasonably possible for the two projects as two separate commercial entities to collaborate further in providing a more joined-up approach.
- 3.3.45. 2024 NPS EN-5 states (paragraph 2.15.1) that coordinated approaches to delivering offshore and onshore transmission to minimise overall environmental, community, and other impacts, as set out above (in the NPS), must be considered. The Secretary of State must be satisfied that applicants have explained the steps they have taken to do this, the options that have been considered and the approach they have taken to coordination. This evidence is expected to draw substantially on the work under the Offshore Transmission Network Review and relevant strategic network design exercises, together with any additional supporting evidence applicants consider relevant. The SoS should also be satisfied that options for coordination have been considered and evaluated appropriately.
- 3.3.46. Based on the applicants' approach, the proposed development would provide for a scheme with elements of co-ordination described above, including generally aligned infrastructure, that clearly would prevent a situation under an alternative approach where two separate cable corridors and substations are proposed in different locations, thereby impacting upon two sets of community and environmental receptors. Such a scenario is avoided by the proposed development.
- 3.3.47. The counter to this, however, is the two projects would be electrically independent schemes and potentially constructed at different times with a maximum proposed of four years between the projects. Under this sequential scenario the local community and environment would be subject to two sequential durations of construction impacts. It is not the ExA's view that that the overall impacts would be doubled (as asserted by Newton with Clifton Parish Council), but they would undoubtedly be generally greater in terms of effects on local communities and the environment than if only a single project was implemented along the proposed route.
- 3.3.48. We also note the measures proposed by the applicants to provide for a co-ordinated approach as far as is reasonably possible. As well as those provided within the application, these include additional commitments made during the examination, involving the introduction of requirement 25 of schedules 2A and 2B of the dDCO to provide for collaboration between the two projects on post-consent submissions for

approval and a commitment to the establishment of a construction coordination working group. The ExA considers that these would be useful tools in providing for more effective coordination and collaboration during the development of detailed design and the construction process, which in turn should help to reduce community and environmental impacts, albeit to a limited degree.

- 3.3.49. We have considered whether there is justification for a shorter construction commencement period taking account of the uncertainty that could result from the proposed seven-year commencement of construction time limit, particularly under the sequential construction scenario. We go on to consider this further in chapter 8.
- 3.3.50. As referred to in chapter 2 of this report, draft revisions to the energy suite of NPSs were published in April 2025. These were designated in December 2025 following the close of the examination. The April 2025 draft NPS-EN5 refers (paragraph 2.9.20) to the Electricity Transmission Design Principles (ETDP) that NESO (National Energy System Operator) will consult on and publish. It says that these will provide guidance on transmission technology choices available to mitigate the impact of transmission infrastructure on the landscape, environment and communities whilst embedding innovation into design. Once the ETDP is published, developers should have regard to them as relevant, in addition to the Horlock rules containing design guideline established by the National Grid for the design and siting of substations.
- 3.3.51. The April 2025 draft NPS-EN5 also refers to the Centralised Strategic Network Plan (CSNP) to help to reduce the overall impact of infrastructure by identifying opportunities for coordination, where appropriate, and taking a holistic view on both the onshore and offshore network. It goes on to say that network plans will take account of environmental and community impacts, alongside deliverability, operability, and economic cost, from the outset. The ExA notes that consultation on the methodology for the CSNP took place between 30 June and 1 August 2025 and that the first CSNP is due to be delivered in 2027. Given that these matters as contained in the revised suite of energy NPSs are emerging and yet to be finalised, we consider them to carry little weight in our considerations for this application.

3.4. CONCLUSIONS

- 3.4.1. The proposed development comprising two separate projects controlled by entirely separate entities has clearly created challenges in terms of ensuring effective co-ordination between the two projects. The ExA finds the applicants' justification of the need for the projects to be electrically independent and to retain construction flexibility are reasonable in the context of there being two separate commercial entities delivering the projects and the current position regarding CfD and Anticipatory Investment.
- 3.4.2. We acknowledge the measures taken to achieve coordination and collaboration where this is reasonably possible. Whilst this may not quite fit with the level of coordination envisaged by the HND, the ExA is satisfied that the applicants' approach on this application is robustly justified in the current circumstances. We also find the applicants' approach to restoration to be reasonable.
- 3.4.3. Overall, despite the limitations, we are generally satisfied that the proposed development takes appropriate account of 2024 NPS EN-1 and NPS EN-5 in terms of co-ordination between the two projects that form part of this application. The revisions contained in the 2025 NPS EN-1 and NPS EN-5 do not materially alter our conclusions on these matters.

4. MAIN PLANNING ISSUES

4.1. INTRODUCTION

4.1.1. This section sets out the ExA's findings and conclusions on the main topic specific planning issues. Each topic follows a general structure as follows:

- the applicants' case, summarising the relevant environmental statement (ES) chapter and/or other documents
- the main issues discussed in the examination
- the ExA's consideration of each specific issue
- the ExA's findings of the applicant's case against policies and legislation
- the ExA's conclusion including findings on significant effects and the weight to be given to that in the planning balance

4.1.2. Each topic area will summarise the identified significance of effect (if any) in the respective ES chapters unless it is necessary to go into further details of the summary of predicted effects and the magnitude of change. The categories of the significance of effects in the ES are broadly as follows:

- major adverse (significant)
- moderate adverse (significant)
- minor adverse (not significant)
- negligible/very low (not significant).

4.1.3. The ExA will apportion either positive, neutral or negative weight to the identified significance of effect in the planning balance. The ExA will also use descriptive terms to determine the level of weight to be applied as appropriate, which will be little, moderate, great or very great - substantial.

4.1.4. The ExA does not report on every issue raised by interested parties (IPs). It instead focuses on those matters which were principal concerns for the examination and specific discussion points of interest. Where the ExA does not discuss a particular concern of an IP, the Secretary of State can be assured the ExA has considered the matter and that it is satisfied with the applicants' responses given at the appropriate point in the examination.

4.1.5. Unless it is specifically necessary and relevant to do so, the ExA does not provide a running commentary on why specific documents were updated during the examination. This is because in most cases, the applicants' provided additional information at the request of the ExA and/or IPs. The ExA will generally refer to a document and its examination library reference by its most recent submission into the examination, save where the ExA is referring to a specific document in time.

4.1.6. At the close of the examination, there were some cases where an IP was not able to respond to a submission at deadline 7. These are discussed further in the relevant sections below.

4.2. AIR QUALITY

INTRODUCTION

- 4.2.1. This section considers assessment of the proposed development's effects on air quality from construction, operation (including maintenance) and decommissioning.
- 4.2.2. This section provides details regarding the effects on people. Effects on ecology "onshore ecology and biodiversity" are addressed in section 4.5 of this report. Air quality impacts on designated sites considered as a Habitats Regulations Assessment (HRA) matter w are dealt with in appendix C of this report.

THE APPLICATION

- 4.2.3. The applicants' assessment of the potential impacts of the proposed development on air quality was presented in Environmental Statement (ES) chapter 9: Air quality [\[APP-121\]](#). The assessment should be read in conjunction with:
- volume 1, annex 5.1: Human health of the ES [\[REP6-040\]](#)
 - volume 3, chapter 3: Onshore ecology and nature conservation of the ES [\[APP-075\]](#)
 - volume 3, chapter 7: Traffic and transport of the ES [\[APP-108\]](#)
 - volume 1, chapter 3: Project description [\[REP6-038\]](#)

Baseline

- 4.2.4. This air quality assessment methodology is set out in ES chapter 9 [\[APP-121\]](#). The methodology covers the elements recommended in the Government's Planning Practice Guidance (PPG).
- 4.2.5. The applicants state [\[APP-121\]](#) that the assessment was undertaken in accordance with relevant guidance including the Institute of Air Quality Management (IAQM) guidance.
- 4.2.6. During the construction and the decommissioning of the proposed development the applicants considered the potential for:
- dust and suspended particulate matter (PM₁₀) generation with focus on the potential impacts from dust soiling (nuisance) on property and the impact of an increase in suspended particulate matter
 - vehicle emissions - emissions from the construction vehicle movements have been assessed using detailed dispersion modelling
- 4.2.7. Impacts that are not likely to result in significant effects have been scoped out of the assessment. Detailed justification can be found in table 9.14 of the ES chapter 9 [\[APP-121\]](#). A summary of the impacts scoped out are as follows:
- the impact on air quality of the offshore and intertidal areas
 - the impact on human and ecological receptors (dust soiling and human health) arising from fugitive dust emissions generated during operation and maintenance phase
 - the impact on human receptors arising from air emissions generated by vehicle traffic during operation and maintenance
 - the impact on human receptors arising from air emissions generated by plants or stacks during operation and maintenance onshore

- 4.2.8. The study area for dust has been defined with respect to construction dust and covers an area up to 250 meters around the onshore order limits. The location and geographic extent of the study area used to inform the dust assessment is presented in figure 9.1, volume 3 [\[APP-135\]](#).
- 4.2.9. The nearest air quality management area (AQMA) is over 3 km to the east of the onshore order limits in Penwortham, which has been designated due to elevated concentrations of NO₂. There is also an AQMA in Blackpool, near Talbot Road, also designated due to elevated concentrations of NO₂. There are no AQMAs within the study area designated due to elevated concentrations of PM₁₀.
- 4.2.10. The applicants undertook a construction traffic assessment of the air quality impacts that would be associated with construction traffic during the construction and decommissioning phases. The methodology was set out in section 9.10.3 and road links and assessed receptors were listed in tables 9.25 and 9.27 of ES chapter 9. Additionally figure 9.2, volume 3 [\[APP-135\]](#) focuses on human health receptors associated with the relevant road links.
- 4.2.11. In accordance with the IAQM Technical Guidance (Defra, 2022a), the assessment of traffic emissions includes all roads on which there is a significant change in traffic (over 100 Heavy Goods Vehicles (HGVs) or 500 Light Good vehicles (LGVs) in an area without an AQMA). This is the study area used during traffic modelling.

Mitigation and monitoring

- 4.2.12. As set out in section 9.8 of [\[APP-121\]](#) the applicants have adopted number of measures (commitments) to reduce the impact of the proposed development on air quality. Applicants state that these measures are defined as embedded and secondary mitigation measures. Where an assessment identifies likely significant adverse effects, further or secondary mitigation measures may be applied. These are measures that could further prevent, reduce and, where possible, offset these effects. These include measures required to reduce the significance of environmental effects. Embedded measures include:
- primary (inherent) mitigation - measures included as part of the project design
 - tertiary (inexorable) mitigation - describes these as actions that would occur with or without input from the EIA feeding into the design process
- 4.2.13. Mitigation measures were proposed by the applicants and set out in ES volume 1, annex 5.3: Commitments Register [\[REP6-042\]](#). Those relevant to air quality are identified in table 9.15 of [\[APP-121\]](#) and would be secured by way of requirements in schedules 2A and 2B of the draft Development Consent Order (dDCO) [\[REP6-013\]](#). The measures include:
- CoT35 - an outline Code of Construction Practice (oCoCP), includes measures to maintain and address air quality and dust management
 - CoT33 - an outline Dust Management Plan (oDMP) has been prepared as part of the oCoCP
 - CoT36 - the preparation of an onshore decommissioning plan prior to decommissioning
 - CoT38 – an outline Construction Traffic Management Plan (oCTMP)
- 4.2.14. Those plans have been treated as inherently part of the design of the proposed development and considered in the assessment of effects i.e. the determination of magnitude, and therefore significance is assumed in the implementation of these measures.

- 4.2.15. ODMP [\[REP6-081\]](#) sets out the key dust control measures that would be implemented during the onshore site preparation works and construction activities of the proposed development to ensure that there would be no significant residual effects on air quality receptors.

Assessment of effects

- 4.2.16. The ES volume 3, chapter 9: Air quality [\[APP-121\]](#) states that the key parameter for the assessment is the maximum design scenario (MDS). table 9.16 provides reasoning why sequential or concurrent construction scenario has been chosen and assessed as the MDS.
- 4.2.17. Table 9.42 ES chapter 9 [\[APP-121\]](#) presents the applicants summary of the potential environmental effects, mitigation and monitoring in respect of air quality. The impacts assessed include:
- the impact of dust soiling (nuisance) on property arising from dust emissions generated by onsite construction and decommissioning activities
 - the impact of an increase in suspended particulate matter on people arising from dust emissions generated by onsite construction and decommissioning activities
 - the impact of vehicle emissions on human health receptors during construction and decommissioning
- 4.2.18. Subject to mitigation measures (commitments) set out in the oCoCP [\[REP6-067\]](#) and constituent management plans, the applicants concluded that there would be no significant effects arising from the proposed development during the construction, operations and maintenance or decommissioning phases in relation to dust and construction traffic related emissions.
- 4.2.19. Paragraph 9.11.2.15 of [\[APP-121\]](#) states that following the implementation of dust control measures the dust impact risk for construction, earthworks and track out associated with construction of the proposed development is categorised as negligible. In addition, the effects of construction dust are predicted to be of local spatial extent, intermittent in frequency and mostly reversible.
- 4.2.20. The impact of emissions from traffic is covered in section 9.11.3 of [\[APP-121\]](#) and overall, it is stated that the impacts are considered to be negligible.
- 4.2.21. Table 9.43 of ES chapter 9 [\[APP-121\]](#) sets out the results of the cumulative environmental effects, mitigation and monitoring assessment for the same impacts assessed for the proposed development alone. The applicants concluded that there would be no significant cumulative effects from the proposed development alongside those other projects and plans.
- 4.2.22. No further monitoring was proposed as the applicant's desktop survey was considered sufficient to inform the assessment of construction dust and site-specific surveys were not considered necessary.

ISSUES CONSIDERED DURING THE EXAMINATION

- 4.2.23. South Ribble Borough Council (SRBC) local impact report (LIR) [\[REP1-227\]](#) raised several concerns centred around adequacy of the assessment in relation to consideration of the impacts arising from the different development scenarios, possibility of multiple repeat construction phases with particular focus on air quality impacts due to construction and traffic movements.

- 4.2.24. The potential to cause significant levels of dust, which can impact upon the operations of local services and Blackpool airport as well as severely impact human health during the construction and decommissioning stages were identified in Blackpool Borough Council's (BBC) LIR [\[REP1-068\]](#).
- 4.2.25. No specific issues related to air quality were raised by Fylde Borough Council in the LIR [\[REP1-078\]](#) or by Lancashire County Council (LCC) [\[REP1-085\]](#).
- 4.2.26. A number of relevant representations raised concerns regarding the air pollution caused by an increase in traffic movement during construction. Applicants state that theme of air quality and pollution was raised by approximately 22% of relevant representations. Comments centred on the increase of dust in the air also from construction, resulting in impacts on physical health including the exacerbation of existing conditions [\[PDA-005\]](#).
- 4.2.27. The applicants have responded to all issues raised [\[REP3-059\]](#) and [\[PDA-026\]](#) stating that the assessment within the ES is robust and all potential impacts related to air quality have been fully assessed. Any potential impacts would be managed and mitigated in line with the detailed dust management plan(s), which will be developed from the oDMP and which forms part of the oCoCP. The detailed CoCP(s) are secured by R8 of schedules 2A and 2B of the dDCO [\[REP6-013\]](#).
- 4.2.28. At the close of the examination statements of common ground (SoCGs) between the applicants and FBC [\[REP7-028\]](#); BBC [\[REP7-033\]](#); LCC [\[REP7-027\]](#); Preston City Council [\[REP6-153\]](#) identified no outstanding concerns in respect to air quality matters.
- 4.2.29. The SoCG with SRBC [\[REP6-128\]](#) contains material outstanding matters in relation to disagreement regarding potential significant residual effects on air quality due to the proposed construction working hours. SRBC request removal of mobilisation hours from the scope of the project and for construction hours to align with typical project construction hours in SRBC (0800 – 1800 weekdays and 0900 – 1300 on Saturdays, no works on Sundays and bank holidays).
- 4.2.30. The issue of proposed construction working hours is covered in detail in the noise and vibration section 4.11 of this report.

ExA's consideration

- 4.2.31. SRBC [\[REP-128\]](#) position in the final SoCG is that [\[REP6-128\]](#) it does not agree that there will not be significant residual effects on air quality due to the proposed construction working hours. The applicants' position is that there will be no significant residual effects on air quality receptors from the development when considered cumulatively with other projects.
- 4.2.32. With respect to the outstanding issue [\[REP6-128\]](#) between the two parties, the ExA observes that no evidence has been presented during the examination to indicate that altering construction working hours would materially affect the conclusions on air quality set out in the ES.
- 4.2.33. ODMP [\[REP6 -081\]](#) has been updated in response to the ExA's Written Questions [\[PD-008\]](#) and sets out how construction dust will be managed to ensure that the residual effect is negligible.
- 4.2.34. On balance, and having considered the available evidence, the ExA considers that there are sufficient control mechanisms forming part of the application and within

the commitments, secured through the DCO, to ensure that air quality is managed effectively and prevent adverse effects.

CONCLUSIONS

- 4.2.35. The ExA is content that the applicants' assessment of the proposed development's likely impact on air quality impacts on human receptors is consistent with paragraphs 5.2.9 and 5.7.6 of 2024 NPS EN-1. In compliance with paragraph 5.7.14 of 2024 NPS EN-1, an oDMP [\[REP6-081\]](#) is secured by R8 of the dDCO [\[REP6-013\]](#). This sets out how construction dust will be managed to ensure that the residual effect is negligible.
- 4.2.36. The ExA finds that the requirements of 2024 NPS EN-1 have been met, as well as other national and local policies and strategies and other relevant legislation. The ExA concludes that air quality does not weigh for or against the making of the order.
- 4.2.37. We do not consider that the April 2025 revised versions of the suite of energy NPSs would alter our overall conclusions on these issues.

4.3. AVIATION

INTRODUCTION

4.3.1. This section considers the potential effects of the proposed development on civil and military aviation and defence interests taking into account the construction, operation and maintenance, and decommissioning phases of the project.

4.3.2. This was identified as a principal issue in appendix C of the ExA's rule 6 letter [\[PD-006\]](#). The primary cause for concern expressed during the examination was the increased risk to aircraft from bird strike that may result from the proposed development and there was much discussion around this specific topic.

THE APPLICATION

4.3.3. The applicants' assessment of potential effects on civil and military aviation and defence interests was presented in the Environmental Statement (ES) chapter 11 (volume 3): Aviation and radar [\[APP-130\]](#). This:

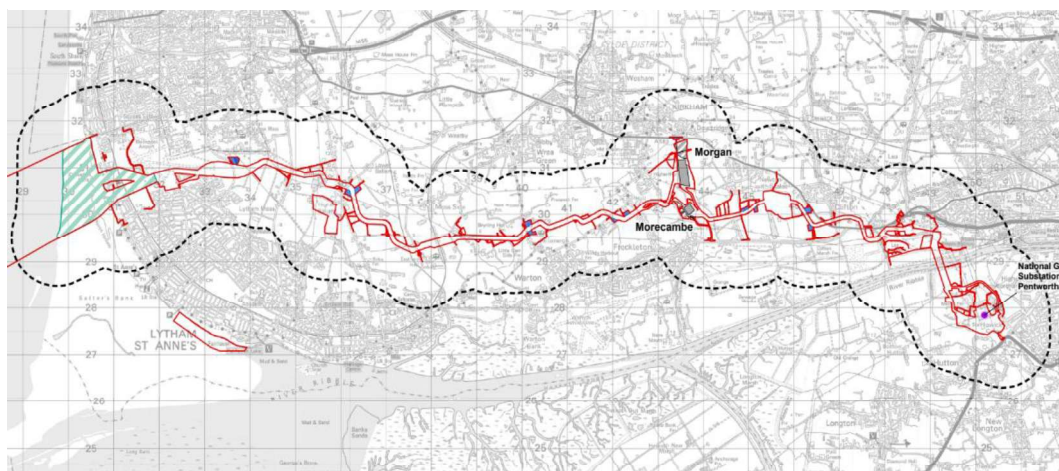
- sets out the existing environmental baseline for aviation and radar. This was summarised at table 11.6. The ES identified any assumptions and limitations encountered in compiling the baseline information
- presents the potential impacts and effects of the proposed development on aviation and radar at table 11.12 during the construction, operation and decommissioning phases
- identifies any mitigation and/or monitoring which would be necessary to avoid, reduce, or mitigate the potential effects of the proposed development on aviation and defence. This includes commitment (CoT) 105 [updated in [REP6-042](#)] which is secured by the outline code of construction plan (oCoCP) [\[APP-193\]](#) and requirement 8 of the draft Development Consent Order (dDCO) to the effect that that no construction works will take place within the operational boundary of Blackpool Airport until Civil Aviation Publication (CAP) 791 approval has been obtained from the Civil Aviation Authority (CAA).

4.3.4. The policy context with the summary of the National Policy Statement (NPS) provision and how the applicants considered these policy requirements were set out in volume 3, chapter 11 'Aviation and radar' of the ES [\[APP-130\]](#) which by the close of the examination was updated [\[REP6-056\]](#). Table 11.1 refers to the various policy provisions which the applicants considered to be applicable. Amongst the paragraphs reference from 2024 NPS EN-1 are the following:

- 5.5.5 – “it is essential that new energy infrastructure is developed collaboratively.”
- 5.5.37 – “where the proposed development may affect the performance of civil or military aviation communication, navigation and surveillance, meteorological radars and/or defence assets an assessment of potential effects should be set out in the ES.”
- 5.5.49 – “the Secretary of State (SoS) should be satisfied that the effects on meteorological radars, civil and military aerodromes, aviation technical sites and other defence assets or operations have been addressed by the applicants and that any necessary assessment of the proposal on aviation or defence interests has been carried out.”
- 5.5.53 – “if there are conflicts between the government's energy and transport policies and military interests in relation to the application, the SoS should expect the relevant parties to have made appropriate efforts to work together to identify realistic and pragmatic solutions to the conflicts.”

- 4.3.5. The study area as shown by the black dotted line in the plan below (figure 6) from figure 1.1 of ES Volume 3, Figures - Part 1 of 7 [\[APP-131\]](#) considered in the Aviation and radar chapter [\[APP-130\]](#) covered the temporary and permanent areas between mean low water springs and the mean high-water springs and all land within the onshore order limits. This included an area of 15km from an airport (following CAPs 168, 738, and 764) as flight operations are vulnerable to obstacles of a vertical extent. Paragraph 11.4.1.3 emphasised that the majority of the proposed development consisted of construction works, direct pipe, underground cabling with the exception being the two substations but these were both at a relatively low height above ground.

Figure 6: Study area for aviation and radar impacts [\[APP-130\]](#)



- 4.3.6. The ES chapter [\[APP-130\]](#) also considered the relevant statutory instrument which needs to be followed as being the CAP 393: The Air Navigation Order (CAA, 2022). Table 11.4 of that chapter refers to the key provisions in the Fylde Local Plan which relate to aviation and in particular to Blackpool Airport and Warton Aerodrome.
- 4.3.7. BAE Systems (BAE) had engaged in the applicants' pre-application consultation and raised a number of concerns in its section 42 response raised in November 2023. However, the applicants scoped out the Warton Aerodrome operated by BAE from the ES chapter as explained at table 11.5 of the aviation and radar chapter [\[APP-130\]](#).
- 4.3.8. The ES [\[APP-130\]](#) sets out the position for the section 42 pre-application consultation. In its submission to the consultation, BAE stated the following:

"There is also a 13 km radius wildlife zone. The Aerodrome at Warton needs to be consulted on any developments that have the potential to attract wildlife. Birds are the main concern, particularly large, over-wintering birds. In relation to this, BAE Systems have initial concerns about the proposal to develop an 'Onshore and Intertidal Net Gain Enhancement Plan' to identify areas where biodiversity net gain is proposed. This will include details of the measures proposed, including details of any enhancement measures proposed for waterbirds. BAE Systems is particularly concerned about any enhancement measures in the wildlife zone that will increase the attractiveness of the area for birds (including new areas of standing water) as this has significant potential to negatively affect air safety."

- 4.3.9. The applicants' response to this in table 11.5 [\[APP-130\]](#) was to confirm that BAE Systems Warton (Aerodrome) had been scoped out. They indicated that the onshore order limits and intertidal infrastructure area lay beyond the CNS (communication, navigation and surveillance) safeguarded areas and beyond the runway safeguarded area. They further confirmed that construction equipment and remaining above surface infrastructure (in the operation and maintenance phase) would not penetrate the surface ceiling.
- 4.3.10. A number of organisations (including Orsted Burbo Extension Limited, Walney (UK) Offshore Windfarms Ltd., Harbour Energy and Spirit Energy Production) had raised concerns in the pre-application consultation about the possibility of an offshore booster station and helicopter activity but in response the applicants confirmed that the offshore substation platform had been removed from the proposal and also helicopter operations had been scoped out of the assessment. Spirit Energy also raised questions about possible disruption to their helicopter flights from Blackpool Airport but no impact was expected and engagement would continue with Blackpool Airport Operations Limited (BAOL)
- 4.3.11. The application proposed that no construction works within the operational boundary of Blackpool Airport would commence until the CAA has approved and inspected the works. With this mitigation in place, it was concluded in paragraph 11.11.2.14 of the ES [\[APP-130\]](#) that the magnitude of the impact during construction to Blackpool Airport is medium and the effect is of moderate adverse significance which is significant in EIA terms. The impacts became slighter once the project entered the operation and the main mitigation measures to alleviate impacts of the proposed development are set out at paragraph 11.8 [\[APP-130\]](#). However, with the implementation of secondary mitigation explained in paragraph 11.11.2 of the updated aviation chapter [\[REP6-056\]](#), the magnitude of the impact to Blackpool Airport is reduced to low and is therefore considered by the applicants to be minor adverse.
- 4.3.12. The applicants also considered any effects at Blackpool Airport arising from electro-magnetic fields (EMF) at paragraph 11.11.3 [\[APP-130\]](#) and referred to the use of appropriate construction techniques such as cable depth, shielding, ducting and physical separation from communication, navigation and surveillance systems and power cables.
- 4.3.13. The applicants also concluded that there would be no significant cumulative effects when considering other projects. The applicants considered cumulative effects at paragraph 11.12 [\(APP-130\)](#) taking into account various scenarios as at the time of the application, it was not known whether the applications for either or both of the Morecambe Offshore Windfarm: Generation Assets and the Morgan Offshore Wind Project: Generation Assets would receive consent. These two projects are inextricably linked with the proposed development but the assessment also considered other projects at a greater distance including the Awel y Mor Offshore Wind Farm (granted consent in September 2023) and the Mona Offshore Wind Project (granted consent during the examination). Reference was also made to the proposed Mooir Vannin Offshore Wind Farm which is an application for a wind farm DCO which was accepted by the Isle of Man Government in August 2025. Ultimately, the intention of this application is to connect to the National Grid at the Penwortham substation and therefore at its nearest point, the project might only be 2.6km away from the order limits.

- 4.3.14. Referring to these various projects, the applicants state that effects of greater adverse significance are not predicted to arise on any of the various scenarios considered.
- 4.3.15. As the examination progressed, following concerns raised as considered below, the applicants submitted further documents for consideration and these included the following:
- a Strategy for Wildlife Hazard Management Plan [\[REP2-047\]](#)
 - a Baseline Bird Technical Report [\[REP3-060\]](#)
 - the original Outline Wildlife Hazard Management Plan (oWHMP) [\[REP3-065\]](#)
 - a Technical Note: Bird Strike Policy Note [\[REP5-133\]](#)
 - an updated 'Aviation and radar' chapter of the ES [\[REP6-056\]](#)
 - parameters for cranes and equipment to be used during the construction phase were provided in the update outline Code of Construction Practice (oCoCP) [\[REP6-067\]](#)
 - a revised oWHMP ([\[REP5-106\]](#)) and later updated [\[REP6-144\]](#)
 - dDCO Schedule 2A and 2B requirements [\[REP6-013\]](#)) in respect of lighting, parameters for cranes and equipment (requirements 4 and 5), and securing a detailed Wildlife Hazard Management Plan (requirement 27)
 - the joint policy statement from the applicants and BAOL [\[REP6-181\]](#)

ISSUES CONSIDERED DURING THE EXAMINATION

Local Impact Reports

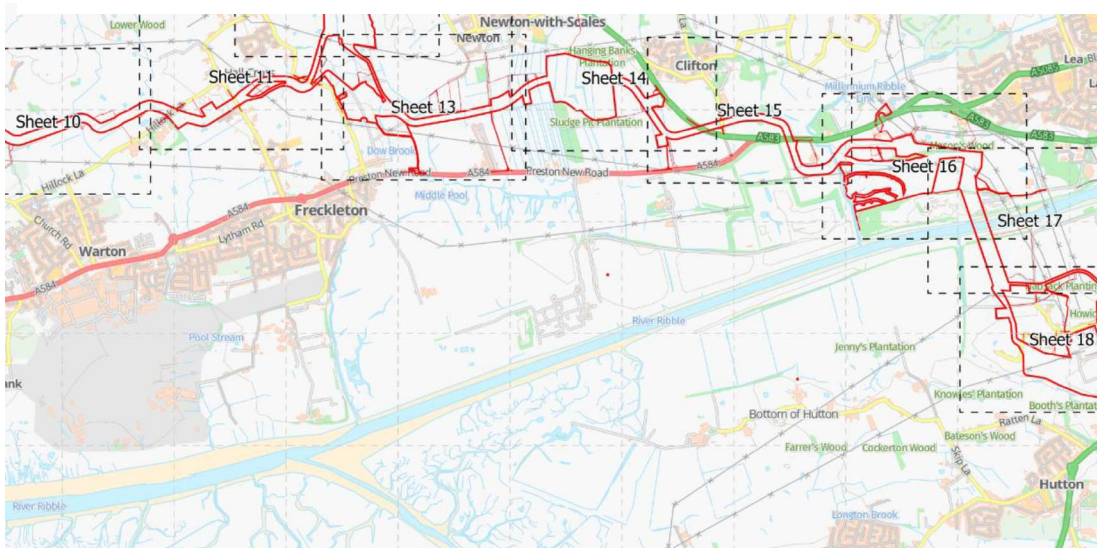
- 4.3.16. Blackpool Borough Council (BBC) raised a number of concerns in its LIR [\[REP1-068\]](#). It emphasised that the airport is a key economic driver within the local area and currently facilitates business and executive travel, flying schools, aviation training, bespoke fire training and specialist medical services. BBC held reservations that the proposed development would impact upon the operational airport in a number of ways:
- temporary possession sought over parts of the airport site in relation to construction access and temporary works areas
 - various permanent rights sought for the offshore export cables being proposed to connect onshore at transition joint bays to be located within the airport site, from which cabling is proposed to run through the airport site and across the main runway
 - the construction, operational and decommissioning phases, had the potential to cause substantial disruption and adverse impacts on the airport's operations, through direct construction activities proposed on-site, the loss or temporary loss of airport facilities and the potential for conflict and interference with the airport's operations
- 4.3.17. BBC is the freehold owner of the airport site but emphasised that it fully supported the representations that would be submitted from the airport operator, BAOL, during the examination.
- 4.3.18. Fylde Borough Council (FBC) referred in its LIR [\[REP1-078\]](#) to its Local Plan Strategic Policies (FLP) EC4 and T2 with reference to aviation. Policy T2 includes a specific restriction that development would not be permitted unless it could be demonstrated that there would not be any potential for adverse impacts on aviation operations, or on defence navigation systems and communications. FBC considered in paragraph 7.1.6 of its LIR that the likely impact of the proposed

development is that there is the potential for harm to aviation activities at both airport sites and that this conflicts with FLP Strategic Policies EC4 and T2.

Interested parties

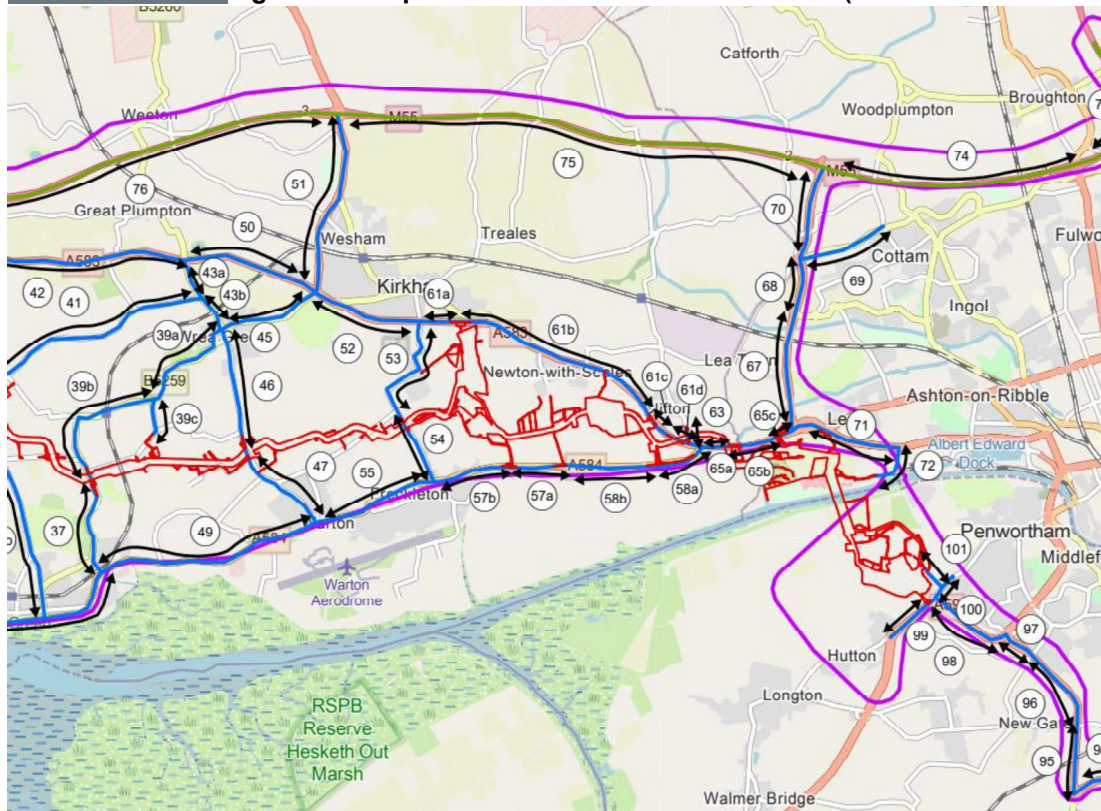
- 4.3.19. The majority of representations concerning impacts on aviation were from the two operators being BAOL and BAE. They both appeared at the hearings and regularly made submissions which are considered in detail below. The other main contributor was the Defence Infrastructure Organisation (DIO) on behalf of the Ministry of Defence (MoD). Its direct involvement in the examination was more limited. In its initial submission [RR-0570], the DIO recognised that the proposed development occupies the statutory safeguarding zones surrounding Warton Aerodrome. The DIO referred in particular to the aerodrome height technical and bird strike safeguarding zones and emphasised the proposed proximity from the centre of the airfield at BAE Warton at its closest point. Their position is closely aligned with BAE and is therefore considered below.
- 4.3.20. Figure 7 below is taken from the Land Plans [APP-156] shows the Warton Aerodrome in the bottom left close to the River Ribble with the environmental mitigation areas shown in the approximate position of the wording “sheet 16” with the existing National Grid substation south of the Ribble in the approximate position of the number 18.

Figure 7: The position of the Warton Aerodrome (source: Land Plans [APP-156]).



- 4.3.21. The position of the Warton Aerodrome is shown more clearly in the next plan (figure 8) which is taken from ES volume 3, figures - Part 4 of 7 [REP6-058] and is an ordnance survey extract showing the location of the runway at the Warton Aerodrome with the proposed environmental mitigation areas being in the approximate position of the tab marked 65b.

Figure 8: The position of the Warton aerodrome (source, ES volume 3, figures -part 4 of 7 [REP6-058]). **Figure 9: The position of the Warton Aerodrome (source: ES volume**



- 4.3.22. The ExA asked the DIO to clarify its position and confirm whether any progress was being made [PD-011]. The response from DIO [REP5-167] confirmed that the applicants, DIO and BAE were fully engaged in discussions about the required documentation to enable a detailed assessment of any risk posed and any mitigation proposed to be completed. However, no timeline for this was provided.
- 4.3.23. Later in the examination, the DIO updated its position [REP6-185] in respect of two action points raised in ISH4 [EV10-018]:
- action point 27 relating to aviation lighting. The DIO reported that the BAE, the DIO and the applicants engaged in discussions and agreed on a form of wording for requirement 4 that addresses the need for aviation lighting. It confirmed DIO is content that this wording negates the need for a separate requirement.
 - action point 39 – It confirmed again that discussions have taken place concerning the wording of requirement 27 and have agreed upon a form of wording. However, the DIO emphasised that the oWHMP referenced in requirement 27 is not acceptable in its current form. Proposals have been submitted to the applicants to implement amendments to the oWHMP and until these proposals are agreed and implemented the objection to the application from the DIO remains in place.

Other aviation related impacts

- 4.3.24. The primary issue in respect of aviation and radar was the risk of bird strike at the Warton Aerodrome and the ExA will revert to this later after considering other impacts relating to aviation. BAE had raised concerns about the design of the substation sites and in particular the location and height of lightning rods. BAE

questioned whether these lightning rods could infringe the Obstacle Limitation Surfaces (OLS) at the Warton Aerodrome.

- 4.3.25. However, discussions progressed between BAE, the DIO and the applicants and BAE were also able to confirm [\[REP6-206\]](#) that requirements 4 and 5 of the dDCO provide adequate protection by enabling BAE to undertake the necessary safeguarding assessments to ensure that the substation design does not infringe the OLS.
- 4.3.26. BAE were also satisfied with the installation of aircraft safety lightning to tall cranes and lightning rods should this prove necessary. This was secured by the oCoCP [\[REP6-067\]](#) when read with CoT140 [\[REP6-024\]](#). The agreement relating to operations and technical safeguarding was confirmed in the statement of common ground (SoCG) between the applicants, BAE and the DIO and the Ministry of Defence (MOD) [\[REP7-030\]](#). BAE's outstanding objection was therefore limited to bird strike matters.
- 4.3.27. The applicants also made significant progress with the discussions concerning Blackpool Airport. BAOL confirmed at ISH1 [\[EV4-001\]](#) to [\[EV4-018\]](#) that whilst the proximity of the mitigation areas and therefore the possible risk of bird strike was concerning, progress was being made with negotiations between the parties. Three months later BAOL were able to report that negotiations between the parties had continued for some months and significant progress had been made with the likelihood of a conclusion being reached in the near future which would allow BAOL to withdraw its objection.
- 4.3.28. Agreement was indeed reached between the parties with the cooperation agreement between the applicants and BAOL being completed on 22 September 2025 and reported to the ExA on the same day in the reply to ExQ2.4.1.4. [\[REP5-130\]](#). BAOL had outlined its continuing concerns in their earlier representation [\[REP1-115\]](#) and mentioned construction sequencing and duration, bird strike, and impacts on EMFs. The applicants also agreed to the removal of the proposed operation access to Blackpool Airport from Squires Gate Lane in their change application [\[REP5a-001\]](#).
- 4.3.29. Accordingly, BAOL withdrew its objection [\[AS-083\]](#) to the application. Furthermore, the applicants and BAOL submitted a joint policy statement [\[REP6-181\]](#) which confirmed that the parties consider that the proposed development does not present any risks in respect of national security or physical safety in relation to Blackpool Airport and therefore the test in paragraph 5.5.60 of NPS EN-1 is satisfied.

Bird Strike – Warton Aerodrome

- 4.3.30. These were positive steps forward with the application but the main issue of possible impacts on the Warton Aerodrome remained outstanding. BAE had outlined its concerns early in the process [\[REP1-112\]](#) and raised a number of reservations with the applicants' approach. They said at paragraph 2.4 that "it is feasible that the Ecological Mitigation sites could attract more birds to the area for reasons such as the habitat to be provided is of better quality (being specifically designed) than the existing habitat, or the Mitigation Sites may be more conveniently located for larger bird populations."
- 4.3.31. The elements of the proposed development which may affect the interests of BAE are those located within Warton Aerodrome's 13 km Bird Hazard Safeguarding Zone (as well as the MoD's statutory safeguarding zone of 13km), including work

numbers 20A/B, 21A/B, 35A/B, 44A/B and 49A/B covering the environmental mitigation areas and biodiversity benefit sites, and work number 17A/B. The statutory safeguarding zones drawn around Warton aerodrome are designed to ensure that development does not result in the creation or enhancement of environments attractive to those large and/or flocking bird species that may degrade aviation safety.

- 4.3.32. The (unsigned) SoCG [\[REP7-030\]](#) with BAE and the MoD /DIO showed a considerable amount of consultation had taken place between the parties in the last few weeks of the examination. The table at 1.3 of the SoCG confirms a meeting on 15 September 2025 between the applicants and BAE and the DIO to present the wildlife attractants habitat risk and to discuss the SoCG.
- 4.3.33. BAE added at paragraph 2.6 [\[REP1-112\]](#) “that the bird strike risk could change and potentially worsen if the proposed development results in birds being brought closer to the aerodrome, thereby increasing bird concentrations in proximity of the Aerodrome, as well as flight paths and take-off and approach paths”. It adds at paragraph 2.8 that “Aircraft operating from Warton Aerodrome are at lower altitudes closer to the Aerodrome (for taking-off and landing). The proposed location of some of the Ecological Mitigation Sites and the Biodiversity Benefit Sites, being in close proximity to Warton Aerodrome, introduces the potential for increased concentrations of birds to be present in areas where aircraft is operating at lower altitudes.”
- 4.3.34. The applicants repeatedly referred to the progress made with BAOL and argued that BAE should be able to adopt a similar approach. The fact that this was unresolved by the close of the examination and that objections from both BAE [\[REP7-055\]](#) and DIO remained outstanding means that the ExA need to address this issue in some detail.
- 4.3.35. Before the start of the examination, the issue of bird strike was clearly a concern for the airport operators. The ExA was surprised that the Aviation and radar chapter of the ES [\[APP-130\]](#) contained no reference to paragraph 5.5.50 of the 2024 NPS EN-1 which provides that the SoS should be satisfied that the proposal has been designed, where possible, to minimise adverse impacts on the operation and safety of aerodromes. There was also no reference to the paragraph relating to bird strike. The relevant policy provision is contained in paragraph 5.5.41 from 2024 NPS EN-1 which provides:
- “consideration of developments near aerodromes should take into account.....Bird Strike Risk – Aircraft are vulnerable to wildlife strike, in particular bird strike. Birds and other wildlife may be attracted to the vicinity of an aerodrome by various types of development, for example, large buildings with perching/roosting opportunities for birds. It is therefore important that infrastructure, buildings and other elements from energy installations, as well as environmental mitigation are designed in such a way so as not to increase the bird strike risk to the airport for developments within 13km (this can vary)”
- 4.3.36. In view of these omissions and our reading of RRs’ on this matter, the ExA asked a preliminary question on the 14 February 2025 contained within our rule 9 request [\[PD-005\]](#). This was as follows:
- “Aviation - RRs have been received from BAE Systems [\[RR-0208\]](#) (regarding Warton Aerodrome) and Blackpool Airport Operations Ltd [\[RR-0245\]](#). These include safety concerns regarding the effects upon operations at both airports, including the

potential for an increased risk of bird strike. In the light of these representations, the ExA requests that the applicants, following further engagement with the relevant interested parties, provide a detailed response to the concerns raised, including details of further assessments required and a timetable for their production”.

- 4.3.37. In their response dated 21 March 2025 [\[AS-067\]](#) just before the start of the examination, the applicants provided an optimistic outlook by saying “the applicants are confident that those concerns can be satisfactorily addressed. The applicants will provide a detailed response to the comments raised, any further information required and a timetable for production following agreement of the appropriate workstreams with BAE Systems and Blackpool Airport. The applicants intend for this to be provided at the earliest opportunity in the Examination.”
- 4.3.38. The issue of bird strike risk was discussed at some length during ISH1 [\[EV4-001\]](#) and Action Point 40 [\[EV4-018\]](#) was raised by the ExA. This asked the applicants “In relation to bird strike provide an update with reasons of why safeguarding assessments are not being provided.” The response came from the applicants [\[REP1-037\]](#) saying “BAE Systems confirmed during ISH1 Agenda item 6(c) that safeguarding assessments are to be undertaken by BAE Systems on behalf of Warton Aerodrome. The need for potential bird strike mitigation requirements was not raised during pre-application consultation and was identified at submission in BAE Systems’ RR (RR-208).”
- 4.3.39. The ExA noted that this statement was incorrect on two counts as BAE had raised the issue of the risk from bird strike in their section 42 consultation and they had not agreed in ISH1 that the responsibility for a bird strike assessment for the Warton Aerodrome lay with BAE itself. The ExA raised this in ExQ2 4.1.3 [\[PD-011\]](#) and the applicants in their reply [\[REP3-056\]](#) did not dispute this. They did however refer to the information which would be required to enable a bird strike risk assessment to be prepared which was details of the existing wildlife hazard management for the Warton Aerodrome and that was of course only in the possession of BAE. The applicants confirmed at section 11 [\[REP3-052\]](#) that they were trying to follow the CAP 772 guidance as they had done for Blackpool Airport.
- 4.3.40. The question of compliance with relevant NPS policy was discussed at some length. Unfortunately, by the close of the examination, and despite lengthy representations, there was still fundamental differences between the applicants and BAE and both BAE and the DIO have maintained objections to the application. This inevitably results in a closer analysis of policy compliance.
- 4.3.41. BAE expressed its concerns at ISH1 and confirmed these in their submission [\[REP2-052\]](#) after the hearings in response to the points made by the applicants in their hearing summaries of ISH1 [\[REP1-034\]](#) and [\[REP1-035\]](#). The applicants provided their reply to this at Deadline (D) 3 which was 10 weeks into the examination period. It was becoming clear that there was a very significant gap in the position between the two parties and by the close of the examination, the gap had regrettably closed very little. Examples of the differences were apparent from the replies within the applicants’ response to BAE’s submission [\[REP3-052\]](#):
- BAE argued that the strategy for wildlife hazard management plan (SWHMP) [\[REP2-047\]](#) provided merely a high-level outline of how a management plan would be prepared and no detail on how the appropriateness of mitigation measures would be assessed.

- the applicants accepted this was outline prior to detailed preparation. This would be progressed post consent but in the meantime the applicants had asked for a copy of BAE's existing wildlife hazard management plan.
- the process for the site selection for the mitigation areas and the biodiversity benefit sites. The applicants referred to their site selection document [\[REP2-046\]](#).
- BAE queried who would undertake the necessary bird strike assessment [\[REP2-052.11\]](#). The applicants referred to the SWHMP and the CAP 772 guidance. This exchange was repeated in the later question 18 and response [\[REP3-052\]](#) with a similar lack of consensus.
- the differences between the applicants and BAE at the close of the examination for the Morgan Offshore Wind DCO. This was raised at action point 41 from ISH1 [\[EV4-018\]](#).
- whether bird numbers in the area would change. BAE stated that this claim by the applicants that there would be no increase in bird numbers not supported by evidence and it was also concerned about the concentrations of birds in close proximity to Warton Aerodrome. The applicants responded that this information would be supplemented and updated following information being provided by BAE.
- The differences between the parties are summarised with the exchange between BAE's comments at D2 [\[REP2-052\]](#) and the applicants' answer [\[REP3-052\]](#). BAE submit at 052.19 that the parties have diametrically opposed positions in relation to aviation impacts and the need for a bird strike risk assessment whilst the applicants respond that an assessment is indeed required but the responsibility lies with the aerodrome operator.

4.3.42. The ExA noted that failing to make progress on the issues outlined above and reach agreement on this important topic by the close of the examination is disappointing when it was evidently a fundamental issue from well before the start of the examination and failing to resolve the position over six months later suggests an unrealistic approach by one or both parties. The ExA emphasised the directive contained in paragraph 5.5.53. of NPS EN-1 which provides that "If there are conflicts between the government's energy and transport policies and military interests in relation to the application, the Secretary of State should expect the relevant parties to have made appropriate efforts to work together to identify realistic and pragmatic solutions to the conflicts." The ExA is concerned that it is not clear that this expectation has been met.

4.3.43. The ExA pressed BAE to explain the delay in ExQ2 4.1.1 [\[PD-011\]](#) and the response provided by BAE [\[REP5-161\]](#) was that "Some of the data requested by the applicants is highly sensitive / classified and BAE Systems are therefore unable to release this information, in particular, given that the applicants exist as part of wider corporate structures which poses a risk that the information could be shared further. BAE Systems has strived to be constructive in its negotiations with the applicants regarding the non-disclosure / confidentiality agreements required and has sought to accommodate the applicants' suggestions and proposed amendments. However, where this has not been possible, a detailed rationale has been provided and a pragmatic compromise and/or route to resolution has been offered."

4.3.44. The non-disclosure agreement has still not been settled by the close of the examination and therefore these documents which are essential as being the starting point for preparation of the bird strike risk assessment are still awaited by the applicants.

- 4.3.45. The omission of any reference in the application chapter [\[APP-130\]](#) to paragraph 5.5.41. of NPS EN-1 was raised with the applicants in ExQ2.4.1.7. [\[PD-011\]](#) and the applicants confirmed in their response [\[REP5-130\]](#) that this would be rectified at D6. The reference was included in the NPS tracker [\[REP7-022\]](#) but a reference was still missing from the aviation and radar closing submission on aviation [\[REP6-056\]](#) and also the closing planning statement [\[REP7-023\]](#).
- 4.3.46. However, the applicants also submitted a Bird Strike Policy Note [\[REP5-133\]](#) as a response to several of the questions raised at ExQ2 [\[PD-011\]](#). This sought to explain their position further by stressing the following matters at paragraph 1.2.2:
- Paragraph 5.5.37 of NPS had been complied with as the applicants considered that there was to be no effect to civil or military infrastructure and consequently no assessment was required.
 - Paragraph 5.5.41. was complied with as the design of the infrastructure was such that it did not increase the risk of bird strike.
 - Warton Aerodrome was scoped out from the assessment partly because of the distance from the cable route to the aerodrome and partly as there were no expected impacts.
- 4.3.47. In addition, and in response to the submissions from BAE at ISH 2 and 4 [\[REP4-128\]](#), the applicants updated their outline draft Wildlife Habitat Attractants Risk Assessment which was annexed to the updated Aviation and radar chapter of the ES [\[REP6-056\]](#). This states at paragraph 1.3.5.6 that “This will ensure that any unintended changes to bird populations or distributions can be managed within agreed and acceptable levels and therefore there will be no increase in bird strike risk.
- 4.3.48. The applicants’ final paragraph at 1.3.6.1 [\[REP6-056\]](#) summarises their position and says “Although the final bird strike risk assessment for Warton Aerodrome is still pending, the applicants have clearly demonstrated that such an assessment is not essential to confirm that any unintended changes in bird numbers or distribution resulting from the Transmission Asset can be effectively managed to agreed and acceptable levels. As a result, there will be no increase in bird strike risk beyond the current, managed baseline.” This submission was at D6 and therefore just one week before the close of the examination.
- 4.3.49. As mentioned before, the concerns raised by BAE were echoed by the DIO. The DIO provided an update on their position [\[REP1-075\]](#) when it emphasised that “the application site/development corridor occupies statutory safeguarding zones surrounding and associated with Warton Aerodrome, an aerodrome used by both military and civilian aircraft. At its closest point the application site/development corridor is within 1.7km of the aerodrome boundary.”
- 4.3.50. The DIO objected to the application and explained their reasoning on the basis that “the applicants’ submission identifies that, close to each of the two proposed new onshore substations, new waterbodies are to be created which would replace a number of existing smaller ponds. The waterbody proposed close to the Morgan onshore substation would result in the creation of a significantly larger area of open water which would be more attractive to both waterfowl and gulls than the existing smaller waterbodies. This larger waterbody has the potential to attract large and/or flocking bird species from the River Ribble and the Ribble Estuary which may result in the movement of birds across the aerodrome as well as through airspace where aircraft from take-off and/or to land at Warton Aerodrome.”

- 4.3.51. The applicants also sought to equate the position of BAE and the DIO on bird strike with the objections that they both raised in relation to radar mitigation in the Mona Offshore Wind Farm and Morgan Offshore Wind Project: Generation Assets DCOs. The objections were maintained notwithstanding the inclusion of a requirement providing for the approval of measures post consent and yet the applications were both consented. The applicants drew attention at paragraph 6.3.3.5. of their closing statement [[REP7-042](#)] to what they perceived as a similarity.

ExA's consideration

- 4.3.52. The ExA notes the statement in paragraph 1.3.6.1 in the updated Aviation and radar chapter of the ES [[REP6-056](#)] but see this as an example of the imprecision in the application documents as to how the relevant policy in 2024 NPS EN-1 has been complied with. A bird strike assessment is clearly required as the applicants have themselves accepted by undertaking one in respect of Blackpool Airport and until the assessment has been carried out for Warton Aerodrome then the ExA do not believe that there can be certainty that there will be no increase in bird strike risk. It is difficult to understand how the applicants can be suggesting otherwise and this is not how the ExA have interpreted paragraph 5.5.37 of 2024 NPS EN-1 which seems to lay down a clear requirement that "where the proposed development may affect the performance of civil or military aviation CNS, meteorological radars and/or other defence assets an assessment of potential effects should be set out in the ES."
- 4.3.53. In the assessment of the risk of bird strike, the position of the applicants has either been confused or has been confusing. Firstly, they scoped the Warton Aerodrome out of the ES assessment even though BAE had already raised a concern about bird strike risk. Secondly, there was no reference to bird strike risk at all in the Aviation and radar chapter [[APP-130](#)]. Thirdly they incorrectly stated in their reply to action point 40 that BAE had confirmed during ISH1 that safeguarding assessments were to be undertaken by BAE. Fourthly, the justification for this claim was through reliance on CAP 772 which would have the effect of preferring the suggestion in a document which in its own section summary at CAP 738 "offers guidance to those responsible for the safe operation of an aerodrome" over and above the clear policy directives contained in paragraphs 5.5.37 and 5.5.41 of 2024 NPS EN-1.
- 4.3.54. In order to emphasise this omission, paragraph 11.1 of the Aviation and radar chapter [[APP-130](#)] states that assessment "presents an assessment of the likely impacts and effects in relation to the construction, operation and maintenance and decommissioning phases of the Transmission Assets on aviation and radar." However, the chapter contains hardly any reference to the risk of bird strike save a comment in relation to CAP 772 (when this risk clearly existed for both Blackpool Airport and Warton Aerodrome) and no reference to policy 5.5.41. The omission becomes starker when the only mitigation initially being offered for aviation and radar is CoT105 relating to no works at Blackpool Airport commencing until CAP 791 approval has been obtained.
- 4.3.55. After D3, the applicants submitted a variety of documentation but these were all preliminary to a bird strike risk assessment. We were no closer to this by the end of the examination although the ExA acknowledges that one could hardly be prepared without the key documentation which was in BAE's possession but never released during the examination period.
- 4.3.56. The ExA do not see any substance in the applicants' suggestion of a similarity with the Morgan and Mona DCO decisions where the decisions were taken by the SoS

even though BAE and the DIO maintained objections. The issue here is one of safety to military aircraft resulting from environmental mitigation areas in very close proximity to the Warton aerodrome and can therefore be distinguished from the Morgan and Mona DCO decisions which do not have the same considerations as far as the impacts on military installations are concerned.

Applicants' arguments relating to 2024 NPS EN-1 paragraphs 5.5.59-60

- 4.3.57. The applicants also argued that the provisions contained within the oWHMP [\[REP3-065\]](#) and then updated [\[REP5-106\]](#) could allow the SoS in accordance with paragraph 5.5.60 of 2024 NPS EN-1, to be satisfied in the event that appropriate mitigation can be achieved or secured through the requirements, and particularly requirement 27, in the dDCO [\[REP6-013\]](#). The applicants explained in the oWHMP [\[REP5-106\]](#) that in their consideration of the location of the environmental areas, they had considered not having them within the 13 km wildlife hazard zone around the airports which would have been the preferred option for BAE and Blackpool Airport, but they were persuaded by the arguments of Natural England to deliver mitigation and biodiversity benefit as close to the source of impact as possible.
- 4.3.58. The applicants submit that their proposed approach would ensure both airports' operations were aligned with CAP 772 guidance and ensure bird strike risk at the aerodromes do not increase beyond its current level due to the proposed development.
- 4.3.59. The applicants introduced the Baseline Bird Technical Report [\[REP3-060\]](#) which intended to ensure that those bird species posing a bird strike risk are identified and considered relative to the local area. The information on birds is then used within the applicants' Strategy for Wildlife Hazard Management Plan for the Transmission Assets [\[REP2-047\]](#) to understand what the potential implications of the mitigation and biodiversity areas proposed for the proposed development could be to determine any increase in hazard risk.
- 4.3.60. The applicants sought to emphasise a distinction in the way that the two airports had responded to the risk of bird strike. They placed some reliance on the fact that BAOL had shared its own Wildlife Risk Assessment and Management Plan whilst BAE had not provided any of its existing data for the Warton Aerodrome and this was due to the failure to agree and complete a non-disclosure agreement even though the negotiations for this seemed to continue for a considerable time. The second reason submitted by the applicants was their reading of the Civil Aviation Authority (CAA) regulations which made clear that safeguarding was the primary responsibility of the operator (therefore BAOL or BAE). A third reason was the small-scale nature of the ornithology mitigation proposals which the applicants claimed are not designed to increase bird numbers.
- 4.3.61. The applicants clarified their position towards the end of the examination and in their closing statement [\[REP7-042\]](#) the applicants contrast the approach between the operators of Blackpool Airport and Warton Aerodrome and emphasise that they have negotiated a cooperation agreement and substantially progressed an oWHMP with Blackpool Airport whilst expressing their disappointment that BAE did not engage their technical experts in relation to bird strike risk until D5. The applicants suggest at paragraph 6.3.3.7 that if the technical experts from DIO /MOD been engaged from the outset then a similar agreement as achieved with BAOL could have been achieved with Warton Aerodrome. The applicants submit that they have "demonstrated full compliance with all relevant aviation safety policies within EN-1 including paragraphs 5.5.41, 5.5.49, 5.5.50, and 5.5.59-60.

- 4.3.62. At paragraph 6.3.3.2 of their closing statement [REP7-042], the applicants refer to the oWHMP [REP5-106] which outlines 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”.
- 4.3.63. The applicants submitted a new requirement 27 in the draft DCO [REP6-013] after discussions with BAE and the DIO / MoD which allowed for the future (post any consent) securing of a detailed Wildlife Hazard Management Plan in accordance with the oWHMP. This was discussed at some length at ISH3. BAE explained their position at ISH3 and repeated this in their submissions at Deadline 6 [REP6-026] and again in their closing statement [REP7-055]. BAE confirmed that that they and the DIO which was acting on behalf of the MoD had continued to meet with the applicants after the ISH4 hearing and the technical experts from the DIO / MoD were considering the oWHMP which had been submitted at Deadline 5 [REP5-107].
- 4.3.64. The applicants argue at paragraph 6.3.3.5. of their closing statement [REP7-042] that the requirement 27, the wording of which they say has been agreed with BAE and the DIO / MOD allows for further engagement to be undertaken post consent by way of approval of the detailed WHMP.

BAE’s position concerning requirement 27

- 4.3.65. The ExA asked BAE at ISH4 [EV10-010] if it was able to comment on whether there was any residual bird strike risk at Warton Aerodrome. BAE repeated in the hearing [EV10-010] and also in its post hearing submission [REP6-206] its previous position that in the first place a robust attractants assessment which could form a basis for the bird strike assessment would need to be prepared. This would be the emerging draft Wildlife Attractants Habitat Risk Assessment (WAHRA). BAE emphasised that it would not be in a position to remove its objection to the application until a number of milestones had been achieved:
- The review of the WAHRA by the subject matter experts at DIO / MOD and an operational review by BAE had been completed and the WAHRA confirmed as being acceptable.
 - This review once reported to the applicants and updates made to the WAHRA as necessary.
 - Once the WAHRA is in an agreed form, a bird strike assessment undertaken for Warton Aerodrome. This could be carried out either by the applicants or BAE.
 - The results of the assessment would then be considered alongside the mitigation and monitoring measures contained in the oWHMP in order to ensure that the implementation of these measures will reduce the bird strike risk to an acceptable level.
- 4.3.66. BAE did confirm that the wording of draft requirement 27 was potentially acceptable and provided a framework for a way forward but this is subject to the proviso of the draft WAHRA and the oWHMP being finalised. However, since these details had yet to be agreed, BAE believed that the draft requirement 27 could not be considered fit for purpose. As explained in paragraph 2.12 of their closing statement [REP7-055] this position could only be confirmed after a bird strike assessment has been undertaken and mitigation is available to ensure that the bird strike risk at Warton Aerodrome is at an acceptable level.
- 4.3.67. The position of the DIO / MoD was expressed in their final submission [REP6-185] in which it notes that the applicants have submitted documents intended to ensure

that the development does not result in the creation or enhancement of environments that might attract hazardous bird species within the statutory safeguarding zone drawn to preserve aviation safety at Warton Aerodrome. At the close of the examination, the MoD is still reviewing the most recently submitted document, the oWHMP [\[REP6-144\]](#) but until that review is complete, the MoD is not able to comment on whether the content of the document is acceptable.

- 4.3.68. BAE repeated its view at paragraph 4.7 of its closing statement [\[REP7-055\]](#) that the failure to consider aviation impacts to Warton Aerodrome is a significant flaw in the EIA and this remained an issue at the close of the examination.
- 4.3.69. BAE also emphasised [\[REP7-055\]](#) the clear proviso that BAE and DIO / MOD attached to their agreement of requirement 27 which was that it merely provided a framework and is subject to the proviso of the necessary step in advance of the draft WAHRA and the oWHMP being finalised. That position had not been reached by the close of the examination.
- 4.3.70. The different positions of the parties concerning requirement 27 is summarised below at section BAE.AR.8 of the SoCG (figure 9) [\[REP7-030\]](#)

Figure 10: Extract from the SoCG [\[REP7-030\]](#).

BAE.AR.8	NPS EN-1 policy para. 5.5.59-60	The Applicants have identified reasonable mitigation and addressed risks as they relate to residual bird strike risk impact expected (beyond ALARP) via monitoring and mitigations measures as secured by Requirement 27 of the dDCO. The Applicants have complied with the tests in paras. 5.5.59-60 of EN-1.	See BAE.AR.6 and 22. At present, BAE Systems cannot confirm that paras 5.5.59-60 of NPS EN-1 have been complied with. For BAE Systems' position in respect of draft Requirement 27, see BAE.AR.23.	MoD acknowledge that the Applicants have made provision within their draft Development Consent Order (Document ref. C1/F09, Revision. F09, dated 22 October 2025) for a mechanism through which a detailed Wildlife Hazard Management Plan may be submitted for approval and, subject to receiving that approval, works may begin subject to implementation of those measures/actions set out in the approved Wildlife Hazard Management Plan. That requirement is set out at Schedule 2A, Requirement 27 and Schedule 2B, Requirement 27. The wording of each of those requirements makes specific reference to an Outline Wildlife Hazard Management Plan. Until	Not agreed
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- 4.3.71. The positions of BAE and the DIO / MoD are set out in the SoCG [\[REP7-030\]](#) and this document does seem to encapsulate the arguments of the respective parties even though it has not been signed.

ExA's consideration

- 4.3.72. The applicants' assessment was challenged at each stage of the examination by BAE and as a result a considerable amount of time was spent in discussion the policy position throughout the examination. The position of BAE remained largely consistent throughout the examination and it emphasised this in their closing statement [\[REP7-055\]](#). Regrettably, much time in the examination was taken with little more than circling the issue of who would undertake a bird strike assessment and when this would be carried out.
- 4.3.73. With such an impasse between the parties, it is difficult to see that either the applicants or BAE have complied with the directive in paragraph 5.5.2 of the NPS EN-1. Notwithstanding many weeks passing, BAE are still to provide details of

management plans and the current risk assessment as negotiations for a non-disclosure agreement have stretched on beyond the close of the examination and whilst both parties accept the need for a bird strike assessment, it is no clearer which of them will undertake this although it is noted that the applicants carried out the assessment on Blackpool Airport [REP5-106].

- 4.3.74. The applicants continued to argue that they had complied with the policies in the NPS EN-1 although paragraph 5.5.41 was not mentioned until near the end of the examination. However, the applicants say at paragraph 6.3.3.4. of their closing statement [REP7-042] that they “acknowledge the potential for unintended consequences associated with mitigation areas (which may include an increase to bird strike risk)” and then continue by asserting that any risk will be proactively managed.
- 4.3.75. The often repeated reference to the progress of negotiations with BAOL relating to Blackpool Airport and BAOL working proactively in the production of the oWHMP did little to help the applicants’ argument. The ExA raised this in ExQ2.4.1.5 as exactly the same sentence appeared multiple times in the applicants’ response [REP3-052] and BAE had clearly set out at ISH1 and in their later submission [REP4-126] the fundamental differences between flying operations at Blackpool Airport and Warton Aerodrome. The applicants referred to both operators being licensed by the CAA which they saw as an “overriding factor” but the ExA do not see that guidance set out in the CAA licensing and regulations could possibly override the policy requirements as set out in NPS EN-1.
- 4.3.76. The ExA considers that there is a conflict in the applicants’ own evidence which becomes evident when comment on paragraph 5.5.41 was finally introduced in the NPS tracker [REP7-022]. The applicants say that their position “is that reasonable mitigation has been proposed to manage any increase in bird strike risk and that this is secured by DCO requirements 4, 5 and 27 of schedules 2A and 2.” This therefore appears to say at D7 (which is the date of the closing of the examination) the applicants are now admitting to the possibility of an increase in the bird strike risk.
- 4.3.77. This admission appears to contradict the arguments that the applicants had for many weeks been submitting. The ExA queried this very point at ExQ2.4.1.6 [PD-011] and the applicants responded [REP5-130] “that there will be no increase to bird strike and therefore no unacceptable risks.” However, their later submission clearly acknowledges that there remains a risk and, in these circumstances, it is difficult to determine that the applicants have actually followed the NPS policy and the ExA concludes that there has been a failure to follow the policy in 2024 NPS EN-1 5.5.41 in this respect.
- 4.3.78. This also results in the failure to meet policy T5 of the FLP, though it is noted the SoCG with FBC [REP7-028] omits reference to aviation impacts. The relevant policy T2 from the FLP has already been referred to above and since a bird strike assessment has not been undertaken, it cannot be said with any confidence that “it could be demonstrated that there would not be any potential for adverse impacts on aviation operations”. FBC repeat at paragraph 2.6.3 of its closing statement [REP7-046] that the requirement in policy T2 of the FLP had not been met but do add in the following paragraph that “FBC does however note that BAe Systems expect further progress to be made, and it is therefore likely that should BAe Systems become content that the requirements of EN-1 have been met, then FBC would be of the same opinion.”

- 4.3.79. The applicants are critical of the approach of BAE and the ExA can understand this frustration to some extent in view of the longstanding refusal from BAE to share the necessary documentation. However, the ExA considers this confusion might have been avoided if the applicants had not scoped out the Warton Aerodrome from their original assessment and if they had prepared and submitted a draft WAHRAS annexed to the oWHMP [\[REP5-106\]](#) somewhat earlier than deadline 5.
- 4.3.80. At paragraph 1.6.1.1. of the updated oWHMP [\[REP6-144\]](#), the applicants state that “the development of the Transmission Assets includes ecological mitigation and biodiversity benefit areas designed to mitigate habitat loss and disturbance impacts during construction and operation. The development of these areas may result in localised changes in bird distribution which potentially could increase the risk of bird strike at both Blackpool and Warton Aerodromes. In order to manage this risk to an acceptable level the applicants have prepared this outline wildlife hazard management plan.” This will be referred to in our conclusions.
- 4.3.81. The difficulty the applicants have is that there seems to be a consensus that a bird strike assessment is indeed required for the Warton Aerodrome and this will be carried out in the coming weeks or more likely months by either the applicants or by BAE. However, BAE have submitted a compelling argument [\[REP7-055\]](#) that until the draft WAHRA has been agreed, there is no consensus for the basis of the bird strike assessment to be undertaken. The ExA accepts this argument especially as the various steps to produce a bird strike assessment have been repeated by BAE on a number of occasions.
- 4.3.82. The consequence is that at the end of the examination period on the 29 October 2025, there is still no reassurance that there will be no increase in the risk of bird strike. The ExA acknowledges the difficulties of providing information which cannot, for national security reasons, be in the public domain and notes that this has seriously impeded the applicants’ ability to secure a mitigation solution within the examination timescales. The ExA considers that considerable efforts were made in the last weeks of the examination to progress these issues and it is unfortunate that both the applicants and BAE did not engage more constructively before this relatively late stage in the examination.
- 4.3.83. The ExA considers this to be an issue of considerable importance when considering the operation of military airport and managing the risks to those involved. At this stage, the ExA does not believe that the risks have been appropriately managed and therefore the requirement at paragraph 5.5. of the 2024 NPS EN-1 has not been met.
- 4.3.84. It is recognised that the position may change in the coming months as negotiations between the relevant parties continue. BAE may in due course be satisfied with the risk assessment and that there is no increase in the risk of bird strike but this is a matter which can only be resolved in the future and under the scrutiny of the SoS.
- 4.3.85. The position concerning bird strike is also considered in the ecology chapter of this report. The findings there are consistent with the assessment made in this chapter. Representations were also made by BAE relating to the biodiversity net gain areas which are considered in the compulsory acquisition chapter. Similarly, the issue of critical national priority is considered in chapter 6 of this report.

CONCLUSIONS

- 4.3.86. Paragraph 5.5.51 of the 2024 NPS EN-1 states that “When assessing the necessity, acceptability, and reasonableness of operational changes to aerodromes, the Secretary of State should be satisfied that they have the necessary information regarding the operational procedures along with any demonstrable risks or harm of such changes, taking into account the cases put forward by all parties. When making such a judgement in the case of military aerodromes, the Secretary of State should have regard to interests of defence and national security.”
- 4.3.87. At the close of the examination, it was still to be agreed which party will carry out the bird strike risk assessment. This is a process which is likely to take some weeks and probably months. Notwithstanding some prompting by the ExA, little real progress has been made during the examination and therefore the information does not currently exist to satisfy ourselves that no bird strike would arise from the applicants’ proposals.
- 4.3.88. The position at the close of the examination remains that both BAE and DIO / MoD have objections on the grounds of aviation safety to a military airbase. Paragraph 5.5.37 of the 2024 NPS EN-1 requires an assessment of potential effects to be set out in the ES and this was not done in the case of Warton Aerodrome as this was scoped out from the ES. This is a significant failing in the application.
- 4.3.89. In conclusion and with reference to 2024 NPS EN-1, the ExA does not believe that the applicants have met the policy requirements in paragraphs 5.5.37, 5.5.41, or 5.5.50 and this finding is only strengthened by the fact that the original Aviation and Radar chapter [\[APP-130\]](#) barely referenced either paragraph 5.5.41 or 5.5.50. In the case of bird strike, an assertion is made that “there will be no impacts on bird strike risk” when at the time of the application no evidence is put forward to support this. The ExA had signalled this as a concern even before the start of the examination within our rule 9 letter.
- 4.3.90. Reference was made earlier to the applicants’ statement at paragraph 1.6.1.1. of the oWHMP [\[REP6-144\]](#). The acknowledgement by the applicants here that there exists a risk which they will need to manage contradicts their earlier claim that there was no risk. The ExA considers that this risk should have been assessed in greater detail ideally before and certainly during the examination to enable all parties to review the position. This is the clear intention of the NPS policy directive.
- 4.3.91. As to the proposed requirement 27, the ExA is of the view that it could indeed provide the framework for further consideration but the ExA concludes that due to the current uncertainty on the form of the possible mitigation proposals and the risk of bird strike, that there is not sufficient evidence before the examination for the ExA to be satisfied that the requirement would be reasonably capable of being discharged at the present time.
- 4.3.92. As to other submissions, the applicants consider that there would be no significant cumulative effects when considering other projects. The ExA agrees with this.
- 4.3.93. It was concluded in paragraph 11.11.2.14 of the Aviation and radar chapter [\[APP-130\]](#) that the magnitude of the impact during construction to Blackpool Airport is medium and the effect is of moderate adverse significance which is significant in terms of the EIA. The applicants added to the dDCO the requirement 27 which secures delivery of a detailed Wildlife Hazard Management Plan which will require approval by the MoD, BAE, and BAOL. With the mitigation measures in place the

applicants say that there will be no significant effects arising from the proposed development during the construction, operation and maintenance or decommissioning phases. The ExA accepts this assessment in the context of the Blackpool Airport.

4.3.94. The ExA is also mindful of the 2025 revisions to NPS EN-1, NPS EN-3, and NPS EN-5 but do not consider that the revisions have any significant bearing on our conclusions on aviation issues

4.3.95. However, at the time of submitting this recommendation report, insufficient evidence has been provided in relation to the bird strike risk to aviation at Warton Aerodrome. The ExA finds the level of harm to be significant and considers that it would amount to an unacceptable risk to the operations of BAE Systems at Warton Aerodrome. We attach great negative weight to this issue to take forward to in the planning balance.

4.4. CLIMATE CHANGE AND GREENHOUSE GAS EMISSIONS

INTRODUCTION

4.4.1. This section considers the likely impacts and effects of and to the proposed development on climate change during the construction, operation and maintenance and decommissioning phases.

4.4.2. Climate change in the context of Environmental Impact Assessment (EIA) is considered broadly in three parts [\[APP-138\]](#):

- the effect of greenhouse gas (GHG) emissions caused directly or indirectly by the proposed development, which may have the potential to contribute to climate change
- the effect of changes in climate on the proposed development, which could affect it directly resulting in climate risk
- the effect of changes in climate on the proposed development, which could modify its other environmental impacts (i.e., in-combination climate change impacts)

THE APPLICATION

4.4.3. This section summarises the applicants' assessment of effects on climate change.

4.4.4. The applicants' climate change impact assessment is set out in Environmental Statement (ES) volume 4, chapter 1: Climate change [\[APP-138\]](#). The chapter draws upon information in:

- volume 4, annex 1.1: Greenhouse gas assessment [\[APP-139\]](#)
- volume 4, annex 1.2: Climate change risk assessment [\[APP-140\]](#)
- volume 2, chapter 2: Benthic subtidal and intertidal ecology [\[REP7-010\]](#)
- volume 3, chapter 6: Land use and recreation [\[APP-104\]](#)
- volume 3, chapter 7: Traffic and transport [\[APP-108\]](#)

Baseline

4.4.5. As well as following the methodology set out in ES volume 1, chapter 5: Environmental Assessment Methodology [\[APP-034\]](#) and ES volume 4, chapter 1: Climate change [\[APP-138\]](#), the following guidance documents were considered in the assessment

- Assessing Greenhouse Gas Emissions and Evaluating their Significance' (Institute of Environmental Management and Assessment (IEMA), 2022)
- Climate Change Resilience & Adaptation (IEMA, 2020).
- the Greenhouse Gas Protocol suite of documents (World Resources Institute (WRI) and World Business Council for Sustainable Development (WBCSD), 2004);
- UK Government GHG Conversion Factors for Company Reporting (Department for Energy Security and Net Zero (DESNZ) and Department for Environment, Food and Rural Affairs (DEFRA), 2024);
- PAS 2080 – Carbon Management in Buildings and Infrastructure (The British Standards Institution (BSI), 2023).

4.4.6. The study areas are identified in section 1.4 ES volume 4, chapter 1: Climate change [\[APP-138\]](#). The areas identified in volume 1, chapter 3: Project description of the ES for biodiversity benefit, enhancement and/or mitigation are excluded from the climate change study area. The applicants state [\[APP-138\]](#) that this is because

any planting associated with improving habitat quality is not considered to result in a material change in GHG emissions during the construction, operation and maintenance, or decommissioning phases.

- 4.4.7. The applicants state in ES volume 4, chapter 1: Climate change [APP-138] that with regards to the assessment of cumulative impacts, all developments that emit, avoid or sequester GHGs have the potential to impact the atmospheric mass of GHGs as a receptor, and so may have a cumulative impact on climate change and upon the development. Consequently, cumulative impacts due to other specific local development projects are not considered individually but are taken into account when considering the impact of the proposed development, and probabilistic projections used in the climate change risk assessment (CCRA) (volume 4, annex 1.2: Climate change risk assessment of the ES).
- 4.4.8. The applicants further state in ES volume 4, chapter 1: Climate change [APP-138] that the impacts resulting from the generation assets are considered, in order to account for the potential impact of both the generation and transmission elements combined.
- 4.4.9. A description of the onshore and offshore baseline can be found in volume 4, annex 1.2: Climate change risk assessment [APP-140] of the ES. Section 1.7 of ES volume 4, chapter 1: Climate change [APP-138] covers scope of the assessment. It states that the assessment of climate change considers both the effect of GHG emissions caused directly or indirectly by the proposed development and the potential effect of changes in climate on the proposed development and other identified environmental impacts.
- 4.4.10. Table 1.7 of [APP-138] identifies the receptors taken forward into the assessment. Key receptors include:
- global atmospheric mass of GHGs
 - offshore export cables
 - onshore export cables and 400 kV grid connection cables
 - onshore substations
 - sediment transport pathways
 - onshore ecology and habitats
 - onshore and intertidal ornithology
 - human receptors impacted by noise and vibration
 - landscape character
- 4.4.11. Table 1.18 of [APP-138] identifies the potential effects scoped into the assessment during the construction, operation and maintenance, and decommissioning phases of the proposed development activities and impacts scoped into the assessment include:
- manufacturing and installation - GHG emissions arising from such activity would contribute to global GHG emissions concentrations and climate change
 - installation - GHG emissions arising from land use change would contribute to global GHG emissions concentrations and climate change
 - consumption of materials and activities required to facilitate the operation and maintenance phase - GHG emissions arising from such activity would contribute to global GHG emissions concentrations and climate change
 - operation and maintenance - land use change, climate risk and in-combination climate change impacts

- decommissioning activities, such as use of plant, fuel and vessel use, and the recovery (or disposal) of materials - GHG emissions arising from such activity would contribute to global GHG emissions concentrations and climate change.
- decommissioning – land use change, climate risk and in-combination climate change impacts

4.4.12. Impacts that are not likely to result in significant effects have been scoped out of the assessment. A summary of the impacts scoped out, together with justification for scoping them out is presented in table 1.9 4 ES volume 4, chapter 1: Climate change [\[APP-138\]](#).

Mitigation and monitoring

4.4.13. The applicants adopted [\[APP-138\]](#) a number of measures to reduce the impact of the proposed development. These measures were defined as embedded and secondary mitigation measures. Embedded measures include:

- primary (inherent) mitigation - measures included as part of the project design
- tertiary (inexorable) mitigation - IEMA describes these as actions that would occur with or without input from the EIA feeding into the design process

4.4.14. Where an assessment identifies likely significant adverse effects, further or secondary mitigation measures may be applied. These are measures that could further prevent, reduce and, where possible, offset these effects. These include measures required to reduce the significance of environmental effects.

4.4.15. In addition, where relevant, measures have been identified that may result in enhancement of environmental conditions.

4.4.16. Mitigation measures proposed by the applicants are set out in ES volume 1, annex 5.3: Commitments Register [\[REP6-042\]](#).

4.4.17. Those relevant to climate change are identified in table 1.10 of ES volume 4, chapter 1: Climate change [\[APP-138\]](#) and would be secured by way of requirements (R) in schedules 2A and 2B of the draft Development Consent Order (dDCO) [\[REP6-013\]](#). The measures include:

- CoT11 - An Outline Operational Drainage Management Plan for the substation site(s) (secured by R20)
- CoT35 – an Outline Code of Construction Practice (oCoCP) (secured by R8)
- CoT36 – the preparation of an onshore decommissioning plan prior to decommissioning (secured by R22)
- CoT49 - Construction Method Statement(s) (CMSs) including Offshore Cable Specification and Installation Plan(s) (secured by schedule 14 and schedule 15 (Marine Licence) condition 18(1)(e))
- CoT71 - An Outline Offshore Operation and Maintenance Plan (secured by schedule 14 and schedule 15 (Marine Licence) condition 11(3))
- CoT42 - A greenhouse gas (GHG) Reduction Strategy has been prepared and submitted

4.4.18. As commitments secured by the dDCO, the referenced measures are considered inherently part of the design of the proposed development and therefore included in the applicants' assessment of effects.

Assessment of effects

Climate change resilience and adaptation

- 4.4.19. Paragraphs 1.11.4.1 to 1.11.4.10 of ES volume 4, chapter 1: Climate change [\[APP-138\]](#) assess the impact of climate change on the proposed development during the operation and maintenance and decommissioning phases. Further details are provided within volume 4, annex 1.2: Climate change risk assessment of the ES [\[APP-140\]](#).
- 4.4.20. The assessment of the impact of climate change on the proposed development is based on the latest available climate projections, as described in paragraphs 1.6.2.4 to 1.6.2.8 and volume 4, annex 1.2: Climate change risk assessment of the ES. [\[APP-140\]](#).
- 4.4.21. Consideration of onshore flood risk has been addressed within volume 3, chapter 2: Hydrology and flood risk of the ES [\[REP6-059\]](#) and in volume 3, annex 2.3: Flood risk assessment of the ES [\[REP6-032\]](#), [\[REP6-034\]](#), [\[REP6-036\]](#) and the Outline Operational Drainage Management Plan [\[REP6-094\]](#).
- 4.4.22. Overall, it is concluded that consistently heightened temperatures, changes to rainfall patterns, and increased frequency of extreme events such as floods and storms could lead to efficiency losses due to overheating, the failure of electrical equipment or damage to infrastructure which would result in an increase in operation and maintenance activities. The most significant risk from climate change to the proposed development is likely to arise from flooding [\[APP-140\]](#).
- 4.4.23. [\[APP-140\]](#) highlights that with the proposed design considerations against each of the risks identified the potential risk posed to the proposed development would be reduced to an acceptable and not significant level in EIA terms

Climate change assessment

- 4.4.24. The ES volume 4, chapter 1: Climate change [\[APP-138\]](#) states that the key parameter for the assessment is the maximum design scenario (MDS). The MDSs are identified in table 1.11, ES chapter 1 [\[APP-138\]](#), and have been selected as those having the potential to result in the greatest effect on an identified receptor or receptor group. These scenarios have been selected from the Project Design Envelope provided in volume 1, chapter 3: Project description of the ES [\[REP6-038\]](#).
- 4.4.25. The ES volume 4, chapter 1: Climate change [\[APP-138\]](#) states that if the proposed development was to be constructed sequentially or concurrently, it is not anticipated that there would be any additional impacts to those assessed, therefore, the assessment of effects using the MDS in table 1.11 will be applicable to both the concurrent and sequential construction scenarios
- 4.4.26. Table 1.11 of ES chapter 1: Climate change [\[APP-138\]](#) presents a summary of the impacts arising from of the construction, operation and maintenance, and decommissioning phases of the proposed development. The impacts assessed include the following:
- the impact of GHG emissions arising from the manufacturing and installation of the proposed development
 - the impact of GHG emissions arising from the consumption of materials and activities required to facilitate the operation and maintenance

- the impact of GHG emissions arising from land use change during the construction, operation and maintenance and decommissioning phases
- the impact of GHG emissions arising from decommissioning works (e.g., plant, fuel and vessel use) and the recovery (or disposal) of materials
- the impact of climate change on the proposed development

- 4.4.27. Table 1.22 of ES volume 4, chapter 1: Climate change [\[APP-138\]](#) provides a summary of the potential environmental effects, mitigation, residual effects and proposed monitoring.
- 4.4.28. Overall, it is concluded that during the construction phase emissions from the manufacturing of the proposed development would result in emissions of up to 229,947 tonnes of carbon dioxide equivalents (tCO₂e). This would be a significant moderate adverse effect (in EIA terms) with residual effects following mitigation are negligible to minor adverse for GHG emissions arising from the manufacturing, installation, consumption of materials and activities required to facilitate the operation and maintenance of the proposed development.
- 4.4.29. Table 1.23 of ES volume 4, chapter 1: Climate change [\[APP-138\]](#) provides a summary of the potential cumulative environmental effects, mitigation, residual effects and proposed monitoring. The cumulative impacts assessed include the impact of avoided GHG emissions on the atmospheric concentration of GHGs from the operation and maintenance phase of the Morgan and Morecombe generation assets, enabled by the proposed development.
- 4.4.30. Overall, it is concluded that the avoided emissions resulting from the displacement of higher emitting electricity generation sources, as reported within the climate change assessments for both the generation assets, are enabled by the proposed development. This would result in a significant beneficial effect.

ISSUES CONSIDERED DURING THE EXAMINATION

- 4.4.31. Paragraph 2.9.61 of the 2024 NPS EN-5 states applicants should at the design phase of the process consider carefully whether the proposed development could be reconceived to avoid the use of SF₆-reliant assets. In its first written questions (ExQ1) the ExA questioned the applicants (ExQ 17.4.1 [\[PD-008\]](#)) as to whether Sulphur Hexafluoride (SF₆) would be used would in the proposed onshore substations.
- 4.4.32. In relation to SF₆ the applicants responded in [\[REP3-056\]](#) confirming that SF₆ will be used within the Gas Insulated Switchgear (GIS) proposed for the Applicants' 275kV and 400kV substations highlighting that while Morgan Offshore Wind Limited (OWL) has committed to the use of GIS, Morecambe OWL has retained the flexibility to adopt either GIS or air insulated switchgear (AIS).
- 4.4.33. The applicants [\[REP3-056\]](#) state that as per volume 1, annex 3.3: Sulphur Hexafluoride Report [\[APP-028\]](#), the current assumed worst-case scenario is that the GIS technology to be used for the onshore substations will be SF₆ reliant as to date, no SF₆ free GIS solutions have received full type testing certification or established a sufficient operational track record at these voltage levels. Applicants further state that it is not practical to rely on technologies that are not yet proven or commercially viable.
- 4.4.34. The applicants confirm [\[REP3-056\]](#) that during the decommissioning phase any SF₆ will be extracted and removed by certified personnel using appropriate recovery systems and that decommissioning plans will be developed and, after approval by

the relevant planning authority, implemented during the decommissioning phase of the projects, secured by R22 of schedules 2A and 2B of the draft DCO.

- 4.4.35. In the second round of written questions (ExQ2 Q2:17.3.1 [\[PD-011\]](#)) the ExA asked the applicants to provide comment in light of the recent cases of R (on the application of Finch on behalf of the Weald Action Group) v Surrey County Council [2024] UKSC 20 and Friends of the Earth Ltd and South Lakeland Action on Climate Change v SSLUHC [2024] EWHC 2349 (Admin), and whether these cases have any implications for the assessments of GHGs.
- 4.4.36. In response to the question regarding the recent High Court Judgments the applicants explain [\[REP5-130\]](#) that in relation to Finch (on behalf of the Weald Action Group) v Surrey County Council [2024] UKSC 20, the decision to grant planning permission by Surrey County Council was held to be unlawful as the supporting environmental statement failed to consider the downstream GHG emissions of an oil production project, with the ES issued by the developer only assessing the project's direct GHG emissions and not the emissions that would have occurred when the oil was burned as fuel.
- 4.4.37. The applicants further explain [\[REP5-130\]](#) that in relation to Friends of the Earth Ltd and South Lakeland Action on Climate Change v SSLUHC [2024] EWHC 2349, it was held that the decision was to grant planning permission for a new coal mine was unlawful due to the lack of assessment of the impact of GHG emissions from burning that coal and there being a lack of appropriate consideration of the substitution of US Coal for coal that would be mined.
- 4.4.38. The applicants state [\[REP5-130\]](#) that the above cases relate to the failure to assess indirect GHG emissions and as set out within volume 4, chapter 1: Climate Change [\[APP-138\]](#) the applicants' approach assesses both the direct and indirect GHG emissions associated with the proposed development. The applicants confirm that the assessment has taken a cradle-to-grave (accounting for in use and decommissioning) approach. As such, all associated direct effects (on site activity) and indirect effects such as manufacturing and transportation of substation infrastructure, and associated reduction in grid carbon intensity through project renewable energy have been considered and assessed.
- 4.4.39. Ørsted IPs in their written representations submitted at D1 [\[REP1-188\]](#) stated that the assessment of the proposed development's effects in terms of climate change [\[APP-138\]](#) requires to be updated. It's stated that the assessment considers the GHG emissions of the proposed development, cumulatively with the impacts of the generation assets and should be updated as the generation assets assessments have been updated to reflect loss of renewable energy generation at their assets due to the wake effects.
- 4.4.40. The applicants provided a comprehensive response to this matter at D2 [188.4, [REP2-031](#)] concluding that no changes were required to the assessment. The applicants state in the closing statement [\[REP7-042\]](#) that no further comments were submitted into the examination by the Ørsted IPs on this matter, therefore, the applicants consider the matter resolved.
- 4.4.41. The final statement of common ground [\[REP7-028\]](#) between the applicants and Fylde Borough Council (FBC) states that FBC have commented on aspects of climate change in connection with other topics such as air quality and ecology. In general, FBC are supportive of renewable energy and have no further comments in regard to climate change.

- 4.4.42. There were no representations that challenged that the proposed development would displace electricity generation by fossil fuels or would continue to save GHG emissions throughout its lifetime, contributing to the decarbonisation of the UK economy and the UK's net zero target.

ExA's consideration

- 4.4.43. The ExA considers that the applicants have reasonably addressed the questions about SF6 and the implications of the recent cases and accordingly had no further questions on climate change matters.
- 4.4.44. The ExA considers that the applicants have adequately addressed Ørsted IPs comments in relation to the climate change assessment.

CONCLUSIONS

- 4.4.45. The ExA is satisfied that the applicants have complied with the provisions set out in 2024 NPS EN-1, EN-3 and EN-5 as well as local policies and strategies and other relevant legislation and guidance concerning climate change effects, both from and on the proposed development.
- 4.4.46. The applicants GHG emissions assessment complies with the requirements set out in NPS EN-1 paragraphs 5.3.4 and 5.3.5 and with the mitigation provisions set out in NPS EN-1 paragraphs 5.3.6 and 5.3.7.
- 4.4.47. The ExA considers that appropriate mitigations have been included within the design of the proposed development and that climate change adaptation and resilience have been adequately considered as required by section 4.10 in 2024 NPS EN-1, section 2.4 in 2024 NPS EN-3 and section 2.3 in 2024 NPS EN-5.
- 4.4.48. The ExA considers that the proposed development would have a beneficial effect on reducing GHG emissions and meeting the Government ambition to deliver 50GW of offshore wind capacity by 2030. As this benefit has already been attributed weight in the overarching need case for the proposed development, it cannot be counted twice. Therefore, the ExA concludes that there are no matters relating to climate change which would weigh for or against the order being made.
- 4.4.49. The ExA is satisfied that revised 2025 NPS EN-1, EN3 and EN5 do not change our overall conclusions on this topic.

4.5. ONSHORE ECOLOGY, BIODIVERSITY AND INTERTIDAL ORNITHOLOGY

INTRODUCTION

- 4.5.1. This section considers the effects of the proposed development in relation to onshore ecology, onshore and intertidal ornithology. It includes the effects of air quality on ecology.
- 4.5.2. This section does not consider Habitats Regulations Assessment (HRA) matters which are dealt with in appendix C of this report.

THE APPLICATION

- 4.5.3. The applicants' assessment of the effects on onshore ecology and biodiversity is set out in Environmental Statement (ES) volume 3, chapter 3: Onshore ecology and nature conservation [[APP-075](#)] and ES volume 3, chapter 4: Onshore and intertidal ornithology [[REP5-040](#)]. The ES:
- presented the existing environmental baseline and identified any assumptions and limitations encountered in compiling the environmental baseline information
 - presented the potential environmental effects of the proposed development on onshore ecology and biodiversity
 - highlighted any necessary monitoring and/or mitigation measures which could avoid, reduce, or mitigate the possible environmental effects of the proposed development on onshore ecology and biodiversity
- 4.5.4. The supporting documents and appendices are referenced in the ES chapter 3, section 3.1.1.5 and 3.1.1.6; ES chapter 4, section 4.1.7 and 4.1.1.9 and can be found in the examination library.

Baseline

- 4.5.5. As well as following the methodology set out in ES volume 1, chapter 5: Environmental Assessment Methodology [[APP-034](#)] and ES volume 3, chapter 3: Onshore ecology and nature conservation [[APP-075](#)] and ES volume 3, chapter 4: Onshore and intertidal ornithology [[REP5-040](#)], the following guidance documents were considered in collation of baseline data for onshore ecology and the assessment presented in the onshore and intertidal ornithology chapters :
- Chartered Institute of Ecology and Environmental Management (CIEEM) guidelines on ecological impact assessment (CIEEM, 2022).
 - CIEEM Guidelines for Ecological Impact Assessment in the UK and Ireland (CIEEM, 2018)
 - Offshore Wind Marine Environmental Assessments: Best Practice Advice for Evidence and Data Standards. Phase I: Expectations for pre-application baseline data for designated nature conservation and landscape receptors to support offshore wind applications (Natural England, 2022)
 - biodiversity – Code of Practice for Planning and Development: BS 42020:2013 (British Standards Institution, 2013)
 - ancient woodland, ancient trees and veteran trees: advice for making planning decisions (Natural England and Forestry Commission, 2022)

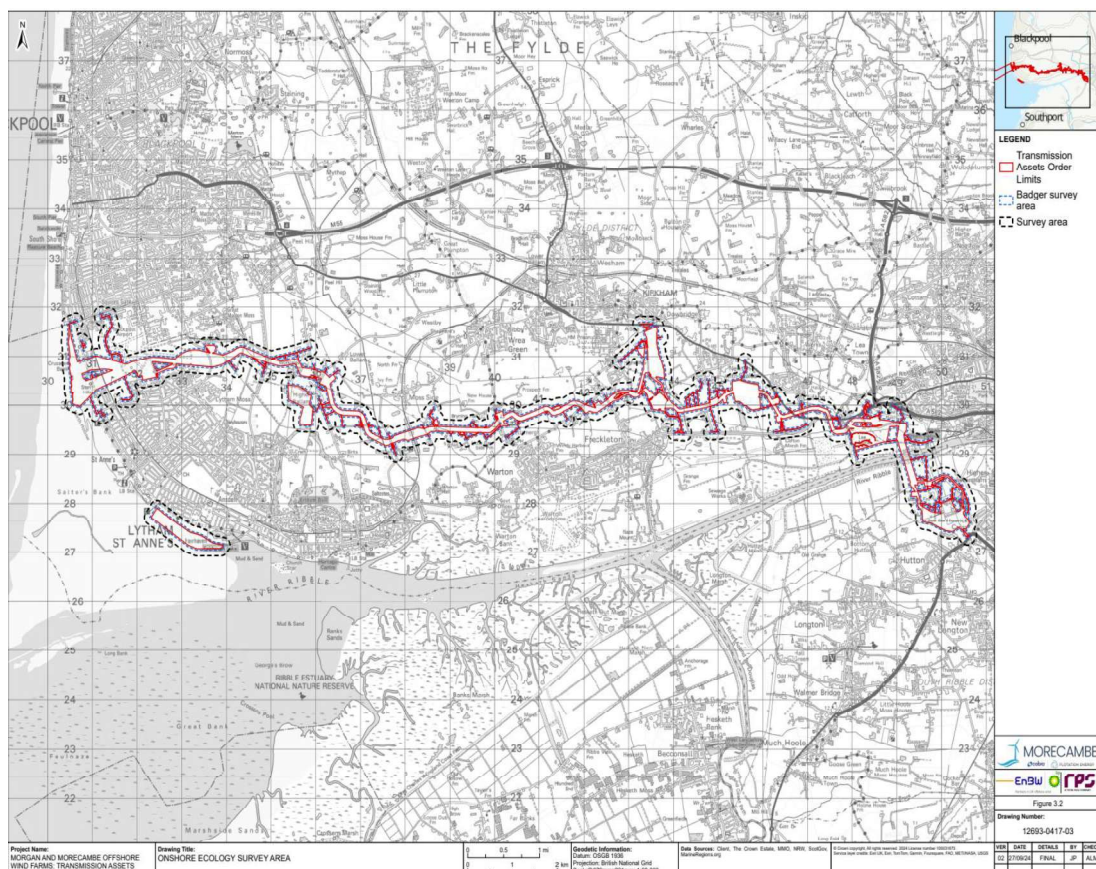
Onshore ecology and biodiversity

- 4.5.6. The onshore ecology study area was defined by:

- a buffer of 20 km around the onshore order limits for internationally statutory designated sites
- a buffer of 10 km around the onshore order limits for nationally statutory designated sites
- a buffer of 2 km around the onshore order limits for ancient woodland, locally designated sites, ecological networks, records of priority habitats and records of protected or notable species (excluding plants and invertebrates)
- a buffer of 1 km around the onshore order limits for records of protected or notable plants, invertebrates and aquatic invertebrates
- a buffer of 100 m around the onshore order limits for records of ancient, veteran and notable trees

4.5.7. The onshore ecology survey area is shown below in figure 10.

Figure 11: The onshore ecology survey area, source location figure 3.1, ES volume 3, figures [APP-133].



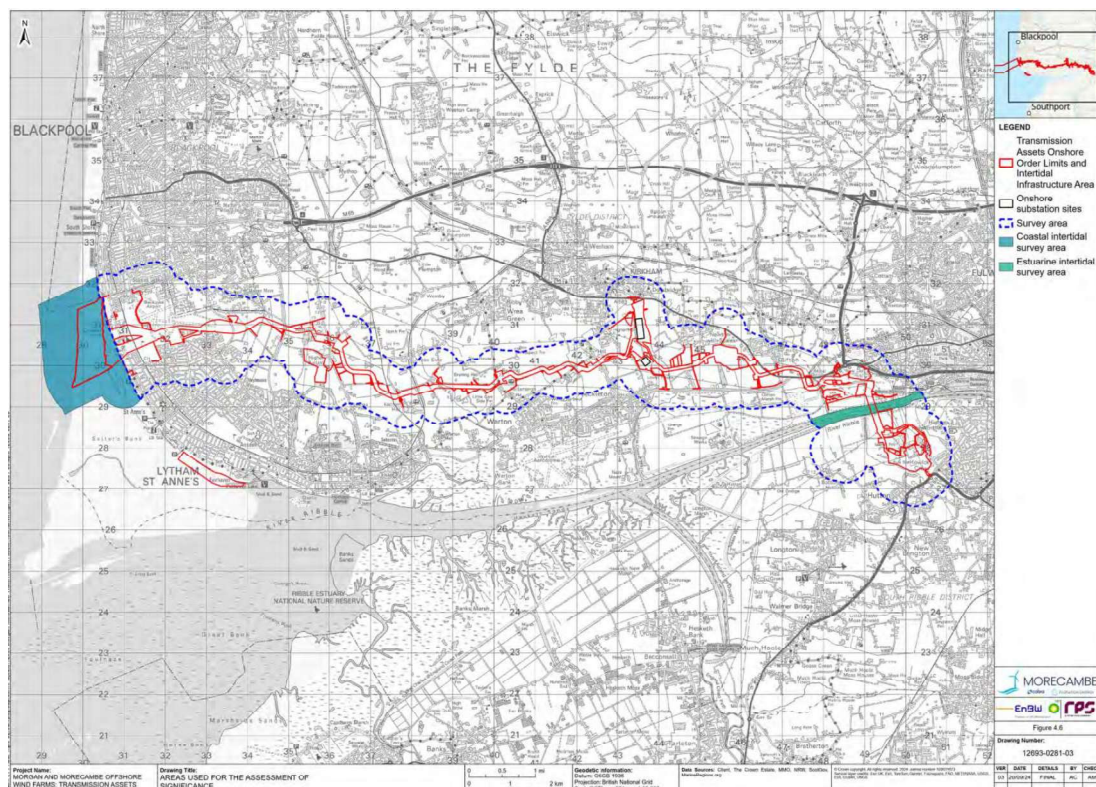
4.5.8. The onshore ecology survey area focuses on ecological receptors landward of mean high water springs (MHWS) where potential impacts on onshore ecological receptors are most likely to occur. The onshore ecology survey area is the area used for site-specific surveys and is, in most cases, defined as a 150m buffer around the onshore order limits. The 150m buffer has been included to allow for disturbance to important ecological features (IEFs) that may occur outside of the onshore order limits but that are adjacent or close to the onshore order limits. Separate survey areas were used for badger surveys, for which a 30m buffer around the onshore order limits was used.

4.5.9. The onshore and intertidal ornithology survey area was defined by:

- European sites with ornithological features, specifically Special Protection Areas (SPAs) and Ramsar sites located within 20 km of the onshore order limits and Intertidal Infrastructure Area (figure 4.1a, see volume 3, figures)
- nationally designated sites with ornithological features, specifically Sites of Special Scientific Interest (SSSIs) and National Nature Reserves (NNRs), located within 20 km of the onshore order limits and Intertidal Infrastructure Area (figure 4.1b, see volume 3, figures)
- locally designated sites with ornithological features, specifically Local Nature Reserves located within 20km of the onshore order limits and intertidal infrastructure area

4.5.10. The onshore and intertidal ornithology survey area is shown below in figure 11.

Figure 12: Source location figure 4.6, ES volume 3, figures [APP-133].



4.5.11. The air quality study area was defined with respect to construction dust and covered an area up to 250m around the proposed development area, and 250m from construction site entrances. In accordance with Institute of Air Quality Management (IAQM) guidance receptors within 20m, 50m, 100m, and 250m were also considered. With respect to changes in air quality, the following designated sites have been identified within 200m of the M6 motorway (between J31A and J31), which is part of the road network on which construction traffic has been modelled:

- Pope Land Open Space Local Nature Reserve (LNR) of which part is also designated as Pope Lane Ponds Biological Heritage Sites (BHS), contains damp and marshy grassland with sedges and rushes that provides terrestrial habitat for Great Crested Newts (GCN) that utilise ponds in the BHS
- Grange Valley LNR contains wildflower meadows that support a variety of butterflies and other invertebrates, as well as small mammals

- Fishwick Bottoms (Ribbleton) LNR also designated as Brockholes Wood BHS and part is an ancient woodland. It contains woodland, grassland and wetland habitat. The area within 200m of the M6 is woodland
- 4.5.12. Dust and air quality impacts on ecological receptors are assessed in volume 3, annex 9.1: Air quality impacts on ecologically designated sites [\[APP-122\]](#) and volume 3, chapter 9: Air quality [\[APP-121\]](#).
- 4.5.13. For BHS identified as relevant to the assessment changes in air quality only table 3.10 provides information on the criteria for their designation, which has been used to identify relevant habitats for air quality assessment, as well as the name of the roads on which construction traffic has been modelled.
- 4.5.14. The ES chapter 3 [\[APP-075\]](#) section 3.6 covers baseline environment. It states that the desk study identified nine international statutory designated sites within the 20km buffer around the onshore order limits with three relevant to onshore ecology and nature conservation. Impacts on internationally designated sites are considered in section 3.11.3 of the ES.
- 4.5.15. The desk study identified 12 nationally designated sites located within 10km of the onshore order limits. The name, designation, distance, and description of these sites can be found in table 3.8 of the ES. section 3.6.1.7 states that the onshore order limits lie within the impact risk zones for the Lytham St Annes Dunes SSSI, Ribble Estuary SSSI and Newton Marsh SSSI.
- 4.5.16. The desk study identified that there a total of 39 locally designated sites within 2km of the onshore order limits, including two LNR and 37 BHSs. Information on all sites is provided in volume 3, annex 3.1: Onshore ecology desk study technical report of the ES. Additionally, six biodiversity roadside verges were identified within 2km of the onshore order limits.
- 4.5.17. The two LNRs are Lytham St Annes, which is located within the Lytham St Annes Dunes SSSI and partly within the onshore order limits and is designated for its species rich sand dunes and Fishwick Bottoms (east of Clifton), which is located 0.03 km from the onshore order limits and is designated for semi-natural broadleaved woodland, grassland ponds and ditches. Impacts on Lytham St Annes LNR are assessed in section 3.11.4 of the ES.
- 4.5.18. IEF's were identified by the applicants in ES chapter 3 [\[APP-075\]](#) table 3.17: IEFs taken forward into the assessment and include receptors of international, national, regional, county and local importance. Key receptors include:
- Ribble and Alt Estuaries Ramsar site - Ramsar criteria includes the presence of natterjack toad
 - Ribble Estuary SSSI, NNR - The interest features of the SSSI relevant to onshore ecology and nature conservation are lowland neutral grassland and saltmarsh
 - Lytham St Annes Dunes SSSI - Features of the SSSI include various sand dune habitats, and populations and assemblages of uncommon plants and invertebrates
 - Lytham St Annes LNR - The LNR is designated for species rich sand dunes as per the reason for designation of Lytham St. Annes Dunes SSSI which it is within.
 - BHSs - Thirteen BHS are present in the onshore order limits, as listed in table 3.9 in ES chapter 3 [\[APP-075\]](#). They are designated for a range of woodland,

grassland, coastal and wetland habitats and support notable populations and assemblages of plants, invertebrates, birds, amphibians and reptiles

- Ecological networks - The woodland and grassland networks form part of the spatial basis for the emerging Local Nature Recovery Strategies for Lancashire
- Ancient woodland - Booth's Plantation BHS on the south slope of Mill Brook Valley is described as having characteristics of ancient semi-natural woodland. However, the site is not listed on the Ancient Woodland Inventory
- Veteran tree irreplaceable habitat- a single veteran tree of unknown species, identified on the Ancient Tree Inventory is located within the onshore order limits. A veteran pedunculate oak tree close to Howick Cross Lane was identified during arboricultural surveys
- Priority habitat - coastal and floodplain grazing marsh priority habitat, Coastal saltmarsh priority habitat, coastal sand dunes priority habitat, inter-tidal mudflats priority habitat, purple moor-grass and rush pasture priority habitat, ponds priority habitat, hedgerows priority habitat
- Bats, GCN, Reptiles (sand lizards), Otters, fish assemblage in the River Ribble
- Aquatic invertebrates as part of BHS designation
- Terrestrial Invertebrates as part of SSSI and BHS designation
- Plants as part of SSSI and BHS designations

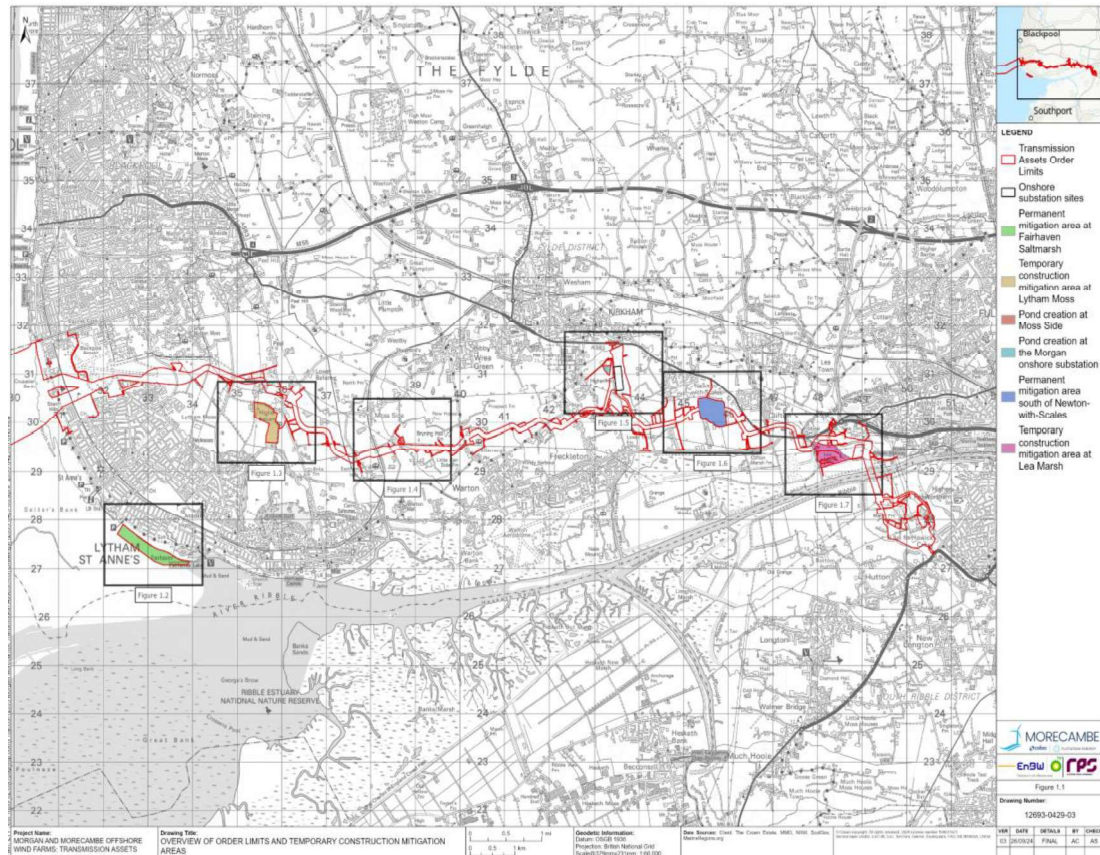
- 4.5.19. Surveys undertaken by the applicants have provided scattered and unconfirmed evidence of water vole, predominantly in the form of mammal burrows (see volume 3, annex 3.9: Water vole technical report).
- 4.5.20. The findings of the desk-based study for breeding birds are presented in detail in volume 3, annex 4.1: Breeding birds technical report [[APP-091](#)] of the ES.
- 4.5.21. The findings of the desk-based studies for wintering and migratory birds are presented in detail in volume 3, annex 4.2: Wintering and migratory birds technical report [[APP-092](#)], [[APP-093](#)] of the ES.
- 4.5.22. The findings of the desk-based study for intertidal waterbirds are presented in detail in volume 3, annex 4.3: Intertidal birds technical report [[APP-094](#)] of the ES.
- 4.5.23. All designated sites within the study area with qualifying interest features or connectivity that could be potentially impacted by the construction, operation and maintenance and decommissioning phases of the proposed development are set out in table 4.7 (international designations), table 4.8 (national designations) and table 4.9 (local designations) of) volume 3, chapter 4 of the ES: Onshore and intertidal ornithology [[REP5-040](#)].

Mitigation and monitoring

- 4.5.24. The applicants adopted [[APP-075](#)] a number of measures to reduce the impact of the proposed development on onshore ecology and biodiversity. These measures were defined as embedded and secondary mitigation measures. Embedded measures include:
- primary (inherent) mitigation - measures included as part of the project design
 - tertiary (inexorable) mitigation - IEMA describes these as actions that would occur with or without input from the EIA feeding into the design process
- 4.5.25. Where an assessment identifies likely significant adverse effects, further or secondary mitigation measures may be applied. These are measures that could further prevent, reduce and, where possible, offset these effects. These include measures required to reduce the significance of environmental effects.

- 4.5.26. In addition, where relevant, measures have been identified that may result in enhancement of environmental conditions.
- 4.5.27. Mitigation measures proposed by the applicants and set out in ES volume 1, annex 5.3: Commitments Register [\[REP6-042\]](#).
- 4.5.28. Those relevant to ecology and nature conservation are identified in table 3.2 of ES volume 3, chapter 3: Onshore ecology and nature conservation [\[APP-075\]](#) with updated version included in the outline ecological management plan (oEMP) [\[REP6-115\]](#) and would be secured by way of requirements (R) in schedules 2A and 2B of the draft Development Consent Order (dDCO) [\[REP6-013\]](#).
- 4.5.29. Mitigation measures (commitments) relevant to onshore and intertidal ornithology are identified in table 4.19 of ES volume 3, chapter 4: Onshore and intertidal ornithology [\[REP5-040\]](#) and would be secured by way of requirements in schedules 2A and 2B of the dDCO [\[REP6-013\]](#).
- 4.5.30. The measures related to air quality impacts on ecological receptors risk are given in table 9.15 of ES volume 3, chapter 9: Air Quality and consists of measures for sites with medium dust risk (IAQM, 2024).
- 4.5.31. As commitments secured by the dDCO, the referenced measures are considered inherently part of the design of the proposed development and therefore included in the applicants' assessment of effects.
- 4.5.32. Section 4.18 of ES [\[REP5-040\]](#) states that several areas have been identified and included within the onshore order limits to allow for ecological mitigation. Some are temporary and only in place during construction (CoT107 and CoT113). Whereas others are permanent measures that will also enhance the area for other ornithological receptors (CoT120). Figure 12 below shows the location of proposed mitigation areas.
- 4.5.33. These are areas identified as having potential for biodiversity benefits, including provision of opportunities for enhancement of habitats for birds. An Onshore Biodiversity Benefit Statement [\[REP7-018\]](#) has also been developed and submitted as part of the application to identify areas where biodiversity benefits are proposed.

Figure 13: Overview of onshore order limits and mitigation areas (source figure 1.1 of Outline Ecological Management Plan [REP6-115])



Monitoring

- 4.5.34. Section 3.11 of The ES volume 3, chapter 3: Onshore ecology and nature conservation [APP-075] states that a monitoring plan will be developed and will take into account recommendations outlined in the oEMP (CoT76). CoT76 and CoT83 set out the proposed monitoring commitments for onshore ecology and nature conservation, including those relevant to European protected species mitigation licence monitoring requirements. This includes monitoring to test the predictions of the impact assessment, if required, to ensure that mitigation and compensation areas are providing appropriate functionality to support protected and/or notable species and replacement habitats. Details regarding future monitoring with respect to ecology and nature conservation are provided in the oEMP [REP6-115].
- 4.5.35. Section 4.19 of ES volume 3, chapter 4: Onshore and intertidal ornithology [REP5-040] states that monitoring of the sites set aside for further mitigation will be needed to ascertain if they have been successful in providing adequate mitigatory effects upon the impacted IEFs. Monitoring is recommended for the Fairhaven saltmarsh to see if there has been a reduction in human disturbance as a result of measures employed. Pre-construction surveys will be undertaken to provide a baseline for the proposed monitoring. Monitoring of the number and frequency of the pink-footed goose and whooper swan at the Lytham Moss feeding area is recommended to ascertain if the measure is successful. Long-term monitoring of the fields south of Newton-with-Scales is recommended to ascertain if the measures employed attract more breeding and non-breeding wildfowl and waders to the area. An Ecological Management Plan will be developed in accordance with the oEMP. The Ecological Management Plan will include details of the mitigation and any longer-term

management and monitoring measures in relation to onshore and intertidal ornithology. This includes the management of the described mitigation areas.

Applicants' assessment of effects

Ecology and nature conservation

- 4.5.36. The ES volume 3, chapter 3: Onshore ecology and nature conservation [\[APP-075\]](#) states that the key parameter for the assessment is the maximum design scenario (MDS). The MDSs are identified in table 3.21, ES chapter 3 [\[APP-075\]](#), and have been selected as those having the potential to result in the greatest effect on an identified receptor or receptor group. These scenarios have been selected from the Project Design Envelope provided in volume 1, chapter 3: Project description of the ES [\[REP6-038\]](#).
- 4.5.37. The ES [\[APP-075\]](#) section 3.9 states that effects of greater adverse significance are not predicted to arise should any other development scenario, based on details within the project design envelope (e.g., different infrastructure layout), to that assessed here be taken forward in the final design. The MDSs in table 3.21 and assessed within section 3.11 consider the relevant construction scenario (i.e. sequential or concurrent) that equate to the MDS for that impact pathway. For example, for temporary habitat loss/disturbance the MDS is for the sequential construction scenario (i.e. construction will take place over a maximum of 66 months, noting that there is potential for a gap between the construction periods for Morgan and Morecambe as this equates to the greatest time over which impacts to ecological receptors may occur.

Methodology

- 4.5.38. The ES [\[APP-075\]](#) section 3.10 states that the approach to determining the significance of an effect is a two-stage process that involves defining the magnitude of the impact and the sensitivity of the receptor. The terms used to define magnitude and sensitivity are described in further detail in volume 1, chapter 5: EIA methodology of the ES [\[APP-034\]](#).
- 4.5.39. Impacts that are not likely to result in significant effects have been scoped out of the assessment. A summary of the impacts scoped out, together with justification for scoping them out and whether the approach has been agreed with key stakeholders through either scoping or consultation, is presented in table 3.19 of ES chapter 3 [\[APP-075\]](#).
- 4.5.40. During the different phases of the proposed development the following potential effects (including cumulative) were scoped into the assessment:
- effects due to temporary and permanent habitat loss and the potential for killing/injury of species associated with construction and decommissioning activities, including open cut trenching and use of trenchless techniques
 - effects due to habitat fragmentation, species isolation and disturbance (e.g., light and noise pollution, changes to water availability) associated with construction and decommissioning activities including the open cut trenching and trenchless technique
 - effects due to pollution caused by accidental spills/contaminant release or impact of spreading Invasive Non-Native Species (INNS) that may be associated with construction and decommissioning activities, including open cut trenching and trenchless techniques

- effects due to changes in air quality (including dust) and deposition of pollutants associated with increases in vehicle movements for construction
- effects due to species isolation and disturbance associated with operation and maintenance activities of the onshore substations, onshore export cable corridor (including landfall) and the 400 kV grid connection cable corridor

4.5.41. The ES [\[APP-075\]](#) states that there is the potential for significant effects from temporary or permanent habitat loss for three BHSs, bats, GCN, otter and aquatic invertebrates. Potentially significant effects from habitat fragmentation and isolation have been identified for two BHSs, bats (in relation to a maternity roost), GCN, otter (within home range only) and terrestrial invertebrates. In addition, potentially significant effects have been identified associated with potential hydrogeological changes on the Lytham St Annes Dunes SSSI and Lytham St Annes LNR and the sand lizards in this location. Table 3.58 [\[APP-075\]](#) presents a summary of the impacts, measures adopted as part of the proposed development and residual effects in respect to onshore ecology.

4.5.42. The ES [\[APP-075\]](#) states that with mitigation measures in place, one significant effect remains relating to the partial loss of Mill Brook Valley BHS.

4.5.43. The conclusions of the ES [\[APP-075\]](#) on individual aspects considered under ecology and nature conservation are summarised below, including any additional (secondary) mitigation measures implemented:

- Ribble and Alt Estuaries Ramsar site, Ribble Estuary SSSI and NNR – No effect to minor adverse (bentonite and surface pollution)
- Lytham St Annes Dunes SSSI and Lytham St Annes LNR – No effect up to minor adverse (bentonite and surface pollution, presence of cables)
- Red Scar and Tun Brook Woods SSSI - No effect to minor adverse (surface pollution)
- Biological Heritage Sites and Local Nature Reserves – Negligible to Moderate (Temporary and permanent habitat loss during construction, high at one site)
- Ecological networks – no effect to minor adverse
- Ancient woodland – no effect to minor adverse (surface pollution)
- Veteran trees – no effect to negligible
- Priority habitats – no effect to moderate adverse (temporary and permanent habitat loss: construction)
- Bats – no effect to minor adverse
- Great crested newt – no effect to minor adverse (surface pollution)
- Sand lizard – no effect to minor adverse (bentonite and surface pollution)
- Otter - negligible to minor adverse (bentonite and surface pollution)
- Fish assemblage in the River Ribble – (no effect to minor adverse - bentonite and surface pollution)
- Aquatic invertebrates – no effect to minor adverse (bentonite and surface pollution)
- Terrestrial invertebrates and plants as part of SSSI and BHS designations – no effect to minor adverse

4.5.44. ES chapter [\[APP-075\]](#) concludes with an assessment of cumulative, transboundary and inter-related effects. No significant cumulative effects were identified in relation to the proposed development on ecology features during the construction, operation and maintenance, and decommissioning phases.

4.5.45. No significant inter-related effects of greater significance compared to the effects considered alone were identified.

- 4.5.46. No potential transboundary effects were identified on terrestrial ecology features during the construction, operation and maintenance, and decommissioning phases.

Onshore and intertidal ornithology

- 4.5.47. Section 4.9 of the ES volume 3, chapter 4: Onshore and intertidal ornithology [\[REP5-040\]](#) states that the maximum design scenarios are identified in table 4.20 and have been selected as those having the potential to result in the greatest effect on an identified onshore and intertidal ornithological receptor or receptor group. These scenarios have been selected from the project design envelope provided in volume 1, chapter 3: Project description of the ES [\[REP6-038\]](#). Effects of greater adverse significance are not predicted to arise should any other development scenario, based on details within the project design envelope (e.g., different infrastructure layout), to that assessed be taken forward in the final design.

Methodology

- 4.5.48. The ES volume 3, chapter 4: Onshore and intertidal ornithology [\[REP5-040\]](#) section 4.10 states that the approach to determining the significance of an effect is a two-stage process that involves defining the magnitude of the impact and the sensitivity of the receptor. The terms used to define magnitude and sensitivity are based on those used in the Guidelines for Ecological Impact Assessment (CIEEM, 2022) and described in further detail in volume 1, chapter 5: EIA methodology of the ES [\[APP-034\]](#).
- 4.5.49. The ES volume 3, chapter 4: Onshore and intertidal ornithology [\[REP5-040\]](#) presents a summary of the impacts, measures adopted as part of the proposed development and residual effects in respect to onshore and intertidal ornithology in table 4.41.
- 4.5.50. The impacts assessed include the following.
- effects due to permanent loss of supporting habitats associated with construction and decommissioning activities
 - effects due to temporary loss of supporting habitat and/or resource availability associated with construction, operation and maintenance and decommissioning activities
 - effects due to disturbance and displacement due to construction, operation and maintenance, and decommissioning activities associated with the construction, operation and maintenance and decommissioning phases
 - effects due to pollution caused by accidental spills and/or contaminant release associated with construction and decommissioning activities
 - effects due to the spreading of INNS associated with construction, operation and maintenance and decommissioning activities
 - effects due to habitat fragmentation and species isolation associated with construction and decommissioning activities
- 4.5.51. Predicted significance of effect on specific IEFs varies from negligible to moderate adverse without further mitigation. With further mitigation and proposed monitoring it is concluded that there is no residual potential for significant effects arising.
- 4.5.52. Table 4.42 of the ES volume 3, chapter 4: Onshore and intertidal ornithology [\[REP5-040\]](#) presents a summary of the potential cumulative impacts, mitigation measures and residual effects. Overall, it is concluded that there will be no significant cumulative effects from the proposed development alongside other projects and plans.

- 4.5.53. No potential transboundary impacts have been identified regarding the effects of the proposed development.

ISSUES CONSIDERED DURING THE EXAMINATION

- 4.5.54. In its local impact report (LIR) Blackpool Borough Council (BBC) [\[REP1-068\]](#) raise a number of concerns in relation to impacts on biodiversity:

- loss and disturbance of habitats and potential to fragment and sever ecological connectivity
- loss of or disturbance of breeding, sheltering, hibernating, foraging, commuting and dispersal habitats of priority or protected species
- impact upon the Lytham St. Annes Dunes and Ribble Estuary SPA's and SSSI's
- potential relocation of wintering birds in association with land close to Blackpool Airport - proposals should seek to reduce the potential of bird strike resulting from birds being moved off-course and creating a collision risk with an aircraft
- concerns related to temporary construction mitigation area proposed at Lytham Moss to mitigate potential impacts on geese, swan and wader habitats which falls within Blackpool Airport's safeguarding / bird hazard area and is subject to existing arrangements to manage bird levels
- further surveys required to consider the impact of the proposals
- consideration should be given to elements of the construction and decommissioning periods which may have a detrimental impact on biodiversity, namely lighting, vibration, noise and air pollution

- 4.5.55. In its LIR [\[REP1-085\]](#) Lancashire County Council (LCC) raised concerns about:

- adequacy/completeness of ecological surveys/assessments
- Lytham St. Anne's Dunes LNR, the LNR which is situated within the SSSI.
- effects on pink-footed goose, whooper swan and their habitat at Lytham Moss BHS.
- notable habitats that could be affected, impacts on protected species under The Conservation of Habitats and Species Regulations 2017 and other protected species

- 4.5.56. In its LIR [\[REP1-078\]](#) Fylde Borough Council (FBC) raised concerns about:

- loss and disturbance of habitats, including those of national and international importance
- loss of or disturbance of breeding, sheltering, hibernating, foraging, commuting and dispersal habitats of priority or protected species.
- Assessment of impacts on sand lizard and dune habitat of the Ribble Estuary SSSI and Lytham St. Anne's Dunes SSSI
- effect on the area of sand dunes to the east and west of Clifton Drive North, these fall within the Coastal Change Management Area.
- lack of sufficient detail on construction methods
- impacts on St Annes Old Links Golf Course BHS

- 4.5.57. In its LIR [\[REP1-227\]](#) South Ribble Borough Council (SRBC) raised concerns about:

- lack of design details
- further information is required in relation to the management and restoration of peat during the construction process
- ecological receptors which are either not considered to be fully assessed or have insufficient mitigation/compensation measures identified

- further proposals required to ensure that impacts on notable bird species associated with the designated sites (the Ribble and Alt Estuaries SPA/Ramsar) where landfall occurs within and close to the intertidal zone can be avoided and/or successfully mitigated
- further details required in relation to future management and monitoring of ecological mitigation and enhancement areas
- clear identification as mitigation or compensation, and that any ecological enhancements/net gains can be justified as additional measures,
- delivery of a meaningful improvement to biodiversity
- assessment of cumulative impacts of the proposals

- 4.5.58. Natural England (NE) and the Environment Agency (EA) submitted relevant representations (RRs) [[RR-1601](#)] and [[RR-0677](#)]. NE participated in writing throughout the examination but did not attend any of the issue specific hearings (ISH). Concerns were raised by NE which also related to HRA matters as discussed in appendix C of this report.
- 4.5.59. BAE Systems submitted a relevant representation [[RR-0208](#)] with a focus on the potential for impacts that could arise from the proposed project on operations at BAE System's Warton Aerodrome with the potential for increased bird strike risk arising from proposed ecological mitigation sites and biodiversity benefit sites.
- 4.5.60. Approximately 47% of relevant representations raised concerns regarding ecological impacts, particularly potential negative effects on biodiversity [[PDA-005](#)]. Concerns raised related to a wide range of wildlife in the local area and the potential for loss of habitat, noting that many species in the area are endangered and protected. Key themes included habitat destruction, impacts on wildlife and protected species including great crested newts, sand lizards, pink-footed geese, and whooper swans. Concerns related to potential effects on designated sites such as SSSI and BHS sites were also raised. Some representations also questioned whether the applicants' proposals for delivering biodiversity net gain were adequate and appropriate for the local context [[PDA-005](#)].
- 4.5.61. Onshore ecology, nature conservation, biodiversity and onshore and intertidal ornithology issues were examined by the Examining Authority (ExA) in written questions [[PD-008](#)] and [[PD-011](#)] and in ISH 1, 2, and 4 with a summary of the discussions at each provided by [[REP1-035](#)], [[REP4-104](#)] and [[REP6-163](#)] respectively.
- 4.5.62. Discussions continued between the applicants and interested parties throughout the examination and through several iterations of the relevant control documents.
- 4.5.63. Updated versions of the oEMP were submitted at deadline D2 [[REP2-018](#)], D3 [[REP3-022](#)], D4 [[REP4-058](#)], D5 [[REP5-068](#)], with a final version at D6 [[REP6-116](#)].
- 4.5.64. Updated versions of the Onshore Biodiversity Benefit Statement [[APP-216](#)] were submitted at deadline D2 [[REP2-020](#)], D4 [[REP4-066](#)] and D5 [[REP5-074](#)]. At D6 this document was updated as an Outline Biodiversity Management Plan (oBBMP) [[REP6-095](#)] with a final version submitted at D7 [[REP7-018](#)].
- 4.5.65. Additional documents were submitted throughout the examination to progress some of the key issues raised and support the oEMP and oBBMP. Those include Site Selection of the Environmental Mitigation and Biodiversity Benefit Areas [[REP2-046](#)], Outline Wildlife Hazard Management Plan [[REP7-034](#)], Sand Lizard Mitigation Plan [[REP6-148](#)], Biodiversity Benefit Supporting Statement [[REP5-145](#)], Draft

European protected species (EPS) licence application package [\[REP5-149\]](#), Great Crested Newt Letter of No Impediment (LoNI) [\[REP5-150\]](#), Outline Onshore Construction Method Statement [\[REP7-036\]](#).

- 4.5.66. Additional relevant technical notes have also been submitted including Sand Lizard Survey Data Technical Note [\[REP6-157\]](#), Bird Strike Policy Note [\[REP5-133\]](#), Passage Period at Landfall Technical Note [\[REP4-121\]](#), technical note on the energetics of the birds at landfall and the adequacy of the Fairhaven Saltmarsh [\[REP2-045\]](#), Technical note on Newton Marsh SSSI and River Ribble Crossing [\[REP2-044\]](#).
- 4.5.67. At the end of the examination the final SoCG between the applicants and the EA [\[REP7-029\]](#) recorded the fact that all ecology issues had been agreed between the two parties. The final SoCG with Preston City Council (PCC) was submitted at D6 [\[REP6-153\]](#) also recorded that all matters were agreed.
- 4.5.68. A final SoCG with BBC was submitted at D7 [\[REP7-033\]](#). BBC have deferred all matters in relation to biodiversity to FBC and LCC due to the scope of the BBC administrative boundary and support the positions advanced by these local authorities.
- 4.5.69. A final SoCG with SRBC was submitted at D6 [\[REP6-128\]](#) with one material outstanding matter related to the mitigation and (possibly required) compensation measures for disturbance to qualifying bird species and temporary losses of functionally linked land.
- 4.5.70. NE produced a risk and issues log to accompany its comments at each deadline during the examination with final version [\[REP6-193\]](#) and a final SoCG submitted at D6 [\[REP6-179\]](#). Main outstanding areas of disagreement that remain related to:
- Lytham St. Annes SSSI - cable burial depth and impacts on Ground Water Dependant Terrestrial Ecosystem (GWDTE)
 - developing on areas of restorable peat
 - impacts to Ribble and Alt Estuaries SPA/Ramsar terrestrial waterbirds – Newton-with-Scales mitigation area
- 4.5.71. The outstanding issue of Newton-with-Scales mitigation area is acknowledged as resolved in NEs closing statement [\[REP7-050\]](#) submitted at D7. This is due to updates made to the oEMP [\[REP6-115\]](#) regarding the long-term monitoring and management of the permanent mitigation area.
- 4.5.72. Final SoCG with FBC submitted at D7 [\[REP7-028\]](#) includes several outstanding material concerns related to:
- surveys and level of detail for protection of sand lizards
 - peat management strategy
 - approach to biodiversity benefit strategy
 - project design envelope - duration of 66 months can be classed as 'temporary'
 - mitigation and compensation measures for disturbance to qualifying bird species and losses of functionally linked land
 - concerns relating to potential impacts on the dune's priority habitat area
- 4.5.73. A final SoCG with LCC was submitted at D7 [\[REP7-027\]](#) and covers a number of outstanding material concerns related to:

- alternative locations or design solution with a reduced ecological impact - significant residual effects on BHSs.
- survey area and assessment methodology
- lack of clarity regarding potential impacts on some Species of Principal Importance
- biodiversity net gain areas include areas within wildlife hazard management zones
- biodiversity metric application

4.5.74. Final SoCG [\[REP7-030\]](#) with BAE Systems was submitted at D7. Outstanding material concerns related to the mitigation and management measures, and the monitoring proposals, contained in the outline Wildlife Hazard Management Plan (oWHMP) [\[REP3-065\]](#) in relation to Fairhaven Saltmarsh, Lytham Moss, Newton-with-Scales and Lea Marsh ecological mitigation and biodiversity benefit areas. Those outstanding areas of disagreement impact on ecological considerations.

4.5.75. The SoCG with Newton with Clifton and Freckleton Parish Council (NCFPC) [\[REP6-158\]](#) also reports disagreement on all relevant onshore ecology and biodiversity points.

4.5.76. Based on an assessment of those issues which remained outstanding at the close of the examination the ExA has identified the following issues to be resolved:

- ecological data - survey methodology
- effects on statutory designated sites
- adequacy of the environmental mitigation areas and potential conflicts of the ornithological mitigation with aviation concerns
- approach to and delivery of onshore biodiversity benefits - BNG
- developing on areas of restorable peat
- other matters

Ecological data, baseline assessments

4.5.77. As described in the applicants closing statement [\[REP7-042\]](#) comments have been made by FBC, LCC and SRBC regarding inadequacies in the baseline assessments presented in volume 3 chapter 3: Onshore ecology and nature conservation [\[APP-075\]](#). The concerns related to:

- survey coverage - the areas within the order limits and survey buffers that were inaccessible for surveys
- assessment of impacts on habitats other than those protected under statutory and non-statutory nature conservation designations.
- lack of detailed botanical surveys of Lytham St Anne's Dunes SSSI/ LNR and St Anne's Old Links Golf Course BHS
- use of pre-existing survey data in relation to sand lizards' population

4.5.78. Issues related to ecological data and baseline assessments were examined by the ExA in written questions [\[PD-008\]](#) and [\[PD-011\]](#) and in ISH 1, 2, and 4 with a summary of the discussions at each provided by [\[REP1-035\]](#), [\[REP4-104\]](#) and [\[REP6-163\]](#) respectively. Discussions continued between the applicants and interested parties throughout the examination and through several iterations and additions of relevant control documents. As a response to first written questions (ExQ1) related to habitat survey coverage the applicants have provided further clarity in a technical note submitted at D4 [\[REP4-116\]](#).

- 4.5.79. In relation to onshore and intertidal surveys, while NE has commented that these surveys were only completed to a minimal standard [\[RR-1601\]](#) the applicants' position is that their 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.
- 4.5.80. The ExA notes that in the final SoCGs with SRBC [\[REP6-128\]](#) and PCC [\[REP6-153\]](#) all matters related to baseline assessments are now resolved. The ExA also acknowledges that there are no principal areas of disagreement between NE and the applicants [\[REP6-179\]](#) on the matter of ornithological data collected over the intertidal and onshore ornithology area and specific surveys undertaken.
- ExA's consideration
- 4.5.81. The ExA notes that FBC final position in its SoCG was 'not agreed but not material'. This is due to its outstanding comments relating to the hydrogeological surveys of the Lytham St Annes Dunes SSSI/LNR.
- 4.5.82. The ExA acknowledges LCC's final position stated in the SoCG [\[REP6-125\]](#) that:
- LCC does not dispute that surveys were undertaken using appropriate methodologies but is not able to establish that gaps in survey data are immaterial
 - owing to access constraints, 8.5% of the onshore order limits area and 19.6% of the survey area were assessed from surveys undertaken in adjacent parcels, through the use of aerial photography and desk-based analysis, rather than site-based habitat surveys. This may have implications for the accuracy of habitat classification, habitat condition assessments, presence of micro-habitats, potential to support protected species (such as bat roosting features) presence of individual species etc.
 - potential impacts on some Species of Principal Importance (The Natural Environment and Rural Communities (NERC) Act, 2006) are not clear
 - LCC is content to defer to NE in relation to matters relating to licensable impacts on protected species which are to be addressed when considering a LoNI
- 4.5.83. The applicants' position [\[REP6-125\]](#) 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. The applicants also highlight that no outstanding issues remain with NE on the survey coverage of protected species.
- 4.5.84. The applicants maintain in the closing statement [\[REP7-042\]](#) 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 dDCO requirements
- 4.5.85. The ExA notes applicants' explanation [\[REP7-042\]](#) that 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.
- 4.5.86. While outstanding issues not agreed with LCC introduce a level of uncertainty to the overall conclusions, the ExA notes that the oEMP [\[REP6-115\]](#) describes that further ecological and ornithological surveys will be undertaken as part of the onshore site preparation works ahead of construction commencing in the vicinity of identified

IEFs. On balance the ExA considers that there are adequate controls in the dDCO [REP6-013] including the updated CoT76 [REP6-042] secured by schedules 2A and 2B, R12 providing control mechanisms allowing for any further survey matters to be adequately dealt with post consent.

Effects on statutory designated sites

Impact on Lytham St. Anne's Dunes SSSI

- 4.5.87. The applicants' position as set out in their closing statement [REP7-042] is that the high sensitivity of the coastal sand dunes at Lytham St Anne's Dunes 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.
- 4.5.88. Concerns regarding the assessment of the potential for indirect impacts to the dunes were raised during the examination in written representations from NE [REP1-093], EA [REP1-076], FBC [REP1-079] and LCC [REP1-085].
- 4.5.89. At the end of the examination NE [REP6-192], FBC [REP7-047], LCC [REP7-027], NCFPC [REP7-051] had outstanding concerns in relation to impacts on Lytham St. Annes SSSI.
- 4.5.90. Outstanding concerns in the main align with the points made by NE in its final risk and issues log [REP-193] and appendix G6 - Natural England's Comments on Onshore Ecology [REP6-192] submitted at D6.
- 4.5.91. There are ongoing concerns regarding impacts on sand dune features within the Lytham St Annes SSSI, particularly potential changes to the water table, dewatering during construction at transition joint bays (TJB), and effects on dune slack vegetation. NE's final position notes this issue is progressed but unresolved.
- 4.5.92. NE acknowledge that the applicants have undertaken a national vegetation classification (NVC) survey at Lytham St Annes Dunes SSSI and St Annes Old Links Golf Course BHS. Applicants have provided the NVC survey report [REP5-039] and incorporated the results into the updated outline Hydrogeological Risk Assessment [REP5-102]. NE is satisfied with the survey effort and standard methodology used. Detailed further comments are provided in appendix G6 [REP6-192]. NEs key outstanding concern is related to the cable burial depth and impacts on GWDTE.
- 4.5.93. NE also state that additional details are required on the direct pipe trenchless technique to fully assess potential impacts on the Lytham St Annes Dunes SSSI. NE's final position notes this issue is progressed but unresolved. The applicants submitted an updated outline Landfall Construction Method Statement [REP5-117], including a review of trenching risks and consideration of direct pipe failure. Outstanding concerns remain regarding the purpose of additional boreholes and cable spacing with further details provided in appendix G6 [REP6-192].
- 4.5.94. The applicants have provided a number of further documents throughout the examination seeking 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.

- 4.5.95. Additionally, the applicants highlighted that despite FBC and LCC maintaining that insufficient information has been presented in respect of the risk to the dunes during construction, NE 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.
- 4.5.96. The issue of burial depth was also discussed at ISH4 (summary [\[REP6-163\]](#)) and additional related question was issued in a rule 17 letter [\[PD-016\]](#). The applicants' response [\[REP6-162\]](#) has further clarified their position that a commitment to a fixed minimum drill depth of 15m below the Lytham St Anness Dunes SSSI (as requested by NE) is not appropriate or practicable at this stage of the project.
- 4.5.97. The applicants have provided further information to NE on the potential impact on ground water temperatures at D4 [\[REP4-100\]](#). From a constructability perspective, by committing to a deeper minimum drill depth of 15m, this reduces the flexibility in design and could compromise the feasibility of the direct pipe drill technique.
- 4.5.98. At D6, the applicants have committed to undertaking further ground investigation CoT128 [\[REP6-042\]](#), specifically to inform the detailed Hydrogeological Risk Assessment(s).
- 4.5.99. The applicants state that they remain unable to commit at this stage to increase the minimum drill depth beneath the Lytham St Annes Dunes SSSI and maintain that the final depth can only be determined once the contractors are appointed and detailed design is undertaken, taking into consideration and fully assessing further ground investigation and monitoring results [\[REP6-162\]](#).

ExA's consideration

- 4.5.100. The ExA notes that noticeable progress has been made in relation to potential indirect significant impacts on Lytham St. Annes Dunes SSSI.
- 4.5.101. The ExA also notes that the applicants have submitted further updates to the outline Landfall Construction Method Statement at D6 [\[REP6-151\]](#) that include provision of additional information in relation to TJB, and direct pipe trenchless installation.
- 4.5.102. The updated document has not been reviewed by NE as per their closing statement [\[REP7-050\]](#) where NE highlights to the ExA that due to the short turnaround between D6 and D7, and the number of documents submitted by the applicants, they have not been able to undertake a thorough review of all their D6 submissions.
- 4.5.103. The ExA recognise that various IPs requested more technical information and data to be provided prior to the close of examination. The ExA acknowledges the applicants' explanation that they are unable to provide specific details in relation to cable depth and monitoring until the detail design process takes place.
- 4.5.104. The ExA notes that while NE accepted that further detail would be provided to inform the hydrogeological risk assessment post-consent, the matters related to the cable burial depth remain as one of the outstanding principal areas of disagreement (PADS).
- 4.5.105. The ExA recognise that 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 [[REP7-042](#)].

- 4.5.106. CoT128 with the updated wording states that at detailed design stage, Hydrogeological Risk Assessment(s) will be developed in accordance with the Outline Hydrogeological Risk Assessment. The hydrogeological risk assessment(s) will be informed by additional ground investigation information. The scope of the ground investigation and groundwater monitoring will be agreed with the EA and NE. These assessment(s) will be used to inform the detailed site-specific crossing design for the installation of the offshore export cables beneath Lytham St Annes Dunes SSSI and St Annes Old Links Golf Course.
- 4.5.107. The ExA notes that this commitment requires drilling depth assessments to be based on additional ground investigation data and secures SNCBs as consultees. Additionally, it ensures the provision of further information necessary to fully understand and mitigate potential indirect significant impacts on Lytham St Annes Dunes SSSI and St Annes Old Links Golf Course BHS.
- 4.5.108. On balance, considering the progress made during the examination and the applicants' position regarding information availability at this stage, the ExA concludes that there are sufficient control mechanisms forming part of the application and within the commitments, including the updated CoT128, secured through DCO schedules 2A and 2B, R8 to ensure the outstanding matters can be adequately managed post consent so that no significant effects result.

Impacts on priority habitats and species

Sand lizards

- 4.5.109. The ecological impact assessment [[APP-075](#)] explains that an introduced population of sand lizard is present in dunes at the Ribble Estuary SSSI and Lytham St Annes Dunes SSSI. This species is not a reason for designation of either SSSI, but the population is part of a recognised reintroduction program that is understood to have been carried out to extend the range of sand lizard in Merseyside to the north of the Ribble Estuary. It is of regional importance and medium sensitivity.
- 4.5.110. Potential for sand lizard disturbance has been raised as a concern in multiple RRs. It has also been raised by various IPs, including NE, FBC and LCC, throughout the examination and at ISHs and OFHs. In their written representations NE, FBC and LCC 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.
- 4.5.111. The applicants responded throughout the examination to concerns raised and continued to engage on the matter with IPs. The applicants' final position on this issue is set out in its closing statement [[REP7-042](#)]. The applicants explain that an Outline Sand Lizard Mitigation Plan [[REP6-148](#)] and draft EPS mitigation licence application [[REP5-149](#)] have been prepared to set out how the applicants would address the risks of disturbance to sand lizards and damage to their habitats during construction.
- 4.5.112. The applicants further state that they would obtain the EPS mitigation licence for sand lizards from NE, which would be sought post-consent prior to any construction activities taking place at the landfall site (as secured by R13 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.

4.5.113. At the end of the examination the applicants state in the closing statement [\[REP7-042\]](#) that they are engaging with the Natural England Wildlife Licensing Service (NEWLS) team to obtain a LoNI.

4.5.114. NE final position in the risk and issues log issued at D6 states that this matter is in progress noting that the applicants have applied for a draft sand lizard EPS licence and NE issued a further information request to the applicants.

ExA's consideration

4.5.115. The ExA acknowledges FBCs position in their closing statement [\[REP7-046\]](#) and SoCG [\[REP7-028\]](#) noting that while significant progress for mitigation of sand lizard impacts has been made some outstanding issues remain.

4.5.116. The ExA acknowledges that LCC is content to defer to FBC, their ecology advisor and sand dune specialists in relation to potential impacts on sand dune habitats and any implications for the Fylde Sand Dunes Project, and that LCC is content to defer to NE in relation to statutory designated sites and licensable impacts on protected species [\[REP7-027\]](#).

4.5.117. The ExA notes the number of concerns from IPs and LPAs raised regarding potential sand lizard disturbance. The ExA also acknowledges the progress made throughout the examination and the final update from the applicants and NE in relation to the status of LoNI and the EPS licence application.

4.5.118. Although this matter has not yet been fully resolved the ExA agrees with the applicants' position in the closing statement [\[REP7-042\]](#) that given the temporary nature and spatial extent of any potential construction impacts on sand lizards/sand lizard habitats that risks can be adequately mitigated through the EPS licence process. The ExA is not aware of any information that would preclude LoNI from being issued.

4.5.119. The ExA is therefore satisfied there are adequate controls in the recommended DCO to ensure risks associated with potential sand lizard disturbance can be appropriately mitigated.

Potential impacts on species of principal importance

4.5.120. The ExA acknowledges that the matter of potential impacts on some species of principal Importance is an outstanding issue with a "not agreed" status in the final SoCG between LCC and the applicants [\[REP7-027\]](#).

4.5.121. LCC's position is that the potential impacts on some Species of Principal Importance (NERC Act, 2006) are not clear e.g. Common Toad, Hedgehog, Brown Hare. CIEEM Guidelines for Ecological Impact Assessment (EclA) class these as important ecological features for the purposes of EclA.

4.5.122. The applicants' position [\[REP7-027\]](#) is that that specific mitigation measures for species such as common toad, hedgehog and brown hare have not been proposed because these species were scoped out of the EclA as they are not 'Important Ecological Features' in CIEEM terms for impact assessment.

- 4.5.123. The applicants further state that mitigation measures proposed for other protected species including nesting birds and amphibians would also be applicable to mitigate the risk of incidental harm to common toad, hedgehog and brown hare during the construction phase. Additionally, it is stated that specific surveys just for species of principle importance are not generally undertaken as the list is c. 300+ (many invertebrate species are included) and that surveys were only undertaken where significant effects are predicted.

ExA's consideration

- 4.5.124. In relation to species of principal importance the ExA notes no material areas of disagreement with NE [\[REP6-179\]](#).
- 4.5.125. While outstanding issues not agreed with LCCs introduce some level of uncertainty to the overall conclusions, the ExA considers that there are adequate controls in the DCO [\[REP6-013\]](#). These include the updated oEMP, CoT76 [\[REP6-042\]](#) secured by schedules 2A & 2B, R12 providing control mechanisms allowing for any additional issues related to potential impacts on some species of principal importance to be adequately managed post consent.

Adequacy of the environmental mitigation areas and potential conflicts of the ornithological mitigation with aviation concerns (Lytham Moss and Newton-with Scales)

Mitigation areas

- 4.5.126. This issue is also considered in appendix C of this report, HRA matters.
- 4.5.127. Description of the environmental mitigation areas including information about the measures to be implemented at each area is provided in appendix B the oEMP [\[REP6-115\]](#). The environmental areas are also summarised in table 1-3 of oWHMP [\[REP7-034\]](#).
- 4.5.128. Temporary construction mitigation area at Lytham Moss (CoT107) is proposed to mitigate impacts of temporary habitat loss and disturbance on geese, swans and waders during construction of the proposed development. Due to the level of overlap of impact (primarily displacement caused by disturbance), the same area would be required to offset the impact from the Morgan and Morecambe onshore cable installation. Species this mitigation area is specifically designed for are pink-footed goose and whooper swan during the core wintering bird period (November to March, inclusive) as well as habitat in the form of scrapes, specifically for teal, golden plover, black-tailed godwit and other terrestrial waders such as lapwing and curlew [\[REP6-115\]](#).
- 4.5.129. Permanent mitigation area south of Newton-with-Scales (CoT120) is proposed to mitigate impacts of permanent habitat loss on non-breeding waders during the lifespan of the proposed development. It would also be used to enhance the area for breeding waders, and breeding and non-breeding wildfowl and farmland birds. Species this mitigation area is specifically designed for are golden plover (permanent loss), black-tailed godwit (temporary loss) and teal (temporary loss). The area would also offer enhancement for breeding waders such as lapwing and breeding farmland birds such as corn bunting, grey partridge and tree sparrow [\[REP6-115\]](#).
- 4.5.130. The applicants closing statement [\[REP7-042\]](#) concludes that NE had concerns regarding all of the mitigation areas at the start of the examination [\[RR-1601\]](#) and

these have largely been resolved. It further outlined that throughout the examination there have been various concerns raised by the aviation stakeholders Blackpool Airport Operation Limited (BAOL) and Warton Aerodrome (BAE Systems). These relate to the issue of whether the bird strike risk could be increased to unacceptable levels due to the proposed environmental mitigation areas and biodiversity benefit areas.

- 4.5.131. Issues relating to the proposed environmental mitigation areas were examined by the ExA in written questions [\[PD-008\]](#) and [\[PD-011\]](#) and in ISH2 and 4 with a summary of the discussions at each provided by [\[REP4-104\]](#) and [\[REP6-163\]](#) respectively. Additional relevant questions were raised in the Report on Implications for European Sites (RIES) [\[PD-015\]](#). Two rule 17 letters [\[PD-016\]](#) and [\[PD-017\]](#) were issued relating to the outstanding matters about the proposed environmental mitigation strategy.

ExA's consideration

- 4.5.132. The ExA notes that various IPs have expressed concerns about the proposed ecological mitigation strategy and its delivery. The closing statements from BAE Systems [\[REP7-055\]](#) and the final SoCG between BAE Systems, Defence Infrastructure Organisation (DIO) and the applicants [\[REP7-030\]](#) detail the specific related outstanding concerns.
- 4.5.133. It is outside of the scope of this section on ecological matters to comment on bird strike risk or air traffic safety matters which is dealt with in section 4.3 of this report. However, the ExA considers that the absence of information on the potential level of risk, and the lack of clarity on whether mitigation against this risk is feasible, introduces material uncertainty regarding the deliverability of the proposed mitigation areas for the protected ornithological receptors.
- 4.5.134. The ExA notes the applicants' position set out in their closing statement [\[REP7-042\]](#) section 5.7.5, that in the unlikely event that not all of the mitigation areas can be delivered there are alternative mitigation measures that would mitigate the impact on the designated species. The measures include further screening 'at source' of construction works in the vicinity of sensitive areas during sensitive periods to reduce visual and noise disturbance effects to acceptable levels and scheduling of works to reduce/avoid working in certain areas during periods of particular sensitivity for SPA species. The applicants state that these additional measures would be agreed with NE as part of the discharge of the oEMP updated at D6 [\[REP6-116\]](#).
- 4.5.135. The ExA also notes NEs position in [\[REP7-049\]](#) where NE acknowledges that the measures are relevant in-principle and if further developed and assessed could provide relevant mitigation however given the absence of detail on either proposed measure at this stage, NE states that is unable to draw a meaningful opinion on their effectiveness or feasibility.
- 4.5.136. In relation to active monitoring measures proposed to mitigate against potential bird strike risk arising from the proposed mitigation areas, the ExA acknowledges applicants position stated in [REP6-190.2](#) [\[REP7-041\]](#) and notes that the applicants have set out details of this process in the oWHMP [\[REP7-034\]](#). The applicants have included NE, BA and BAE Systems as consultees when targets and trigger levels are set. This is to ensure that ornithological and air safety concerns are appropriately balanced during the post consent phase.

- 4.5.137. The ExA also notes that NE highlights in its closing statement [\[REP7-050\]](#) that due to the short turnaround between D6 and D7, and the number of documents submitted by the applicants, it has not been able to undertake a thorough review of all the D6 submissions.
- 4.5.138. Due to lack of finalised agreement between all parties, the matter of active monitoring measures and adequate control mechanisms remains unresolved at the end on the examination.
- 4.5.139. For the reasons stated above, the ExA considers that without demonstrable feasibility of the delivery of the mitigation strategy and the late introduction of potential alternative mitigation measures, confidence that the mitigation hierarchy has been correctly applied is reduced.
- 4.5.140. Based on the information provided by the end of the examination, the ExA concludes that the proposed mitigation measures could be effective if implemented, but in absence of evidence demonstrating feasibility and safety, deliverability of ecological mitigation areas and/or alternative measures cannot be assured with confidence. While outcomes may ultimately be achievable, current uncertainty materially reduces the strength of this conclusion which could result in significant level of unmitigated harm.
- 4.5.141. In the event that the bird strike risk issue was resolved without any potential implications for the proposed mitigation areas and strategy, then this matter would be resolved. However, this was not the case by the close of the examination.

The mitigation and (possibly required) compensation measures for disturbance to qualifying bird species and temporary losses of functionally linked land.

- 4.5.142. This issue is also considered in appendix C of this report, HRA matters.
- 4.5.143. The ExA acknowledges the final SoCG with SRBC was submitted at D6 [\[REP6-128\]](#) with one material outstanding matter related to the mitigation and (possibly required) compensation measures for disturbance to qualifying bird species and temporary losses of functionally linked land.
- 4.5.144. The applicants' position is there will be no significant residual effects on nationally designated ecological sites for the impacts from the proposed development.
- 4.5.145. The ExA notes that by the final deadline all outstanding issues with NE have been agreed in relation qualifying bird species and temporary losses of functionally linked land [\[REP7-050\]](#). The outstanding issue of Newton-with-Scales mitigation area is acknowledged as resolved in NEs closing statement [\[REP7-050\]](#) submitted at D7. This is due to updates made to the oEMP [\[REP6-115\]](#) regarding the long-term monitoring and management of the permanent mitigation area.
- 4.5.146. The ExA highlights that while the long-term monitoring and management provisions have been agreed with NE, the uncertainty of delivery of the Newton-with-Scales mitigation area due to potential for increased bird strike risk remains as an outstanding issue at the close of the examination.

Fairhaven saltmarsh - intertidal birds

- 4.5.147. The ExA notes that FBC in its closing statement [\[REP7-046\]](#) highlights concerns about mitigation proposals for Fairhaven Saltmarsh for intertidal birds. Concerns

relate to the areas carrying capacity for intertidal waders, and intensive human interactions at this location-principally dog walking in and amongst the salt marshes. FBC state that it considers that the proposed mitigations measures will be ineffective and has looked to secure a more robust comprehensive programme secured by an agreement under section 106 of the Town and Country Planning Act 1990 as the most appropriate mechanism, which currently the applicants reject.

- 4.5.148. The ExA highlights that potential impacts on the intertidal birds were carefully considered throughout the examination as set out by the applicants in sections 5.3.2.2 and 5.3.3.2 of the closing statement [\[REP7-042\]](#).
- 4.5.149. Th ExA acknowledges the broader area of disagreement and considers it an outstanding matter between FBC and the applicants, however, the effectiveness of specific commitments (seasonal restrictions), additional mitigation measures and the status of Fairhaven Saltmarsh as a necessary alleviation measure has been agreed between NE and the applicants. NEs detailed position is set out in D5 submission [\[REP5-183\]](#) and in response to question 3.4.3 in [\[REP6-194\]](#). The ExA concludes that the matter of mitigation for intertidal birds has been adequately addressed by the applicants.

Approach to and delivery of onshore biodiversity benefits

- 4.5.150. The main issues arising during the examination relating to biodiversity net gain (BNG) were:
- biodiversity benefit area's location within wildlife hazard management zones
 - biodiversity metric application and calculations
 - securing biodiversity benefit
- 4.5.151. OBBMP [\[REP7-018\]](#) and the Biodiversity Benefit Supporting Statement [\[REP5-145\]](#) set out the applicant's strategy to delivery of the onshore biodiversity benefits. This approach evolved though the examination.
- 4.5.152. In section 6 [\[REP5-145\]](#) the applicants acknowledge the lack of clear guidance regarding the provision of BNG, and uncertainty to the securing of compulsory acquisition powers to deliver on-site BNG. The applicants state that they are confident that there is little to no potential harm to aviation interests from the delivery of the proposed measures and management measures will be adopted to ensure agreed bird numbers are never exceeded, however, as referred to above the ExA notes that agreement with BAE Systems and DIO on this matter has not been reached. Outstanding concerns are detailed in the closing statements from BAE Systems [\[REP7-051\]](#) and the final SoCG between BAE Systems, DIO and the applicants [\[REP7-030\]](#).
- 4.5.153. In paragraph 6.1.1.4 [\[REP5-145\]](#) applicants confirm their commitment to delivering biodiversity benefit and outline that their approach is to:
- seek powers to compulsorily acquire BNG land at Lea Marsh Fields to be delivered if the necessary land rights could not be secured through agreement
 - provide a hierarchy of alternative approaches to delivering BNG should the on-site and off-site approach not be accepted
- 4.5.154. OBBMP [\[REP7-018\]](#) further explains the reasoning behind applicants preferred position and section 1.8 sets out the proposed hierarchy of options:

- option 1: deliver biodiversity benefit with the proposed measures at Lea Marsh Fields to deliver in excess of 10% biodiversity benefit
 - option 2: to only deliver 10% biodiversity benefit with the majority delivered at the onshore substations and reducing the total area of land taken at Lea Marsh Fields to cover the shortfall of delivering 10% biodiversity benefit
 - option 3: the shortfall of delivering 10% biodiversity benefit to be delivered by the funding of local biodiversity projects to maximise the benefit to local biodiversity
 - option 4: the shortfall of delivering 10% biodiversity benefit to be delivered through the purchase of Biodiversity Credits (this refers to either statutory BNG credits purchased from the UK Government or BNG offsetting units purchased from a private provider)
- 4.5.155. The delivery and management of biodiversity benefits would be secured post-consent secured through DCO R26 (Biodiversity benefit) [\[REP6-013\]](#).
- 4.5.156. The applicants' position is also set out in the closing statement [\[REP7-042\]](#) highlighting that there is currently no mandatory requirement for NSIPs to deliver BNG. The applicants state they have undertaken a voluntary BNG assessment for the permanent infrastructure elements of the proposed development at the substations.
- 4.5.157. NE position was set in their [\[RR-1601\]](#) and later confirmed in responses to the ExA's written questions in section 6.2 [\[REP3-095\]](#). Further to that in response to ExQ1, question Q6.2.2, NE states that it is satisfied that the applicants have adequately followed the mitigation hierarchy in respect of no biodiversity net loss. NE also highlights that some impact pathways still require additional information and assessments to be provided and that the baseline area will likely be refined over time and subsequent iterations of the metric calculations will be required.
- 4.5.158. LCC final position in SoCG [\[REP7-027\]](#) in relation to biodiversity benefit is "not agreed" with main outstanding concerns related to application of biodiversity metric, potential understated losses and biodiversity gains in relation to temporary impacts not restored within 2 years.
- 4.5.159. FBC final position in SoCG [\[REP7-028\]](#) in relation to biodiversity benefit is "not agreed". Outstanding concerns relate to the approach to biodiversity benefit calculations and the suitability capacity of the biodiversity benefit land identified.
- 4.5.160. SRBC final position in SoCG [\[REP6-128\]](#) is "not agreed but not material". The overall approach is acceptable, but full BNG baseline information is not yet available (habitat condition assessments) and some areas of land have not been surveyed / assessed.
- 4.5.161. NCFPC final position in SoCG [\[REP6-158\]](#) final position is "not agreed". The main outstanding issue relates to a view that that the entirety of the onshore cable routes should have been included in the baseline habitat calculation.
- 4.5.162. NCFPC in their closing statement [\[REP7-051\]](#) highlight figures in table 3 of the Biodiversity Benefit Supporting Statement [\[REP5-145\]](#). The highlighted assessment for the whole order limits that includes temporary land affected (where the land will be affected for more than 2 years) has been provided at the request of the ExA in written questions ExQ2, question Q2 6.2.6 [\[PD-011\]](#) on a without prejudice basis.

- 4.5.163. The applicants' position as set out in [\[REP5-145\]](#) is that it would be disproportionate to seek to secure land rights to impose a 30-year management plan across large swathes of the route corridor when the impacts of the scheme are largely temporary, would not impact all habitats within the order limits and where all habitats would be returned to their baseline condition post-construction.
- 4.5.164. The applicants acknowledge in the closing statement [\[REP7-042\]](#) that 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) but maintain that the approach taken was a reasonable and proportionate and was agreed with the pre-application expert working group.

ExA's consideration

- 4.5.165. Section 1.3 of OBBMP [\[REP7-018\]](#) outlines policy requirements in relation to NSIPs and states that in accordance with existing legislation at the time application, there is no legal requirement for the proposed development to deliver BNG. Applicants further state that they are proposing to make a voluntary commitment to achieve an overall biodiversity benefit for areas of permanent habitat loss associated with the permanent above-ground infrastructure. Section 1.3.4 [\[REP7-018\]](#) summarizes relevant local policies that are applicable in relation to enhancement or conservation of biodiversity.
- 4.5.166. While material differences between various parties in relation to approach to calculations and methodology are outstanding, the ExA acknowledges the applicants' statement regarding the current complexity, inconsistency of approaches in other similar major infrastructure projects, and lack of current guidance regarding the provision of BNG in the NSIP regime [\[REP5-145\]](#).
- 4.5.167. Although the outstanding concerns regarding potential biodiversity net loss arising from the applied methodology introduce some level of uncertainty into the overall conclusions, the ExA notes that NE is satisfied that the applicants have appropriately applied the mitigation hierarchy to avoid biodiversity net loss.
- 4.5.168. On balance the ExA considers that the mechanisms proposed in the oBBMP [\[REP7-018\]](#) secured by the R26 of schedules 2A and 2B of the dDCO [\[REP6-013\]](#) are sufficient to ensure delivery of at least a 10% biodiversity gains and compliance with the relevant local policies ENV2, G16, DM35, and EN10.
- 4.5.169. The matters related to options for delivery that require compulsory acquisition powers are explored in depth in section 6 of this report.

Developing on areas of restorable peat

- 4.5.170. NEs position at the beginning of examination [\[RR-1601\]](#) is that there is insufficient information to ascertain whether the proposal will have direct or indirect impacts on deep peat.
- 4.5.171. LCC LIR [\[REP1-085\]](#) paragraph 10.41 states that peat deposits occur within the order limits. The potential impacts of the proposed development on peat and habitats of peat soils should be considered, and The England Peat Action Plan 2021 should be taken into account. LIR also states that DCO requirements to secure appropriate avoidance, mitigation and compensation proposals may be appropriate.

- 4.5.172. Local planning policy tracker [\[REP7-025\]](#) policy CL3 under section of renewable and low carbon energy generation makes references to peat in relation to consideration of impacts on areas of deep peat which function as a carbon store.
- 4.5.173. Issues related to developing on areas of restorable peat were examined by the ExA in written questions [\[PD-008\]](#) and [\[PD-011\]](#) and in ISH 1, 2, and 4 with a summary of the discussions at each provided by [\[REP1-035\]](#), [\[REP4-104\]](#) and [\[REP6-163\]](#) respectively. Additional relevant question on approach to peat management strategy was raised in a rule 17 letter [\[PD-017\]](#).
- 4.5.174. One of the outstanding PADS with NE in SoCG [\[REP6-179\]](#) relates to a requirement to carry out a detailed peat survey to establish peat depth, condition, and extent, ensuring that appropriate management and mitigation measures can be developed and adopted.
- 4.5.175. Matters related to peat surveys are also outstanding in SoCG with FBC [\[REP7-028\]](#). LCC [\[REP7-027\]](#) SoCG states that LCC is content to defer to others on this issue.
- 4.5.176. The applicants' final position is set out in the closing statement [\[REP7-042\]](#) and SoCG with NE [\[REP6-179\]](#). Applicants submitted a Peat Technical Note [\[REP4-118\]](#) at D4 that provides a collation of the information on peat deposits and peaty soils within the ES and the findings of both the desktop and survey work undertaken.
- 4.5.177. The applicants state [\[REP7-042\]](#) that the nature and extent of peat resources and their land use function within the proposed 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. The applicants consider that this is not valuable peatland ecological habitat.
- 4.5.178. The applicants also state that the measures proposed through the implementation of the outline CoCP [\[REP6-067\]](#), including the outline Soil Management Plan (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.
- 4.5.179. NE has further clarified its position throughout the examination, and it is set out in detail in responses to ExQ. Q2:6.1.7 and Q2:6.1.8 [\[REP5-184\]](#) and Q3 of rule 17 [\[REP6-190\]](#).
- 4.5.180. NE state [\[REP5-184\]](#) that targeted surveying in the pre-construction phase would provide certainty on the extent of peat to be degraded or lost and ensure development firstly avoids impacts and to inform measures required to address the impact in line with the mitigation hierarchy principles.
- 4.5.181. NE requests a commitment outlining that no works can be undertaken in the non-surveyed areas until the further targeted peat surveys are completed to inform whether mitigation and/or compensation are required. NE also clarifies that compensation would be a last resort when impacts on restorable peat cannot be avoided through other measures.
- ExA's consideration
- 4.5.182. The ExA notes that section 1.9.6 of the outline SMP [\[REP6-091\]](#) states that where peat soils are identified but cannot be avoided applicants will seek to minimise the

disturbance and that Peat Management Plans for these areas will be developed as part of the detailed SMP(s).

- 4.5.183. The outlined hierarchy in section 1.9.6.3 [\[REP6-091\]](#) with respect to potential peat resources is to “avoid – minimise – mitigate”. The ExA notes lack of provisions for compensation that was requested by IPs.
- 4.5.184. The ExA acknowledges the applicants’ statement [\[REP6-179\]](#) that there is 16.64 ha of peaty soil within the onshore order limits of 571.63 ha which is calculated as approximately 2.91%. The ExA considers that 16.64 ha could still be considered significant in a local context.
- 4.5.185. Having regard to all aspects the ExA considers the request for targeted pre-construction peat surveys to be appropriate in the context of The England Peat Action Plan 2021 and its goals focused on protection, restoration and preventing further loss of peatland habitats. The ExA also considers that a provision for compensation mechanism would be appropriate if significant risk to the restorability of the deep peat mass couldn’t be avoided through other measures.
- 4.5.186. Accordingly, the ExA determines that the persisting uncertainty, together with the lack of provisions to ensure full adherence to the mitigation hierarchy (including compensation) gives rise to the potential for small level of unmitigated harm to peatlands to occur.

Other issues

Air quality impacts on designated sites and to habitats

- 4.5.187. This issue is also considered in appendix C of this report, HRA matters.
- 4.5.188. The applicants’ position in the closing statement [\[REP7-042\]](#) sets out that NE 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 [\[REP6-193\]](#).
- 4.5.189. The applicants state that [\[REP7-042\]](#) 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, Lytham St Anne’s Dunes SSSI and Lytham St Annes LNR, Red Scar and Tun Brook Woods SSSI and BHS and LNR sites. Assessment of impact of changes in air quality from emissions and deposition of pollutants from construction traffic movements to Red Scar and Tun Brook Woods SSSI and BHS and LNR is also considered.
- 4.5.190. The applicants’ position is that the secured mitigation measures (set out in table 9.15 of volume 3, chapter 9: Air quality [\[APP-121\]](#)), ensure a negligible residual effect.

ExA’s consideration

- 4.5.191. The ExA notes that an outline Dust Management Plan (oDMP) [\[REP6-081\]](#) is secured by requirement 8 of the draft DCO [\[REP6-013\]](#) and the applicants’ statement that the measures within the oDMP take into account the location of sensitive receptors (including the SSSI) and are in line with IAQM guidance.

- 4.5.192. At the close of the examination SoCGs between the applicants and FBC [\[REP7-028\]](#); BBC [\[REP7-033\]](#); LCC [\[REP7-027\]](#); PCC [\[REP6-153\]](#) identified no outstanding concerns in respect to the effects of the proposed development on ecological receptors in relation to air quality.
- 4.5.193. The ExA also notes that this issue is not classed as a principal area of disagreement with NE [\[REP6-179\]](#) and not listed as material outstanding issue in the advice given by NE in response to R17 [\[REP6-190\]](#).
- 4.5.194. For these reasons, the ExA is satisfied that the applicants have adequately addressed this matter and no significant concerns remain outstanding.

Mill Brook Valley BHS

- 4.5.195. The ExA acknowledges that the matter of impacts on Mill Brook Valley BHS is an outstanding issue with a “not agreed” status in the final SoCG between LCC and the applicants [\[REP7-027\]](#). The ExA notes that the highlighted matters relate to alternative location or design solution with a reduced ecological impact. LCC states that before impacts on the BHS are accepted, it would be appropriate for the applicants to provide details of other options explored and why they were not feasible.
- 4.5.196. The applicants acknowledge [\[REP7-027\]](#) that significant residual effects are predicted at the Mill Brook Valley BHS. The applicants refer to the BRAG assessments provided in the ES. The applicants also confirm that this does not just consider ecology but considers all environmental topics holistically.
- 4.5.197. The issue of adequacy of proposed mitigation in relation to Mill Brook BHS is covered in responses to ExQ1 Q6.1.14. The applicants explained their position in [\[REP3-056\]](#). LCC response to ExQ1 Q6.1.14 is set out in [\[REP3-084\]](#).
- 4.5.198. The applicants also confirmed [\[REP7-027\]](#) that they would seek to avoid Mill Brook Valley BHS through micro-siting however they required the flexibility where this was not possible. Significant residual effects are predicted for impacts on good quality semi-improved grassland within Mill Brook Valley BHS.
- 4.5.199. The applicants justify the need for flexibility [\[REP3-056\]](#) stating that the objective is to avoid impacting the BHS, however, the possible National Grid extension works could result in the siting of the proposed developments construction compounds impeding on Mill Brook Valley BHS.
- 4.5.200. The applicants further explain that the siting of construction compounds is subject to the final confirmed connection points into the National Grid substation and needs to provide flexibility to accommodate National Grid’s extension works – hence the use of the term “wherever reasonably practicable” in CoT126.
- 4.5.201. The applicants state [\[REP7-027\]](#) that they updated the oEMP at D4 to include measures that will be implemented at Mill Brook Valley BHS. The applicants also clarify that no irreplaceable habitats would be adversely affected by the proposed development.
- 4.5.202. ExA’s consideration
- 4.5.203. The ExA note the CoT126: To mitigate for potential temporary habitat loss associated with Mill Brook Valley BHS, temporary construction compounds will be

micro-sited to avoid the site wherever reasonably practicable is secured by DCO schedules 2A & 2B, R8 (Code of Construction Practice) [\[REP6-013\]](#).

- 4.5.204. The ExA acknowledges the applicants reasoning in relation to the requirement for flexibility and that it may be possible to avoid impacts to the BHS altogether through micro-siting. The ExA also acknowledges that significant residual effects are predicted for impacts on good quality semi-improved grassland within Mill Brook Valley BHS.
- 4.5.205. The ExA considers that given the uncertainty of the proposed mitigation and that significant residual effects are predicted concerns highlighted by LCC around this issue are understandable.

Effects on existing ponds

- 4.5.206. Section 3.11.6.7 of the ES chapter 3 [\[APP-075\]](#) explains there would be unavoidable and permanent loss of BHSs where land is permanently required (and therefore habitat permanently lost). Freshfield Farm Pond, North BHS and Freshfield Farm Pond, South BHS are both wholly located within land permanently required for the Morgan onshore substation and would therefore be permanently removed during the construction phase.
- 4.5.207. Section 3.14.4 of the ES chapter 3 [\[APP-075\]](#) states that mitigation is provided through creation of replacement ponds elsewhere permanently within onshore order limits. Section 3.11.6.50 clarifies that there would be a short term moderate adverse effect until the new ponds are fully established and provide functional habitat once established. In the medium term, the replacement ponds would reduce the moderate adverse effect associated with the loss of the BHS to minor adverse effects.
- 4.5.208. LCC raised concerns about the effects on existing ponds in the LIR [\[REP1-085\]](#). Additionally, some outstanding concerns in relation to loss of ponds in the BHS are marked as not agreed in the final SoCG between the applicants and LCC [\[REP7-027\]](#).

ExA's consideration

- 4.5.209. The ExA notes that a short term moderate adverse effect is expected until the new ponds are fully established and provide functional habitat [\[APP-075\]](#). The ExA also notes that oEMP [\[REP6-115\]](#) provides details regarding creation of new ponds to compensate for the permanent loss of ponds and associated aquatic invertebrate habitat at the onshore substation site.
- 4.5.210. The ExA considers that the proposals would not result in any significant long-term harm, however, due to the temporary moderate adverse effect a minor level of harm is expected. Consequently, a little negative weight is attributed to this aspect.

CONCLUSIONS

- 4.5.211. The ExA has reviewed all assessments submitted by the applicants and considered the views of IPs, the evidence presented, and the responses received. While a number of concerns have been addressed as far as practicable in accordance with relevant legislation and policy requirements some important issues remain unresolved.

- 4.5.212. In relation to section 4.6 of 2024 NPS EN-1, the ExA notes that while the applicants have committed to achieving a minimum 10% biodiversity net gain, the methodology used for the proposed BNG calculations remains a point of contention. Notwithstanding this, the ExA is satisfied that the measures secured within the dDCO provide appropriate mechanisms to ensure the delivery of at least a 10% biodiversity net gain and compliance with the relevant local policies ENV2, G16, DM35 and EN10. Accordingly, the ExA assigns neutral weight to the matter of BNG in the planning balance.
- 4.5.213. Section 5.4 of 2024 NPS EN-1 sets out requirements and expectations relating to biodiversity and geological conservation, with specific reference to different classifications of protected habitats and species. There are significant remaining areas of disagreement between the parties in relation to those matters, but the ExA considers that overall, there are adequate control mechanisms in the proposed application, secured by the dDCO to ensure those can be adequately managed post consent.
- 4.5.214. Mitigation measures are proposed to address the potential significant effects. With these measures in place, one significant effect remains relating to the partial loss of Mill Brook Valley BHS. The ExA considers that those effects should be treated as significant in accordance with 5.4.42 of 2024 NPS-EN1.
- 4.5.215. In respect of development on restorable peat and the associated risk of unmitigated impacts, the ExA considers that these elements make a small adverse contribution to the overall conclusion.
- 4.5.216. The ExA further notes that there are unresolved matters that introduce material levels of uncertainty to the overall conclusions in relation to appropriateness of proposed mitigation hierarchy for ornithological receptors. In addition, outstanding questions remain as to whether the proposed mitigation strategy can be feasibly delivered. This creates significant doubt as to whether the application as proposed can fully comply with section 4.3 of the 2024 NPS-EN1 as section 4.3.4 requires the applicants to show how any likely significant negative effects would be avoided, reduced, mitigated or compensated for, following the mitigation hierarchy.
- 4.5.217. The ExA notes from the ES [\[REP5-040\]](#) that, in the absence of any further mitigation measures, predicted effects on specific ornithological receptors range up to moderate adverse, which is considered significant.
- 4.5.218. Overall and given the persisting uncertainties regarding the feasibility of the proposed ecological mitigation measures, the ExA concludes that, on the basis of the information available at the close of the examination, great weight should be attributed against the order as applied for.
- 4.5.219. We have also considered the April 2025 revised NPS EN-1, EN-3 and EN-5 that were before the examination, finding that they do not alter our conclusions as set out above.

4.6. WATER ENVIRONMENT AND GROUND CONDITIONS

INTRODUCTION

- 4.6.1. In this section consideration is given to the proposed development's effects on water environment and ground conditions. This includes onshore hydrology, hydrogeology and flood risk, hereafter referred to as the water environment. Consideration is also given to geology and ground conditions.

THE APPLICATION

- 4.6.2. The onshore water environment is assessed in ES volume 3, chapter 2: Hydrology and Flood Risk [APP-070] updated to address points raised during examination at D6 [REP6-059]. The assessment of the potential impacts of the proposed development on ground conditions is presented in ES volume 3, chapter 1: Geology, Hydrogeology and Ground Conditions [APP-068] updated at D6 [REP6-050]. The ES:
- presents the existing environmental baseline and identified any assumptions and limitations encountered in compiling the environmental baseline information
 - presents the potential environmental effects of the proposed development on water environment and ground conditions
 - highlights any necessary monitoring and/or mitigation measures which could avoid, reduce, or mitigate the possible environmental effects of the proposed development on water environment and ground conditions
- 4.6.3. The supporting assessments and annexes are referenced in the ES volume 3, chapter 2: Hydrology and Flood Risk [REP6-059] section 2.1.1.5 and 2.1.1.6; ES volume 3, chapter 1: Geology, Hydrogeology and Ground Conditions [REP6-050] section 1.1.1.5 and 1.1.1.6 and can be found in the examination library.

Baseline

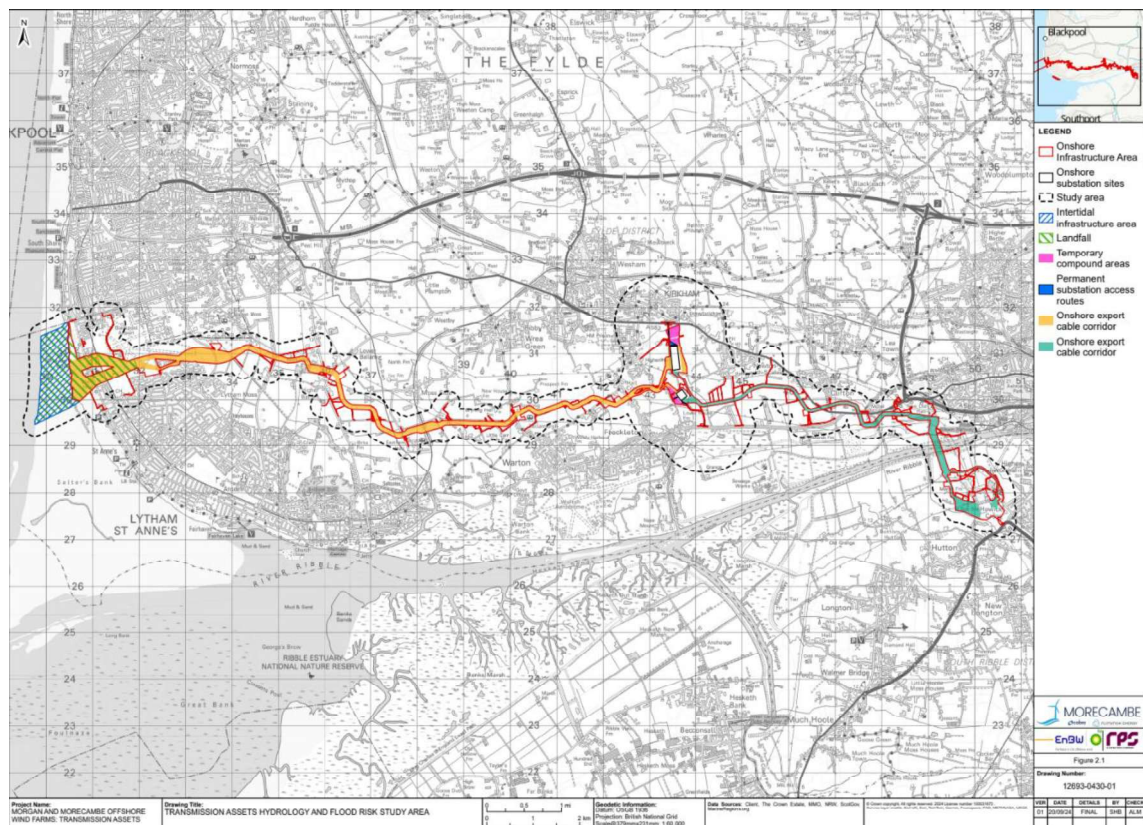
- 4.6.4. As well as following the methodology set out in ES volume 1, chapter 5: Environmental Assessment Methodology [APP-034], ES volume 3, chapter 2: Hydrology and Flood Risk [REP6-059] and ES volume 3, chapter 1: Geology, Hydrogeology and Ground Conditions [REP6-050], the following guidance documents were considered in collation of baseline data for the assessments presented in the above chapters :
- Highways England et al. (2020a) Design Manual for Roads and Bridges (DMRB) LA104 Environmental assessment and monitoring
 - Highways England et al. (2020b) DMRB LA113 Road drainage and the water environment
 - Department for Environment, Food and Rural Affairs (DEFRA), 2015 Non statutory technical standards for sustainable drainage systems
 - Defra Environmental Protection Act 1990: Part 2A Contaminated Land Statutory Guidance (Defra, 2012).
 - The Construction Industry Research and Information Association (CIRIA) C753, (2015a) SuDS Manual
 - CIRIA C741 (2015b) Environmental good practice on site guide
 - CIRIA C532 (2001), Technical Guidance: Control of Water Pollution from
 - CIRIA C552 (2001a) – Contaminated Land Risk Assessment: A Guide to Good Practice
 - CIRIA C649 (2006a): Control of water pollution from linear construction projects
 - CIRIA C648 (2006b): Control of water pollution from linear construction projects

- CIRIA C665 (2007): Assessing Risks Posed by Hazardous Ground Gases to Buildings
- Construction Sites – Guidance for Consultants and Contractors
- British Standard requirements for the 'Investigation of potentially contaminated sites - Code of practice' (ref. BS10175:2011+A2:2017)
- British Standard requirements for the 'Code of practice for ground investigations' (ref. BS5930:2015+A1:2020)
- The Environment Agency's approach to groundwater protection, version 1.2 (Environment Agency, 2018)
- Land Contamination: Risk Management (LCRM) (Environment Agency, 2020)

Hydrology and flood risk

4.6.5. The study area (figure 13 below) used for the assessment is presented within volume 3, figure 2.1 (see volume 3, figures) [\[APP-131\]](#)

Figure 14: Hydrology and flood risk study area (source: figure 2.1, ES volume 3, figures [\[APP-131\]](#)).



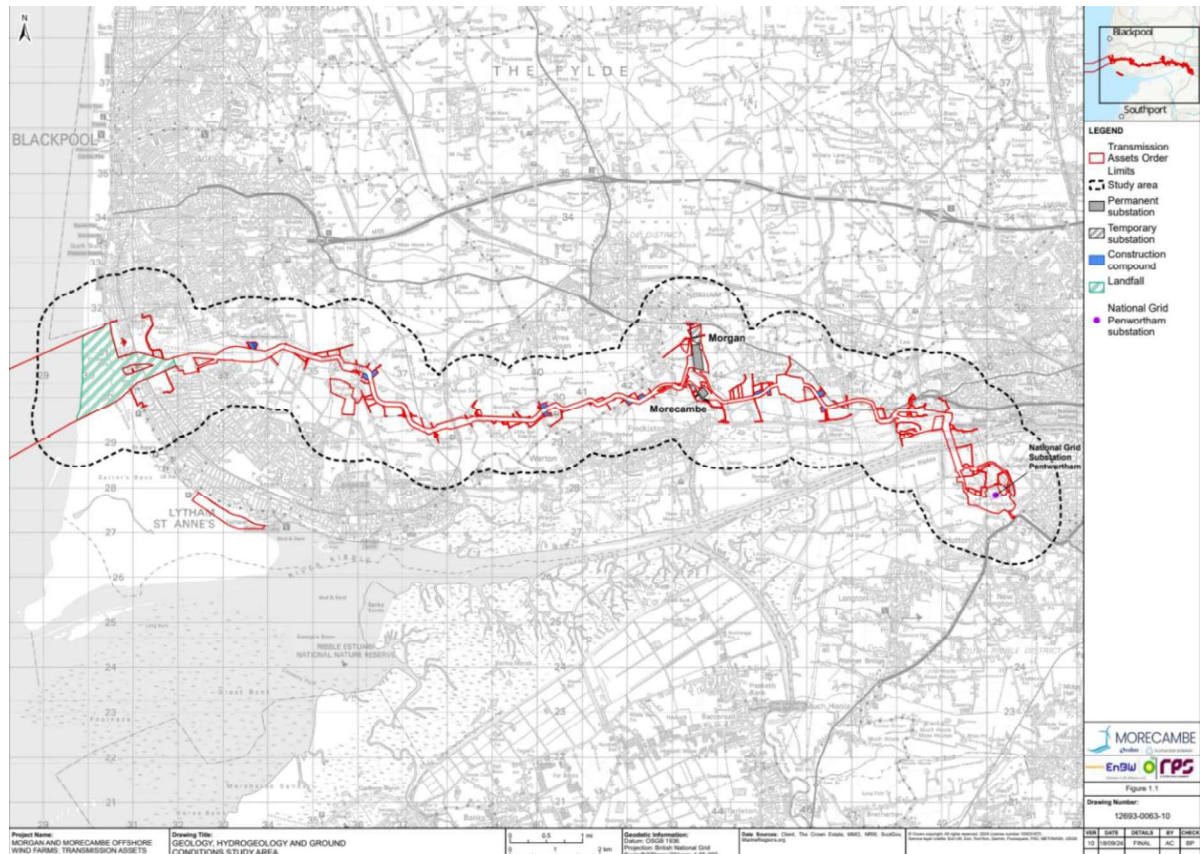
4.6.6. The buffers used to define hydrology and flood risk receptors are located within 250m of the permanent and temporary development associated with the landfall, the onshore export cables and 400 kV grid connection cables located within the intertidal infrastructure area and the onshore infrastructure area. In addition, hydrology and flood risk receptors located within 1,000 m of the permanent development associated with the Morgan and Morecambe onshore substations, including associated access and egress, temporary enabling works, access tracks and temporary construction compounds were included in the buffer zone.

- 4.6.7. The cumulative study area takes into account a 1km buffer of the intertidal infrastructure area and onshore infrastructure area, including temporary and permanent elements of the proposed development.
- 4.6.8. Section 2.6 of ES chapter 2 [\[REP6-059\]](#) sets out how the applicants established the baseline environment for its assessment of the proposed development's likely impact on hydrology and flood risk.
- 4.6.9. Table 2.16 identifies the receptors taken forward into the assessment. The sensitivity of the receptor has been derived in line with the methodology detailed in section 2.5 [\[REP6-059\]](#). Key receptors include:
- Water bodies (including surface water bodies, ground water bodies, Main Rivers and Ordinary Watercourses)
 - Lytham St Anne's beach and dunes
 - Newton Marsh
 - Ribble Estuary
 - Ribble and Alt Estuaries
 - Private water supplies
 - Aquifers
 - Zone III: Total catchment source protection zone (SPZ)
 - Flood defences
 - Adjacent land – the study area comprises of urban areas of Preston, Kirkham, Penwortham, Ashton-on-Ribble, Lytham St Annes, Blackpool and Freckleton
 - Field drainage
 - Drainage pipelines
- 4.6.10. Table 2.17 [\[REP6-059\]](#) identifies the potential effects scoped into the assessment during the construction, operation and maintenance, and decommissioning phases of the proposed development. Impacts scoped into the assessment include:
- the impact of contaminated runoff on the quality of surface water and ground receptors
 - the impact of increased flood risk arising from additional surface water runoff
 - the impact of increased flood risk arising from damage to existing flood defences
 - the impact of increased flood risk arising from watercourse crossings
 - the impact of damage to existing field drainage
 - the impact of damage to existing water pipelines
 - the impact of increased flood risk arising from additional surface water runoff
 - the impact of contaminated runoff on the quality of surface water and ground receptors
 - the impact of increased flood risk arising from damage to existing flood defences
 - the impact of increased flood risk arising from watercourse crossings
 - the impact of damage to existing field drainage
 - the impact of damage to existing water pipelines
- 4.6.11. Impacts that are not likely to result in significant effects have been scoped out of the assessment. A summary of the impacts scoped out, together with justification for scoping them out and whether the approach has been agreed with key stakeholders through either scoping or consultation, is presented in table 2.18 of ES chapter 2 [\[REP6-059\]](#).

Geology, hydrogeology and ground conditions

- 4.6.12. The study area for this assessment extends to 1 km buffer around the onshore and intertidal areas landward of mean high water springs, including areas required on a temporary basis during construction and/or decommissioning (such as construction compounds).
- 4.6.13. The study area of 1 km buffer around these areas is shown on figure 1.1 (see volume 3: figures) [\[APP-131\]](#) (figure 14 below).

Figure 15: Geology, hydrogeology and ground conditions study area (Source: location figure 1.1, ES volume 3, figures [\[APP-131\]](#)).



- 4.6.14. Section 1.5 and 1.6 of ES chapter 1 [\[REP6-050\]](#) covers methodology and baseline environment. It is stated that desk-based review was undertaken to inform the baseline for geology, hydrogeology and ground conditions. The existing studies and datasets referred to as part of the desk-based review are summarised in table 1.5.
- 4.6.15. ES chapter 1 [\[REP6-050\]](#) states that all sites within the study area designated for their geological or geodiversity value, and their qualifying interest features (forming the basis of which the designation is made) that could be affected by the construction, operation and maintenance, and decommissioning phases are set out in table 1.6 and include:
- Lytham St. Annes Dunes site of special scientific interest (SSSI)
 - Lytham St. Annes – Starr Hills Dunes Local Geodiversity Site (LGS) for Lancashire
 - Lytham St. Annes geological conservation review (GCR) site

- Lytham Coastal Changes SSSI

- 4.6.16. Section 1.6.8 of ES chapter 1 [\[REP6-050\]](#) presents a summary of baseline conditions stating that generally, the study area is underlain by a thick sequence of superficial deposits characterised by blown sand deposits at the landfall, tidal flat deposits and glacial till. Peat deposits are present at the western end of the study area and further minor deposits include head, alluvium and river terrace deposits. British geological survey records indicate the superficial deposits are of >20 m (typically > 30 m) in thickness. They constitute unproductive strata, Secondary A aquifers and secondary Undifferentiated aquifers. One active groundwater abstraction licence is located within the onshore order limits which authorises the abstraction of groundwater for spray irrigation at a local golf club. Bedrock comprises the Mercia Mudstone Group in the west which is classed as a Secondary B aquifer and the Sherwood Sandstone Group in the east which is classed as a principal aquifer. The hydrogeological model is summarised within table 1.14.
- 4.6.17. Section 1.6.8 of ES chapter 1 [\[REP6-050\]](#) further states that there are multiple watercourses within the study area, which include the River Ribble, Moss Sluice, Dow Brook and Mill Brook. A number of potential sources of contamination have been identified from historical and current land uses including Blackpool Airport, sewage works, gas works, fuel depot, radar station, railway sidings, refuse heaps, and active and historical landfills.
- 4.6.18. A conceptual site model is presented within volume 3, annex 1.1: Phase 1 geo-environmental preliminary risk assessment of the ES [\[APP-069\]](#).
- 4.6.19. Table 1.15 of ES chapter 1 [\[REP6-050\]](#) identifies the receptors identified as part of baseline environment that have been taken forward into the assessment. The impacts on individual receptors are discussed in section 1.11. Key receptors include:
- geological or geomorphological features of national or international importance
 - geological or geomorphological features of local importance
 - groundwater in superficial deposits Secondary A aquifer unit
 - groundwater in bedrock Principal aquifer unit
 - licensed abstractions
 - groundwater dependent receptors
 - minerals safeguarded sites
 - construction workers or others that may be affected by existing contamination or ground gas arising from natural sources
 - any structure and any part of a building including any part below ground level, but does not include plant or machinery comprised in a building
- 4.6.20. Table 1.16 [\[REP6-050\]](#) identifies the potential effects scoped into the assessment during the construction, operation and maintenance, and decommissioning phases of the proposed development. Impacts scoped into the assessment include:
- the impact of partial or total loss of or damage to designated geological and geomorphological sites
 - the impact of mobilisation of existing areas of contamination causing a deterioration of groundwater quality in underlying aquifer units
 - the impact of reduced groundwater quantity or quality in aquifer units, on protected groundwater abstractions (licensed or non-licensed) and/or change in groundwater resources status
 - the impact of existing contamination to human receptors

- the impact of a deterioration in groundwater quality through the accidental spillage/release of potentially polluting substances
- the impact of changes in groundwater levels, flow or quality on other sensitive groundwater dependent sites, including surface waters fed by groundwater
- the impact of ground gas generation on human health and other environmental receptors
- sterilisation of safeguarded mineral resources
- the impact of mobilisation of existing areas of contamination causing a deterioration of groundwater quality in underlying aquifer units
- the impact of reduced groundwater quantity or quality in aquifer units, on protected groundwater abstractions (licensed or non-licensed) and/or change in groundwater resources status
- the impact of changes in groundwater levels, flow or quality on other sensitive groundwater dependent sites, including surface waters fed by groundwater
- the impact of ground gas generation on human health and other receptors (property)
- the impact of heat generated by the onshore export cables on groundwater quality, during the operation and maintenance phase
- the impact of mobilisation of existing areas of contamination causing a deterioration of groundwater quality in underlying aquifer units
- the impact of reduced groundwater quantity or quality in aquifer units, on protected groundwater abstractions (licensed or non-licensed) and/or change in groundwater resources status
- the impact of a deterioration in groundwater quality through the accidental spillage/release of potentially polluting substances
- the impact of changes in groundwater levels, flow or quality on other sensitive groundwater dependent sites, including surface waters fed by groundwater
- the impact of ground gas generation on human health and other environmental receptors

4.6.21. Impacts that are not likely to result in significant effects have been scoped out of the assessment. A summary of the impacts scoped out, together with justification for scoping them out and whether the approach has been agreed with key stakeholders through either scoping or consultation, is presented in table 1.17 of ES chapter 1 [\[REP6-050\]](#).

Mitigation and monitoring

4.6.22. The applicants adopted [\[REP6-050\]](#) a number of measures to reduce the impact of the proposed development. These measures were defined as embedded and secondary mitigation measures. Embedded measures include:

- primary (inherent) mitigation - measures included as part of the project design
- tertiary (inexorable) mitigation - Institute of Environmental Management & Assessment (IEMA) describes these as actions that would occur with or without input from the EIA feeding into the design process

4.6.23. Where an assessment identifies likely significant adverse effects, further or secondary mitigation measures may be applied. These are measures that could further prevent, reduce and, where possible, offset these effects. These include measures required to reduce the significance of environmental effects.

4.6.24. In addition, where relevant, measures have been identified that may result in enhancement of environmental conditions.

- 4.6.25. Mitigation measures proposed by the applicants are set out in ES volume 1, annex 5.3: Commitments Register [\[REP6-042\]](#).
- 4.6.26. Those relevant to geology, hydrology and ground conditions are identified in table 1.18 of ES volume 3, chapter 1 [\[REP6-050\]](#) and would be secured by way of requirements (R) in schedules 2A and 2B of the draft Development Consent Order (dDCO) [\[REP6-013\]](#).
- 4.6.27. Mitigation measures (commitments) relevant to hydrology and flood risk are identified in table 2.19 of ES volume 3, chapter 2 [\[REP6-058\]](#) and would be secured by way of R in schedules 2A and 2B of the dDCO [\[REP6-013\]](#).
- 4.6.28. As commitments secured by the dDCO, the referenced measures are considered inherently part of the design of the proposed development and therefore included in the applicants' assessment of effects.

Assessment of effects

Hydrology and flood risk

- 4.6.29. The ES volume 3, chapter 2: Hydrology and Flood Risk [\[REP6-059\]](#) states that the key parameter for the assessment is the maximum design scenario (MDS). The MDSs are identified in table 2.20, ES chapter 2 [\[REP6-059\]](#), and have been selected as those having the potential to result in the greatest effect on an identified receptor or receptor group. These scenarios have been selected from the Project Design Envelope provided in volume 1, chapter 3: Project description of the ES [\[REP6-038\]](#).
- 4.6.30. Table 2.26 of ES volume 3, chapter 2: Hydrology and Flood Risk [\[REP6-059\]](#) presents a summary of the impacts, measures adopted as part of the proposed development and residual effects in respect to hydrology and flood risk. The impacts assessed include the following:
- the impact of contaminated runoff on the quality of surface water and ground receptors during construction and decommissioning
 - the impact of increased flood risk arising from watercourse crossings
 - the impact of increased flood risk arising from additional surface water runoff during construction and operation
 - the impact of increased flood risk arising from damage to existing flood defences during construction and decommissioning
 - the impact of damage to existing field drainage during construction and decommissioning
 - the impact of damage to existing water pipelines during construction and decommissioning
- 4.6.31. Overall, it is concluded that there will be no significant effects arising from the proposed development during the construction, operation and maintenance or decommissioning phases.
- 4.6.32. The residual effects following mitigation are predicted as minor adverse for all assessed impacts with one minor beneficial effect predicted related to the impact of increased flood risk arising from additional surface water runoff during the operational phase.
- 4.6.33. ES chapter 2 [\[REP6-059\]](#) concludes with an assessment of cumulative, transboundary and inter-related effects.

- 4.6.34. Section 2.16.1.5 [\[REP6-059\]](#) states that overall, it is concluded that there will be no significant cumulative effects from the proposed development due to no potential interactions given the nature of the projects and the nature of relevant receptors.
- 4.6.35. Water Framework Directive (WFD) compliance of onshore infrastructure has been assessed and presented in annex 2.1: Water Framework Directive surface water and groundwater assessment of the ES [\[APP-071\]](#) and includes a description of the baseline environment and an assessment of the impacts on water quality, resources and physical characteristics. The overall conclusion of the WFD assessment is that there will be no risk of deterioration in status or the prevention of the achievement of the objectives for the relevant water bodies nor will the protected area objectives be compromised.
- 4.6.36. A summary of flood risk to the onshore and intertidal elements of the proposed development is presented in section 2.6.6 of the ES chapter 2 [\[REP6-059\]](#). Further information and a breakdown of flood risk is provided in volume 3, annex 2.3: Flood risk assessment of the ES [\[REP6-032\]](#), [\[REP6-034\]](#), [\[REP6-036\]](#).
- 4.6.37. The proposed development is partially located within Flood Zone 3 and has been subjected to and deemed to have passed the sequential test as presented within section 1.9.2 of volume 3, annex 2.3: Flood risk assessment of the ES [\[REP6-036\]](#). The exception test for the onshore elements is presented within section 1.9.3 of volume 3, annex 2.3: Flood risk assessment of the ES [\[REP6-036\]](#).
- 4.6.38. The overall conclusion is relation to flood risk assessment as set out in section 1.10.10 of volume 3, annex 2.3: Flood risk assessment [\[REP6-036\]](#) is that proposed mitigation measures will reduce any adverse impacts caused by the construction of the proposed development and as a result, these aspects have a low to very low risk of flooding, and flood risk will not be increased as a result of development.

Geology, hydrogeology and ground conditions

- 4.6.39. The ES volume 3, chapter 1: Geology, Hydrogeology and Ground Conditions [\[REP6-050\]](#) states that the key parameter for the assessment is the MDS. The MDSs are identified in table 1.19, ES chapter 1 [\[REP6-050\]](#), and have been selected as those having the potential to result in the greatest effect on an identified receptor or receptor group. These scenarios have been selected from the Project Design Envelope provided in volume 1, chapter 3: Project description of the ES [\[REP6-038\]](#).
- 4.6.40. Table 1.26 [\[REP6-050\]](#) presents a summary of the potential impacts, measures adopted as part of the proposed development and residual effects in respect to geology, hydrogeology and ground conditions. The impacts assessed include the following:
- the impact of partial loss or damage to designated geological or geomorphological sites
 - the impact of mobilisation of existing areas of contamination causing a deterioration of groundwater quality in underlying aquifer units: Landfall and onshore export cable corridor near Blackpool Airport
 - the impact of mobilisation of existing areas of contamination causing a deterioration of groundwater quality in underlying aquifer units: 400 kV grid connection cable corridor

- the impact of mobilisation of existing areas of contamination causing a deterioration of groundwater quality in underlying aquifer units: Other areas
- the impact on groundwater levels in aquifer units: Superficial deposit Secondary A aquifer unit: Dewatering
- the impact on groundwater levels in aquifer units: Superficial deposit Secondary A aquifer unit: Foundations
- the impact on groundwater levels in aquifer units: Superficial deposit Secondary A aquifer unit: Discharges to ground
- the impact on groundwater levels in aquifer units: Superficial deposit Secondary A aquifer unit: HDD
- the impact of reduced groundwater quantity in aquifer units: Bedrock Principal aquifer unit
- the impact of reduced groundwater quantity or quality in aquifer units: Impact on existing groundwater abstractions: Licensed Abstraction GWA_01
- the impact of reduced groundwater quantity or quality in aquifer units: Impact on existing groundwater abstractions Other Licensed Abstractions
- the impact of existing contamination to human receptors
- the change in groundwater quality through the accidental release or spillage of potentially polluting substances
- the impact of changes in groundwater levels, flow or quality on other sensitive groundwater dependent sites
- the impact of ground gas generation on human health and other environmental receptors
- sterilisation of safeguarded mineral resources

4.6.41. Overall, it is concluded that there will be no significant effects arising from the proposed development during the construction, operation and maintenance or decommissioning phases, with all mitigation in place (including further mitigation).

4.6.42. The residual effects following mitigation are predicted as negligible adverse, minor adverse or no effect for the assessed impacts.

4.6.43. Section 1.13 of ES chapter 1 [\[REP6-050\]](#) covers cumulative effects assessment with a summary of cumulative environmental effects, mitigation and monitoring present in table 1.27. The impacts assessed include the following:

- change in groundwater quality or quantity in superficial deposit Secondary A aquifer unit: Dewatering
- change in groundwater quality or quantity in superficial deposit Secondary A aquifer unit: Foundations
- change in groundwater quality or quantity in superficial deposit Secondary A aquifer unit: Discharge to ground

4.6.44. Overall, it is concluded that there will be no significant cumulative effects from the proposed development due to no potential interactions given the nature of the projects and the nature of receptors relevant to this chapter. The residual effects are predicted as negligible to minor adverse for the assessed impacts.

ISSUES CONSIDERED DURING THE EXAMINATION

4.6.45. In its local impact report (LIR) Blackpool Borough Council (BBC) [\[REP1-068\]](#) raises concerns related to impacts on flood risk and drainage infrastructure. Those covered impacts on the dunes as a natural sea defence and sewer flooding.

4.6.46. In its LIR [\[REP1-085\]](#) Lancashire County Council (LCC) as the Lead Local Flood Authority (LLFA) raised concerns about management arrangements and proactive

community engagement due to complex flood risk and land drainage issues within the proposed order limits, retention and modifications of watercourses, vegetation removal and 'buffer zones' for watercourses, unmapped' ordinary watercourses and national flood risk assessment 2 (NaFRA2). Comments relating to required changes in the outline Operational Drainage Management Plan (oODMP) and the Code of Construction Practice relating to the issues mentioned above were also included. In relation to geology implications for Lytham St Anne's Dunes geological site are mentioned as the key issues arising from the proposal.

- 4.6.47. In its LIR [\[REP1-078\]](#) Fylde Borough Council (FBC) states that with regards to water management matters, FBC relies upon LCC as LLFA as well as statutory bodies. However, some matters that relate to flood risk, hydrology and drainage are highlighted. It is noted that the dunes area provides flood defence for a section of the coastline and concerns are raised that the proposed works in the dunes area may harm the effectiveness of the dunes and flood defence. Paragraph 9.1.6 of the LIR states that the lack of sufficient detail and justification in the applicants' ES means it is not possible to assess whether the development would minimise flood risk impacts.
- 4.6.48. In its LIR [\[REP1-227\]](#) South Ribble Borough Council (SRBC) raised concerns related to flood risk. The proposal includes the installation of a 400kv grid connection cable corridor beneath the River Ribble, undertaken by direct pipe or micro tunnel trenchless installation techniques. SRBC considers that the information within the application is not sufficient to determine how the proposed development would intercept with the existing land during and after construction and its consequential impacts on properties, highways and farmland in terms of flood risk and areas affected by surface water flooding. It highlighted that the council is unable to fully consider and review the proposal in terms of flood risk and additional information was sought in order to ensure appropriate measures are agreed and put in place to prevent increased flood risk for the area.
- 4.6.49. Natural England (NE) as the as the Statutory Nature Conservation Body (SNCB) and the Environment Agency (EA) submitted relevant representations (RRs) [\[RR-1601\]](#) and [\[RR-0677\]](#).
- 4.6.50. In its written representations [\[PDA-038\]](#) EA's key concerns related to flood risk as well as geology, hydrogeology and ground conditions are summarized. Main points related to EA's request for early involvement in the development of details during detailed design phase, securing its role as a consultee and applicants' intention to disapply Flood Risk Activity Permits (FRAPS). Additionally, it's stated that to manage the risks associated with the installation of the cables a hydrogeological risk assessment is required for the installation of cables beneath the sand dunes, and for the River Ribble crossing. To manage the risks to groundwater associated with deep piled foundations a Foundation Works Risk Assessment is required for any onshore piled structures including the substations.
- 4.6.51. The theme of flooding was raised by approximately 28% of relevant representations. [\[section 2.16, PDA-005\]](#). Concerns were raised that the proposed development would increase flood risk in the area, highlighting issues such as increased surface water flow and disruption to drainage channels. Some attributed this to the use of concrete in underground activities. There were statements that the area is prone to flooding and that there has been increased flooding in recent years following the completion of nearby housing developments. Concerns were also raised regarding a negative impact on watercourses, including runoff carrying pollutants into

watercourses and construction leading to an increase in litter in watercourses. [\[PDA-005\]](#).

- 4.6.52. Approximately 17% of relevant representation [section 2.30, [PDA-005](#)] raised concerns about impacts to the sand dunes within the order limits. Concerns focused on impacts to the designated habitat and disruption to coastal defences. [\[PDA-005\]](#).
- 4.6.53. Water environment and ground conditions were examined by the Examining Authority (ExA) in written questions [\[PD-008\]](#) and [\[PD-011\]](#) and in ISH 1, 2, and 4 with a summary of the discussions at each provided by [\[REP1-035\]](#), [\[REP4-104\]](#) and [\[REP6-163\]](#) respectively.
- 4.6.54. Discussions continued between the applicants and parties throughout the examination and through several iterations of the relevant control documents.
- 4.6.55. Updated versions of the flood risk assessment were submitted at deadline D1, D4 with a final version at D6 [\[REP6-032\]](#), [\[REP6-034\]](#), [\[REP6-036\]](#). Outline Hydrogeological Risk Assessment of Lytham St Annes Dunes SSSI [\[REP3-061\]](#) was submitted at D3 and updated at D5 [\[REP5-104\]](#) with a final version submitted at D6 [\[REP6-140\]](#). Outline Operational Drainage Management Plan [\[APP-215\]](#) was updated at D4 [\[REP4-064\]](#), D5 [\[REP5-072\]](#) with a final version submitted at D6 [\[REP6-093\]](#). The Outline Surface Water and Groundwater Management Plan [\[APP-202\]](#) was updated at D4 [\[REP4-044\]](#).
- 4.6.56. At the end of the examination the final SoCG between the applicants and the EA [\[REP7-029\]](#) recorded the fact that all matters related to water environment and ground conditions have been agreed between the two parties.
- 4.6.57. The final SoCG with Preston City Council was submitted at D6 [\[REP6-153\]](#) and recorded that all matters related to geology, hydrogeology, ground conditions as well as hydrology and flood risk have been agreed.
- 4.6.58. A final SoCG with BBC was submitted at D7 [\[REP7-033\]](#) and recorded some matter as deferred to local authorities and agencies and all other matters related to flooding and drainage have been agreed.
- 4.6.59. A final SoCG with SRBC was submitted at D6 [\[REP6-128\]](#) and recorded all matters related to geology, hydrogeology, ground conditions as agreed. Matters related to hydrology and flood risk are also agreed with a comment that SRBC confirmed that they would defer to the EA (and the LLFA where applicable) on matters relating to hydrology and flood risk.
- 4.6.60. NE produced a risk and issues log to accompany its comments at each deadline during the examination with final version [\[REP6-193\]](#) and a final SoCG submitted at D6 [\[REP6-179\]](#). Main outstanding areas of disagreement related to Lytham St. Annes SSSI - cable burial depth and impacts on Ground Water Dependant Terrestrial Ecosystem's (GWDTE) are covered in detail in onshore ecology section 4.5 of this report.
- 4.6.61. The SoCG with FBC submitted at D7 [\[REP7-028\]](#) doesn't cover any matter related to related to geology, hydrogeology, ground conditions or hydrology and flood risk.
- 4.6.62. A final SoCG with LCC was submitted at D7 [\[REP7-027\]](#) and records the fact that all matters related to hydrology and flood risk have been agreed.

Hydrology and Flood Risk

Flood risk

- 4.6.63. The applicants' position in relation to hydrology and flood risk is set out in section 7 of the closing statement [\[REP7-042\]](#). The applicants acknowledge in the closing statement that the proposed development interacts 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 [\[REP6-032\]](#), [\[REP6-034\]](#), [\[REP6-036\]](#)).
- 4.6.64. It is further stated [\[REP7-042\]](#) that the Surface and Groundwater Management Plan (the Outline Surface Water and Groundwater Management Plan [\[REP4-044\]](#)), secured by R8 of the dDCO [\[REP6-013\]](#), will ensure that the appropriate mitigation measures are implemented during construction to manage existing flood risk, and ensure flood risk is not increased.

Lytham St Annes Dunes Site of Special Scientific Interest (SSSI)

- 4.6.65. The applicants acknowledge [\[REP7-042\]](#) that various IPs have expressed concerns 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 SSSI) to result in a decrease in the efficiency of the sand dunes as a flood defence and St Annes Old Links Golf Course.
- 4.6.66. The applicants explain [\[PDA-005\]](#) that Lytham St Annes Dunes SSSI comprises a sand beach which by nature of elevation provides an informal flood defence and there would be no direct impacts to the dunes as a result of the construction of the proposed development. This is because the Lytham St Anne's Dunes SSSI will be crossed utilising trenchless techniques. The exit pit on the beach will be situated 100 m seaward of the western boundary of Lytham St Anne's Dunes SSSI (as set out in CoT44, secured by R8 of Schedules 2A & 2B, of the draft DCO [\[REP6-013\]](#)).
- 4.6.67. In their closing statement the applicants also state [\[REP7-042\]](#) that cable installation works within these areas will be installed exclusively by trenchless techniques, meaning that there would be no impact to the sand dunes or the golf course and, consequently, no associated increase in flood risk.
- 4.6.68. In response to ExQ1 Q10.1.1d the EA [\[REP3-079\]](#) and LCC as the LLFA [\[REP3-084\]](#) have agreed with applicants' conclusions regarding no increase in flood risk because of the installation of the offshore export cables.
- 4.6.69. Potential additional impacts on Lytham St. Annes SSSI are considered in further detail in onshore ecology chapter 4.5 of this report.

Field drainage

- 4.6.70. The applicants acknowledge [\[REP7-042\]](#) that during the examination, concerns were raised by landowners about a potential decrease in land drainage capacity as a result of cable installation.
- 4.6.71. The applicants' position [\[REP7-042\]](#) is that in line with CoT84 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 R8 of the draft DCO [\[REP6-013\]](#).

Onshore substations

- 4.6.72. With respect to the onshore substations, the applicants state [\[REP7-042\]](#) that they have included measures in the oODMP [\[REP6-093\]](#) (secured by R20 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 also state that oODMP was updated to reflect the QBAR rate as the peak surface water discharge rate from impermeable areas, further to concerns raised by LCC as the LLFA.

ExA's consideration

- 4.6.73. The ExA notes that significant progress has been made throughout the examination, and this is reflected in the final SoCG submitted at D6 and D7 reflecting that all hydrology and flood risk matters have been agreed between the applicants and the local authorities, the EA and LLC in its capacity as the LLFA.
- 4.6.74. The ExA notes that the oODMP [\[REP6-093\]](#) 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).
- 4.6.75. The ExA acknowledges that in the applicants' assessment [table 2.26, [REP6-059](#)] minor adverse residual effects are expected. Those would result from the impacts of contaminated runoff on the quality of surface water and ground receptors during construction and decommissioning, increased flood risk arising from watercourse crossings, increased flood risk arising from additional surface water runoff during construction and operation, increased flood risk arising from damage to existing flood defences during construction and decommissioning, damage to existing field drainage during construction and decommissioning and damage to existing water pipelines during construction and decommissioning.
- 4.6.76. The ExA concludes that there are sufficient control mechanisms forming part of the application and within the commitments, secured through DCO schedules 2A and 2B, to ensure that all flood and hydrology matters can be adequately managed post consent so that no significant effects result.

Groundwater and Hydrogeology

- 4.6.77. The applicants' position in relation to groundwater and hydrogeology is set out in section 7 of the closing statement [\[REP7-042\]](#). The applicants state that the relevant mitigation measures relating to groundwater are secured within the Outline Pollution Prevention Plan (CoT04) and An Outline Contaminated Land and Groundwater Discovery Strategy (CoT30). Those outline management plans which are included within the Code of Construction Practice secured by R8 of schedules 2A and 2B of the draft DCO [\[REP6-013\]](#).
- 4.6.78. The applicants acknowledge [\[REP7-042\]](#) that concerns were raised by the EA [\[RR-0677\]](#), [\[PDA-010\]](#) and NE [\[RR-1601\]](#), [\[PDA-021\]](#) during the examination regarding the potential impact on the Lytham St Annes Dunes 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 were 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 and long term reduction in groundwater levels due to presence of the export cables.

- 4.6.79. The applicants highlight [\[REP7-042\]](#) that 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 R8 of schedules 2A and 2B to the draft DCO [\[REP6-013\]](#).

ExA's consideration

- 4.6.80. The ExA notes that the EA has agreed in its D6 submission that the oHyRA has adequately addressed its concerns [\[REP6-186\]](#).
- 4.6.81. The ExA notes that NE has been unable to reach an agreed position on the specific issue relating to installing the cable at a minimum depth below the ground. This is covered in detail in the onshore ecology section 4.5 of this report.
- 4.6.82. The ExA also notes that significant progress has been made throughout the examination, and this is reflected in the final SoCGs submitted at D6 and D7.
- 4.6.83. The ExA acknowledges that in the applicants' assessment [table 1.26, [REP6-050](#)] a number of minor adverse residual effects are expected related to impacts on geological or geomorphological sites, existing contamination, impacts on groundwater quantity or quality, impacts on mineral resources and human receptors during various phases of the development.
- 4.6.84. The ExA concludes that there are sufficient control mechanisms forming part of the application and within the commitments, including the updated CoT128, secured through DCO schedules 2A and 2B, R8 to ensure the outstanding matters can be adequately managed post consent so that no significant effects result.

CONCLUSIONS

- 4.6.85. The ExA is satisfied that the applicants' overall assessment considers all relevant potential environmental impacts in respect of water environment and ground conditions during the construction, operation and decommissioning phases of the proposed development both individually and in combination with other plans and projects in accordance with section 5.8 and 5.16 of 2024 NPS EN-1.
- 4.6.86. The ExA is satisfied that the proposed development's potential impacts on flood risk and hydrology, including climate change predictions, would be satisfactorily mitigated and managed through the measures contained within the relevant management plans and commitments secured by the final dDCO [\[REP6-013\]](#).
- 4.6.87. The ExA is also satisfied that the proposed mitigations are sufficiently robust to avoid a significant impact on geology, hydrogeology and ground conditions in accordance with the relevant provisions of section 5.4, 5.11, 5.16 of NPS EN-1.
- 4.6.88. The ExA concludes that the applicants' associated assessments have satisfactorily followed the mitigation hierarchy and met the policy tests of 2024 NPS EN-1, NPS EN-3 and NPS-EN5 and other national and local policies and strategies and other

relevant legislation. The ExA has regard to draft NPS EN-1, EN-3 and EN-5 published in April 2025 and notes that there is no material change in the requirements from the designated NPSs.

- 4.6.89. Overall, the ExA finds that there would be no significant adverse effects or significant cumulative effects on water environment and ground conditions arising from the proposed development. Nevertheless, the ExA notes that a range of residual minor adverse effects are predicted which, taken together indicate a limited degree of harm. On this basis, matters related to water environment and ground conditions carry a little negative weight against the order being made.

4.7. HISTORIC ENVIRONMENT

INTRODUCTION

- 4.7.1. This section considers the effects of the proposed development on designated heritage onshore assets, non-designated onshore heritage assets, onshore archaeology and marine archaeology.
- 4.7.2. In determining the application, the Secretary of State (SoS) must comply with the requirements on listed buildings, conservation areas and scheduled monuments, set out in Regulation 3 of the Infrastructure Planning (Decisions) Regulations 2010.

THE APPLICATION

- 4.7.3. This part summarises the applicants' assessment of effects on the historic environment, including effects on marine archaeology.
- 4.7.4. The applicants' assessment of the effects upon the onshore historic environment is set out in Environmental Statement (ES) volume 3, chapter 5: Historic environment [\[APP-096\]](#). The chapter draws upon information in:

- ES volume 3, annex 5.1: Historic environment desk-based assessment [\[APP-097\]](#)
- ES volume 3, annex 5.2: Onshore archaeological geophysical survey report – part 1 of 2 [\[APP-098\]](#) and part 2 of 2 [\[APP-099\]](#)
- ES volume 3, annex 5.3: Intertidal archaeological survey report [\[APP-100\]](#)
- ES volume 3, annex 5.4: Geo-archaeological desk-based assessment report [\[APP-101\]](#)
- ES volume 3, annex 5.5: Settings assessment [\[APP-102\]](#)
- ES volume 3, annex 5.6: Interim trial trenching report [\[APP-103\]](#), updated at deadline (D) 3 [\[REP3-016\]](#)
- Onshore Historic or Scheduled Monument Sites Plan [\[APP-163\]](#), updated at D5a [\[REP5a-014\]](#)

- 4.7.5. The applicants' assessment of the effects on marine archaeology is set out in ES volume 2, chapter 8: Marine archaeology [\[AS-032\]](#). It draws upon information in Annex 8.1 of volume 2: Marine archaeological technical report [\[AS-034\]](#).

Onshore designated assets

- 4.7.6. The applicants confirm that no designated heritage assets would be directly impacted by construction, operation and maintenance of the proposals. They explain that any impacts on designated heritage assets would be indirect and would arise from a change within the setting of an asset (principally through changes in visual aspects but also through changes to the noise and dust environment).
- 4.7.7. Volume 3, annex 5 of the ES 'Settings assessment' [\[APP-102\]](#) presents the results of the applicants' assessment of the impacts and effects arising from changes within the settings of designated heritage assets upon their heritage significance.
- 4.7.8. The study area (figure 1 of [APP-097](#)) for the applicants' assessment of the setting of designated heritage assets is 5km from the edge of the proposed substation sites and 1km from the edge of the onshore infrastructure area comprising the onshore export cable corridor, 400kV grid connection and associated construction compounds.

- 4.7.9. The applicants identified the locations of designated heritage assets within the study area, as shown on figures 1.2 to 1.5 of the Historic environment desk-based assessment [APP-097]. These include listed buildings conservation areas and registered historic parks and gardens, as listed in Table 5.6 (designated heritage assets within the 1km settings study area) and Table 5.7 (designated heritage assets within the 5km substations settings study area) of that document. A number of designated heritage assets have been scoped out by the applicants as set out in table 1.1 of the 'Settings assessment' [APP-102]. These include Lytham Hall Grade II Registered Park and Garden (scoped out due to the 600m distance from the cable corridor and substantial tree screening) and Kirkham Conservation Area (scoped out as it is in an urban location with no views towards the onshore substation sites which are 650m away).
- 4.7.10. The applicants explain that a range of sensitive historical areas have been directly avoided where practicable during the site selection process, including listed buildings, scheduled monuments and conservation areas.
- 4.7.11. Mitigation measures adopted as part of the project are set out in table 1.3 of the 'Settings assessment' [APP-102]. The embedded measures including post construction restoration (CoT08), replacement of trees and hedgerows removed (CoT13) and measures within the outline Code of Construction Practice (oCoCP) (CoT35), outline Construction Noise and Vibration Management Plan (CoT79) and Operational Noise Management Plan (CoT80). Secondary measures include the landscaping that would be provided through the detailed Landscape Management Plan(s) (LMP) that would need to accord with the outline LMP. All these measures would be secured through the relevant requirements of Schedules 2A and 2B of the the draft development consent order (dDCO) [REP6-013].
- 4.7.12. The applicants' summary of the likely effects arising from changes within the setting of designated heritage assets is presented in table 1.5 of 'Settings assessment' [APP-102]. The residual effects reported are set out below:
- Old Lea Hall Farmhouse, Blackpool Road (Grade I): Minor adverse effects during construction.
 - Hall Cross Farmhouse, Freckleton (Grade II): Minor adverse effects during construction and decommissioning, negligible adverse effects during operation.
 - Dixon's Farmhouse, Newton-with-Scales (Grade II): Negligible adverse effects during construction.
 - Dagger Cottage, Newton-with-scales (Grade II): Negligible adverse effects during construction.
 - Stable block c.50m south of Old Lea Hall Farmhouse (Grade II): Minor adverse effects during construction.
 - Barn c. 120m southeast of Old Lea Hall Farmhouse (Grade II): Minor adverse effects during construction.
- 4.7.13. The applicants consider that the effects on designated heritage assets represent less than substantial harm to the significance of those assets.

Onshore above ground non-designated assets

- 4.7.14. The applicants' assessment identified 26 locally listed assets within the 500m historic environment study area (figures 1.7 to 1.16 of the ES Historic environment desk-based assessment [APP-097] and the Onshore Historic or Scheduled Monument Sites Plan [REP5a-014]. Two locally listed buildings are reported as being located within the onshore cable corridor order limits, these being Leach

Lodge Farmhouse and cobble wall on Leach Lane and a surviving man-made cop on Blackpool Road North to the south of Blackpool Airport.

- 4.7.15. A Locally Listed Buildings Gazetteer is provided in appendix D [\[APP-097\]](#). The applicants note that locally listed buildings are not nationally designated and do not have the same protection as designated heritage assets. However, none of the locally listed assets were included in the list of key receptors taken forward to assessment as set out in table 5.8 of the ES [\[APP-096\]](#). Therefore, the applicants' summary of effects in table 5.17 of the ES [\[APP-096\]](#) does not report any significant effects on non-designated heritage assets.

Onshore and intertidal archaeology

- 4.7.16. The study area for the applicants' assessment of onshore archaeology is 500m from the edge of the onshore infrastructure area (including proposed substations and cable corridor). This is shown in figure 5.1 of volume 3 of the ES [\[REP6-058\]](#). The assessment has been carried out utilising a combination of desk-based research and site-specific fieldwork including geophysical surveys and trial trenching.
- 4.7.17. The applicants' baseline establishes that land within the onshore order limits and intertidal infrastructure area has the potential to contain archaeological sites and features of all periods. Due to the low-lying nature of the landscape, the history of the area throughout the Quaternary period and including the Holocene period is a complex one, as sea levels changed in accordance with the series of glacial episodes.
- 4.7.18. The applicants explain that a series of wetlands developed behind the coastal strip, some were interconnected and most have now been drained. Organic material accumulated over time within these wetlands to create raised bogs, known as 'mosses'. The onshore export cable corridor crosses two named mosses (Lytham Moss and Marton Moss), within which there is potential for sites and features of Late Upper Palaeolithic and Mesolithic date. The slightly elevated land adjacent to these mosses has an enhanced potential for sites of Neolithic and Bronze Age date.
- 4.7.19. The applicants state that the potential for sites and features of Iron Age date to be present within the onshore order limits and Intertidal Infrastructure Area is considered to be low, with very little material from this period having been identified. The onshore substation sites have a higher potential for sites of Roman date because of the presence of the Roman fort at Cowbridge (Kirkham).
- 4.7.20. There is also enhanced potential for sites or features of Early Medieval to Medieval date within the onshore export cable route corridor in the vicinity of Bryning and Kellamergh, and within the 400 kV grid connection cable corridor in the vicinity of the National Grid Penwortham substation, as a result of documented settlements of those periods at these locations.
- 4.7.21. The results of the geophysical survey work completed thus far are presented in volume 3, annex 5.2: Onshore archaeological geophysical survey report of the ES [\[APP-098\]](#) and [\[APP-099\]](#). This shows that geophysical anomalies of potential archaeological interest have been identified in one area within the onshore export cable corridor.
- 4.7.22. The results of the trial trenching and geoarchaeological investigation completed by the submission of the application are presented in volume 3, annex 5.6: Interim trial trenching report of the ES [\[APP-103\]](#). This covers a total of 139 trial trenches across

several locations within the onshore export cable corridor. Archaeological features and deposits were identified in 80 of the trial trenches, with a general low density and a reasonable correlation with the anomalies identified by the geophysical survey. A concentration of features was recorded at one location and these may be of prehistoric date, whilst a second concentration of features at another location may also be of prehistoric date or possibly Roman.

- 4.7.23. The results of the intertidal survey are presented in Volume 3, Annex 5.3: Intertidal archaeological survey report of the ES [\[APP-100\]](#). No deposits of geoarchaeological or paleoenvironmental interest (such as peat deposits) were recorded on the surface of the intertidal zone. One timber setting of posts was identified within an old delta channel for the River Ribble, which may relate to an unlocated wreck site, the remains of a fishing weir or part of a structure related to salt extraction industries.
- 4.7.24. The ES finds that no archaeological remains of clear national importance have been identified within the order limits, however it states that the presence of such remains cannot be ruled out. Therefore, on a precautionary basis the applicants consider that the overall sensitivity of the archaeological receptor is high.
- 4.7.25. Paragraph 5.11.2.10 of the ES [\[APP-096\]](#) notes the potential for the recorded Quaker burial ground adjacent to Lower Lane, Freckleton (approximately to the northwest of the site of the proposed Morecambe substation) to be much more extensive than the small area of woodland known as Quakers Wood, as suggested by the field names recorded on the 1838 Freckleton Tithe Map. In this location, the elements of the onshore export cable corridor have been designed to avoid physical impacts on the potential extent of the expanded burial ground. The applicants also propose further archaeological investigation in advance of construction to examine the land outside of the recorded extent of the expanded burial ground but within the onshore cable corridor.
- 4.7.26. An initial outline onshore and intertidal written scheme of investigation (OIWSI) [\[APP-214\]](#) was submitted with the application. This includes provision for details of surveys and archaeological mitigation to be provided in advance of each stage of construction works. The approval of a detailed OIWSI would be secured through requirement 11 of schedules 2A and 2B of the dDCO (DCO).
- 4.7.27. The applicants conclude that there would be an up to moderate adverse effect arising from loss of, or harm to, buried archaeological remains and deposits during the construction phase and up to minor adverse effects during the operation phase. The applicants explain that the level of uncertainty will be addressed through a programme of mitigation as set out in the OIWSI.

Historic landscape character

- 4.7.28. A programme of historic land classification (HLC) for the area has been carried out for the area within which the order limits are located. This is set out in volume 3, annex 5.1 of the ES [\[APP-097\]](#).
- 4.7.29. Broad HLC Types at the western end of the onshore export cable corridor include 'Saltmarsh' and 'Modern Communications'. This latter broad HLC Type is used for the airport and radar station. East of here the onshore export cable corridor largely passes through broad HLC Type 'Post-medieval Enclosure' and a small area of broad HLC Type 'Modern Enclosure'. To the north of Freckleton the onshore export cable corridor passes through areas of Broad HLC Type 'Ancient Enclosure'. The 400 kV grid connection cable corridor includes land assigned to broad HLC Types

‘Modern Industry’, Saltmarsh’, ‘Modern Enclosure’, ‘Postmedieval Enclosure’ and ‘Ancient Enclosure’.

4.7.30. The ES recognises that activities during construction, operation and decommissioning could harm the heritage significance of the historic landscape, principally through changes in visual aspects such as the onshore substation, and through temporary or permanent loss of elements of the historic landscape such as field boundaries, some of which are important hedgerows as defined in the Hedgerow Regulations 1997.

4.7.31. The applicants explain that the scheme design has sought to minimise any loss of elements of the historic landscape. Field boundaries that are fully or partially removed during construction would be replaced, except for at the onshore substation sites.

4.7.32. The ES concludes that in the vicinity of the proposed onshore substations during both construction and operation there would be effects of negligible or minor adverse effects on historic landscape character. For the remainder of the onshore order limits and intertidal infrastructure area, the ES identifies beneficial effects of negligible or minor significance taking into account the removal of the temporary construction compounds, reinstatement of land use and replanting of hedgerows.

Marine archaeology

4.7.33. The applicants’ baseline confirms that the site-specific geophysical and geotechnical survey data corroborates academic theories that the now submerged coastal areas of the east Irish Sea would have previously formed a partially terrestrial landscape during the Upper Palaeolithic and into the Mesolithic periods.

4.7.34. The east Irish Sea was also an area of historically high maritime traffic with 147 anomalies of potential archaeological interest identified within the offshore order limits. Of these, eight have been classified as high potential anomalies and thirteen as medium potential anomalies. The high potential anomalies include the identification of seven wrecks and one potential wreck site. The applicants’ Offshore Historic Environment Plan [\[AS-023\]](#) contains locations of identified Archaeological Exclusion Zones and Temporary Archaeological Exclusion Zones.

4.7.35. The applicants’ assessment considers sediment disturbance and deposition leading to indirect effects on marine archaeological receptors, direct damage to near surface marine archaeological receptors and alteration of sediment transport regimes.

4.7.36. An outline offshore written scheme of investigation and protocol for archaeological discoveries (OWSI) was submitted with the application [\[APP-222\]](#). This includes provision for archaeological exclusion zones, a protocol for archaeological discoveries, mitigation measures for potential direct impacts and details of reporting and archival requirements. Approval of the detailed OWSI would be secured through the conditions of the relevant Marine Licence in the draft DCO.

4.7.37. The applicants conclude that there would be the following minor adverse (non-significant) effects arising to marine archaeological receptors from the construction, operation and maintenance, and decommissioning of the proposed development:

- Sediment disturbance and deposition leading to indirect impacts on marine archaeological receptors.

- Direct damage to near surface marine archaeological receptors such as wrecks, debris, submerged prehistoric receptors (palaeolandscapes and associated archaeological receptors).
- Alteration of sediment transport regimes (during operation only).

4.7.38. Minor adverse (non-significant) cumulative effects are identified to marine archaeological receptors from the proposed development and other relevant projects, including the Morgan and Morecambe Generation Assets projects.

Applicants' summary of effects

4.7.39. The applicants' summary of effects on the historic environment is set out in Table 5.17 of the ES [\[APP-096\]](#) for onshore effects and Table 8.30 of the ES [\[APP-059\]](#) for marine archaeology. The main conclusions are:

- Effects of up to moderate adverse significance arising from loss of, or harm to, buried archaeological remains and deposits of geoarchaeological and paleoenvironmental interest during construction.
- Short-term effects of minor adverse significance would occur during the construction phase in respect of one Grade I listed building and three Grade II listed buildings.
- Short-term effects of negligible adverse significance would occur during the construction phase in respect of two Grade II listed buildings.
- Long-term effects of negligible adverse significance would occur during the operation and maintenance phase in respect of one Grade II listed building.
- Adverse effects of negligible or minor significance on the historic landscape during construction, operation and decommissioning (other than beneficial effects of negligible or minor significance during operation outside of the areas of the onshore substations).
- Adverse effects of minor significance upon marine archaeology during construction, operation and maintenance.
- No significant cumulative effects identified.

ISSUES CONSIDERED DURING THE EXAMINATION

4.7.40. Lancashire County Council's (LCC) local impact report (LIR) [\[REP1-085\]](#) notes that the proposed development passes through an area of known archaeological interest and that it can be expected that several previously unknown sites of archaeological interest, dating primarily to the prehistoric period, may be encountered. It also expresses concern that the trial trenching stage of the evaluation was yet to be completed and it is therefore not currently possible to provide a definitive comment on the nature and extent of any further site works that might be considered necessary.

4.7.41. Fylde Borough Council's (FBC) LIR [\[REP1-078\]](#) includes concerns regarding the assessment of the effects on three Grade II listed buildings (including Dixon's Farmhouse and Dagger Cottage near to the proposed substations), noting that their setting makes a positive contribution to their significance. FBC's LIR also sets out concerns regarding the applicants' limited assessment of non-designated heritage assets. Furthermore, it considers that the applicants have not properly assessed the impacts on Quakers Wood Burial Ground and that the baseline evidence, assessment and proposed monitoring and mitigation for archaeology is insufficient. It also says that the uncertainty around the proposed construction works (including timing, duration and frequency of impacts) within the affected areas means that impacts cannot be properly assessed.

- 4.7.42. South Ribble Borough Council's (SRBC) LIR [\[REP1-227\]](#) considers that the archaeological information provided with the application is insufficient, including in the area of the proposed River Ribble crossing. It notes that a full assessment of the impacts on the setting of any designated heritage asset cannot be made until further details of the connection to the existing National Grid substation are known.
- 4.7.43. Preston City Council's (PCC) written representation [\[REP1-095\]](#) raises concerns regarding the effects on the setting of listed buildings at Old Lea Hall Farm and New Hall Farmhouse due to the impacts associated with the construction of the proposed cable corridor near to the listed buildings and the routing of traffic next to them.
- 4.7.44. Numerous representations were also made by other interested parties regarding the historic environment, including the effects on Quakers Wood Burial Ground and the setting of listed buildings.
- 4.7.45. The matters considered important and relevant are addressed below. In this section, the ExA's considerations are included within the overall commentary on each issue.

Onshore designated assets

- 4.7.46. The ExA notes that whilst there would be no direct impacts on any designated heritage asset, the proposed development would affect the setting of several listed buildings.

Designated heritage assets within Preston City Council area

- 4.7.47. The SoCG between the applicants and PCC [\[REP6-153\]](#) does not include any outstanding matters by the end of the examination in relation to the historic environment. In its written representation [\[REP1-095\]](#) PCC had raised concerns regarding the effects of construction activities on several listed building, including the use of the access to Old Lea farm for construction vehicles.

Old Lea Farmhouse

- 4.7.48. During the examination, in response to our written question ExQ11.1.1 [\[PD-008\]](#) the applicants provided further explanation [\[REP3-056\]](#) of how, in each case, the setting of the Grade I listed Old Lea Farmhouse and the adjacent Grade II buildings (referred to below) contribute to their significance.

- 4.7.49. This timber framed Grade I listed building, on Blackpool Road, derives much of its significance from its architecture and history as a traditional farmhouse likely to have been adapted from the surviving domestic range of a late-medieval manor house of the de Hoghton family (late 17th or early 18th century). The farmland to the south makes some contribution through its likely association with the building. The ExA agrees with the applicants' assessment [\[APP-102\]](#) that, taking account of its high sensitivity and value as a grade I listed building, the medium-term construction works, including noise and dust, for the 400kV grid connection cable corridor (approximately 65m to the south of the listed building) would result in minor adverse effect upon its significance.

Stable block c.50m south of Old Lea Farmhouse and Barn c.120m southeast of Old Lea Farmhouse

- 4.7.50. These grade II listed buildings of likely early 17th century origin, are in reasonably proximity to the north of the proposed 400kV grid connection cable corridor. The adjacent farmland within the setting of both buildings makes some contribution to

their historic significance that includes the historic association with a former manor house. The ExA agrees with the applicants' assessment that no long-term effects would result, but that the proposed construction activities within their setting would, in both cases, be likely to result in a minor adverse effect upon their significance.

Barn north of New Hall Farmhouse, Blackpool Road

- 4.7.51. This grade II listed building was scoped out of the applicants' assessment but following concerns in PCC's written representation [REP1-095], the applicants provide an assessment of the effects upon it further to the ExQ11.1.2 [REP3-056].
- 4.7.52. Constructed in around 1700, this grade II listed barn appears to have initially been an isolated structure before the construction of the nearby farmhouse. Its heritage significance mainly derives from its historic value showing how the building has evolved over time, its evidential value associated with the fabric of the building and its aesthetic value deriving from its design and visual appearance. Its setting includes the farmland to the south which has associative value. This farmland would be crossed by the 400kV grid connection cable corridor located approximately 250m from the barn. The association with the farmland would be affected by the construction work and activity, but we are satisfied that this would be a very limited (negligible) effect taking account of the lack of any visual relationship and the relatively short duration of the overall construction works for both projects in this location.

Designated heritage assets within Fylde Borough

- 4.7.53. The final SoCG between the applicants and FBC [REP7-028] confirms FBC's agreement that the potential impacts identified in the ES represents a comprehensive list of potential impacts on onshore designated assets.

Dixons Farmhouse and Dagger Cottage, Grange Lane

- 4.7.54. The grade II listed buildings at Dixon's Farmhouse and Dagger Cottage, probably date back to 18th and 17th century respectively, and are both located on Grange Lane in Newton-with-Scales approximately to the north of the proposed Morgan substation site. There may have been an historic association between the two buildings.
- 4.7.55. The ExA agrees in both cases with the applicants' assessment [APP-102] that the farmland to the south makes little contribution to the setting and significance of either of these listed buildings. The 400kV grid connection cable corridor and proposed substations are well separated from both these buildings and at worse, barely visible. The ExA agrees that the proposed development, including the 400kv cable corridor and proposed substations, would have only negligible adverse effects, from construction activity, upon the significance of each of these listed buildings.

Hall Cross Farmhouse, Kirkham Road

- 4.7.56. This Grade II listed former farmhouse dates from the late 18th century. It is located on Kirkham Road just to the north of the proposed cable corridor. The setting of this listed building includes the adjacent farmland, including that crossed by the proposed cable corridor, contributing to a limited degree to the historic significance of this building as a former farmhouse. The setting would be adversely affected by the construction of the cable corridor (visual, dust and noise effects) and, to a lesser degree, by the construction and longer-term visual effects of the onshore

substations approximately to the west, the effects of which would be negligible. The ExA agrees with the applicants' assessment that, overall, a minor adverse effect would result to its significance from the changes to its setting.

Designated heritage assets within South Ribble Borough

- 4.7.57. The final SoCG between the applicants and SRBC [\[REP6-128\]](#) confirms SRBC's agreement that the potential impacts identified in the ES represents a comprehensive list of potential impacts on onshore designated assets.

Hesketh Farmhouse, Howick Cross Lane, Penwortham

- 4.7.58. Located in the vicinity of the existing National Grid substation at Penwortham, one part of the 400kV grid connection cable corridor would pass approximately 180 m to the south of this grade II listed building, and the other part would pass approximately 430m to the north. It is located within a cluster of other buildings. It has historic, evidential and aesthetic value as a late 17th century semi-rural farmhouse with its large scale and vernacular appearance contributing to its strong presence. The ExA agrees with the applicants' assessment that the setting of this building makes very little contribution to its significance most of which appears to derive from its historic structure and appearance. Its existing setting is eroded by the presence of the existing substation and pylons. We are satisfied that the separation and temporary duration of the cable construction works in addition to measures to mitigate against noise and dust in the outline Code of Construction Practice [\[REP6-067\]](#) would prevent any adverse effect upon its significance.
- 4.7.59. The details of the necessary works to the existing substation are not part of this application and would need to be considered through any subsequent approval as required. The cumulative effects are therefore not able to be meaningfully considered at this stage and therefore carry little weight which does not significantly affect the overall assessment on the effects upon the setting and significance of this listed building.

Onshore above ground non-designated assets

- 4.7.60. FBC raised concerns during the examination that the applicants' assessment of non-designated heritage assets does not properly identify, describe and assess impacts upon their significance. At the end of the examination, FBC confirmed in its SoCG with the applicants [\[REP7-028\]](#) that it expects that the outcome of any such proper assessment will have minor impacts on the proposals at most and could most likely be appropriately handled within the scope of the relevant commitments and management plans. It states, however, that the applicants' assessment needs to be updated.
- 4.7.61. In its LIR [\[REP1-078\]](#) FBC draws particular attention to Leach Lodge Farmhouse and cobble wall (Leach Lane adjacent to Blackpool Airport), a surviving constructed cop (Blackpool Road North) and Thursby Nursing Home (now known as Century Care Home located west of Clifton Drive North) where no assessment of impacts has been carried out by the applicants. In response the applicants [\[REP2-038\]](#) confirmed that these non-designated assets are not located within the Order limits (contrary to their previous assertion) but they are located within the 500m historic environment study area. The applicants explained that any impacts to the significance of these non-designated assets would arise from changes within their setting during construction of the cable corridor. Noting their low sensitivity [table 5.11 of [APP-096](#)], the applicants confirmed that as a 'high' magnitude of impact would not result from a change to their setting to the extent that the heritage

significance would be lost or substantially harmed, their heritage significance would not be affected.

- 4.7.62. Subsequently, the ExA requested [ExQ11.1.4 of [PD-008](#)] further details of the effects of the proposals upon non-designated heritage assets. In response, the applicants [[REP3-056](#)] provided a short assessment of potential affects. FBC also provided, in appendix 3 of its response [[REP3-082](#)] to ExQ11.1.4, further details including locations and photographs of the non-designated assets it considers should be assessed.
- 4.7.63. In terms of Leach Lodge Farmhouse and cobble wall the applicants consider it unlikely that there would be harm to its significance. Whilst it would be located near to (on the opposite side of Leach Lane) the proposed construction activity within Blackpool Airport, there would be no permanent effects upon its setting and therefore we are satisfied that there would only be a negligible effect on its significance as a traditional farmhouse.
- 4.7.64. The local listing description of the surviving cop on Blackpool Road North describes it as a 'very rare surviving feature of the historic Hothouses farming community. However, the applicants do not propose the removal of any vegetation along Blackpool Road North to facilitate the use of this road for construction traffic and taking account of its likely location by the road within an existing residential area, the ExA is satisfied that no harm would result upon its significance as a result of the construction works.
- 4.7.65. In respect of Century Care Home, the ExA considers that taking account of the use of trenchless technology for the cable corridors on either side of the building, the limited visibility of construction works on the beach, and the absence of any significant above ground infrastructure in proximity of it, the proposal would not result in any harmful effects on its significance as an historic convalescent/care home.
- 4.7.66. FBC also supplied the applicants with details of additional non-designated heritage assets it considers should be considered and the applicants have also provided an assessment of the impacts on these as part of its response to ExQ11.1.4 [[REP3-056](#)]. These include:
- the former Balham School (located a considerable distance at least 200m from proposed construction activity), barn at Bryning Hall Farm (located approximately 300m from the cable corridor).
 - New House Farmhouse on Bryning Hall Lane (located approximately 470m from the cable corridor).
 - Hallam's Cottage on Lower Road (located approximately 460m from the proposed Morecambe onshore substation site).
 - the former toll house on Preston New Road (approximately 525m from the proposed 400kV cable corridor).
- 4.7.67. In these cases, the ExA agrees with the applicants' assessment of no harm to their significance, particularly taking account of the separation from the proposed development in each case and, for Hallam's Cottage, the limited intervisibility between proposed Morecambe substation and the property and measures to mitigate and minimise effects including within the outline Landscape Management Plan [[REP6-101](#)] and outline Design Principles [[REP6-109](#)].

- 4.7.68. As part of their response to ExQ11.1.4 the applicants also provided an assessment of the effects on the historic setting of the non-designated late 17th century Quakers burial ground located adjacent to Lower Lane approximately to the northwest of the proposed Morecambe substation. The effects on Quakers Wood as a below ground archaeological resource are dealt with separately in this section.
- 4.7.69. The significance of the locally listed burial ground mainly derives from its historic association with the former Quakers community in Freckleton. The ExA agrees with the applicants' assessment that temporary impacts on the setting of the burial ground, including noise, would result from the construction compound located just to the east of the burial ground. Additionally, the visual changes arising temporarily from the construction work and in the longer term from the Morecambe substation itself would, overall, lead to minor harm to the setting and significance of the burial ground, taking account of the measures within the outline landscape management plan [\[REP6-101\]](#).
- 4.7.70. From the evidence before us, there are no other non-designated heritage assets likely to experience harmful effects from any part of the proposed development.
- 4.7.71. Whilst the original ES contained limited information on the applicants' assessment of impacts on non-designated heritage assets, additional information has been provided during the examination as set out above. None of the assets identified would be directly affected by the proposed development. The ExA is satisfied that any harm to the settings and significance of these assets would be limited with no significant effects resulting. The proposals would therefore be in general accordance with the relevant policies in 2024 NPS EN-1.

Onshore and intertidal archaeology

- 4.7.72. Despite issues being raised during the examination, the final SoCG between the applicants and LCC shows that most matters have been agreed by the end of the examination. LCC's outstanding point of discussion in the SoCG concerns the programme of survey work that is yet to be completed by the applicants. However, this is ongoing and would carry on through the implementation of the detailed OIWSI.
- 4.7.73. Further to discussions regarding the adequacy of archaeological evaluation including trial trenching at issue specific hearing (ISH) 3, LCC stated [\[REP5-174\]](#) that it is of the opinion that the evaluation could be completed post development consent but questioned whether the evaluation carried out to date has been sufficiently comprehensive to adequately characterise the heritage and archaeological value of the site. LCC also noted that further evaluation and/or archaeological works may cause delay.
- 4.7.74. The SoCG confirms that LCC is satisfied with the contents of the outline OIWSI [\[REP6-119\]](#) further to updates made to this during the examination. Approval of the detailed OIWSI would be secured by requirement 11 of schedules 2A and 2B of the draft DCO [\[REP6-013\]](#).
- 4.7.75. Taking account of the agreed outline OIWSI, the ExA is satisfied that further trial trenching work can be agreed and carried out prior to construction of the relevant stage. Whilst noting LCC's concern, the ExA considers that the evaluation work carried out to date is sufficient to provide a broad understanding of the archaeological value of the site as a whole. Further archaeological works along with appropriate procedures for the identification and treatment of any assets discovered

during construction, would be agreed as necessary through the detailed OIWSI and it is noted that work is already progressing towards this to ensure timely conclusion of these matters.

- 4.7.76. Whilst LCC are satisfied with the applicants' measures in relation to Quakers Wood Burial Ground, other interested parties have maintained their concerns in this respect, including Newton with Clifton Parish Council as originally set out in its relevant representation [\[RR-1616\]](#). This includes that there is uncertainty as to the full extent of the burial ground which may be over a wider area than just the woodland area burial ground referred to in our consideration of non-designated heritage assets above.
- 4.7.77. The proposed cable corridor is aligned such that it passes north of the potential burial grounds to the south of Lower Lane (plots 76 and 126 as indicated on the 1838 Freckleton Tithe Map). A diagram showing the relevant Tithe Map plots and their relationship with the cable corridor has been submitted by the applicants [\[REP1-045\]](#). Geophysical surveys have been undertaken within the onshore cable corridor in the land to the north of Lower Lane (including Plot 49 of the Tithe Map) which did not identify any anomalies indicative of the presence of graves.
- 4.7.78. A further programme of archaeological investigation will take place as set out in the outline OIWSI [\[REP6-119\]](#). The applicants have also committed to the use of trenchless technology for cable installation in the area of the burial ground to avoid the risk of impacts. This is set out on Sheet 22 of the Onshore Crossing Schedule (Part 2 of 2) [\[REP6-030\]](#) secured by requirement 5(2) of the draft DCO [\[REP6-013\]](#) with further details of trenchless techniques set out in section 1.14.3 of the outline Onshore Construction Method Statement [\[REP7-036\]](#). Following ISH 2, LCC confirmed that it does not consider that the burial ground will be impacted by the development and that the mitigation measures proposed are sufficient to deal with any issues that might arise [\[REP4-136\]](#). The ExA agrees with this conclusion.
- 4.7.79. The ExA considers that, overall, the applicants' approach is consistent with the provisions in 2024 NPS EN-1 and 2024 NPS EN-3 regarding onshore and intertidal archaeological assets. Any uncertainty that exists before the further trial trenching can be satisfactorily resolved through the agreed outline programme of further archaeological investigation. Following the implementation of a detailed OIWSI the ExA is satisfied that no significant effects would result upon onshore and intertidal archaeology.

Historic landscape character

- 4.7.80. Whilst the agricultural use of the land within and around the Order limits appears to have been so since at least the post-medieval period, the more recent amalgamation of field enclosures and boundary loss means that the use of the fields in the area of the proposed substations would only have a minor effect on the historic landscape type. In the areas of the onshore cable corridor the applicants have committed to the preservation where possible and reinstatement of hedgerows. Notwithstanding, our separate findings on general landscape character in the subsequent Landscape and Visual section of this report, we are satisfied that no significant adverse effect would result upon historic landscape character.

Marine archaeology

- 4.7.81. The final SoCG between the applicants and Historic England (HE) [\[REP5-088\]](#) confirms that, at the end of the examination, there are no outstanding matters of disagreement regarding marine archaeology. This includes HE's confirmation that

there would be no significant effects on marine archaeology following the agreement of the final outline OWSI [\[REP4-068\]](#) which was updated during the examination to address comments made by HE. Approval of a detailed OWSI would be secured under condition 18(1)(g) of Schedules 14 and 15 of the draft DCO [\[REP6-013\]](#).

- 4.7.82. Taking account of the above, including the agreed outline OWSI, the ExA is satisfied that there would be no significant effects upon marine archaeology during the construction, operation, maintenance and decommissioning of the proposed development. The effects would be no more than of minor significance. The ExA considers that the proposed development satisfactorily accords with the relevant policies regarding marine archaeology in 2024 NPS EN-1 and 2024 NPS EN-3 (including paragraphs 2.8.165 to 2.8.177).

Cumulative effects

- 4.7.83. Whilst there are other proposed developments in the vicinity of the applicants' proposed development, including the solar farm in the proximity of the onshore substations, the ExA is satisfied that no additional cumulative effects would result over and above the effects already reported.
- 4.7.84. The ExA is satisfied that, taking account of the proposed archaeological investigation and mitigation measures, both the Morgan and Morecambe Generations Assets projects, in addition to the proposed development, would not result in any significant cumulative effects on marine archaeology.
- 4.7.85. The applicants also submitted a Review of Cumulative Effects Assessment and In-Combination Assessment at D5 [\[REP5-099\]](#) to take account of new project information published up to 28 August 2025, including the submitted Mooir Vannin Offshore Wind Project application (Tier 1) to the Isle of Man Government and the publication of a Scoping Report for the East Irish Sea Transmission Project. [\[REP5-130\]](#). No additional effects of significance are identified upon the historic environment.
- 4.7.86. It is noted in this respect that the applicants' SoCG with FBC [\[REP7-028\]](#) confirms agreement between the parties on the assessment of likely significant effects on the historic environment, excluding non-designated heritage assets. Taking account of the applicants' additional assessment of effects on non-designated heritage assets reported above, we are satisfied that no significant cumulative effects greater than the effect of transmission assets alone would arise in respect of the non-designated heritage assets.
- 4.7.87. The SoCGs between the applicants and HE [\[REP5-088\]](#), LCC [\[REP6-125\]](#) and SRBC [\[REP6-128\]](#) confirm agreement of the applicants' cumulative assessment of the effects on the historic environment.
- 4.7.88. Overall, the ExA is satisfied that no additional significant cumulative effects would arise from the proposed development upon the historic environment.

CONCLUSIONS

- 4.7.89. The ExA considers that the proposed development has been designed to reduce the impact on the historic environment by avoiding known high value heritage assets where practicable. We are satisfied that the applicants have proposed reasonable measures to mitigate against and minimise any resulting harmful effects and that the mitigation hierarchy has been applied.

- 4.7.90. The proposed development would result in, at worse, minor adverse effects upon several designated heritage assets. However, in each case these effects would result in less than substantial harm to each of the significance of the heritage assets, at the lower end of the spectrum. There are no instances where substantial harm would result upon the significance of any designated heritage asset.
- 4.7.91. The effects on the setting of above ground non-designated heritage assets would be no more than minor adverse with no significant effects likely to result upon their significance in each case, noting that these non-designated assets are of lesser value in comparison to designated heritage assets.
- 4.7.92. There would no significant effects upon historic landscape character, taking account of proposed mitigation measures including the reinstatement of hedgerows in the areas of the proposed cable corridor.
- 4.7.93. A further programme of archaeological investigation will take place as set out in the outline OIWSI, including additional trial trenching. With this in place we are satisfied that no significant effects are likely to result upon onshore and intertidal archaeology. We are also satisfied that taking account of the outline OWSI, agreed with HE, any adverse effects upon marine archaeology would be no more than of minor significance.
- 4.7.94. We are also satisfied that no significant cumulative effects would arise upon the onshore and offshore historic environment when considered along with other relevant projects.
- 4.7.95. Paragraph 5.9.27 of 2024 NPS EN-1 states that when considering the impact on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Paragraph 5.9.28 of 2024 NPS EN-1 goes on to state that the SoS should give considerable importance and weight to the desirability of preserving all heritage assets, and that any harm or loss of significance of a designated heritage asset (from its alteration or destruction, or from development within its setting) should require clear and convincing justification. Paragraph 5.9.32 states that any harmful impact on the significance of a designated heritage asset should be weighed against the public benefits of the proposal. This judgement is carried out in the conclusion on the case for development consent section of this report (chapter 6).
- 4.7.96. Subject to this balancing exercise in chapter 6, the ExA considers that the proposed development would accord with the relevant historic environment policies set out in the April 2024 NPS EN-1, EN-3 and EN-5, the UK Marine Policy Statement 2011 and Policy NW-HER-1 of the North West Inshore and North West Offshore Marine Plan 2021. The ExA finds that there would be some conflict with policy ENV5 of the Fylde Local Plan to 2032 as it would not wholly conserve and protect all designated and non-designated heritage assets. The public benefits test also within this policy will be applied in chapter 6 as noted above.
- 4.7.97. We have also considered the April 2025 revisions to NPS EN-1, EN3 and EN5 and find that there is nothing within them that materially changes our conclusions on this topic.
- 4.7.98. Overall, the ExA considers that whilst noting no significant effects would result in EIA terms, the combination of adverse effects, including to the setting of designated heritage assets, carries little negative weighting in the planning balance.

4.8. LAND USE AND RECREATION

INTRODUCTION

- 4.8.1. In this section, consideration is given to the effects of the proposed development in relation to existing land uses including agriculture and recreation and how they might be either directly or indirectly affected during the construction, operation and maintenance, and decommissioning phases of the proposed development.
- 4.8.2. The range of land uses considered include potential impacts on agricultural land quality, land holdings and recreational resources such as coastal areas, public open spaces, golf courses, caravan parks, riding stables and public rights of way including cycle routes.

THE APPLICATION

- 4.8.3. The applicants' assessment as to the likely effects on land use and recreational receptors is set out in the Land Use and Recreation chapter [\[APP-104\]](#). In order to minimise these effects, the applicants propose a number of mitigation measures including the following:
- Construction would be undertaken in accordance with a Code of Construction Practice (CoCP) that would need to accord with the outline CoCP [\[REP6-067\]](#). This includes measures to maintain and address soil management and recreation. It also includes that farm access routes between fields within a farm holding will be maintained (where reasonably practicable), or alternative routes agreed with the land occupier to enable the continued operation of agricultural land holdings during the construction phase, where this may be possible.
 - Installation of cables at Blackpool Road Recreation Ground would be by trenchless techniques, avoiding the need to trench through this area
 - Construction would be undertaken in accordance with the outline Public Rights of Way Management Plan (oPROWMP) [\[REP6-087\]](#) to minimise the disturbance to rights of way, where practicable.
 - Construction would be undertaken in accordance with a detailed soil management plan which would be developed in accordance with the framework set out in the outline Soil Management Plan (oSMP) [\[REP6-091\]](#), which sets out suitable measures to characterise and manage soil materials during construction. Soil types would be determined by way of site-specific survey work soil management and protection during construction and decommissioning. This includes a commitment to undertake further detailed soil survey pre-construction and this is secured through requirement 8 of schedules 2A and 2B of the draft DCO (dDCO) [\[REP6-013\]](#).
 - An Outline Open Space Management Plan is appended to the oPROWMP, which includes measures to minimise potential impacts to the users of Lytham St. Annes beach and the Blackpool Road Recreation Ground.
- 4.8.4. After allowing for the above mitigation, the applicants assessment [\[APP-104\]](#) is set out in table 6.25 of the ES including the following findings:
- permanent major adverse effects as a result of the permanent loss of Best and Most Versatile (BMV) agricultural land within the onshore substation sites and small areas of land where link boxes are located
 - the temporary disruption caused to the operation of farm holdings would range between minor and moderate adverse
 - permanent disruption to the operation of agricultural land holdings leading to minor adverse effects

- temporary adverse effects on public rights of way arising from disruption and reduced access during construction
- temporary minor adverse effects on the recreational use of coastal areas
- minor adverse effect on the recreational use of coastal areas
- temporary minor adverse effect on the use of the Blackpool Road Recreation Ground

- 4.8.5. Table 6.26 of the assessment [APP-104] addresses the issue of cumulative impacts including the loss of agricultural land quality, the impacts on farm holdings, and the impacts on recreational use. Paragraph 6.16.1.3 [APP-104] assesses the only significant cumulative effects alongside other projects or plans identified would be those on the agricultural land quality.
- 4.8.6. Dealing more specifically with the BMV assessment, table 6.7 from the Land Use and Recreation chapter of the ES [APP-104] shows that out of the 512.77 acres within the agricultural land study area assessed, 386.85 acres (or 75%) was classified either as grade 2 (very good) or grade 3 (good to moderate) agricultural land.
- 4.8.7. Paragraph 6.6.1.10 of the ES considers the land proposed for the two substation sites and considers that the provisional agricultural land classification (ALC) mapping indicates that the area to be permanently occupied by the Morgan onshore substation would comprise Grade 3 (good to moderate) agricultural land, whilst that for the Morecambe onshore substation would comprise Grade 2 (very good) agricultural land, with a smaller area of Grade 3 (good to moderate) land underlying the eastern extent.
- 4.8.8. Table 6.10 [APP-104] assessed the likely split of the grade 3 ALC and it was found that the overwhelming proportion for both of the two substations are of grade 3a soil rather than subgrade 3b.
- 4.8.9. Table 6.3 [APP-104] considered local planning policy and referred to the relevant policies in the local plans of each host local authority. Reference to these policies were raised by the individual local authorities during the examination.

ISSUES CONSIDERED DURING THE EXAMINATION

Local Impact Reports [LIR]

- Blackpool Borough Council's (BBC) main concerns for land use and recreation related to the airport site and the access to the beach at Starr Gate. In its LIR [REP1-068], BBC emphasised the importance of the beach at Starr Gate for the local community in providing space for recreational activities. Local dog walkers, runners, walkers and those involved in watersports frequently utilise the beach here to undertake these activities. As to the airport, BBC raised concerns about any possible impacts that the proposed development might have on airport operations and also the possibility of the sterilisation of future proposals for the Enterprise Zone at the airport.
- Fylde Borough Council (FBC) in its LIR [REP1-078] referred to Policy CL3 of the Fylde Local Plan to 2032 which does not support renewable energy development on Grades 1, 2 and 3 agricultural land, with the exception that "it is demonstrated that poorer quality land could not be used instead, and that the benefits of the development outweigh the economic and other benefits of the best and most versatile agricultural land and any other adverse impacts of the proposal". It goes on to say at paragraph 8.1.15 of the LIR that "the proposed development also includes other permanent impacts on agricultural land,

notably relating to the substations and ancillary development but also in terms of the junction boxes". FBC also had concerns over the use of the Blackpool Road recreation ground (which is considered in the socio-economic chapter) and the use by the public of the beach and sand dunes.

- Lancashire County Council (LCC) expressed concerns about the impacts on PROW and at paragraph 9.5 of their LIR [REP1-085] listed the various routes affected. LCC expected to see mitigation measure for the paths impacted. This should include details on all proposed temporary closures/diversions along with the anticipated duration of the closure.
- South Ribble Borough Council raised a similar concern relating to PROWs at paragraph 17 of its LIR [REP1-097].

Best and most versatile agricultural land

- 4.8.10. The applicants provided an indication of the distribution of agricultural land quality at Table 6.7 of its assessment:

Figure 16: Assessment of agricultural land quality within the onshore order limits (source: table 6.7 [APP-104]).

ALC Grade	Quality	Area of land within the study area (ha)	Coverage (%)
1	Excellent	0	0
2	Very good	185.00	36
3	Good to moderate	201.85	39
4	Poor	29.48	6
Non agricultural	Non agricultural	84.71	17
Urban	Urban	10.87	2
Total		512.77	100

- 4.8.11. The ExA sought clarification at ExQ1.12.1.3. of ExQ1 [PD-008] concerning the utilisation by the proposed development of a significant amount of land classified as BMV and how the policy requirement at paragraph 5.11.34 of NPS EN-1 would be satisfied. The applicants responded to this [REP3-056] by explaining that land under which the onshore cable corridor was routed would be reinstated post construction. As to the land required for the two substations, the ALC and Soils data [APP-105] indicated that land categorised as BMV lay in a broad swathe around the order limits and therefore there would be little gain in moving the proposed cable route by several hundred metres in either direction.
- 4.8.12. The applicants also provided an analysis of the soil quality of the land which would be lost to farming as a result of the proposed sitings of the two substations. The following table gave details of the acreage affected and the relevant percentages:

Figure 17: Agricultural land quality at the two substation sites (source: table 6.10 [APP-104]).

ALC Grade	Quality	Area of land (ha)	Coverage (%)
Morgan onshore substation and associated infrastructure			
3a	Good	14.80	80
3b	Moderate	3.30	18
Not surveyed		0.30	2
Total		18.40	100
Morecambe onshore substation and associated infrastructure			
3a	Good	6.40	88
3b	Moderate	0.30	1
Not surveyed		0.50	1
Total		7.30	100

- 4.8.13. Natural England (NE) did query certain aspects of the ALC in their representation [RR-1601] but the applicants referred to the Land Use chapter [APP-104] and further explained [REP1-043] that since the finding that the permanent loss of agricultural land including BMV land during construction would result in a major adverse effect and consequently further ALC and soils surveys would not change this conclusion. However, the applicants did commit to further pre-construction surveys. The applicants also argued that the impacts were justified on the basis of the temporary period of construction.

ExA's consideration

- 4.8.14. The ExA notes the constraints on soil surveying due to a significant proportion of land not surveyed by the applicants and considers that the method used by the applicants to estimate the area covered by BMV is adequate. The ExA is satisfied that the issue raised by NE concerning the quality of the ALC surveys has been resolved as far as is reasonably practicable, given the commitment by the applicants to undertake detailed surveys post consent and prior to construction based on the oSMP [REP6-091] to be produced prior to construction in accordance with project commitment (CoT) 81 [REP6-042].
- 4.8.15. The ExA is content that the applicants have demonstrated that the effects on BMV from the construction of the cable route are mainly temporary and adequately mitigated through the embedded measures in the oSMP [REP6-091] and strengthened by CoT 81 which adequately mitigates the potential impact on BMV from the construction of the onshore cable.
- 4.8.16. Paragraph 5.11.12 of 2024 NPS EN-1 seeks to minimise the impacts on BMV agricultural land (defined as land in grades 1, 2 and 3a of the Agricultural Land Classification ALC and preferably use land in areas of poorer quality (grades 3b, 4 and 5). The applicants are also required to minimise the direct effects of the proposed development by the application of good design principles including the layout of the project and the protection of soils during construction. (2024 NPS EN-1, paragraph 5.11.23).

- 4.8.17. The ExA concludes that the applicants have satisfactorily demonstrated the permanent loss of BMV land is almost entirely due to the construction of the two permanent onshore substations. The applicants have assessed the effect of this permanent loss as major adverse and the ExA agrees with this assessment. It is also the ExA's view that the applicants have provided sufficient evidence to justify siting the onshore sub-station on BMV and also have provided safeguards for the protection of soils [\[REP6-091\]](#). We therefore take the view that the application meets the policy test for land use in section 5.11 of the NPS EN-1.

Soil management

- 4.8.18. The Environment Agency (EA) expressed concern [\[RR-0677\]](#) at the provisions in the oSMP. The EA emphasised that there is the "potential for temporary soil storage to divert or obstruct the movement of flood waters" and this concern was not addressed in the application oSMP [\[APP-200\]](#). The applicants explained [\[PDA-010\]](#) that after completion of the installation work, the ground would be reinstated using stored subsoil and topsoil. Any suspected or confirmed contaminated soils would be appropriately separated. The applicants also referred [\[REP2-031\]](#) to the guidance from DEFRA which they would adhere to which they considered should address the concern from the EA.
- 4.8.19. The oSMP [\[REP6-091\]](#) was updated during the examination to reflect the proposed arrangements for soil separation and storage. The EA confirmed that it was satisfied with the proposals to meet their concern and that the position is covered by the guidance from DEFRA. The agreement from the EA was confirmed in the statement of common ground (SoCG) which they entered into with the applicants [\[REP7-029\]](#).

ExA's consideration

- 4.8.20. The applicants have adequately responded to the issues raised by the EA and additional safeguards have been introduced and contained in the oSMP [\[REP6-091\]](#) and the oCoCP [\[REP6-067\]](#).

Peat Management

- 4.8.21. This was considered in section 6.6 of the Land Use and Recreation chapter [\[APP-104\]](#) and is addressed in detail in chapter 4.5 (Onshore ecology etc) of this report.

Lytham St. Annes beach

- 4.8.22. The possible impacts on the beach were raised in many of the relevant representations from IPs and particularly by FBC [\[REP1-078\]](#) and NE [\[RR-1601\]](#). The applicants recognised the sensitivity of this area and its regular use by the public for recreation purposes. In response the applicants confirmed that public access would be maintained throughout construction and an outline Landfall Construction Method Statement [\[REP6-151\]](#) was submitted to clarify how public access could be maintained during periods of construction. This also responded to concerns raised by the RNLi [\[REP3-106\]](#) concerning lifeboat recovery.
- 4.8.23. The applicants submitted further detail as to how safe public access would be maintained around the temporary work areas on the beach in its open space management plan which is an appendix to the oPROWMP [\[REP6-087\]](#).
- 4.8.24. In the context of the open space tests contained in s132 PA2008, the applicants confirmed that the construction of the proposed development would not result in the closure of the beach and there would be no loss of open space as the cables would be buried.

ExA's consideration

- 4.8.25. The ExA acknowledges the attempts made by the applicants to minimise as far as possible the impacts to the beach. Whilst this is also considered in the socio-economic section below, the applicants have committed to install the offshore export cables using the direct pipe trenchless technique (CoT 44). We also note whilst there would inevitably be some disruption to the use and attractiveness of part of the beach area, large areas of beach would remain largely undisturbed by the proposed construction works and access along the beach would be maintained.
- 4.8.26. The applicants have also committed at CoT 129 [\[REP6-043\]](#) that no construction activities at landfall on the Lytham St. Annes beach will be undertaken between November and March and the ExA accepts that this reduces the potential impact to the public during the winter months although use of the beach area will naturally be at a reduced level in comparison to the months between April and October which have longer daylight hours and warmer temperatures.
- 4.8.27. The ExA accepts that the terms of s132 PA2008 are met for the beach area at Lytham St Annes. The issue of open space and the statutory test is also considered in the compulsory acquisition chapter. Whilst acknowledging that the works may take place over two separate periods under the sequential construction scenario, we are satisfied overall that the proposed construction works at landfall would not lead to significant land recreational impacts.

Blackpool Road Recreation Ground

- 4.8.28. In response to the representations raised from many interested parties including FBC [\[REP1-078\]](#), the applicants confirm that they would install the onshore cable corridor beneath the recreation ground using trenchless installation techniques thus reducing surface disturbance to this area of land used by the public. This requirement is contained at CoT 123 in the Commitments Register [\[REP6-042\]](#). Further, works to the recreation ground would be limited to a maximum of 5 months of total construction and temporary fencing would only be in place for 2 months out of the 5 month period for total active construction for each project (CoT 123, [\[REP6-042\]](#)).
- 4.8.29. This matter was raised and discussed in ISH1 and this resulted in the action points being considered and summarised by the applicants in their response to action point 18 [\[REP1-041\]](#).
- 4.8.30. The applicants have sought to negotiate the terms of an agreement (in accordance with section 106, Town and Country Planning Act 1990) with FBC and also the Lytham Town Trust as the freeholder. The terms of this agreement were summarised [\[REP5-143\]](#) and a requirement 28 included in schedule 2A and 2B of the draft DCO [\[REP6-013\]](#) to ensure that the section 106 agreement was entered into before any works were commenced within the recreation ground.

ExA's consideration

- 4.8.31. The recreation ground is clearly a well-used venue for football and sports for many children in the area and the potential disruption was an issue which received much attention in the relevant representations and the early hearings. The applicants assessed the likely impacts to the recreation ground as minor adverse. The applicants and FBC were able during the examination to progress discussions and reach general agreement on a package which included funding for alternative sporting facilities should this be necessary.

- 4.8.32. The ExA notes that discussions between the applicants and FBC have progressed during the examination and adequate mitigation for the effects upon the recreation ground has been provided in the terms of the progression of an agreement in accordance with section 106 of Town and Country Planning Act 1990 [\[REP4-119\]](#). The terms of this agreement were explained in a memorandum [\[REP7-038\]](#) providing for compensation to FBC for the cost of hiring alternative football pitches or for the payment of compensation if no alternative pitches are available for hire. The ExA is satisfied with this outcome.
- 4.8.33. This s106 agreement has yet to be executed but adequate safeguard is provided by requirement 28 of schedules 2A and 2B of the dDCO [\[REP6-013\]](#) requiring that the relevant works at Blackpool Recreation Ground are not commenced until a s106 obligation in a form that is acceptable to FBC is entered into to secure appropriate mitigation measures. This requirement would not be necessary in the event of the S106 being completed before the SoS's decision.
- 4.8.34. The applicants referred to the use of trenchless techniques for the cables at the Blackpool Road recreation ground at paragraph 6.11.4.15 [\[APP-104\]](#) and the resulting impact as low and therefore the effect as minor adverse. The ExA accepts this assessment.

Farm holdings

- 4.8.35. The impact and effects on the farm businesses most affected by the proposed development are considered in the compulsory acquisition chapter. The National Farmers' Union (NFU) in its relevant representation [\[RR-1596\]](#) and a number of farm agents outlined a number of concerns including the slow pace of negotiations and the length of time that farming could be interrupted if the two separate projects were not concurrent. These matters were discussed at ISH2 and in response to action point 38 [\[EV7-018\]](#), the applicants submitted a note of mitigation measures in their Landholdings, Consideration of Interaction and Accommodation Measures [\[REP4-111\]](#).
- 4.8.36. The applicants submitted assessments as to the impacts on farm businesses [\[REP6-182\]](#) in response to action point 38 at ISH2 which requested an explanation as to the engagement which had taken place with landowners and the extent to which construction works would affect farm businesses. FBC commented [\[REP7-046\]](#) that much of the assessments were redacted and they only related to three farm businesses.
- 4.8.37. The applicants identified in their land use chapter [\[APP-104\]](#) that there would be a significant adverse effect on farm holdings during the construction period. The applicants explain that the permanent impact of the transmission assets is therefore predominantly associated with the land required permanently for the onshore substations and the changes that would be required in the operation of two of the farm holdings, both intensive dairy units, due to the loss of land used for grazing and silage production. However, they go on to say that with the implementation of a suitable package of measures to be agreed in consultation with the farmers to facilitate the required adjustments to the operation of these enterprises, it is assessed that the construction of the proposed development would not compromise the continued operation of these two farm enterprises.
- 4.8.38. The positioning of link boxes was raised at both ISH1 and ISH2 and particularly by the NFU (agenda item 7, ISH2). The applicants were urged by the NFU and others to ensure that these boxes are placed in positions which cause less disruption when

farming can resume. The applicants confirmed at Q2.12.1.6 in their response to ExQ2 [\[REP5-130\]](#) that it was in their own interests to place joint bays and associated link boxes as close to field boundaries and public roads as practical to facilitate maintenance access. However, they could not commit to a commitment at this stage as siting of the link boxes is subject to technical and safety constraints.

- 4.8.39. The applicants state that they will continue to engage with all farm businesses and identify mitigation measures such as the use of crossing points. As explained in the oCoCP [\[REP6-068\]](#), they will appoint an agricultural liaison officer as a focal point for the landowners and this is secured by requirement 8 in schedules 2A and 2B of the dDCO [\[REP6-013\]](#).

ExA's consideration

- 4.8.40. These matters are considered in more detail in the compulsory acquisition chapter, including the effects on farm holdings impacted by the proposed substations. However, taking account of our considerations in that chapter, the ExA considers in the context of the land use and recreation chapter that the impacts on landowners where permanent acquisition as opposed to temporary possession is being sought will be significantly greater as a result of the proposed development.
- 4.8.41. We agree with FBC that the farm business assessments [\[REP6-182\]](#) are less than convincing. It is disappointing that these were only submitted one week before the close of the examination. The applicants argue that the stage 2 assessment [\[REP6-182\]](#) demonstrates that use of the landholding 26 [\[REP1-044\]](#) as a viable dairy farming business can continue providing the necessary mitigation measures are put in place. This is countered by the tenant farmers [\[REP6-222\]](#) who refer to the untested assumptions made by the applicants to enable them to reach this conclusion. The ExA also has difficulties with the contradictions between the two business assessments [\[REP6-182\]](#) which were submitted simultaneously but have not been explained.
- 4.8.42. Notwithstanding these reservations, the ExA considers that the applicants have justified the siting of the proposed development on BMV land in accordance with paragraph 5.11.34. Whether the impact on the farms affected is in accordance with the test contained in s122 PA2008 is considered in the land powers and related matters chapter (7) of this report.

Public Rights of Way

- 4.8.43. LCC in paragraph 7.49 of their LIR [\[REP1-085\]](#) referred to the standard of reinstatement of rights of way after construction. The applicants explained in their reply to ExQ1.12.1.7 [\[REP3-056\]](#) that the oPROWMP [\[AS-048\]](#) secured by requirement 8 of schedules 2A and 2B of the draft DCO provided the principles for the management of the PROWs during the construction phase. In accordance with requirement 8 as submitted in the final draft DCO [\[REP6-013\]](#), it would be necessary prior to the commencement of the relevant stage of the works for the applicants to prepare detailed PROW Management Plan(s) for approval by the relevant planning authority. The applicants have also made commitment CoT 08 [\[REP6-042\]](#) secured by requirement 16 [\[REP6-013\]](#) to reinstate the working area post construction to pre-existing condition as far as reasonably practicable.
- 4.8.44. In their LIR [\[REP1-078\]](#), FBC raised a specific concern in relation to the bridleway 5-5-BW-16 which is adjacent to the proposed sites of both the Morgan and the Morecambe substations. FBC identified that there would be permanent impacts to

the footpaths close to the proposed Morecambe substation with the introduction of a gated crossing. In addition, LCC stated at paragraph 7.68 of their LIR [\[REP1-085\]](#) stated that there is little space between the PRoW / bridleway and the Morgan substation and no screening is proposed.

- 4.8.45. The applicants explained [\[REP3-056\]](#) that it was proposed that temporary gated crossings would be established prior to the commencement of construction. These temporary gated crossings would then transition to permanent gated crossings to facilitate access to the Morecambe substation and be in place throughout the operation phase as explained in section 1.5.5 of oPROW Management Plan [\[REP6-087\]](#).

ExA's consideration

- 4.8.46. There appears to have been regular contact and progress between the applicants and LCC as reflected in the updated oPROWMP [\[REP6-087\]](#) which provided for a longer period of notice and addressed the temporary diversion at Anna's Road which LCC raised again in paragraph 5.7 [\[REP6-188\]](#).
- 4.8.47. Throughout the examination, concerns have been raised by many IPs about there being two separate projects and therefore the possibility of a doubling of the impacts on relevant receptors. As a result, whilst the ExA acknowledges that the impact on each PROW will only be temporary as the construction phase moves along the proposed route, the strong likelihood is that there would be up to doubling of the length of the impact in several locations once construction works for the second project commence. As recognised in paragraph 5.13.6 of the NPS EN-1, there may well be a visual impact (which we consider separately in the landscape and visual section of this chapter).
- 4.8.48. An additional query relating to bridleway 5-5-BW-16 near the proposed substations was raised concerning the damage caused to it by vehicles undertaking surveys. Each member of the ExA walked along this bridleway three times [\[EV1-001 to EV1-004\]](#) with the third time being in the last month of the examination [\[EV1-004\]](#) which was seven months after the first inspection. The condition of the bridleway had clearly deteriorated during this period and the applicants are urged to reinstate the bridleway as it is not clear if this is adequately covered by CoT 8 [\[REP6-042\]](#) as the current state of the bridleway is poor. This repair is necessary to fully satisfy the requirement contained in paragraph 5.11.30 of NPS EN-1, but otherwise the ExA is satisfied that there is compliance of the policy requirement relating to PROW.

Other matters

- 4.8.49. The impacts on a number of specific businesses are considered in the socio-economic section of this chapter. The Wrea Green equitation centre and the Midgeland riding school are both considered in the land powers and related matters chapter.
- 4.8.50. The applicants considered other projects within the order limits which are either under construction, or permitted, or planned. These are set out in table 6.23 of the Land Use chapter [\[APP-104\]](#). The applicants stated at paragraph 6.13.1.4 that cumulative effects may occur where farm holdings identified within the order limits are affected by other projects and plans but did not identify any cumulative effects to recreational resources or to the quality of agricultural land where temporary land take was required. The ExA accepts this assessment.

CONCLUSIONS

- 4.8.51. At the close of the examination, a number of matters were not fully resolved since the applicants were relying on post decision approval for design elements and the depth of the cable burial. The proposed development undoubtedly has unavoidable effects with the loss of a significant amount of BMV agricultural land and 2024 NPS EN-1 emphasises that applicants should seek to minimise impacts on BMV land, soil health and soil quality.
- 4.8.52. The ExA acknowledges the difficulty in researching the entire land holding of affected landowners and thereby ascertaining the exact effects of the proposed development on every individual business. However, the ExA does have significant reservations concerning the business impact report relating to the farm which is shown as landholding 26 [\[REP1-044\]](#) which is referred to earlier in this chapter. This will be explored in greater detail in the compulsory acquisition chapter, noting that the effects on this farm holding (impact by the proposed Morecambe substation) would be significant.
- 4.8.53. The ExA notes the concerns raised by local authorities with regard to their individual plans as outlined in their respective LIRs. FBC had particular concerns over the likely loss of BMV land as it outlined in its LIR [\[REP1-078\]](#) with reference to policy CL3 in its Local Plan. The ExA acknowledged the precautionary approach to the ALC adopted by the applicants and explained in their response to Q12.1.1. of ExQ1 [\[REP3-056\]](#). Although the precise route for the cables has yet to be finally determined, the ExA concludes that the final selection will not materially affect the ALC and the ExA is satisfied that the measures contained within the oSMP [\[REP6-091\]](#) will lead to the upper soils being carefully removed and replaced on completion of the works.
- 4.8.54. The ExA notes that the content that the final iterations of the Outline Onshore Construction Method Statement [\[REP7-036\]](#) and the oSMP [\[REP6-091\]](#) provide mitigation to address the effects on soils and drainage. The ExA also concludes that the applicants have provided as much information about link boxes as reasonably possible at this stage [\[REP7-036\]](#)
- 4.8.55. There would be a significant loss of BMV land arising primarily from the siting of the proposed substations. However, it is acknowledged that the applicants have sought first to avoid, then to minimise and finally to mitigate the adverse effects on agricultural land and have therefore complied with the mitigation hierarchy. The ExA accepts the applicants' position in this respect as set out in their deadline 5 submission [\[REP5-132\]](#).
- 4.8.56. The ExA considers that the applicants have endeavoured to achieve general compliance with the requirements of 2024 NPS EN-1 in terms of assessing and addressing farming effects. However, the effects on the farm holding at the proposed Morecambe substation site would be significant.
- 4.8.57. Whilst there would be adverse effects on PRoW from construction works for the two projects, and also in terms of permanent effects on users of the PRoW adjacent to the proposed substations, we acknowledge the measures contained within the oPROWMP seeking to minimise adverse effects.
- 4.8.58. Taking into account the acknowledged impacts as outlined above, we consider overall that this would result in significant harm in terms of land use and recreation. In reaching this conclusion, we recognised the possible duration of the disruption

during construction of both projects under the sequential construction scenario. We give moderate negative weight to the residual harm arising in relation to these matters in the overall balance.

- 4.8.59. The ExA has considered the April 2025 draft updates to the suite of energy NPSs as set out in section 3.4.6 of the applicants' planning statement [\[REP7-023\]](#). The ExA is of the view that there is nothing in these revised versions which impact on our conclusions as set out above.

4.9. LANDSCAPE AND VISUAL

INTRODUCTION

- 4.9.1. This section considers landscape character and visual effects of the proposed development.
- 4.9.2. The effects on the green belt and areas of separation are dealt with separately in the following section 4.10.

THE APPLICATION

- 4.9.3. The applicants' assessment of the effects upon landscape and visual resources is set in the Environmental Statement (ES) volume 3, chapter 10 [\[APP-123\]](#), comprising a landscape and visual impacts assessment (LVIA). The chapter draws upon information in:
- ES volume 3, annex 10.1: Landscape and visual resources local planning policy context [\[APP-124\]](#)
 - ES volume 3, annex 10.2: Landscape character baseline technical report [\[APP-125\]](#)
 - ES volume 3, annex 10.3: Visual baseline technical report [\[APP-126\]](#)
 - ES volume 3, annex 10.4: Landscape and visual impact assessment methodology [\[APP-127\]](#)
 - ES volume 3, annex 10.5: Tree survey and arboricultural impact assessment (parts 1 and 2) [\[APP-128\]](#) and [\[APP-129\]](#)
- 4.9.4. The individual representative viewpoints with location maps are provided in appendix A of the 'Visual baseline technical report' [\[APP-126\]](#) which was updated at deadline 6 [\[REP6-052\]](#). Photomontages incorporating 3D, grey scale models of key infrastructure to illustrate the maximum design parameters of the onshore substations have been developed for representative viewpoint locations. These were originally provided in figure 10.5 of volume 3 of the ES [\[APP-136\]](#), which was subsequently updated during the examination [\[REP5a-031\]](#).
- 4.9.5. Illustrative viewpoints providing contextual photography to inform the LVIA is provided in appendix C of the 'Visual baseline technical report' [\[APP-126\]](#), updated at deadline 6 [\[REP6-052\]](#) with the locations of the illustrative viewpoints also provided in appendix B of that document.

Baseline

- 4.9.6. The LVIA study area is contained within a 1 km radius from the onshore export cable corridor study area and a 5 km radius from the onshore substations. Based on the zone of theoretical visibility (ZTV) and field surveys, these buffers are considered by the applicants to be appropriate to cover all potential material landscape and visual impacts. The extent of the study areas is shown below in figure 3.1 and figure 10.1 of volume 3 of the ES [\[APP-135\]](#). The onshore substations ZTV is shown on Figure 10.2 [\[APP-135\]](#).
- 4.9.7. The extent of the ZTV is described in detail in section 10.5 of volume 3, chapter 10 [\[APP-123\]](#). Based on its field survey verifications, the LVIA concludes that potential visibility of the onshore substations would be primarily concentrated in the vicinity of the site from local PRoW. Beyond this, it explains that visibility would be limited to approximately 700 m from the substations' sites, being related to local roads (Kirkham Rd, Lower Lane, Parrox Lane) and the outer boundaries of settlements,

such as Newton with Scales, Kirkham, Hall Cross village and Higher House associated residential development.

- 4.9.8. Based on the ZTV analysis, the applicants have selected 18 representative viewpoints (VP) [table 10.11 of [APP-123](#)] to support the assessment to demonstrate the effects attributable to the proposed substations. The location of these viewpoints is shown on volume 3, figure 10.2 of the ES [\[APP-135\]](#).
- 4.9.9. The applicants have identified national and regional landscape character areas within the study area. These are described in volume 3, annex 10.2: 'Landscape character baseline technical report of the ES' [\[APP-125\]](#) and shown on figure 1.1 of that document. They are also listed in table 10.10 of the LVIA [\[APP-123\]](#).
- 4.9.10. In relation to the location of the proposed substations, the applicants describe the landscape character area (LCA) (15 Coastal Plain, 15d The Fylde) in paragraph 10.12.3.16 of the ES [\[APP -123\]](#). This includes:
- That the LCA is generally characterised by large geometric fields of improved pasture and some arable land within flat or gently undulating lowland farmland. Woodland cover exists in shelter belts and ancient woodlands. Dense residential development and transport infrastructure traverse the landscape. The area is becoming fragmented due to pressure of development.
 - At a local level, the area of landscape in the vicinity of the proposed substations/construction compound sites comprises small, irregular pasture fields defined by low managed hedgerows and scattered hedgerow trees. The landform is relatively flat at the Morecambe onshore substation location whilst more undulating at the Morgan onshore substation location, sloping down to Dow Brook.
- 4.9.11. The LVIA considers occupiers of individual and groups of residential properties with private views of the proposed development as a type of visual receptor. It states (paragraph 10.7.4.4) that no occupiers of residential properties within the study area have the potential to experience a degree of harm over and above substantial to make considering private views a public interest matter. Therefore, assessment of residential visual amenity is not considered in accordance with Landscape Institute Technical Guidance Note 2/19.
- 4.9.12. The applicants state that no designated landscape or seascape areas of international, national or local importance are located within the study area. As explained above we consider the effects on the green belt and areas of separation in the following section, these not being specific 'landscape' designations.
- 4.9.13. Table 10.13 of volume 13 of the ES [\[APP-123\]](#) lists the key landscape and visual receptors taken forward to assessment, including landscape receptors character areas, residential properties, walkers, pedestrians, cyclists and equestrians.

Scope of applicants' assessment

- 4.9.14. Potential effects considered within the applicants' assessment are set out in table 10.14 of the LVIA [\[APP-123\]](#). This includes construction activities associated with all elements of the intertidal and onshore proposals, operation and maintenance of the proposed onshore substations and decommissioning activities associated with onshore substations.
- 4.9.15. Impacts scoped out of the assessment are set out table 10.15 of the LVIA. Impacts of the onshore cable corridors on landscape character and visual resources during

operation and maintenance have also been scoped out as existing habitats and features affected by its construction would be reinstated following completion with no significant landscape effects likely to persist. As no above sea level structures or infrastructure form part of this application for the transmission assets, seascape effects along with landscape character and visual effects from the offshore elements have been scoped out of the assessment.

4.9.16. The details of the substations (approximately 300m apart) have been assessed in the ES as follows:

- Morgan onshore substation site permanent footprint 164,000 m². Four main buildings 80 m wide x 140 m long and 15 m high. The temporary construction compound will be 60,000 m² and will be in active for 36 months.
- Morecambe onshore substation site permanent footprint 55,000 m². Four main buildings 15 m wide x 30 m long and 13 m high. The temporary construction compound will be 42,500 m² and will be active for 30 months.

Mitigation

4.9.17. The proposed mitigation comprises embedded mitigation including measures that will form part of the final design and have been considered as part of the assessment and secondary mitigation which includes measures required to reduce the significance of environmental effects. These measures are listed in table 10.16 of volume 3 of the ES [APP-123]. They include (with relevant commitment number in brackets taken from the Commitments registrar [APP-037]):

- Embedded measures
 - Working areas reinstated to pre-existing condition (CoT08)
 - Onshore cable corridor would be buried underground (CoT12)
 - Sections of trees and hedgerows removed to be replaced (CoT13)
 - Joint bays will be completely buried. Link boxes will have an inspection cover on the surface for access (CoT14)
- Secondary measures
 - A detailed Landscape Management Plan (LMP) will be developed in accordance with the outline LMP (oLMP) (CoT15)

4.9.18. The oLMP [APP-208] as submitted with the application sets out the landscape strategy for implementation and long-term management. This is likely to include:

- Creation of woodland/scrubland belts around the substation parameters
- Incorporation of gentle earth shaping at the substations to utilise natural landform and create false cuttings
- Incorporation of surface water attenuation features at onshore substation locations
- Strengthen and enhance existing hedgerow field boundaries within the vicinity of the substations or reinstate existing hedgerows that are removed for construction
- Use of native and locally appropriate plant species around substations
- Reinstall hedgerows and trees required to be removed within the onshore export cable corridor

4.9.19. The oLMP includes indicative landscape strategy plans for each substation (figures 1.2 and 1.3 of the oLMP). Figure 1.1 of the oLMP shows, in a single illustration, the

indicative landscape strategy plan for both sites and their context within the surrounding area. This is also shown below in figure 17.

- 4.9.20. The outline Design Principles [APP-209] as originally submitted with the application include key design details of substation buildings and the use of appropriate materials/colours/finishes for the facades of the buildings. The final design of the proposed substations would be subject to approval by the relevant planning authority as secured by requirement 4 of schedules 2A and 2B of the draft development consent order [REP6-013]. This requirement includes the provision that the details submitted must be in accordance with the outline Design Principles.

Figure 18: Indicative landscape strategy plan of onshore substation sites (source: figure 1.1 of the outline Landscape Management Plan [REP6-101].



Applicants' assessment of effects

- 4.9.21. The applicants' assessment of effects is set out in detail in section 10.12 of the LVIA [APP-123] with cumulative effects considered in section 10.13.
- 4.9.22. The applicants have considered major effects as being significance with moderate and below effects considered as not significant.
- 4.9.23. The applicants' summary of effects, mitigation and monitoring is set out in table 10.29 of the LVIA [APP-123]. The most notable effects are set out below:

Landscape character – proposed landfall and onshore cable corridor:

- During construction moderate to major adverse effects on Coastal Dunes-Fylde Coast Dunes landscape character area
- During construction moderate adverse (direct) and minor adverse (indirect) effects on Suburban Urban landscape character area

- During construction moderate adverse (direct) and negligible adverse (indirect) effects on Mosslands-South Fylde Mosses and Coastal Plain – The Fylde landscape character areas

Landscape character – proposed substations:

- During construction and decommissioning major adverse direct effect and moderate adverse indirect effect on the Coastal Plain: Fylde landscape character area
- During operation (year 15) moderate adverse direct effect and minor adverse indirect effect on the Coastal Plain: Fylde landscape character area

Landscape character – proposed 400kV grid connection cable corridor (from substations to Penwortham):

- During construction moderate adverse direct effects and negligible indirect effects on the Coastal Plain Fylde and Enclosed Coastal Marsh: Clifton and Hutton landscape character areas

Visual impacts – proposed substations:

- During construction and decommissioning major adverse effects on representative VPs 1, 3, 6, reducing to moderate adverse effects during operation (year 15)
- During construction, operation and decommissioning major adverse sequential effects on users of PRow (BW0505016, FP050503 and FP050504) in the vicinity of the substations [footpaths shown on appendix B of [APP-126](#)]
- During construction and decommissioning moderate to negligible adverse effects on occupiers of residential properties on settlement edges at Kirkham and Newton with Scales along with Greenbank Farm and Freshfield Farm, reducing to minor to negligible during operation (year 15)

Visual impacts – proposed landfall and onshore export cable corridor:

- During construction moderate to major effects on representative VP19 (Blackpool Beach south) and people using the beach for leisure and recreation
- During construction major adverse effects on people using National Cycle Route 62 at Hillock Lane
- During construction major to negligible adverse effects on people using local footpaths and bridleways within 1km of the corridor route
- During construction major to negligible adverse effects on occupiers of residential properties

Visual impacts – proposed 400kV grid connection cable:

- During construction major to minor adverse effects on people using local footpaths and bridleways within 1km of the corridor route
- During construction major to negligible effects on the occupiers of residential properties

Cumulative effects

- During construction, operation and decommissioning moderate adverse effects on four landscape character areas (the proposed development would make a medium to high contribution to cumulative effects during construction and a negligible to no contribution during operation)
- During construction major to minor adverse effect on walkers and equestrians using PRow and major adverse effects on the occupiers of residential properties

ISSUES CONSIDERED DURING THE EXAMINATION

Local impact reports (LIR) and Statements of Common Ground (SoCG)

- 4.9.24. Lancashire County Council's (LCC) LIR (section 7) [\[REP1-085\]](#) raised numerous concerns on landscape and visual matters. These include:
- Implications of the flexibility sought in phasing of the two projects (Morgan and Morecambe)
 - Disagree that the area of the proposed substations is an urban fringe landscape
 - In relation to the proposed substations disagree that there would be a change from major adverse effects to moderate adverse effects from year 1 to year 15
 - Effects from proposed cables on the beach at landfall, particularly due to uncertainty on duration of construction
 - Effects of pond removal on landscape character
 - No detailed assessment on tranquillity
 - Landscape impacts of PRow
 - Impacts on hedgerows
 - Morgan substation would fundamentally not be in keeping with existing landscape character
 - Morecambe substation, although still large and still out of character would be easier to accommodate
 - No detail has been provided of the 'cut and fill' proposed for substations
 - Proposed mitigation in landscape strategy is insufficient and not in keeping with landscape character, including little available space adjacent to PRow west of the Morgan substation
 - Concerns about planting and maintenance proposals
 - Concerns regarding visual impact viewpoints and methodology
 - Underestimation of some effects from viewpoints
 - Concerns regarding cumulative effects including insufficient weighting to the cumulative effect of both the Morgan substation and the adjacent proposed Bluefield Solar Farm in terms of both landscape character and visual effects
- 4.9.25. Fylde Borough Council's (FBC) LIR [\[REP1-078\]](#) includes the following concerns:
- The lack of details concerning the timing, duration and frequency of impacts. Details are absent and as a result, there exists an increased potential for these impacts to become long term or permanent.
 - The effect of development at landfall within an area of particular landscape sensitivity
 - Long term negative visual and landscape impacts from transition joint bays
 - Proposed substations would fundamentally alter the character of the local rural landscape and views across it giving rise to permanent unacceptable long distance and localised landscape harm
 - Significant negative cumulative effects on some views
 - Removal and reinstatement of trees and hedgerows
 - Long term effects on the appearance of land along the transmission corridor
 - Concerns regarding methodology and approach, including timing, duration and frequency
- 4.9.26. South Ribble Borough Council's (SRBC) LIR [\[REP1-227\]](#) considered that the in-combination effects of both the generation and transmission infrastructure must be considered to properly assess seascape, landscape and visual resources. It also stated that the loss of established parts of the natural environment must also be considered.

- 4.9.27. Preston City Council (PCC) did not submit a LIR, however its deadline 1 written representation noted that no structures would be erected above ground in the PCC area and therefore the impact on the character of the area would be greatest during the pre-construction and construction phases. It states that disturbance and damage to the Biological Heritage Sites would be inevitable as well as some loss of other landscape features such as trees and hedgerows. It would expect changes to finished ground levels to be kept to a minimum where they cannot be avoided to avoid harm to the existing character of the area.
- 4.9.28. By the end of the examination the SoCG with SRBC [\[REP6-128\]](#) and PCC [\[REP6-153\]](#) confirm no outstanding issues of disagreement on landscape and visual matters. However, the SoCGs with LCC [\[REP7-027\]](#) and FBC [\[REP7-028\]](#) include several matters that remain as disagreed. The SoCG with Newton with Clifton and Freckleton Parish Council (NCFPC) [\[REP6-158\]](#) also reports disagreement on all relevant landscape and visual matters.

Nationally protected landscapes

- 4.9.29. The Examining Authority (ExA) notes that order limits are not within or near any nationally protected landscape and no submission have been made regarding any implications in this regard. The ExA is satisfied that there would be no effect on any nationally designated landscape from any element of the proposed development and agrees that there are no implications in terms of the general duty in s85 of the Countryside and Rights of Way Act 2000 (as amended) to seek to further the purpose of conserving and enhancing the natural beauty of a national landscape

Issues regarding methodology and application information

Significance of effects

- 4.9.30. Through ExQ13.1.2 [\[PD-008\]](#), the ExA raised questions concerning the applicants' approach in categorising any landscape and visual effects with a significance of moderate or less as not being significant, this being an inconsistent approach with the remainder of the ES. This matter was also discussed at issue specific hearing (ISH) 2 [\[EV7-001\]](#). The applicants explained, as summarised in [\[REP4-103\]](#) that a moderate effect is not considered to be significant for the purposes of the Environmental Impact Assessment (EIA), but this does not mean moderate effects were not considered in the planning balance. FBC's position [\[REP3-082\]](#) and [\[REP4-134\]](#) was that where effects are considered not to be significant, they should not be completely disregarded and that moderate effects are important effects which should be considered.
- 4.9.31. The ExA notes that the applicants' Planning Statement [\[REP7-023\]](#), despite the applicants' acknowledgement that effects of moderate significance should be given appropriate weight in the assessment process, does not clearly demonstrate how these are considered and given appropriate weight in the applicants' overall assessment and subsequent planning balance. The ExA is agrees with FBC that moderate adverse landscape and visual effects are capable of being relevant to the overall assessment and decision-making process and this is taken into account, as appropriate, in our conclusion on this section as well as in our overall planning balance chapter later in this report.

Availability of design information and the proposed maximum design scenario

- 4.9.32. Concerns have been raised by several interested parties that the level of information regarding the design of the proposed substations is insufficient and

does not provide a proper base for assessment. In this context, the ExA notes that NPS EN-1 says that in some instances it may not be possible at the time of the application for all aspects of the proposal to be have been settled in precise detail (4.3.11) and that were some details are still to be finalised, the ES should assess the likely worst-case effects (4.3.12). Whilst more illustrative material may have been helpful for interested parties, the ExA acknowledges that at this stage in the process the precise design details for the proposed substations are not known and that the maximum design scenario provided by the applicants is reasonable in setting out the maximum design parameters using the 'Rochdale Envelope' concept. This, we consider, provides an adequate basis for the application to be considered.

4.9.33.

In ExQ13.1.4 [PD-008] we requested an indicative layout drawing for the proposed substations notating the different structures, equipment and buildings that generally would be required for each. In response, the applicants' subject 3D illustrations for each substation illustratively show the typical layout that would be required for each site. These are shown in figures 5 and 6 of [REP3-064] and are also included below (figures 18 and 19).

Figure 19: Illustrative Morgan substation design (source: figure 5 of applicants Technical Note: Landscape and Design Matters [REP3-064]).

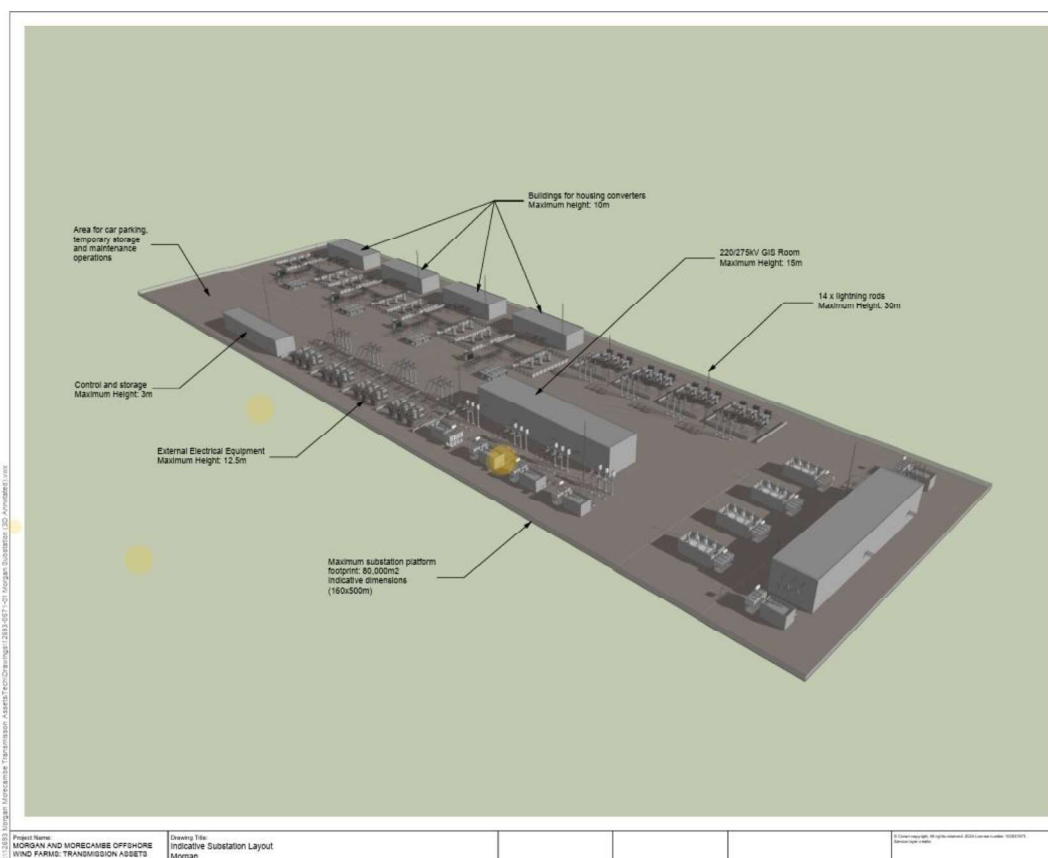
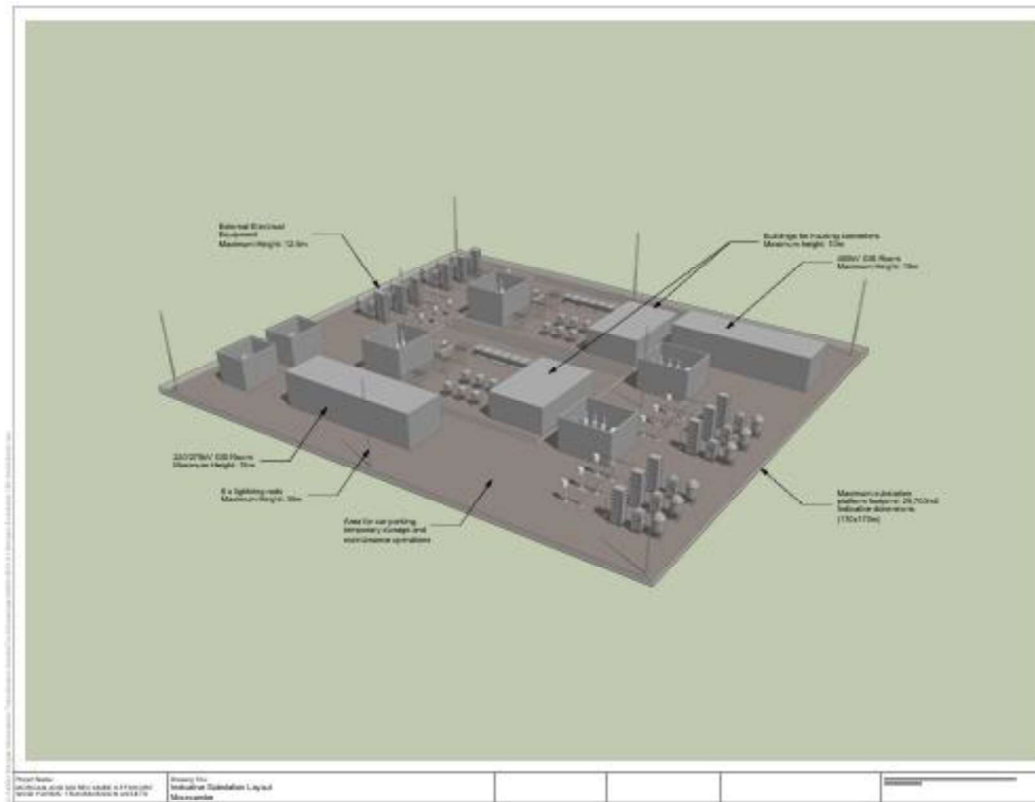


Figure 20: Illustrative Morecambe substation design (source: figure 6 of applicants Technical Note: Landscape and Design Matters [REP3-064]).



4.9.34. With reference to the concerns of FBC about the lack of details on timing, duration and frequency of impacts, the ExA notes that details of likely construction periods are set out in the ES, including section 3.9 'Programme and construction scenarios' of the Project description [REP6-038]. We consider it reasonable for the timing of construction activities to be indicative at this stage and that the details provided are also adequate for the purposes of the application and its assessment. Where relevant these matters will be considered further in response to specific issues below.

4.9.35. In response to concerns from LCC and FBC regarding the implications of the different construction scenarios on the effects of the proposals, the applicants explain in their response to LCCs LIR [7.12 of REP2-039] that the sequential construction scenario represents the longest potential construction duration and the greatest potential for impacts on landscape. They go to say that although the total volume of construction activity would remain the same, the gap between projects would result in a more prolonged, intermittent period of low-level construction disturbance, therefore this scenario has been assessed as the worst-case in the landscape and visual assessment. The ExA is satisfied with this approach of assessing the worst-case scenario and that it generally accords with the 'Rochdale envelope' principles.

Applicants' visualisations and photomontages

4.9.36. Several interested parties raised concerns regarding what they considered to be the limited number of representative viewpoints selected by the applicants and the lack

of rendered visualisation or models of the proposed substations. In response to ExQ13.1.1 the applicants explained [REP3-056] that the visualisations and wirelines depict a model representing a maximum design scenario to assist in understanding the likely scale and proportions of the transmission assets at both year 1 and year 15. They acknowledge that there are inherent limitations to the use of visualisations and that they are intended for illustrative purposes only. The applicants also draw attention to the wider contextual photography that accompanies each viewpoint location (appendix A of volume 3, annex 10.3: Visual baseline technical report [APP-126]) which have been used to inform the applicants assessment.

- 4.9.37. At deadline 3, the applicants submitted updated visualisations [REP3-015] in response to ExQ13.1.1 [PD-008] to include clear referencing to the years of operation (year 1 and year 15).
- 4.9.38. Whilst acknowledging that the submitted visualisations and photomontages have some limitations as recognised by the applicants, the ExA consider these to be a reasonable and useful tool in assessing the effects of the proposed development, including the proposed substations. The ExA does note, however, the viewpoints selected only form part of the assessment of landscape and visual effects and that there are other viewpoints that are also relevant to the necessary assessment.

Outline design principles

- 4.9.39. The applicants' outline Design Principles (oDP) document (which include design codes for the proposed substations) was subject to particular scrutiny during the examination, noting requirement 4 of schedules 2A and 2B of the draft development consent order (dDCO) require that the details submitted of the proposed substations must be in accordance with the oDP.
- 4.9.40. In response to the ExA's Q13.1.5 [PD-008], the applicants [REP3-056] acknowledged that the oDP document as submitted [APP-209] was not specially consulted upon prior to submission of the application though it says that the material within it has been informed by an iterative process of engagement. Subsequently the applicants committed to engaging with FBC and LCC in the time remaining in the examination to develop the design codes that are embedded within the oDP. The applicants emphasised the importance of the design codes in response to ExQ13.1.9 [REP3-056] where we sought explanation of how consideration of the siting and anticipated design of the proposed substations would be capable of responding to features and characteristics of each site including local views, public rights of way, topography and existing screening.
- 4.9.41. In response to ExQ13.1.11 [PD-008] on good design, the applicants drew attention to the importance of the oLMP [final version - REP6-101] and Commitments register [final version-REP6-042] as being the primary controls on the delivery of good design along with the oDP.
- 4.9.42. The final updated version of the oDP was submitted at deadline 6 [REP6-109]. It included numerous changes in comparison to the originally submitted document, including re-drafting of the Design Codes section (table 6-2 the document), following the engagement that has taken place and representations made during the examination. They include measures such as:
- expressing a compact, disciplined, ordered and efficient layout, avoiding sprawling or dispersed arrangements
 - layouts should seek to support landscape integration

- maximise opportunities to reduce the presence of each substation through the selection of appropriate equipment procurement and ‘good design’ of built enclosures. Where feasible, taller elements of equipment should be located where they are least visually apparent
- respond sensitively to local character and context
- minimise platform levels to minimise visual impact and maximise landscape integration
- the appearance and material treatment of all designed elements – including buildings, structures, landscape interventions, materials, boundaries, signage, and branding – to be carefully controlled to achieve consistency across the development and maximise opportunities for landscape integration
- the roof shapes of substation buildings will be designed to minimise visual impact and contribute to a coherent built form
- material finishes for all buildings and enclosures will be selected from a coherent and unified palette of colours
- the materials selected for boundary treatments, walls and enclosures will be of high quality, robust, and designed to require minimal maintenance

4.9.43. Section 6.3 of the oDP also sets out the post-consent design process seeking to support the delivery of good design. This includes the provision of a ‘Design Champion’ for each project and a commitment for each applicant to provide a Compliance Report that will record the extent of compliance with the Design Principles and Design Codes. It also sets out the process for further engagement with the local planning authorities and provides for the establishment of a Working Group during the detailed design process along with the use of 3D modelling to explore an understanding of approaches to materiality, appearance, layout and the nature and effectiveness of screen planting measures and, to the extent operation permits, the siting of structures etc to minimise impacts.

4.9.44. In its SoCG with the applicants, FBC confirmed at deadline 7 that following further engagement during the examination process, the oDP document is ‘capable of delivering appropriate substation design outcomes’. However, LCC in its SoCG with the applicants [\[REP7-027\]](#) remains in disagreement with the applicants on the oDP, along with other mitigation proposals, stating that it has little confidence that the applicants will address landscape and visual concerns sufficiently post consent.

ExA’s consideration

4.9.45. We consider the oDP document to represent a considerable improvement on that originally submitted and, notwithstanding the ongoing concerns of LCC, note FBC’s submission that its comments have been incorporated in the revisions. We consider that it would provide a more focused framework for the detailed substation design proposals to be developed and for FBC’s subsequent consideration of the detailed designs under requirement 4 of schedules 2A and 2B of the dDCO. This will be considered further with specific regard to the proposed onshore substations below.

Proposed onshore substations

4.9.46. The landscape and visual effects of the proposed substations was a particular concern for many interested parties including FBC, LCC, NCFPC and local residents. In its closing statement [\[REP7-046\]](#), FBC (notwithstanding its comments on the improvements to the oDP discussed above) express particular concern regarding the proximity of the two proposed substations to each other and that no benefits would be achieved by their close location. In its final SoCG with the applicants [\[REP7-028\]](#), FBC confirms its view that the proposed substations would have a significant impact on the surrounding landscape and it does not consider that

that the mitigation proposed to be in place by year 15 justifies a reduction in visual and landscape effects to moderate adverse by year 15.

- 4.9.47. In its final SoCG with the applicants [\[REP7-027\]](#), LCC remain in disagreement with the applicants. LCC maintains its view that the proposed substations would have a significant impact on the surrounding landscape, including loss of openness and views, loss to rural character, field pattern, trees and ponds, and loss of tranquillity. It considers that the proposed substations would result in major adverse effects on landscape character (LCA 15d: Coastal Plain – Fylde) at years 1 and 15. It also states that the changes to landscape character, despite being mitigated, could never be compensation for the intrinsic loss to a greenfield site. LCC's SoCG also reiterates their earlier concern regarding the effects from construction due to the duration of construction works for each project.
- 4.9.48. LCC also considers in its LIR [\[REP1-085\]](#) that the substations would have major adverse effects at four viewpoint locations (VPs1, 2, 3 and 12) at years 1 and 15, along with moderate adverse effects at other viewpoint locations (VPs 4, 5, 7) also at years 1 and 15. LCC sets out its commentary on the applicants assessment of effects from the different viewpoints in paragraphs 7.88 to 7.114 of its LIR.
- 4.9.49. At ISH2 LCC expressed its concerns regarding the inadequacy of the mitigation proposals in connection with the proposed substations arguing that there was insufficient space for effective landscaping and that further offsite landscaping should be provided. For example, landscaping adjacent to Morgan substation and Bridleway 5-5-BW 16. In response the applicants argue that there is substantial room within the boundaries of the order limits to achieve good levels of planting and that the detail would be provided through the detailed design, based upon the oLMP (the final version of which was submitted at deadline 6 [\[REP6-101\]](#)).
- 4.9.50. We questioned (ExQ13.1.13) [\[PD-008\]](#) whether an independent design review process (IDRP) would be beneficial to help secure and implement good design in the final design process for the proposed substations. LCC states in its SoCG with the applicants that an IDRP would be welcomed to ensure process in a constructive manner which addresses concerns raised. FBC initially responded in response to ExQ13.1.13 that a IDRP can be helpful under certain circumstances but did not commit to a position without further information and discussion [\[REP3-082\]](#). By the end of the examination, FBC confirmed [\[REP7-028\]](#) that it does not support the use of an IDRP and that further consideration of the role and benefits of it is required. It states it should not be imposed on FBC by the ExA.
- 4.9.51. Regarding cumulative effects, the applicants noted that the Orsted East Irish Sea Transmission (OEIST) project has two potential cable corridors with no decision made yet on proposed substation locations. As such a detailed cumulative assessment of the proposed development with OEIST is not possible at this stage. In its SoCG with the applicants [\[REP7-028\]](#), FBC confirms its agreement that the applicants' cumulative assessment addresses all relevant projects and that no cumulative effects arise. This includes the effects of the proposed Bluefield Solar Farm (located approximately to the west of the proposed Morecambe substation site and approximately to the southwest of the proposed Morgan substation), a planning application for which has been submitted to FBC and remains undetermined at the end of the examination.

ExA's consideration

- 4.9.52. Paragraph 5.10.12 of NPS EN-1 notes that outside nationally designated areas, there are local landscapes that may be highly valued locally but that locally valued landscapes should not be used in themselves to refuse consent, as this may unduly restrict acceptable development. It also recognises in paragraph 5.10.13 that all proposed energy infrastructure is likely to have visual effects for many receptors around proposed sites.
- 4.9.53. Whilst the ExA notes that the applicants emphasise the presence of existing pylons and power lines, along with clusters of farmsteads and associated agricultural buildings. We also note the presence of other nearby urban development including Kirkham Prison. Nevertheless, whilst noting the existing nearby development, we consider that the locality of the proposed substation sites still has an existing predominately rural countryside character, rather than semi-rural as argued by the applicants. The A583 provides a clear boundary between the settlement of Kirkham to the north and the predominantly open rural characteristics of the countryside to the south. The settlement of Newton with Scales to the east also has a generally clear boundary along its western edge. Whilst there is other development including the overhead pylons and Kirkham prison, we do not consider that this influences the overall landscape character as strongly as suggested by the applicants. Furthermore, some existing development such as the existing farms are an expected feature in keeping with rural landscape character.
- 4.9.54. Whilst the effects on landscape character would gradually reduce away from the direct effects on the sites themselves, given the potential size, height scale of both proposed substations and the nature of the equipment and structures required, the substations would result in dominant and incongruous forms of development within their surrounding locality. The proposed temporary and permanent access roads would also contribute to the overall landscape character impact the large construction compound would have effects, albeit relatively short term. The effects of the proposed substations, particular the Morgan substation, would interrupt the field pattern and lead to considerable loss of trees and hedges on affected field boundaries.
- 4.9.55. We recognise that the substations would only affect a relatively small proportion of the overall landscape character area. However, their effects on this locality would be nonetheless significant. The landscaping proposals would, to an extent, reduce the landscape effects over time and the ExA also acknowledges the improvements made to the outline Design Principles including Design Code. The landscape proposals have sought to alleviate the effects on landscape character. However, given the cumulative size and scale of the proposed substations and the nature of infrastructure that would be likely to be comprised within them, we do not consider that the combined effects of both substations on landscape character would be reduced to non-significant at any time over the lifetime of the projects. We also consider that further areas of landscaping as suggested by LCC, broadening the overall landscape proposals, would have been likely to be beneficial in further reducing the effects.
- 4.9.56. Whilst the landscape is not protected for its landscape quality, it is clearly locally valued by residents and recreational users. Therefore, acknowledging the mitigation measures proposed and final oDP, we consider that the proposed substations, located in proximity of one another, would have major adverse short term adverse effects during construction and also long-term major adverse effects during operation (beyond 15 years) on landscape character. These significant effects would be largely confined to the proposed sites and their locality and would diminish in terms of their effects on wider landscape character.

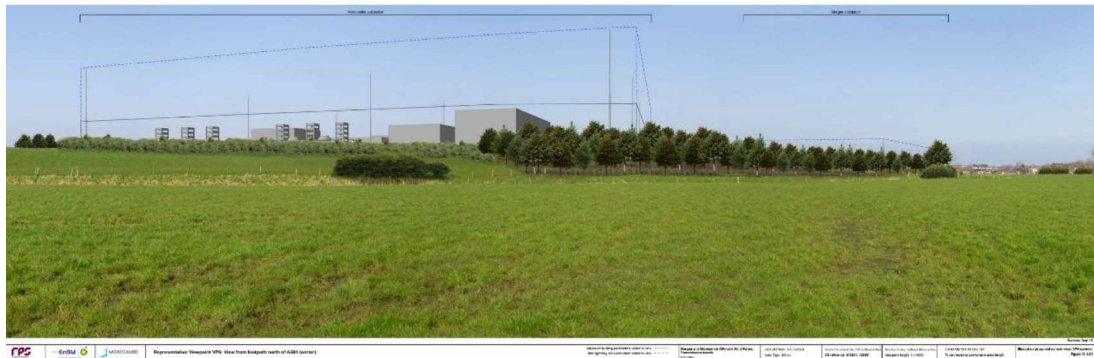
- 4.9.57. Turning to visual effects, we agree with the applicants that major adverse effects would result during construction of the substations from viewpoints on footpaths near to the proposed substations (including representative VPs 1, 3 and 6). This would be especially so given the duration of construction works expected for each substation (30 months for Morgan and 24 months for Morecambe as set out in table 3.4 of the ES Project Description [REP6-038]), also noting that under the sequential construction scenario the proposed substations would be constructed at different times with a potential gap in between of up to four years.
- 4.9.58. We recognise that the proposed planting would increase in effectiveness over time and acknowledge the applicants' commitment to seek to lower the platform levels of the substations. Nevertheless, taking account of the likely size and height of the necessary elements of the proposed substations and their incongruous form in relation to the predominantly rural surroundings, we consider that major visual adverse effects would still result during the operation phase by year 15. This takes account of the topography of the area of the proposed substations, including their relatively prominent locations within the immediately surrounding landscape. Whilst noting that the applicant's cut and fill proposals, the nature of the topography would result in both proposed substations being visually prominent within their surroundings.
- 4.9.59. We also acknowledge that the longer terms visual effects would depend on the specific viewpoint (including those not included in the representative VPs). An example of effects from the footpath is provided below in figure 20, noting that the photomontage of the Morgan substation is illustrative. This example shows that the view will vary depending on intervening vegetation and planting. VP3 shows how close-range views of the Morgan substation from the adjacent footpath could be screened in summer through landscaping at year 15, though noting the limited space for proposed landscaping in this location would be dependent on the final detailed siting of the proposed substation infrastructure and associated landscaping.

Figure 21: Representative Viewpoint 1: Bridleway south of Morgan substation site - summer year 15 (source: figure 10.5.5 of volume 3 of the ES [APP5a-031]).



- 4.9.60. Representative VP6 (shown below in figure 21) includes a photomontage of the proposed Morecambe substation from the adjacent public footpath. The ExA notes that this illustrates the slightly raised and prominent location of the substation and considers that even in summer at year 15 the substation with the proposed landscaping would be likely to represent a stark visual intrusion into the landscape leading to major adverse visual effects.

Figure 22: Representative VP6: View from footpath north of A584 - winter year 15 (source: figure 10.5.34 of volume 3 of the ES [APP5a-031].



- 4.9.61. The sequential effects on users of the PRoW would be particularly pronounced, taking into account the combined effects of both proposed substations. Viewpoints further afield would be less affected, whilst noting that the substations would still result in a considerable and incongruous visual presence in views from the southern part of the PRoW.
- 4.9.62. The associated photomontages with representative VPs 4 (figure 22) and 13 (figure 23) shown below, along the VPs 2, 5, 7 and 12, provide an indication of the effects in more mid distance views of the proposed Morgan substation.

Figure 23: Representative VP4: Parrox Lane east of the Morgan substation – summer year 15 (source: figure 10.5.23 of the ES [APP5a-031].



Figure 24: Representative VP13: Blackpool Road B5192 – summer year 15 (source: figure 10.5.76 of the ES [APP5a-031].



- 4.9.63. These indicate that whilst the visual effects would clearly reduce from viewpoints further from the site considerable adverse visual effects would still result. The ExA emphasises that visual effects would result not only from the applicants' selected viewpoints but other public viewpoints in the vicinity of the sites and that the effects would be greatest in winter months.
- 4.9.64. Whilst the proposed landscaping would reduce the visual effects, we share the concern of LCC that further landscape proposals could further reduce the visual, and landscaping effects, also noting the difficulty of providing screening landscaping that assimilates successfully with the existing landscape.
- 4.9.65. With regards to the potential use of an IDRPs we agree that this can be useful as the detailed design evolves to secure good design for the proposed substations as set out in section 4.7 of 2024 NPS EN-1 (Criteria for good design for energy infrastructure). However, noting FBC's reservations, we do not consider one to be essential in this case, particularly given the improvements that have been made to the oDP as set out above, the involvement of project level design champions, the enhanced design codes and the procedures for the post-consent detailed design process. Overall, we consider that significant adverse visual effects would result from the proposed substations. These are in addition to the significant adverse landscape effects reported above.
- 4.9.66. The ExA is satisfied that the applicants have carried out a robust cumulative effects assessment including taking account of the proposed Bluefield Solar Farm. Whilst this would be likely to be visible along with the proposed substations in some views, we are satisfied that the proposed substations in addition to the proposed Bluefield Solar Farm would not result in any effects of increased significance for landscape or visual effects beyond those we report on above.

Onshore cable corridor

- 4.9.67. Whilst the landscape and visual effects of the onshore cable corridor was an issue of less concern for many parties than the effects from the proposed substations, matters were raised during the examination regarding the disruption during construction and potential longer-term harm due to the loss of landscape features, including trees and hedges within the cable corridor.
- 4.9.68. FBC raised concerns in its LIR [\[REP1-078\]](#) as noted above, including the effects at landfall and from the proposed transition joint bays. In response, the applicants' make clear [\[REP2-038\]](#) that for the area including landfall, moderate to major adverse landscape and visual effects would result during construction. The applicants also clarify that the above ground elements of the transition joint bays and link boxes would only comprise manhole covers set at ground level to provide access during operation and maintenance and therefore visibility of them would be highly localised and minimal.
- 4.9.69. In response to concerns regarding tree planting and landscape management raised by FBC and LCC at ISH4, the applicants confirmed [\[REP6-163\]](#) that they had extended the period of management of new landscaping (including) from 5 to 10 years. This is secured in section 1.5 (Monitoring and management) of the final version of the oLMP [\[REP6-101\]](#). The applicants have also committed to the implementation of detailed arboricultural method statements (AMS), secured through requirement 8 (Code of construction practice) of the dDCO [\[REP6-013\]](#). These would need to accord with the outline AMS [\[REP6-155\]](#). Article 35 (felling or lopping of trees and removal of hedgerows) article 36 (Trees subject to tree

preservation orders) of the dDCO [\[REP6-013\]](#) have also 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 AMS which has also been updated during the examination in response to comments from interested parties and the ExA.

- 4.9.70. In relation to concerns raised about the effects on existing ponds [\[REP1-085\]](#), the applicants explained in section 7.44 of its response to LCC's LIR [\[REP2-039\]](#) that ponds identified have been avoided where possible and they have made a commitment (CoT31) in the Commitments Register [\[REP6-042\]](#) that during construction any newly identified ponds will be avoided through micro-siting of the onshore cable corridor where reasonably practicable (secured through Outline Ecological Management Plan and the OLMP via requirements 6 and 12 of schedules 2 A and B of the dDCO). The applicants also draw attention to the creation of new ponds at Moss Side and at the Morgan substation site which would be in the vicinity of existing ponds.

ExA's consideration

- 4.9.71. The proposed onshore transmission cables would be buried underground. Some temporary landscape and visual harm would arise during construction, including from the temporary construction compounds. We also note in this respect the sequential scenario involving the projects being implemented at different times.
- 4.9.72. However, taking account of the proposed mitigation and restoration measures including trenchless installation in sensitive locations, replacement hedgerow planting and landscape restoration, replacing ponds, the ExA is satisfied that the onshore cable corridor proposals would not result in any significant long-term landscape or visual harm.

Residential visual amenity

- 4.9.73. LCC has raised concerns, summarised in its SoCG [\[REP7-027\]](#) regarding the visual effects on nearby residential properties, including Greenbank Farm, Freshfield Farm and residential properties on Manor Drive located on the edge of Kirkham north on the opposite side of the A583 to the north of the proposed Morgan substation. In its response to ExQ13.1.14 regarding assessment of the effects on visual amenity of residents, FBC [\[REP3-082\]](#) stated that a full assessment of such effects should be undertaken. In response the applicants reiterated its position in the ES [\[APP-123\]](#) and that sufficient information has been provided to assess the effects.
- 4.9.74. Concerns regarding the visual appearance of the proposed Morecambe substation were raised by the occupiers of Marybank Farm [including [RR-0486](#), [REP4-164](#)], a residential property located on Lower Lane to the southwest of the proposed Morecambe substation site. In response to our ExQ2.1.3.1 [\[PD-011\]](#) about the effects (including visual) on the occupiers of this property, the applicants [\[REP5-130\]](#) refer to their assessment carried out in the ES [\[APP-123\]](#) concluding that the views of the proposed substations would neither overwhelm existing properties nor render them so unattractive place to live that permission should be refused'.
- 4.9.75. In response to the ExA second rule 17 request [\[PD-017\]](#) following a representation [\[REP6-025\]](#) from the owners of the caravan park off Parrox Lane approximately 500m to the east of the proposed Morgan substation, the applicants report that there would not be any significant visual effects.

ExA's consideration

- 4.9.76. We note that there are some residential properties as well as the caravan park off Parrox Lane where views of the proposed substations would be likely to be possible. However, we are satisfied that, based on the maximum design parameters as set out in the application, taking account of the separation between the proposed substations and such properties, no unacceptable impacts would result upon the outlook from any residential property or the caravan park and therefore no significant effects would result upon residential amenity. This is not to say that there would not be some visual effects, but the ExA is satisfied that they would not be such unacceptable impacts on outlook that would be of significant detriment to the individual residents amenity for the occupiers of each property.
- 4.9.77. There are likely to be some visual effects from the proposed construction works, including the onshore cable corridor and associated construction compounds. However, even under the sequential construction scenario, we do not consider that such visual effects would be likely to result in any unacceptable adverse effects upon residential amenity.

CONCLUSIONS

- 4.9.78. 2024 NPS EN-1 acknowledges that virtually all nationally significant energy infrastructure projects will have effects on the landscape and that all proposed energy infrastructure is likely to have visual effects for receptors around proposed sites. 2024 NPS EN-5 recognises that new substations can give rise to landscape and visual impacts.
- 4.9.79. Although they are located near to urban settlements, both proposed onshore substations would be located within the open rural countryside and, taking account of their proposed footprint and extent of infrastructure proposed, in each case they would appear as large, dominant and incongruous features within their predominantly rural landscape.
- 4.9.80. The ExA acknowledges the revisions made to the oDP, including Design Codes, during the examination. We consider this document to represent a considerable improvement on that originally submitted, providing a more focused framework for the detailed substation design proposals to be developed and for FBC's subsequent consideration of the detailed designs under requirement 4 of schedules 2A and 2B of the dDCO. We also acknowledge the measures contained within the OLMP, as also updated during the examination, although we consider that the areas of landscape could have been further enhanced to provide for additional landscape planting.
- 4.9.81. Overall, we find that the applicants have underestimated the effects that would result from the proposed substations upon landscape character. We consider that, whilst the proposed mitigation and landscape measures would help to reduce and minimise the adverse effects, the long terms effects on landscape character in the locality of the substations would still be significant. We also consider that there would be long term significant adverse visual effects, most notable from PRoW in the vicinity of the proposed substations. Whilst we are satisfied that, overall, the proposed mitigation will be beneficial in seeking to reduce the adverse effects in the longer term, we consider that more could be done in mitigating the harm caused by the proposed substations through the extent of the proposed landscaping proposals.
- 4.9.82. The proposed onshore transmission cables would be buried underground. Some temporary harm would arise during construction, including the temporary

construction compounds, particularly noting the two separate construction projects. However, taking account of the proposed mitigation measures, trenchless installation in sensitive locations, replacement hedgerow planting and landscape restoration, these elements of the proposed development would not result in any significant long-term landscape or visual harm.

- 4.9.83. We conclude that overall, the applicants' approach to minimise the harm, including the proposed mitigation, would largely be in accordance with 2024 NPS EN-1, NPS EN-3 and NPS EN-5. We do not consider that there is anything in the revised suite of 2025 energy NPSs that changes our conclusions on landscape and visual effects.
- 4.9.84. In terms of local policy, given the resulting adverse effects, we conclude that the proposed development will be contrary to the relevant policies of the Fylde Local Plan to 2032, including Policy ENV-1 which requires regard to be had to visual and landscape impacts, Policy GD4 which seeks to protect the countryside from unacceptable development and Policy GD7 which sets out how to achieve good design in development. In a similar vein, the proposed development would inevitably not accord with several design aims of the National Planning Policy Framework 2024, including to add to the overall quality of the area and to be sympathetic to local character.
- 4.9.85. Overall, taking account of all proposed mitigation measures that would reduce the landscape and visual effects of the proposed development, but also recognising that significant long-term effects would still remain from the two proposed substations, the ExA attaches moderate negative weight to landscape and visual matters in the planning balance.
- 4.9.86. We go on to weigh the residual harm against the benefits of the proposed development in our overall planning conclusions in chapter 6 the report.

4.10. GREEN BELT AND AREAS OF SEPARATION

INTRODUCTION

- 4.10.1. This section considers the effects of the proposed development upon the green belt. It also considers the effects upon 'areas of separation' as defined under Strategic Policy GD3 of the Fylde Local Plan to 2032 (incorporating Partial Review) (FLP). Consideration of landscape and visual matters are dealt with separately above in section 4.9.
- 4.10.2. In chapter 3, we have considered the applicants' approach to site selection and alternatives, including the locations of the proposed substations. We conclude in that chapter that the applicants have taken a reasonable approach to site selection and alternatives in this regard and note that, from the evidence, there do not appear to be any suitable sites for one or both substations outside of the green belt, taking account of the proposed connection point at Penwortham.
- 4.10.3. Paragraph 5.11.2 of 2024 NPS EN-1 and the National Planning Policy Framework December 2024 (NPPF) explain that the fundamental aims of green belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of green belts are their openness and permanence. Paragraph 143 of the NPPF goes on to say that the green belt serves five purposes:
- to check the unrestricted sprawl of large built-up areas
 - to prevent neighbouring towns merging into one another
 - to assist in safeguarding the countryside from encroachment
 - to preserve the setting and special character of historic towns
 - to assist in urban regeneration, by encouraging the recycling of derelict and other urban land
- 4.10.4. Paragraph 5.11.36 of 2024 NPS EN-1 states that when located in the green belt, energy infrastructure projects may comprise 'inappropriate development'. It says on to say that inappropriate development is by definition harmful to the green belt and that the NPPF makes clear that most new building is inappropriate in green belt and should not be refused permission unless in very special circumstances.

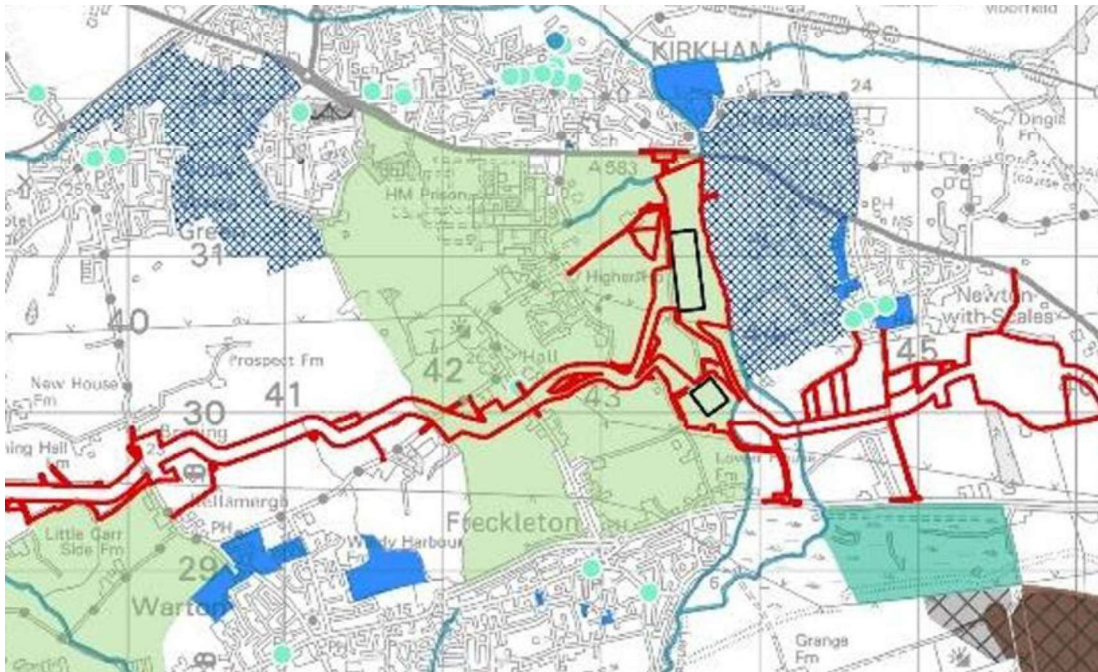
THE APPLICATION

- 4.10.5. The applicants' assessment of effects on the green belt was primarily contained in section 5.24 'Green belt and development in the countryside' of the Planning Statement [\[APP-233\]](#) of the application as originally submitted.
- 4.10.6. This notes that elements of the proposed development run through areas of green belt and that the two proposed onshore substations would be located in the green belt. It also explains that although close to the 'areas of separation' designation, no element of the proposed development would cross or effect this designation, noting that the scheme design evolved at the pre-application stage with the removal of the order limits from within the Kirkham and Newton area of separation. As such, as no part of the proposed development would be within any area of separation the applicants explained that no additional assessment of Strategic Policy GD3 of the FLP is required.
- 4.10.7. The extent of both the green belt and areas of separation in relation to the order limits are shown on figure 5.1 'Onshore environmental constraints' of the Planning Statement [\[APP-233\]](#). This is also shown below in figure 24 with a detailed extract also included as figure 25 showing the location of the proposed substations.

Areas of green belt encompass the western most section of the onshore order limits (including at Blackpool Airport), the areas of the proposed substations and cable corridor to the south of Kirkham and the area to the south of the River Ribble encompassing the 400kV cable corridor and the area of connection to the existing National Grid Penwortham substation. The areas of separation are located outside of the order limits to the southeast and southwest of Kirkham.

[illegible]

Figure 26: Extract from environmental constraints map (source: figure 5.1 of the Planning Statement [REP7-023] showing the location of the proposed substations in black, the green belt in green and the areas of separation in cross-hatching).



- 4.10.9. The Planning Statement submitted with the application goes on to say that although engineering operations are not necessarily inappropriate in the green belt, it is acknowledged that the proposed construction of two onshore substations in the green belt does not fall under the exceptions of inappropriate set out in the NPPF.
- 4.10.10. The applicants explained that the proposed development is considered to benefit from the presumptions given to critical national priority (CNP) infrastructure in NPS EN-1 and, as such, the starting point for the Secretary of State (SoS) is that CNP infrastructure is to be treated as it has met any tests which require a clear outweighing of harm, exceptionally, or very special circumstances. The applicant argued that the proposed development meets the requirements for very special circumstances to allow development in the green belt and that this means that matters of openness or justification regarding the impact on the purposes of including land in the green belt are not required, as the need for CNP infrastructure outweighs the harm to the green belt by reason of inappropriateness and any other harm.
- 4.10.11. In paragraph 5.24.1.14 of the Planning Statement as originally submitted [[APP-233](#)] the applicants also noted that the NPPF (paragraph 160) acknowledges that, for renewable energy projects, very special circumstances may include the wider environmental benefits associated with increased production of energy from renewable sources.
- 4.10.12. The applicants referred to their overall assessment and balance in section 6 of the Planning Statement which include the significant beneficial impacts as a result of energy transmission from renewable sources and therefore argued that every if the proposal is not considered to be CNP, very special circumstances exist to outweigh the harm to the green belt by reason of inappropriateness and any other harm.

ISSUES CONSIDERED DURING THE EXAMINATION

- 4.10.13. Lancashire County Council's (LCC) local impact report (LIR) [\[REP1-085\]](#) draws attention to Policies GD2 (areas of separation) and GD3 (green belt) of the FLP which both identify the need to safeguard potential merging of settlements. It draws attention to the location of both the proposed substations within the green belt and the Morgan substation being directly adjacent to the area of separation. LCC state that the proposed substations would place an added and major significant pressure on the area of separation and would erode the separation that currently exists between existing settlements. Noting that the substations would be inappropriate development in the green belt, LCC considers that a very special circumstances case should include a lack of available sites outside of the green belt or other green belt locations that would have less impact such as the land adjacent to the existing Penwortham substation. LCC also expresses concern about the cumulative effects on the green belt and area of separation of the proposed Morgan substation and the proposed Bluefield Solar Farm development that would be located to the east.
- 4.10.14. Fylde Borough Council's (FBC) LIR [\[REP1-078\]](#) considers that the applicants have not properly justified the need for green belt location of the substations. It states that the need for two substations and the size of the substations has not been properly justified with specific reference to the green belt tests. FBC also stated that the proposed substations would significantly weaken strategic policy GD3's (Areas of separation) ability to preserve the character and distinctiveness of the individual settlements of Newton with Scales and Kirkham.
- 4.10.15. The South Ribble Borough Council (SRBC) LIR [\[REP1-227\]](#) considers that the alternatives to the proposed connection site do not appear to have been fully considered and states that the Council would expect to see evidence of a sequential test for land which is not green belt, or a reduction in land which is green belt.
- 4.10.16. The effects of the proposed development upon the green belt were also raised in many relevant representations (RR) and submissions made during the examination. In its response to relevant representations (RR) [\[PDA-005\]](#), the applicants report that the theme of the green belt was raised by approximately 41% of RRs. The objections of interested parties (IPs) in this regard included the adverse effects of the proposed development, particular the substations, on the green belt and that there are not the very special circumstances required to allow development in the green belt.

Applicants' Green Belt Technical Note

- 4.10.17. Further to representations made by IPs, along with ExA's written questions [\[PD-008\]](#) and subsequent discussions at issue specific hearing (ISH) 2 [\[EV7-001\]](#), the applicants submitted [\[REP3-069\]](#) and later updated a Green Belt Technical Note [\[REP4-092\]](#). This sought to draw together the applicants' case on green belt matters including additional clarification on site selection and alternatives (considered separately in chapter 3 of our report), design, the nature and degree of any harm arising and very special circumstances.
- 4.10.18. In relation to the very special circumstances test, section 1.6.4 of the applicants Green Belt Technical Note [\[REP4-092\]](#) includes consideration of 'Other Potential Harm' that would arise including matters relating to landscape and visual, amenity, biodiversity and highways. The potential harms considered by the applicants are limited to those arising in areas of green belt rather than harms arising from the development as a whole. Furthermore, paragraph 1.7.6 of the Technical Note

considers the benefits arising from other considerations against only 'harms to be caused to the green belt'.

- 4.10.19. We subsequently sought clarification (ExQ2.17.1.2) [\[PD-011\]](#) on the applicants' interpretation of paragraph 153 of the NPPF, specifically whether the applicants should refer to any other harm arising from the proposed development as a whole to correctly reflect the NPPF. The applicants' response [\[REP5-130\]](#) confirmed that harm by reason of inappropriateness and 'any other harm' have been fully considered within their assessment. The applicants explain that for the purposes of the applicants' assessment, 'any other harm' has been taken to reasonably include landscape and visual harm, as well as harm to amenity, biodiversity, and highways.
- 4.10.20. The Technical Note also reemphasises the applicants' position, in any case, that the starting point for determination of proposed development, as CNP infrastructure, is that the test for very special circumstances required to justify development in the green belt is met, by the recognised urgent need for new low carbon infrastructure.

Inappropriate development in the green belt

- 4.10.21. In the context of paragraphs 153 and 154 of the NPPF, by the end of the examination there was general agreement between interested parties on the matter of what parts of the development would represent inappropriate development in the green belt. This for example is set out in the SoCGs of the applicants with LCC [\[REP7-027\]](#), FBC [\[REP7-028\]](#) and SRBC [\[REP6-128\]](#).
- 4.10.22. This agreement includes that the proposed substations would be inappropriate development in the green belt. The agreement also includes that the underground export and 400kV grid connection cables would not represent inappropriate development in the green belt (noting that they would preserve openness and the purposes of the green belt) but that the temporary construction compounds would be inappropriate development as there would be temporary harm to the openness of the green belt and some encroachment into the countryside. The applicants' Green Belt Technical Note also considers that the marshalling buildings that would form part of the connection to the existing Penwortham Substation would be inappropriate development.

ExA's consideration

- 4.10.23. The ExA agrees with the above findings on inappropriate development, with the additional clarification that elements of the proposed connections to the existing Penwortham substation, including but not limited to the proposed marshalling buildings, would amount to inappropriate development in the green belt.

Effects on openness and purposes of the green belt

- 4.10.24. With regard to the proposed substations, the applicants' position confirmed at the end of the examination [\[REP7-042\]](#) is that the harm to openness would be major at year 1, reducing to moderate at year 15 as the proposed planting matures. FBC agree within the final SoCG [\[REP7-028\]](#) 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 would mitigate impacts in this instance. FBC agrees with the applicants that the 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 with purpose c) considered to be the principal issue.

- 4.10.25. The ExA asked (ExQ2.17.1.1) [\[PD-011\]](#) whether the potential difference in the Morecambe substation footprint and design between the two design options (air insulated switchgear (AIS) or gas insulated switchgear (GIS)) would make any difference in terms of impacts on the openness of the green belt or any other green belt impacts. The applicants responded [\[REP5-130\]](#) that the green belt impacts would be largely comparable whether AIS or GIS design is selected. They explained that whilst the overall footprint for AIS design may be larger than for GIS design, the equipment in an AIS option would be predominantly housed in an 'open yard' style and not located in buildings. As such, whilst an AIS design may have a greater impact on spatial openness, resulting from a more extensive footprint, it would likely to be characterised by fewer buildings with the overall height of the equipment lower than GIS and visibility through the site possibly greater. The GIS design, with more buildings, would be likely to have a greater impact on visual openness, albeit the footprint and equipment might be more compact.
- 4.10.26. The applicants also draw attention to the Outline Design Principles [\[REP6-109\]](#). They state that these accord with recognised practice and describe the process and measures to maximise landscape integration. As a result, through good design, they would 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.
- 4.10.27. In its SoCG with the applicants [\[REP7-028\]](#) and earlier representations [\[REP5-170\]](#), FBC explain that it does not agree with the applicants' assessment of the existing impact of the existing HMP Kirkham and the existing development on Lower Lane (to the west of the proposed substations) on reducing the existing openness of the greenbelt. It also draws attention to the unknown duration and timing of the construction programme. FBC considers that elevated harms would result from the close location and concentration of the built form of the proposed substations. This is emphasised in its final position statement [\[REP7-046\]](#).
- 4.10.28. LCC's SoCG [\[REP7-027\]](#) raises similar concerns to FBC noting that the openness of the green belt where the substations are proposed has been underplayed, as has the permanence of the substations while uncertainties remain about construction durations.
- 4.10.29. The applicants consider that the harm caused by temporary works should carry not much, if any, weight given that green belt policy is directed towards consideration of development that is permanent. The applicants conclude that through the implementation of good design principles, the permanent aspects of the proposed development (including the proposed substations) would maintain the openness of the green belt overall and prevent urban sprawl and significant encroachment into the countryside. The applicants consider that the resultant harm, from both inappropriate development and other harms has therefore been demonstrated to be limited.
- ExA's consideration
- 4.10.30. The ExA agrees that the most significant effects on the green belt would arise from the proposed substations. We have considered both substations as being on a long term, effectively, permanent basis given the uncertainty on the length of operation and the lack of any decommissioning time limit requirement.
- 4.10.31. Both substations would represent large forms of built development, both in terms of their considerable spatial extent and the likely height and massing of elements within them. They would include the proposed buildings forming part of the

substations but also the spread of other equipment within each substation platform. The proposed planting would provide some visual screening of the substations but their strong visual presence would remain. In any case the combined spatial impact of both substations on the green belt would remain to be significant in the long term. Taking account of their considerable footprint and scale, the proposed substations would also clearly breach the purposes of the green belt to assist in safeguarding the countryside from encroachment and, to a lesser extent, to check unrestricted sprawl of large built-up areas.

- 4.10.32. We broadly agree with the applicants' [\[REP5-130\]](#) response to ExQ2.17.1.1 that, overall, there would be little difference in terms of green belt impacts, between the AIS and GIS design options for the proposed Morecambe substation, noting the potential differences between visual and spatial effects on openness.
- 4.10.33. We acknowledge the progress made with the Outline Design Principles [\[REP6-109\]](#) noting that some of the measures proposed would assist, through detailed design, in minimising the effects of the proposed substations on the green belt. Nevertheless, the proposed substations would still be large in size and extent and, even with an optimised design approach, their effects on green belt openness would still be significant.
- 4.10.34. The existence of other development in the area, would not make any material differences to our findings on the effect upon openness or on the purposes of including land in the green belt. This is particularly so given the prevailing open countryside characteristics of the area within and around the proposed substation sites. We also note that proposed solar farm approximately to the east of the proposed substations, though this does not materially change our assessment on the effects of the proposed substations on the openness and purposes of the green belt.
- 4.10.35. The proposed connection works to the Penwortham Substation would have some more limited adverse effects on openness, taking account of their likely small scale and extent. The effects of the other temporary forms of inappropriate development (including construction compounds) on openness and green belt purposes would be limited due to their more limited duration, notwithstanding the combined effects of several construction compounds associated with the two separate construction projects that may take place under the sequential construction scenario.

Interpretation of very special circumstances

- 4.10.36. We go on to consider very special circumstances and CNP issues in our conclusion on the case for development consent in chapter 6.
- 4.10.37. However, we note at this point that there remains to be some ambiguity around the applicants' interpretation of paragraph 153 of the NPPF, specifically what should be taken into account as 'other harm' in the very special circumstances balancing exercise. Indeed, this ambiguity is still apparent in the applicants' closing statement [\[REP7-042\]](#) which concludes (paragraph 9.1.1.24) that (notwithstanding the CNP position) 'robust very special circumstances have been demonstrated for the transmission assets as delivering the new renewable energy generation from two onshore wind NSIPs, and which clearly outweigh **any harms to be caused to the green belt**'.
- 4.10.38. We do not consider that this is consistent with the wording in paragraph 153 of the NPPF which states that "Very special circumstances will not exist unless the

potential harm to the green belt by reason of inappropriateness, **and any other harm resulting from the proposal**, is clearly outweighed by other considerations”.

Areas of separation

- 4.10.39. At the end of the examination FBC confirms in its SoCG with the applicants [\[REP7-028\]](#) that, whilst it agrees that no part of the proposed development would be located in the area of separation, it considers there to be no policy requirement for development to be inside an area of separation to impact upon it. In its SoCG with the applicants [\[REP7-027\]](#), LCC confirmed its view that an area of separation could be influenced strongly by adjacent development and its effectiveness reduced if it were designed to work alongside, in this instance, the green belt. LCC says that the green belt is strengthened by its immediate proximity to the area of separation as the two are read together in views and in landscape context. LCC explains that the urban boundary would effectively move to the eastern extent of the substations, rather than along the boundary of Freckleton Road and Kirkham Road.
- 4.10.40. In their closing statement [\[REP7-042\]](#) the applicants maintain their position that areas of separation do not have an undefined exclusion zone beyond the borders of the policy area, as defined by the FLP Policies Map, and that as no part of the proposed development would enter the areas of separation between Kirkham and Newton with Scales, there would be no detrimental impact upon the designation or its function. The applicants go on to say that even if the policy is engaged, they do not consider that the proposed development would result in any significant harm to the effectiveness of the gap between settlements as there is no merging of settlements. They explain that both settlements would 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.

ExA's consideration

- 4.10.41. Strategic Policy GD3 of the FLP states that development will be assessed in terms of impact upon areas of separation, including any harm to the effectiveness of the gap between the settlements and, in particular, the degree to which the development proposed would compromise the function of the area(s) of separation in protecting the identity and distinctiveness of settlements.
- 4.10.42. The ExA acknowledges that the policy does not specifically say that a proposed development must be within an area of separation for it to be considered against the policy. However, neither does it specifically say that proposals outside of an area of separation might have an impact on the purposes of it. The justification for the policy set out in paragraph 7.10 of the FLP sets out the criteria that was used in the designation of the areas of separation. This indicates that the areas were carefully chosen due to the potential for the gap between settlements to be compromised in either case.
- 4.10.43. The ExA also notes that the western boundary of the area of separation between Kirkham and Newton adjoins and does not overlap with the boundary of the green belt. The green belt being higher in the hierarchy of designations as recognised in paragraph 7.4 of the FLP which goes on to explain that all land outside settlement boundaries in Fylde is within either the green belt, the areas of separation or the countryside. Strategic Policy GD3 also sets out the forms of development that might be appropriate for an area of separation. The ExA notes that there are some differences to this and the forms of development that might be appropriate on land covered by the separate green belt and countryside designations. That indicates, in

our view, that the policy primarily relates to development located within an area of separation.

- 4.10.44. Both the proposed substations would be located outside of the areas of separation. Whilst the Morgan substation, in particular, would be located close to the boundary of the area of separation between Kirkham and Newton it would not directly impact on land within the designation which has been clearly defined using set criteria to protect the character and distinctiveness of the two nearby settlements and to prevent coalescence of the two distinct and separate settlements. The ExA does not consider that the proposed development would result in a reduction in the effectiveness of the areas of separation as the policy would still clearly apply to any development proposed within those areas and that the areas themselves would not be impacted upon in this case. We separately consider the proposals in terms of green belt policy above but are satisfied that the proposed development would not result in harm to or compromise the function of the designated areas of separation. Therefore, there would no breach of Strategic Policy GD3 of the FLP.

CONCLUSIONS

- 4.10.45. Elements of the proposed development, most notably the two proposed onshore substations, would be inappropriate development in the green belt. The harm to the openness of the green belt from the two substations would be significant. They would also materially undermine the purposes of the green belt to assist in safeguarding the countryside from encroachment and to check the unrestricted sprawl of large built-up areas. There would also be more limited harm to openness arising from elements of the proposed connection works to Penwortham Substation and the temporary construction compounds for the project as a whole.
- 4.10.46. Paragraph 153 of the NPPF makes clear that substantial weight should be given to any harm to the green belt, including harm to its openness. Inappropriate development is, by definition, harmful to the green belt and should not be approved except in very special circumstances. It says that very special circumstances will not exist unless the potential harm to the green belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
- 4.10.47. In chapter 3, we have considered the applicants' approach to site selection and alternatives, including with regard to the locations of the proposed substations. We conclude in that chapter that the applicants have taken a reasonable approach to site selection and alternatives in this regard and note that, from the evidence, there does not appear to be any suitable sites for one or both substations outside of the green belt, taking account of the proposed connection point at Penwortham.
- 4.10.48. The revised 2025 versions of the energy suite of NPSs do not alter our green belt considerations as set out in this section.
- 4.10.49. We give substantial weight to the harm that would result to the green belt from the proposed development, including harm to its openness. We go on to consider the 'very special circumstances' test in chapter 6 of this report. We also consider the CNP implications in chapter 6. This will enable us to subsequently conclude against relevant green belt policy aims of the NPPF, 2024 NPSs EN-1 and EN-3 and Strategic Policy GD2 of the FLP.
- 4.10.50. The proposed substations would be located outside of the designated areas of separation. We are satisfied that they would not result in harm to or compromise the

function of the areas of separation. Therefore, there would no breach of Strategic Policy GD3 of the FLP.

4.11. NOISE AND VIBRATION

INTRODUCTION

- 4.11.1. This section considers the effects of noise and vibration landward of mean high water springs (MHWS). It only considers the effects of airborne noise on human receptors. The impacts of underwater noise are considered in section 4.17 of this report.
- 4.11.2. The assessment of noise impacts due to construction traffic is informed by baseline traffic flows and construction traffic flows presented in volume 3, chapter 7: Traffic and transport of the Environmental Statement (ES).

THE APPLICATION

- 4.11.3. The applicants' assessment of the potential impact of the proposed development on noise and vibration is set out in ES volume 3, chapter 8: Noise and Vibration (Application version: [\[APP-117\]](#), final version as updated: [\[REP6-063\]](#)). The chapter draws upon information in:

- ES volume 3, annex 8.1: Baseline sound survey [\[APP-118\]](#)
- ES volume 3, annex 8.2: Construction noise and vibration [\[APP-119\]](#)
- ES volume 3, annex 8.3: Operational Noise [\[APP-120\]](#)

Baseline

- 4.11.4. As well as following the methodology set out in ES volume 1, chapter 5: Environmental Assessment Methodology [\[APP-034\]](#) and ES volume 3, chapter 8: noise and vibration [\[REP6-063\]](#), the following guidance documents are considered in the noise and vibration assessment:
- BS 4142:2014+A1:2019 (British Standards Institution, 2019) provides a method for rating industrial and commercial sound and a method for assessing resulting impacts upon people
 - Procedure for the Assessment of Low Frequency Noise Disturbance (NANR45) This guidance was produced to provide a methodology and criteria to assist in the investigation of complaints due to low frequency noise
 - BS 5228-1:2009+A1:2014 – 'Code of practice for noise and vibration control on construction and open sites' – Part 1: Noise.
 - BS 5228-2:2009+A1:2014 – 'Code of practice for noise and vibration control on construction and open sites' – Part 2: Vibration.
 - Design Manual for Roads and Bridges (DMRB) – LA 111 – Noise and vibration
 - The World Health Organisation (WHO, 2018) environmental noise guidelines
 - Tranquil Spaces: Measuring the Tranquillity of Public Spaces
- 4.11.5. The potential effects scoped into the assessment are set out in table 8.11 of ES chapter 8 and include construction, operation, maintenance and decommissioning phases:
- noise and vibration effects due to construction activities landward of MLWS, including noise and vibration effects due to open cut trenching, noise and vibration effects due to trenchless techniques at crossings (e.g., sand dunes, roads, railway lines, rivers etc.), noise effects due to construction of the onshore substations and noise effects due to construction traffic
 - noise effects due to plant and equipment forming the design of the onshore substations

- noise and vibration effects due to decommissioning activities landward of MLWS, including noise effects due to traffic
- 4.11.6. The potential impacts scoped out of the assessment are set out in table 8.12 of ES volume 3, chapter 8: noise and vibration and include:
- vibration effects from construction and decommissioning traffic
 - noise and vibration effects due to operation and maintenance of the onshore export cable and associated infrastructure (excluding onshore substations and associated infrastructure)
- 4.11.7. The study area for noise and vibration assessment of the proposed development focuses on receptors landward of MLWS where potential noise impacts are most likely to occur. The study area is presented in figure 8.1 to figure 8.4 of volume 3, figures of the ES [\[APP-135\]](#) and is defined as:
- the area of land to be temporarily or permanently occupied during the construction, operation and maintenance, and decommissioning (landward of MLWS)
 - noise sensitive receptors located within 1 km of the landfall and onshore substations
 - noise sensitive receptors located within 300 m of the onshore export cable corridor and the 400 kV grid connection cable corridor
 - vibration sensitive receptors located within 100 m of onshore and intertidal construction activities.
- 4.11.8. ES chapter 8: Noise and Vibration [\[REP6-063\]](#) states that information on noise and vibration within the study area was collected through a detailed review of existing studies and datasets and site-specific surveys were undertaken in June 2023 and March 2024 to inform the EIA. The methodology and survey locations for the site-specific surveys were agreed with the relevant local authorities, regulators and interested stakeholders.
- 4.11.9. Full details of the survey methodology are presented in volume 3, annex 8.1: [\[APP-118\]](#). [\[REP6-063\]](#) summarises that a mixture of long-term and short-term sound measurements were undertaken at locations representative of the nearest noise sensitive receptors to construction, operation and maintenance, and decommissioning noise sources.
- 4.11.10. The survey comprised long-term sound monitoring at 22 locations and short-term monitoring at five locations within the order limits (landward of MLWS). These are presented in figure 1.1 to figure 1.4 of volume 3, annex 8.1 [\[APP-118\]](#).
- 4.11.11. [\[REP6-063\]](#) states that long-term monitoring was undertaken over a period of one week with short-term monitoring undertaken over a period of three to six hours.

Mitigation and monitoring

- 4.11.12. Several primary (included as part of the project design) and tertiary (required to meet legislative requirements or adopted industry practice) mitigation measures are proposed by the applicants and set out in ES volume 1, annex 5.3: Commitments Register [\[REP6-042\]](#). Secondary (foreseeable) mitigation described as ‘actions that will require further activity in order to achieve the anticipated outcome’ are also proposed.

- 4.11.13. Mitigation measures relevant to noise and vibration identified in table 8.13 of ES volume 3, chapter 8: noise and vibration [REP6-063] and would be secured by way of requirements (R) in schedules 2A and 2B of the draft Development Consent Order (dDCO) [REP6-013]. The measures include:
- CoT18 - core working hours for the construction of intertidal and onshore works (secured by R14)
 - CoT35 – an Outline Code of Construction Practice (oCoCP) (secured by R8)
 - CoT36 – the preparation of an onshore decommissioning plan prior to decommissioning (secured by R22)
 - CoT38 – an Outline Construction Traffic Management Plan (oCTMP) (secured by R9)
 - CoT79 – An Outline Construction Noise and Vibration Management Plan (oCNVMP) (secured by R18)
 - CoT88 – Best Practicable Means will be implemented during the construction, operation, maintenance aspects to ensure that noise levels are minimised within all reasonably foreseeable circumstances. For the construction phase these will be detailed within the Outline CoCP and Operational Noise Management Plans(s) (secured by R18)
 - CoT19 – All trenchless crossings will be undertaken by non-impact methods such as horizontal directional drilling (HDD) (or other trenchless techniques including micro tunnelling and direct pipe), excluding preparatory works, in order to minimise construction noise and vibration beyond the immediate location of works (secured by R8)
 - CoT34 - Based on noise modelling results, where construction noise has the potential to cause significant adverse effects, mufflers and acoustic barriers will be used, where practicable, where HDD (or other trenchless techniques) is being undertaken (secured by R8)
- 4.11.14. As commitments secured by the dDCO, the above measures are considered inherently part of the design of the proposed development and therefore included in the applicants' assessment of effects.

Assessment of effects

- 4.11.15. ES chapter 8: Noise and Vibration [REP6-063] section 8.9 states that the maximum design scenarios are identified in table 8.14 and have been selected as those having the potential to result in the greatest effect on an identified receptor or receptor group. Effects of greater adverse significance are not predicted to arise should any other development scenario, based on details within the project design envelope (e.g. different infrastructure layout), to that assessed here be taken forward in the final design:
- 4.11.16. Maximum design scenarios considered for assessment of impacts:
- construction phase at landfall – concurrent construction
 - construction phase at onshore substations – concurrent construction
 - construction phase for onshore export cables and 400 kV grid connection cables - concurrent construction
 - decommissioning phase - likely to operate within the parameters identified for construction
 - operation and maintenance phase for onshore substation – both air insulated switchgear (AIS) and Gas Insulated Switchgear (GIS) designs are being considered for the of the Morecambe onshore substation. The maximum design scenario is represented by the AIS option since this design incorporates fewer

buildings and thus less acoustic screening of noise levels due to external plant at receptors.

- 4.11.17. Assessment methodology is set out in detail in section 8.10 of ES chapter 8: Noise and Vibration [REP6-063]. Section 8.11 details the assessment of effects. The impacts arising from the construction, operation and maintenance, and decommissioning phases have been assessed.
- 4.11.18. The impacts assessed include:
- noise impacts and effects due to works at the landfall (excluding trenchless techniques)
 - noise impacts due to the onshore cable installation and decommissioning landward of the transition joint bays (open cut trenching)
 - vibration impacts due to the construction of the transmission assets
 - the impact of noise generated by additional vehicle movements on the local highway network
 - the impact of noise generated during operation and maintenance of the onshore substations on human receptors.
- 4.11.19. Overall, the applicants conclude that there will likely be no significant effects during the construction, operation and maintenance or decommissioning phases. The residual effects following mitigation are mostly negligible to minor adverse for noise impacts due to construction and/or operation of the proposed development. One moderate adverse impact is predicted on the Rowan Veterinary Centre (located approximately 50 m from the boundary of a temporary construction compound) due to the construction and decommissioning noise impacts landward of the transition joint bay (open-cut construction techniques).
- 4.11.20. Section 8.6.1.4 of ES chapter 8: Noise and Vibration [REP6-063] states that there are unlikely to be any significant residual effects once mitigation is applied.
- 4.11.21. Cumulative assessment is covered in section 8.13 and table 8.40 presents a summary of the potential cumulative impacts, mitigation measures and residual effects. Overall, the applicants conclude that there will be no significant cumulative effects from the proposed development alongside other projects/plans.
- 4.11.22. Section 8.14 states that a screening of transboundary impacts has been carried out and has identified that there was no potential for significant transboundary effects with regard to noise and vibration from the proposed development upon the interests of other states.

ISSUES CONSIDERED DURING THE EXAMINATION

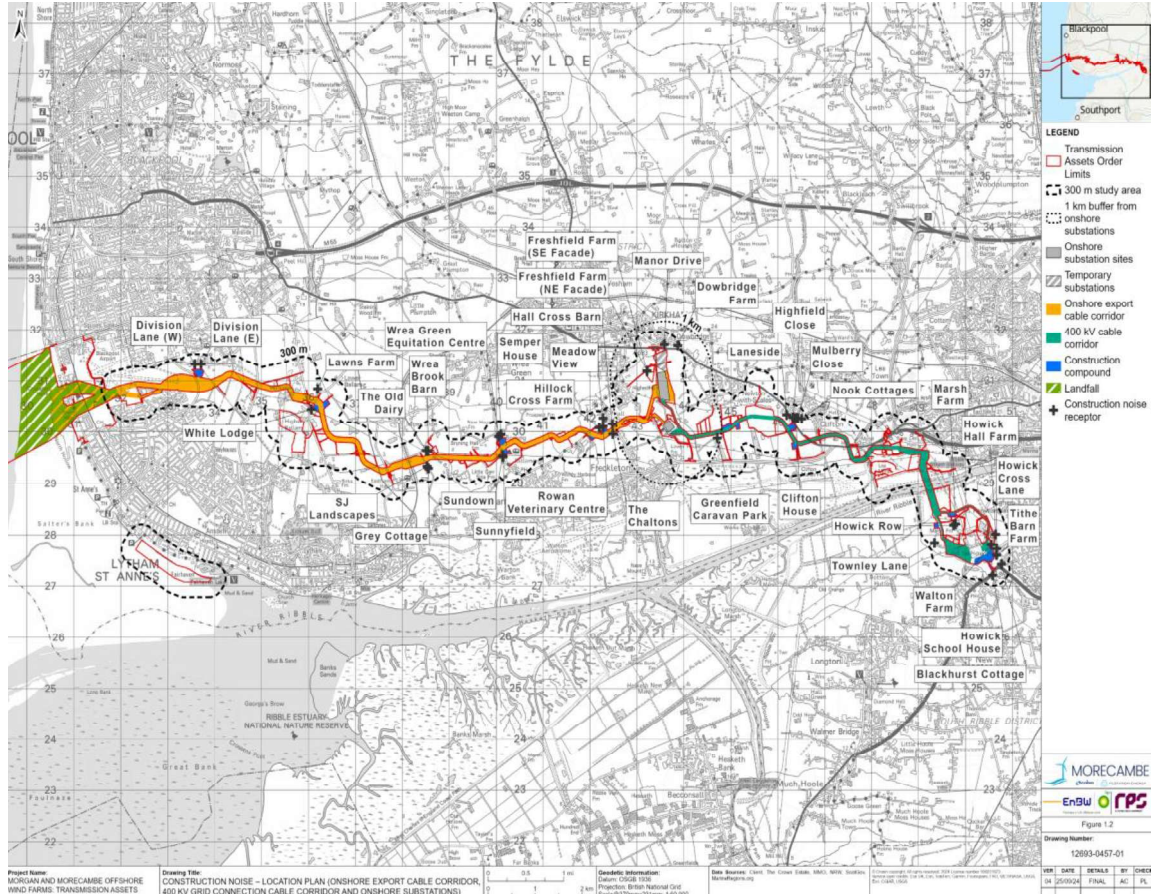
- 4.11.23. In its local impact report (LIR) [REP1-085] Lancashire County Council (LCC) makes references to potential noise issues from the substations, wider environmental matters such as issues relating to noise and vibration and noise impacts on public health and historic environment.
- 4.11.24. South Ribble Borough Council's (SRBC) LIR [REP1-227] includes several concerns related to noise and vibration related to the applicants chosen maximum design scenario (concurrent construction). SRBC states that inclusion of duration of impact is fundamental to understanding the nature of noise and vibration impacts. Additionally, issues related to noise assessment and construction hours were highlighted. Potential human health impacts arising from noise exposure at ward

level and appropriateness of the assessment with regard to increases as a consequence of construction and traffic movement were also identified.

- 4.11.25. Blackpool Borough Council's (BBC) LIR [\[REP1-068\]](#) also raised concerns relating to noise. Those relate to the activities undertaken during the construction and decommissioning and the extended working hours proposed. LIR states that the working hours should be reduced to reflect the urban nature of the wider area and that in line with codes of practice, machinery should be subject to noise abatement measures wherever possible. Additionally, it highlighted that scenario assessments should consider a range of scenarios as the impacts created through maximum noise levels over one period and lower noise levels over a greater period of time, may create different impacts which require different mitigation.
- 4.11.26. No specific concerns related to noise were raised in Fylde Borough Council's (FBC) LIR [\[REP1-078\]](#), however, in its RR [\[RR-0705\]](#) it raised issues related to assessment methodology and stated that more detailed evidence that appropriate mitigation can be achieved is expected. Additionally, FBC notes that the potential use of the North Beach Car Park as a compound during construction could give rise to a wide range of noise impacts. The Council state that it would expect to see further details relating to these impacts, as a minimum to be able to establish whether the proposals are acceptable in principle.
- 4.11.27. The theme of noise was raised by approximately 32% of relevant representations [\[section 2.24 PDA-005\]](#). In general concerns relate to noise pollution during the construction including as a result of increased traffic movements and to noise that would be emitted from the onshore substations, including a concern that there would be a constant hum which would impact nearby properties and schools. Additionally, some representations raised concerns regarding impacts on horses during construction with potential impacts on Wrea Green Equitation centre being referenced. [\[PDA-005\]](#)
- 4.11.28. Noise and vibration issues were examined by the Examining Authority (ExA) in written questions [\[PD-008\]](#) and [\[PD-011\]](#) and in Issue Specific Hearing (ISH) 4 with a summary of the discussions provided by [\[REP6-163\]](#).
- 4.11.29. Discussions continued between the applicants and parties throughout the examination and through several iterations of the relevant control documents. Updated versions of the oCNVMP, which sets out general measures to mitigate noise and vibration impacts from construction activities, were submitted at deadline D4 [\[REP4-032\]](#), D5 [\[REP5-055\]](#) with a final version at D6 [\[REP6-083\]](#). An additional technical note on managing construction noise at equestrian receptors was submitted at D6 [\[REP6-183\]](#).
- 4.11.30. The final SoCG with Preston City Council was submitted at D6 [\[REP6-153\]](#) and recorded that all matters related to noise are agreed.
- 4.11.31. BBC and LLC have deferred to the other local authorities in relation to noise and vibration matters.
- 4.11.32. Final SoCGs with SRBC [\[REP6-128\]](#) and FBC [\[REP7-028\]](#) recorded material areas of disagreement regarding construction working hours.

Effects during construction of the cable corridor

Figure 27: Construction Noise - Location Plan (Onshore Export Cable Corridor, 400KV Grid Connection Corridor and Onshore Substations (source: figure 1.2, ES volume 3, annex 8.2 construction noise and vibration [APP-119].



4.11.33. Table 8.26 of ES volume 3, chapter 8: Noise and vibration [\[REP6-063\]](#) summarizes construction noise impacts at receptors along onshore cable corridor for activities concentrated within construction compounds.

4.11.34. ES volume 3, chapter 8: Noise and vibration [\[REP6-063\]](#) states that there will be up to four compounds required west of the transition joint bays to MLWS:

- compound 1 (welfare): 300 m² to be active for 36 weeks
- compound 2: 2,500 m² to be active for 48 weeks
- compound 3: 510 m² to be active for 48 weeks
- compound 4: 600 m² to be active for 24 months (in a concurrent construction scenario)
- there will be two transition joint bay compounds within Blackpool to facilitate construction works, to be active for up to 29 months over a 45 month period

4.11.35. Further to that table 8.14 in [\[REP3-063\]](#) states that there will be up to ten construction compounds along the onshore export cable corridor for the onshore export cables construction phase. During a concurrent construction compounds will be present for 36 months. For the onshore substations the area of temporary compounds (combined) includes working and laydown areas (excludes permanent substation footprint) is 122,500 m² (additional to permanent footprint). Duration is

30 months. Concurrent construction represents the maximum design scenario. It is likely to cause greater disturbance since receptors would be exposed to high noise levels which are likely to result in significant effects.

- 4.11.36. In the closing statement the applicants state that they have prepared an oCNVMP [\[REP6-083\]](#) which sets out general measures to mitigate noise and vibration impacts from construction activities. The plan(s), which are secured in R8 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 will be defined as the detailed design progresses and will be agreed with the relevant authorities through agreement of the final CNVMP.

Construction working hours and mobilisation period

- 4.11.37. In [\[RR-2027\]](#) SRBC state that the construction working hours and the mobilisation hour proposed by the applicants are excessive, particularly as traffic to and from the South Ribble developable area is down a very quiet semi-rural road where residents should expect a level of residential amenity which this would not provide for. SRBC position has been further clarified in response to ExQ1.3.12 [\[REP5-191\]](#) where SRBC states that commencement of work at 6am poses an unacceptable risk to the amenity of residents in all Council areas. Standard construction hours conditions are acknowledged as generally being an 8am start, yet this proposes not only an early start, but an additional hour prior to that which will inevitably result in noise, activity and disturbance.
- 4.11.38. In the final SoCG, SRBC [\[REP6-128\]](#) requests removal of mobilisation hours from the scope of the project and for construction hours to align with typical project construction hours in SRBC (08:00 to 1800 weekdays and 09:00 to 1300 on Saturdays, no works on Sundays and bank holidays). SRBC state that it does not agree that there will not be significant residual effects on noise and vibration due to the proposed construction working hours.
- 4.11.39. FBC in response to ExQ1 Q1.1.5b [\[REP3-082\]](#) states that the standard restrictions controlled by conditions attached to planning permission issued by FBC restrict construction hours to 08:00 to 18:00 (Monday to Friday) and 08:00 to 13:00 (Saturday), with no works on Sundays or Bank Holidays. However, any impacts would be exacerbated by the prolonged duration and relatively high intensity of the proposed works. FBC also states that the requirement for start-up and set down periods should be included within these operating hours for sensitive human and environmental receptors.
- 4.11.40. The final SoCG with FBC [\[REP7-028\]](#) recorded an outstanding material disagreement regarding the working hours which have been utilised for the purpose of the assessment of the effects from the project alone and cumulatively with other projects.
- 4.11.41. The applicants position as set out in the closing statement [\[REP7-042\]](#) is that they have considered feedback from the relevant planning authorities and have greatly reduced Saturday working hours (changed from 07:00 to 19:00 to 07:00 to 13:00). Applicants state that any further shortening of the working hours would disproportionately reduce the productive on-site working time.
- 4.11.42. The applicants further state [\[REP7-042\]](#) that retaining 07:00 to 19:00 core working hours on weekdays, and 07:00 to 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.

- 4.11.43. The applicants outline [\[REP7-042\]](#) that to protect residential amenity, the oCNVMP was updated at D4 to secure noise control mitigation measures and noise limits on mobilisation activities undertaken during the start-up (06:00 to 07:00) and during the shutdown (19:00 to 20:00).
- 4.11.44. Applicants state [\[REP7-042\]](#) that the oCNVMP has been updated to address specific concerns raised by FBC and other consultees during the examination. The addressed concerns include addition of construction noise and vibration limits in line with BS 5228:2009+A1:2024 and agreement to monitoring of construction noise and vibration. They also include control of noise and vibration at receptors with particular sensitivities and in some cases protected characteristics (including Century Care Home, schools and equestrian receptors) and a commitment to using low noise and low vibration construction plant, where practicable.
- 4.11.45. For the purposes of dDCO R14 “mobilisation activities” include personnel briefings, inspections, tool-box talks, inductions, health and safety works, deliveries excluding heavy goods vehicle movements, movement to place of work, general preparation and site maintenance work, but does not include operation of heavy machinery or operation of generators or flood lights. [\[REP6-013\]](#)
- 4.11.46. The applicants state that [\[REP6-083\]](#) noise levels from mobilisation activities will not exceed the relevant threshold values for these periods as set out in table E.1 BS 5228- 1:2009+A1:2014, replicated in table 1.5 of [\[REP6-083\]](#) at any noise sensitive receptor.
- ExA’s consideration
- 4.11.47. Throughout the examination, noise and vibration effects were a cause of concern for IPs and submissions were made on the matter, particularly from those living in the vicinity of the proposed onshore substations. The ExA acknowledges the numerous concerns regarding the timing of construction works early in the morning and late into the evening.
- 4.11.48. The ExA recognises that control of working hours is a fundamental means of controlling noise and vibration impacts on receptors. In general, it is preferable for works with potential to generate noise or vibration to take place during times when people are less sensitive to them i.e. generally accepted to be weekday daytimes and Saturday mornings, rather than outside of these hours.
- 4.11.49. With the durations that construction compounds will be present and substations durations of construction and installation of 30 months for Morgan and 24 months for Morecombe, as specified in table 3.27 of ES volume 1, chapter 3: Project description [\[REP6-038\]](#) the ExA is mindful of the need to strike a satisfactory balance between the protection of amenity and the construction needs of the project.
- 4.11.50. The ExA note that the applicants state [\[REP7-042\]](#) that noise monitoring will be undertaken during the construction works at noise sensitive receptors (including mobilisation) in accordance with the final CNVMP and that oCNVM states that noise levels from mobilisation activities will not exceed the relevant threshold values at any noise sensitive receptor.

- 4.11.51. The ExA notes paragraph 1.7.1.5 of oCNVMP states that R14(2)(h) of schedules 2A and 2B of the draft DCO allows mobilisation activities to be undertaken during the hours 06:00 to 07:00 and 19:00 to 20:00 (Monday to Friday). The ExA is mindful that those timings fall within periods that are classed as night-time and evening respectively for the purposes of applying the SOAEL threshold levels. This classification reflects the general higher sensitivity of receptors during these periods, compared to the proposed core working hours.
- 4.11.52. The ExA therefore considers that mobilisation activity occurring during these periods have greater potential to give rise to disturbance, even where predicted noise levels remain below relevant thresholds. The increased sensitivity associated with very early morning and evening hours, when residents are more likely to be sleeping and resting at home, is a material consideration when assessing the acceptability of extended working hours.
- 4.11.53. While the ExA notes the applicants' commitment to compliance with noise limits, we consider that the acceptability of construction hours must also take account of duration, timing and specific local context.
- 4.11.54. Whilst the predicted noise levels during these periods may not be significant in EIA terms or of a magnitude to constitute a statutory nuisance, the proposed activities of deliveries (excluding heavy good vehicle movements), movement to place of work, general preparation and site maintenance work could be audible and still have the potential to be disruptive or intrusive. The likelihood of disturbance to sleep, relaxation, and the enjoyment of homes and outdoor spaces increases, particularly where exposure would occur repeatedly over the construction programme and over summer months when residents would be more likely to have windows open or use their gardens. On this basis, the ExA considers that the proposed mobilisation hours could give rise to a greater degree of disturbance to residential amenity than would otherwise occur during core daytime working hours.
- 4.11.55. The ExA further considers that extended duration and spread of construction activity has the potential to affect wellbeing and quality of life, particularly where communities are exposed over prolonged periods. While noise limits may be met, the extension of activity into very early morning and evening periods increases the likelihood of perceptible disturbance.
- 4.11.56. While noting that the applicants state in the closing statement section 12.1.1.10 [\[REP7-042\]](#) that 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, the ExA is not persuaded that removal of the mobilisation period would have a significant impact on the delivery of the construction programme.
- 4.11.57. Throughout the examination, the applicants consistently stated that the detailed design of the proposed development would depend on the appointment of contractors during the post-consent phase. Only at that stage could construction plans, techniques, and management strategies be fully developed and finalized. On this basis, if the requested mobilisation hours were removed, any contractors bidding for the work would be fully aware of the permitted working hours, the developer's overall project timeline, and key milestones, enabling them to allocate resources accordingly.

- 4.11.58. Notwithstanding our concern about the mobilisation hours, the ExA recognises that working hours of 07:00 to 19:00 on weekdays and 07:00 to 13:00 on Saturdays are commonly adopted in DCO projects. Although these hours exceed those preferred by the local authorities, the ExA considers them proportionate to the scale of the proposed development.
- 4.11.59. Taking the above into account, the ExA determines that the proposed core working hours of 07:00 to 19:00 Monday to Friday and 07:00 to 13:00 on Saturday, excluding the suggested mobilisation hours, strike an equitable balance between construction efficiency and the protection of residential amenity.
- 4.11.60. Therefore, the ExA is recommending the following change to R14 in schedule 2A and 2B of the dDCO: (deleted text struck through):

14.—(1) Except as otherwise agreed in the code of construction practice and subject to sub paragraphs (2) to (4), construction of the Project A onshore works and Project A intertidal works, and construction-related traffic movements to or from the site of the relevant work must take place only between the hours of 0700 and 1900 from Monday to Friday, and 0700 to 1300 on Saturday, with no activity on Sundays or bank holidays

(2) Subject to paragraph (3), construction of the Project A onshore works and Project A intertidal works, and construction-related traffic movements arriving or departing from the site of the relevant work may take place outside the hours specified in sub-paragraph (1) for certain identified works comprising—

(a) where continuous periods of construction are required, for works such as concrete pouring and finishing, electrical circuit pulling and jointing and testing, trenchless installation technique works and alternative trenchless installation technique works, and dewatering pumps;

(b) for the delivery and unloading of abnormal loads;

(c) for any other time-critical element of the Project A onshore works; and

(d) emergency works; and

~~(e) mobilisation activities, which may take place one hour immediately prior to and one hour immediately after the hours specified in paragraph (1).~~

~~(6) Mobilisation activities must be undertaken in accordance with the construction noise and vibration management plan approved under requirement 8.~~

(7) For the purposes of this requirement—

~~(a) “mobilisation activities” include personnel briefings, inspections, tool-box talks, inductions, health and safety works, deliveries excluding heavy goods vehicle movements, movement to place of work, general preparation and site maintenance work but does not include operation of heavy machinery or operation of generators or flood lights; and~~

(b) “emergency” means a situation where, if the relevant action is not taken, there will be adverse health, safety, security or environmental consequences that in the reasonable opinion of the undertaker would outweigh the adverse effects to the public (whether individuals, classes or generally as the case may be) of taking that action.

- 4.11.61. If the SoS is minded to accept this recommended amendment to R14, reference to mobilisation activities in the suite of documents comprised within the CoCP would need to be amended accordingly including the oCoCP itself [\[REP6-067\]](#) and the oCNVMP [\[REP6-083\]](#).

Impact on equestrian activity

- 4.11.62. This issue in general terms is also considered in the Socio-economic effects chapter 4.12.
- 4.11.63. Section 2.15 of [\[PDA-005\]](#) states that approximately 7% of relevant representations raised concerns regarding impacts on horses during construction with potential impacts on Wrea Green Equitation centre being referenced. [\[PDA-005\]](#). Wrea Green Equitation centre, located in close proximity to one of the proposed construction compounds, submitted [\[RR-2292\]](#) and participated in the examination.
- 4.11.64. The applicants position is set out in the closing statement [\[REP7-042\]](#) and states that 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.
- 4.11.65. The applicants explain [\[REP7-042\]](#) that the technical note regarding managing construction noise and vibration at equestrian receptors was submitted at D6 [\[REP6-183\]](#) and 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. CoT79 states that the applicants will engage with these receptors during the detailed design stage to further understand their use and identify any receptor specific noise and vibration limits and mitigation measures required to minimise construction noise and vibration impacts.
- 4.11.66. Additionally, the applicants have committed to a bespoke communications plan with Wrea Green Equitation centre included within the updated Outline Communications Plan at D6 [\[REP6-069\]](#) to include specific measures in place to minimise the potential impacts.

ExA's consideration

- 4.11.67. The ExA considers that progress has been made through the examination and that adequate control mechanisms have been proposed and included in the application to ensure impacts on equestrian activity can be minimized and managed appropriately so that no significant effects occur.

Operational noise

- 4.11.68. A number of relevant representations raised concerns related to noise that would be emitted from the onshore substations, including a concern that there would be a constant hum which would impact nearby properties and schools. [\[PDA-005\]](#)
- 4.11.69. The nearest residential noise sensitive receptors are identified in table 1.8, volume 3, annex 8.3: Operational Noise [\[APP-120\]](#). The closest receptor, Freshfield Farm is located 233 meters from the Morgan onshore substation and Marybank Farm located 241 meters from the Morecombe substation. R18 of the dDCO specifies that the noise rating level for the operational lifetime of the substations must not exceed 34db at Freshfield Farm and 36db at Marybank Farm.

4.11.70. In response to relevant representation from Freckleton Parish Council [\[PDA-027\]](#) the applicants acknowledge that Strike Lane Primary School is located approximately 710 m from the proposed Morecambe onshore substation and Carr Hill High School is located approximately 750m from the proposed Morgan onshore substation.

4.11.71. Figure 27 shows predicted mitigated daytime operational noise levels for Morgan and Morecombe onshore substations.

Figure 28: Mitigated daytime operational noise levels (source: figure 1.5, ES volume 3, annex 8.3 operational noise [\[APP-120\]](#)).



4.11.72. The applicants position as set out in the closing statement [\[REP7-042\]](#) is that 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 R18 of schedules 2A and 2B of the draft DCO [\[REP6-013\]](#). Applicants state in [\[APP-120\]](#) that mitigation options are available for the remaining plant items including, but not limited to acoustic enclosures, acoustic barriers and quieter plant selections.

4.11.73. In response to ExQ14.1.6 the applicants state [\[REP3-056\]](#) that at the detailed design stage, the onshore substation components and any mitigation implemented will ensure any tonal, impulsive or low frequency characteristics are suitably controlled within the maximum design scenario assessed to avoid a significant adverse effect.

4.11.74. The applicants also state [\[REP7-042\]](#) that the noise limits secured by the dDCO 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 requested by FBC 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) and in accordance with R18 of Schedules 2A and 2B of the draft DCO [\[REP3-013\]](#).

ExA's consideration

- 4.11.75. The ExA notes that in [\[REP6-083\]](#) Strike Lane Primary School and Carr Hill High School are identified as having increased sensitivity or requiring receptor specific mitigation and that the applicants state they will engage with these receptors 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. Bespoke method statement(s) will be developed to ensure suitable noise limits can be met on specific sensitive noise receptors.
- 4.11.76. The ExA also notes that final SoCG between the applicants and FBC [\[REP7-028\]](#) records all matters related to operational noise as agreed stating that FBC agree that the proposed R18 (with inclusion of noise limit on the face of the DCO) represents a reasonable control of operational noise from the proposed substations.
- 4.11.77. The ExA considers that as long as the operational noise levels are adhered to the proposed development will not be the source of unacceptable noise.
- 4.11.78. The ExA further considers that suitable measures are in place and secured by the draft DCO to ensure that all adverse effects from operational noise are properly mitigated and minimised so that no significant effects result.

CONCLUSIONS

- 4.11.79. The ExA acknowledges that there would be noise and vibration arising as a result of the proposed development, primarily during the construction phase and that construction works, particularly those for the proposed onshore substations, would take place over a prolonged period.
- 4.11.80. The ExA considers that the applicants have adequately assessed the effects of noise and vibration, both for the project alone and cumulatively as required in section 5.12 of 2024 NPS EN-1.
- 4.11.81. The ExA is satisfied that through embedded measures in the project design and measures contained in the dDCO and oCNVMP, significant adverse effects would be avoided as required by para 5.12.17 of 2024 NPS EN-1 and that other adverse impacts have been mitigated and minimised in accordance with national and local policies and the other relevant legislation.
- 4.11.82. The ExA proposes amendments to R14 of the dDCO to reflect its view that the core working hours of 07:00–19:00 Monday to Friday and 07:00–13:00 on Saturday, excluding mobilisation periods, achieve an appropriate balance between construction efficiency and the protection of residential amenity.
- 4.11.83. The ExA has also had regard to draft NPS EN-1, EN-3 and EN-5 published in April 2025 and notes that there is no material change in the requirements relating to noise and vibration from the designated NPSs.
- 4.11.84. The ExA finds in respect of noise and vibration that the mitigation hierarchy has been applied and the requirements of 2024 NPS EN-1, NPS EN-3 and NPS-5 have

been met. Nevertheless, it is of the opinion that due to predicted minor adverse effects a level of harm from noise and disturbance associated with the proposed development would still accrue to sensitive receptors and therefore concludes that matters relating to noise and vibration carry a little negative weight against the order being made.

4.12. SOCIO-ECONOMIC EFFECTS AND HUMAN HEALTH

INTRODUCTION

- 4.12.1. This section considers the potential impacts of the proposed development on socio-economics elements (including tourism) and human health. It relates to matters concerning both the onshore and offshore elements of the proposed development.
- 4.12.2. The applicants assessed the impacts on various key areas of land enjoyed by the public in their land use and recreation chapter [\[APP-104\]](#). This included in particular the sand dunes and also the Blackpool Road recreation ground where the disruption was considered to be “minor adverse”.

THE APPLICATION

- 4.12.3. This section summarises the applicants’ assessment of effects on socio-economics.
- 4.12.4. The applicants’ assessment is set out in volume 4, chapter 2 ‘Socio-economics’ of the Environmental Statement (ES) [\[APP-141\]](#) whilst a summary of the relevant 2024 National Planning Policy Framework requirements are set out in table 2.2. This document considers the likely impacts on socio-economics during the construction, operation and maintenance, and decommissioning phases. It also considers the mitigation measures proposed by the applicants and any economic benefits in relation to skills and employment in the offshore wind sector.
- 4.12.5. The applicants assess the effects on the economy including employment housing and tourism and in particular:
- the potential employment and gross value added (GVA) impacts associated with the proposed development and the associated impacts on local employment opportunities
 - economic interactions with aviation: assessing potential economic impacts associated with construction works at Blackpool Airport
 - assessing the potential impacts of the workforce associated with the proposed development on housing, accommodation and population (including local services)
 - assessing the potential indirect impacts associated with visual amenity, overnight accommodation and recreation on tourism.
- 4.12.6. At paragraph 2.4.2.6 of the ES, the applicants explained that the location of the onshore substations determined the onshore ‘epicentre’ of impact. They made their assessment on a 60 minute drive time catchment area from the onshore substations, and accordingly the study area was identified as covering local authorities within Lancashire and the majority of Greater Manchester and Merseyside. The full list of local authority areas included within the onshore economic study area was presented in table 2.9. [\[APP-141\]](#).
- 4.12.7. There was also a consideration of the effects on Blackpool Airport at paragraph 2.4.3.5 [\[APP-141\]](#) which was categorised as a regional airport on the basis that it does not offer scheduled commercial passenger services but supports specialised services such as offshore energy operations, chartered and executive flights, and maintenance activities. The applicants submitted that the airport’s economic contributions are linked to the broader economic landscape of the northwest England region, including key industries such as energy and aerospace.

- 4.12.8. The ES then identified the mitigation measures required to avoid, reduce, or mitigate any adverse socio-economic effects of the proposed development. The ES chapter [\[APP-141\]](#) was supported by ES annex 3.1 (volume 8): Socio-economics technical report [\[APP-142\]](#), which provided supplementary information in respect of economic and social effects. Mitigation measures proposed by the applicants included the Outline Employment and Skills Plan (oESP) ([APP-239](#)) which will be developed with the intention of supporting the economic benefits associated with the proposed development in relation to skills and employment within the offshore wind sector.
- 4.12.9. The applicants concluded in their assessment ([APP-141](#)) that no significant adverse effects are identified for socio-economic and minor beneficial effects for employment. Paragraph 2.11.4 considered the potential impact on population, housing and accommodation and assessed these as negligible.

Health

- 4.12.10. The applicants' assessment on the possible impacts on human health ([APP-035](#)) focused on such aspects as effects to the social, economic and biophysical environment. This considers the effects on individuals and communities and extends to potential impacts on vulnerable groups. The assessment concluded that, overall, there would be no significant adverse or beneficial human health effects.

ISSUES CONSIDERED DURING THE EXAMINATION

Local Impact Reports (LIR)

- 4.12.11. The host local authorities submitted their LIR at deadline 1. Comments were received from:
- 4.12.12. Blackpool Borough Council (BBC) ([REP1-068](#)).
- BBC emphasised the importance of tourism to the local economy and referred to the 22,000 visitor economy jobs in Blackpool and 66.7 million tourism visits to the region in 2023.
 - BBC emphasised the importance of the tram which runs to Fleetwood from the Starr Gate depot and it was particularly concerned about the proposals and how they might affect public access at Starr Gate. This area is also an area crossed by National Cycle Route 66 and the Lancashire Coastal Way.
 - Blackpool Airport is owned by BBC and its services include business travel, flying schools, emergency services and specialist medevac services. BBC raised concerns about possible disruption to the airport operations.
- 4.12.13. Fylde Borough Council (FBC) ([REP1-078](#))
- FBC were also most concerned about the possible effects on the local tourism industry and emphasised visitor use of the expansive beach and sand dunes. FBC referred to Strategic Policy EC6 of the Fylde Local Plan to 2032 (FLP) and its supporting text, emphasising that tourism is an important industry, accounting for 1 in 10 jobs.
 - The BAE Systems (BAE) site at Warton Aerodrome is seen as a major employer and FBC were concerned about the lack of an assessment for such a strategically important specialist business and any impacts on its supply chains.
 - Reference was made to the Fylde Local Plan Policy EC4 which relates to the Blackpool Airport Enterprise Zone and the land which is available for employment uses following the relocation of certain aviation uses.

- Impacts could undermine the use of the St Annes Old Links Golf Course which is protected by FLP Policy EC6.
- Any impact on the current use of the Blackpool Road playing fields and the possible loss of some sports pitches.
- The proposal impacts on 21 public rights of way (PROW) within Fylde with particular concerns on the impacts to the footpaths near to the proposed Morecambe substation.
- FBC express concern that potential impacts to human health and recreation have not been assessed.
- Reference was made to two proposed solar farm schemes at Clifton Marsh Farm and also at Parrox Lane in Newton with Clifton.

4.12.14. Lancashire County Council (LCC) [[REP1-085](#)]

- LCC's primary concern for socio-economic impacts related to the number of public rights of way which would be affected by the proposed development and it provided a table at paragraph 9.5 of the LIR which detailed the various PROW affected together with the mitigation measures outlined in the application.

4.12.15. Preston City Council [[REP1-095](#)]

- Although taking the form of a LIR, this document was submitted as a written representation. There were no specific concerns relating to socio-economic effects but a request that councillors should be kept informed of the programme of works as this was developed.

4.12.16. South Ribble Borough Council (SRBC) [[REP1-227](#)]

- SRBC raised concerns about any impacts to PROW and the request for an explanation of the length of any restrictions or closures.

4.12.17. References to the main points raised are included in the paragraphs below.

Beach and sand dunes

4.12.18. FBC expressed concerns at paragraph 15.5.2 of their LIR [[REP1-078](#)] as to the frequency and duration of impacts on the sand dunes and access to the beach. They referred to policy EC6 in their Local Plan. This was raised at ExQ1.12.1.20 [[PD-008](#)] and the applicants responded [[REP3-056](#)] that "there would be no direct impacts to the sand dunes and therefore no restriction of access, due to the use of trenchless installation techniques in this location." This was also raised at issue specific hearing (ISH)1 and led to action points 14 and 16. The applicants provided a detailed response [[REP1-040](#)] which provided details of the works proposed at the beach.

ExA's consideration

4.12.19. The applicants made an early response to the many concerns raised concerning possible disruption at the sensitive area of the beach and sand dunes. Whilst acknowledging the extent and potential duration of the proposed works for both projects, the ExA is satisfied that the applicants have provided as much detail as they can at this stage of project design to minimise potential impacts to the landfall area. In terms of the tourist and local use, whilst there would inevitably be some disruption to the use and attractiveness part of the beach area, large areas of beach would remain largely undisturbed by the proposed construction works. The ExA is therefore satisfied that no significant adverse socio-economic effects would arise in

relation to the effects on the beach and dunes. This matter is also considered in terms of Land use and recreation in chapter 4.8.

Blackpool Road Recreation ground

- 4.12.20. The Blackpool Road Recreation Ground is an area of designated open space including a playing field used by St. Annes Junior Football Club. It also contains a skateboarding/scooter and basketball facility. Its use was referenced in many of the relevant representations and is of particular concern to FBC. This is considered in the Land Use and Recreation chapter 4.8.

Employment and skills

- 4.12.21. The updated outline Employment and Skills Plan [\[REP6-111\]](#) 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. This includes outline commitments made in relation to employment and skills training, education and careers engagement, apprenticeships, work experience and graduate programmes and support for the transition of workers from declining industries into the offshore wind sector. This plan will continue to be developed during the period following consent if this should be granted. Requirement 19 of schedules 2A and 2B of the dDCO 2 would provide for an employment and skills plan.
- 4.12.22. Whilst the number of jobs arising directly from the proposed development were limited at 255 posts, the project if approved would deliver a range of other benefits which were summarised in section 1.5 of the Statement of Reasons [\[REP6-018\]](#), including a commitment to support employment and skills development in the local area. The applicants also summarises in its closing statement [\[REP7-042\]](#) that the proposed development, particularly in conjunction with the related generation assets will deliver a substantial economic stimulus for the north west regional economy, creating employment and skills development opportunities and supporting investment throughout the supply chain.

ExA's consideration

- 4.12.23. The proposed development relies on the two offshore wind farm schemes to make the contribution to the reduction in the UK's gas emissions but its part in the overall project is indeed important. The ExA acknowledges the potential employment benefits arising from two projects combining in a single application. In summary, whilst there are benefits for employment and skills, at a local level they are considered by the ExA to be minor beneficial. The ExA notes that requirement 19 of schedules 2A and 2B of the dDCO 2 would provide for an employment and skills plan, although this does not provide absolute certainty on the level of benefits that might arise, including for the local area.

Human health

- 4.12.24. The issue of potential human health effects was considered in its own chapter [\[APP-035\]](#) but summarised in the socio-economics chapter [\[APP-141\]](#). The UK Health Security Agency and Office for Health Security Agency confirmed [\[AS-061\]](#) that they are satisfied with the methodology followed by the applicants and also that the Environmental Statement has not identified any issues which could significantly affect public health.

- 4.12.25. The assessment carried out by the applicants concludes that the proposed development would not result in significant adverse effects on the health and wellbeing of residents. The noise and vibration chapter [APP-117] includes an assessment of construction noise and operational substation noise and its mitigation such that there would be no significant effects. Mitigation includes commitments CoT18, CoT34, CoT79, CoT88, CoT80, and CoT19 which are secured in the dDCO [REP6-013] (including reasonable construction hours, use of low-noise plant, acoustic barriers, an Operational Noise Management Plan, and use of trenchless crossing). The position was updated by the applicants in their reply to ExQ2.1.3.6 [REP5-130] and the conclusion remained that the proposed development would not result in significant adverse public health impacts, including for vulnerable groups.

ExA's consideration

- 4.12.26. The ExA agreed with these findings and note the attention given to vulnerable groups as outlined in the updated public sector equality duty assessment [REP6-132]. This issue of those people with a protected characteristic under the Equality Act 2010 is considered in the compulsory acquisition chapter of this report.
- 4.12.27. The ExA has considered the representations made by certain local landowners referring to the impact of the scheme on their mental health. An example is the occupiers of Marybank Farm and the ExA asked for a review of the effects on the occupiers of this property at ExQ2.1.3.1 and the applicants responded to this [REP5-130]. The ExA acknowledges some of the commitments made by the applicants such as acoustic barriers and low-noise plant and whilst there will be minor harm, the ExA accepts the overall finding that the proposed development would not result in any significant adverse effects on the health and wellbeing of the residents.

Local businesses

- 4.12.28. In their closing statement [REP7-042], the applicants consider a number of sensitive businesses including the Wrea Green equitation centre and the Midgeland Riding School.
- 4.12.29. The Blackpool Airport Enterprise Zone extends across the areas of both BBC and FBC in almost equal amounts. It is a 144 hectare site that has been awarded Enterprise Zone status. The profile of businesses occupying units within the Enterprise Zone is set out at table 2.19 of the socio-economic chapter [APP-141] although it is assessed that a small proportion of these businesses (see paragraph 2.6.4.49) have direct linkages to airport operations and therefore the effect on businesses located within the Enterprise Zone from the proposed development is considered to be negligible. The ExA notes that effects on Blackpool Airport formed part of the commercial negotiation between the applicants and BBC and this is considered further in the land powers and related matters chapter (8).
- 4.12.30. Following concerns raised by the Wrea Green Equitation Centre, the local community and during examination (ExQ2:1.3.6; Q2:5.1.3 and Q2:14.1.5), a dedicated technical note Managing Construction Noise at Equestrian Receptors [REP6-183] was produced considering potential construction effects on those with protected characteristics at the riding schools. The applicants submitted that these would be managed by the range of mitigation techniques available, which form part of the Outline Code of Construction Practice (oCoCP) [REP6-067] as listed in table 1.2 and including control of core working hours, minimising the generation of dust and limiting noise and vibration levels and also the Outline Construction Traffic

Management Plan (oCTMP) [\[REP6-113\]](#) which contains control measures and monitoring procedures for managing potential traffic effects.

ExA's consideration

- 4.12.31. Effects on traffic and transport and noise from construction are considered separately in chapter 4 of this report. The effects on farms are considered in the land-use and recreation section (4.8) and in the chapter on land powers and related matters (chapter 7).
- 4.12.32. Overall, we acknowledge that there would potentially be limited and temporary effects on businesses during construction, albeit from two construction projects and potentially under the sequential scenario. However, the ExA is satisfied that the applicants have reasonably sought to meet the concerns of local businesses and minimise effects with various forms of mitigation being offered. The position of the Wrea Green Equitation Centre will be considered further in the consideration of the position under the Equality Act 2010 which is addressed in the compulsory acquisition chapter. Effects on traffic and transport from construction is considered separately in chapter 4.13 of this report. The effects on farms are considered in the land-use and recreation section (4.8) and in the chapter on land powers and related matters (chapter 7).

Tourism

- 4.12.33. Many interested parties in their relevant representations (RRs) emphasised the importance to the area from tourists and this was an area which caused considerable concern for BBC and FBC who sought reassurance that this significant use would not be affected. Many RR's referred to the possible impact and both BBC [\[REP1-068\]](#) and FBC [\[REP1-078\]](#) referred to concerns in their individual LIRs. FBC referred to over 3 million tourism visits worth more than £214 million which equated to 5% of all tourism visits to Lancashire.
- 4.12.34. The applicants originally undertook an assessment on the impacts on tourism across a broad regional scale, covering a 60-mile drive-time catchment across north-west England and north Wales. The conclusion reached was that the magnitude of impact on visual receptors was negligible. The applicants submitted that this approach complied with paragraph 5.13.1 of NPS EN-1 as this allowed an assessment to be made on either a regional or a local level. This approach was queried by both of the local authorities and eventually led to the applicants agreeing to undertake an assessment on a local basis in response to action point 2.41 from ISH2 [\[REP4-108\]](#).
- 4.12.35. Paragraph 5.13.2 of 2024 NPS EN-1 provides 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”.
- 4.12.36. In an area which, on any analysis, is clearly heavily reliant on tourism to boost the economy, the need for an assessment of local impacts should have been very clear but the applicants considered, as explained at paragraph 14.2.1.4. of their closing statement [\[REP7-042\]](#), that the policy requirement would be satisfied by merely considering impacts on a regional level.
- 4.12.37. Throughout the examination, the study area which the applicants had decided upon was queried by the host local authorities, various IPs and the ExA. It was difficult to

understand the reluctance of the applicants either to recognise the need for a local assessment or even undertake a detailed local assessment. The provisions of paragraph 5.13.2. and 5.13.4 of NPS EN-1 seem clear as to this being required and especially in the case of an area which is so reliant on tourism as Blackpool and Fylde undoubtedly is.

- 4.12.38. However, the delayed assessment which was delivered at deadline 5 [\[REP5-142\]](#) did carry out a thorough review. This was titled the Local Tourism Assessment and the summary on page one set out the position which only confirmed why a more focused local assessment ought to have been undertaken from the outset. This stated:
- “There were 38.5 million visitors to the local study area in 2023 (Marketing Lancashire, latest available data), which represents around 58% of visitors to Lancashire in that year. The economic impact of these visits was reported as £3.4 billion. Around 11.5% of employment in the study area is represented by people working in the tourism industry, which is higher than the GB average (10.9%). Employment in tourism related activities represents around 19.0% of all employment in Blackpool, and 13.3% of all employment in Fylde, which highlights the economic importance of tourism to these local authorities in particular.”
- 4.12.39. The applicants originally undertook an assessment on the impacts on tourism across a broad regional scale, covering a 60-mile drive-time catchment across north-west England and north Wales. The conclusion reached was that the magnitude of impact on visual receptors was negligible. The applicants submitted that this approach complied with paragraph 5.13.1 of NPS EN-1 as this allowed an assessment to be made on either a regional or a local level. This approach was queried by both of the local authorities and eventually led to the applicants agreeing to undertake an assessment on a local basis in response to action point 2.41 from ISH2 [\[REP4-108\]](#).
- 4.12.40. The applicants sought to explain this approach with a comparison to the recommendation report in the Mona Offshore Wind Farm Development Consent Order and whilst the ExA suggested at ISH2 that the area between Abergele and Rhyl bore little comparison in tourism terms with the area around Blackpool and Lytham, the applicants persisted in this approach at ISH2 and also in their closing statement [\[REP7-042\]](#).
- 4.12.41. Both BBC and FBC commented further on this assessment in their closing statements. BBC submitted in their closing statement [\[REP7-045\]](#) that “the Council maintain that the tourism assessment should have been undertaken at both a local and regional level to meet the requirements of NPS EN-1. However, it is recognised that the part of the Starr Gate accessway by which the applicants may previously have restricted pedestrian access to the promenade and vehicular access north and south and along Squires Gate Lane is now not included in the temporary possessory powers of the Applicants under the DCO. Consequently, this matter is no longer a concern to the Council and no further assessment which includes potential mitigations are required.”
- 4.12.42. In their final position statement [\[REP7-046\]](#), FBC repeated many of their previous concerns which remained notwithstanding the submission of the Local Tourism Assessment [\[REP5-142\]](#) which was updated before the end of the examination [\[REP6-160\]](#). FBC argued that these assessments were being submitted late into the examination and that the likely impacts arising on tourism had not been properly

presented and assessed. FBC emphasised that tourism was an important industry in the area contributing 1 in 10 jobs.

- 4.12.43. In their closing statement, [\[REP7-042\]](#), the applicants maintained that the Local Tourism Assessment is a proportionate consideration of potential local tourism impacts associated with the proposed development. The applicants say that they have also included commitments in the Outline Construction Traffic Management Plan(oCTMP) [\[REP6-113\]](#), 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.

ExA's consideration

- 4.12.44. However, the delayed assessment which was delivered at deadline 5 [\[REP5-142\]](#) did carry out a thorough review. This was titled the Local Tourism Assessment and the summary on page one set out the position which only confirmed why a more focused local assessment ought to have been undertaken from the outset. This stated:

"There were 38.5 million visitors to the local study area in 2023 (Marketing Lancashire, latest available data), which represents around 58% of visitors to Lancashire in that year. The economic impact of these visits was reported as £3.4 billion. Around 11.5% of employment in the study area is represented by people working in the tourism industry, which is higher than the GB average (10.9%). Employment in tourism related activities represents around 19.0% of all employment in Blackpool, and 13.3% of all employment in Fylde, which highlights the economic importance of tourism to these local authorities in particular."

- 4.12.45. Such a dependency of the local area as outlined above, should lead to a conclusion that a major construction project was indeed "likely to have socio-economic impacts at a local level" as set out in paragraph 5.13.2 of 2024 NPS EN-1. This was the position at the time of the application and the applicants have as a result of submissions received during the examination needed to adapt and refine their approach to meet these impacts. This has led to an updated oCTMP [\[REP6-113\]](#) to mitigate potential transport effects on major events and the updated Outline Communications Plan [\[REP6-069\]](#).

- 4.12.46. The applicants regularly referred to the report from the ExA in the recently decided Mona Offshore Wind Farm DCO. This assessed onshore socio-economic effects at a regional level. However, taking into account the clear disparities between the area around Blackpool and Lytham and the location of the Mona project, the ExA found this decision of little relevance and gave it no weight.

- 4.12.47. BBC in their closing statement [\[REP7-045\]](#) confirmed that it was content by the close of the examination that there was likely to be no significant residual effects on socio-economic receptors within its area. However, FBC still found the Local Tourism Report which was updated at deadline 6 [\[REP6-160\]](#) as an inadequate assessment. Nevertheless, FBC has not been able to provide any evidence to contradict the findings in the assessment. Whilst the ExA is very mindful of the importance of the tourism economy to the immediate locality, there is an absence of substantive evidence suggesting that the impacts of the proposed development would significantly reduce visitor numbers to the area.

- 4.12.48. After a detailed consideration in the assessment [\[REP6-160\]](#), the conclusion was reached that “there are no significant effects on tourism in the Local Study Area arising from the Transmission Assets during construction. This finding is consistent with ES volume 4, chapter 2: Socio-economics, which concluded that potential residual effects on tourism at the regional level are likely to be negligible.” The ExA accepts these conclusions and finds that the construction effects on tourism will mainly be temporary and after mitigation, the residual adverse effects would not be significant.

CONCLUSIONS

- 4.12.49. Paragraph 5.13.2 of the 2024 NPS EN-1 requires the applicants to undertake an assessment of impacts at local and regional level. The ExA does not consider that assessing the impacts on the entire area of the north west of England satisfies this requirement but by the close of the examination the applicants had rectified this omission and complied with the policy.
- 4.12.50. Whilst an assessment of the impacts on the tourism sector in the local area was late in being submitted, the ExA is satisfied that it has addressed the potential socio-economic effects associated with the construction, operation, and decommissioning of the proposed development in accordance with paragraph 5.13.1 of 2024 NPS EN-1. FBC raised concerns that the proposed development might have negative impacts on local tourism and thereby conflict with the FLP policy EC6 but limited evidence has been provided to demonstrate this and the ExA does not share this assessment.
- 4.12.51. The ExA also considers that the applicants have considered opportunities to promote local employment and skills through the commitment to develop a plan relating to jobs and skills building on the approach laid out in the oESP [\[REP6-111\]](#). However, whilst the ExA acknowledges that the construction of the Morgan and Morecambe offshore wind farms may bring considerable employment opportunities to the area, the number of jobs being created by this application are relatively few and the ExA takes the view that the residual effects on employment and skills are minor beneficial.
- 4.12.52. The ExA concludes that the applicants’ assessment of socio-economic effects has satisfactorily followed the mitigation hierarchy and overall meets the policy tests set out in paragraph 5.13.12 of 2024 NPS EN-1.
- 4.12.53. The requirement at paragraph 5.13.4. is satisfied with the submission of a satisfactory oESP as mentioned above. Taking into account all of the matters reported above, the ExA concludes that overall socio-economic effects are slightly beneficial but carry little weight in favour of the order being made.
- 4.12.54. The ExA has considered the draft April 2025 revised NPS EN-1, EN-3 and EN-5 and is of the view that there is nothing in these drafts which would change our conclusions in respect of socio-economic effects.

4.13. TRAFFIC AND TRANSPORT

INTRODUCTION

- 4.13.1. This section considers the effects of the proposed development on traffic and transport. Matters relating to effects on the users of public rights of way are considered in section 4.8 on land-use and recreation.

THE APPLICATION

- 4.13.2. This section summarises the applicants' assessment of effects on traffic and transport.
- 4.13.3. The applicants' assessment of the effects on traffic and transport is set out in Environmental Statement (ES) volume 3, chapter 7: Traffic and transport [\[APP-108\]](#) and contains an integrated transport assessment (TA). The chapter draws upon information in:
- ES volume 3, annex 7.1: Alternative methodology for baseline traffic flows [\[APP-109\]](#)
 - ES volume 3, annex 7.2: Traffic survey data – Part 1 of 3 [\[APP-110\]](#)
 - ES volume 3, annex 7.2: Traffic survey data – Part 2 of 3 [\[APP-111\]](#)
 - ES volume 3, annex 7.2: Traffic survey data – Part 3 of 3 [\[APP-112\]](#)
 - ES volume 3, annex 7.3: Description of network links and sensitivity [\[APP-113\]](#)
 - ES volume 3, annex 7.4: Base traffic flows [\[APP-114\]](#)
 - ES volume 3, annex 7.5: Construction trip generation assumptions [\[APP-115\]](#)
 - ES volume 3, annex 7.6: Traffic flows with construction traffic [\[APP-116\]](#)

Baseline

- 4.13.4. As well as following the methodology set out in ES volume 1, chapter 5: Environmental Assessment Methodology [\[APP-034\]](#) and ES volume 3, chapter 7: Traffic and Transport [\[APP-108\]](#), the following guidance documents were considered in the traffic and transport assessment:
- Environmental Assessment of Traffic and Movement (IEMA, 2023) (the 'IEMA guidelines')
 - Design Manual for Roads and Bridges (DMRB) LA104: Environmental Assessment and Monitoring (Highways England (now National Highways), Transport Scotland, Welsh Government and Department for Infrastructure Northern Ireland, 2020)
 - The Planning Practice Guidance (PPG) (Department for Levelling Up, Housing and Communities and Ministry of Housing Communities and Local Government, 2023)
 - the guidance on 'travel plans, transport assessments and statements' (Department for Communities and Local Government (DCLG), 2014)
- 4.13.5. The potential impacts scoped into the assessment included the additional vehicle movements or works required to facilitate construction of the proposed development (see table 7.13 of ES volume 3, chapter 7: Traffic and Transport [\[APP-108\]](#)):
- the impact upon driver and pedestrian/ non-motorised user delay and fear and intimidation for users of the local road network (LRN) and strategic road network (SRN)
 - the impact upon severance for users of the LRN and SRN
 - the impact upon road safety for users of the LRN, SRN and other transport receptors

- the impact of Abnormal Indivisible Loads (AILs) on the safety of and delay to users of the LRN, SRN and other transport receptors

4.13.6. The potential impacts scoped out of the assessment, because effects were not considered likely to be significant, (see table 7.14 of ES volume 5, chapter 7: Traffic and Transport [\[APP-108\]](#)) were:

- the impact of additional vehicle movements on the LRN and SRN on driver and non-motorised user delay, fear and intimidation (non-motorised user amenity), severance, public transport delay and road safety during construction, operation and maintenance of the offshore elements because it was agreed in the scoping opinion and by the traffic and transport expert working group (EWG) (a forum for targeted engagement with regulators and interested stakeholders for the proposed development including National Highways (NH), Lancashire County Council (LCC), Blackpool Borough Council (BBC), South Ribble Borough Council (SRBC), Preston City Council (PCC) and Fylde Borough Council (FBC)) that they would not exceed assessment thresholds
- the impact of hazardous loads on the LRN and SRN during construction of the onshore and intertidal elements because none are anticipated
- the impact of additional vehicle movements on the LRN and SRN on driver and non-motorised user delay, fear and intimidation (non-motorised user amenity), severance, public transport delay and road safety during operation and maintenance of the onshore and intertidal elements given the limited number of vehicle movements
- the impact of additional vehicle movements on the LRN and SRN on driver and non-motorised user delay, fear and intimidation (non-motorised user amenity), severance, public transport delay and road safety during decommissioning of the onshore and intertidal elements given that vehicle movements would be lower than those during the construction phase

4.13.7. Figure 7.1 of ES volume 3, figures – Part 4 of 7 [\[APP-134\]](#) shows the traffic and transport study area (shown in purple) and highway network overview (with the numbers shown referencing the individual links assessed). The main routes into the traffic and transport study area are via the M6 and M55 motorways (shown in green), which form part of the SRN and are operated and maintained by NH. All other roads within the traffic and transport study area (shown in blue), form part of the LRN and are operated and maintained by LCC or BBC depending on their relative administrative boundaries.

4.13.8. Information on traffic and transport within the traffic and transport study area was collected through a detailed desktop review of existing studies and datasets and site-specific surveys including road width and traffic surveys, analysis of road safety, analysis of public transport services and provision and facilities for pedestrians and cyclists.

Mitigation and Monitoring

4.13.9. Several primary (included as part of the project design) and tertiary (required to meet legislative requirements or adopted industry practice) mitigation measures were proposed by the applicants and set out in ES volume 1, annex 5.3: Commitments Register [\[REP6-042\]](#). Those relevant to Traffic and Transport identified in table 7.15 of ES volume 3, chapter 7: Traffic and Transport [\[APP-108\]](#) would be secured by way of requirements (R) in Schedules 2A and 2B of the draft Development Consent Order (dDCO) [\[REP6-013\]](#) or as part of a Special Order to permit the movement of AILs on the highway. The measures include:

- Commitment (CoT) 02 - the crossing of A, B and C roads (excluding Leech Lane), main rivers and rail lines by trenchless techniques (secured by R5(2) and R8)
- CoT18 - core working hours for the construction of intertidal and onshore works (secured by R14)
- CoT23 – temporary access points from the public highway to facilitate access to the onshore export cable corridor during construction with indicative outline highways access designs set out in an outline highway access management plan (oHAMP) (secured by R10)
- CoT24 – the use of access routes within the onshore export cable corridor wherever practicable (secured by R9)
- CoT35 – an outline code of construction practice (oCoCP) (secured by R8)
- CoT36 – the preparation of an onshore decommissioning plan prior to decommissioning (secured by R22)
- CoT37 – controlling the timing of vehicle movements associated with the operation and maintenance of the proposed development (secured by R9)
- CoT38 – an outline construction traffic management plan (oCTMP) (secured by R9). The detailed CTMP(s) will set out measures to include:
 - managing the numbers and routing of heavy goods vehicles (HGVs) during the construction phase
 - managing the movement of construction workers during the construction phase
 - details of measures to manage the safe passage of HGV traffic via the local road network
 - details of localised road improvements if and where these may be necessary to facilitate safe use of the existing road network

4.13.10. A full list of the traffic control measures included in the oCMTMP and oHAMP were provided in table 7.16 of ES volume 3, chapter 7: Traffic and Transport [\[APP-108\]](#).

4.13.11. As commitments secured by the dDCO, the above measures were considered inherently part of the design of the proposed development and therefore included in the applicants' assessment of effects.

Assessment of Effects

4.13.12. Table 7.43 of ES volume 3, chapter 7: Traffic and Transport [\[APP-108\]](#) provides a summary of the potential impacts, mitigation measures adopted as part of the proposed development and residual effects with respect to traffic and transport. The impacts assessed include:

- driver delay including delays to public transport services (as part of that driver delay)
- severance
- non-motorised user delay
- road safety
- AIL

4.13.13. The residual effects following mitigation are negligible to minor adverse for the impact on driver delay, non-motorised user delay, fear and intimidation (non-motorised user amenity), severance and road safety which is not significant in environmental impact assessment (EIA) terms.

4.13.14. Table 7.44 of ES volume 3, chapter 7: Traffic and Transport [\[APP-108\]](#) provides a summary of the cumulative effects for the same impacts. The residual effects following mitigation are all negligible adverse apart from road safety which is negligible to minor adverse and not significant in EIA terms.

- 4.13.15. Overall, the applicants conclude that, considering the mitigation measures, there would be no significant effects or cumulative significant effects arising from the onshore and intertidal elements of the proposed development during the construction, operation and maintenance or decommissioning phases due to traffic and transport.

ISSUES CONSIDERED DURING THE EXAMINATION

- 4.13.16. In its local impact report (LIR) [\[REP1-085\]](#) LCC in its capacity as highway authority (HA) for the LRN raised concerns about:
- whether the maximum design scenario (MDS) had been identified given the number of different potential sequential and concurrent construction scenarios and durations for the two projects
 - the proposed routing strategy for construction traffic and in particular the lack of clarity on the proposed maximum number of vehicle movements on each highway link and at each access
 - the suitability and safety of proposed accesses, crossing points and highway links for construction traffic based on its review of the geometric information and swept path analysis provided by the applicants
 - the feasibility of narrow rural 'last leg' links to safely accommodate two-way HGV movements
 - proposed temporary road closures
 - lack of detail in the oCTMP [\[APP-211\]](#) including on the management of emergency and planned events
 - the cumulative effects of the works and those of statutory undertakers;
 - the monitoring and maintenance of road condition
 - the ability of structures along proposed access links to accommodate the height and weight of construction traffic including AILs
- 4.13.17. FBC's LIR [\[REP1-078\]](#), SRBC's LIR [\[REP1-227\]](#) and BBC's LIR [\[REP1-068\]](#) raised similar issues regarding lack of detail, the suitability of routes, the impact of construction traffic, road safety and the maintenance of access for emergency services. In addition, BBC's LIR [\[REP1-068\]](#) raised specific concerns about the potential impact of restricting access to the tram depot and slipway at Starr Gate, Squires Gate Lane a major tourist route from the M55 and Blackpool Airport.
- 4.13.18. As the HA for the SRN, NH in its relevant representation [\[RR-1599\]](#) raised issues regarding the applicants' traffic assessment and data; network impacts; the management of construction traffic; accident clusters and road safety; the need for articles 13 (Temporary Street closures) and 17 (Land Survey Authority) to include for NH's consent and control of SRN related activities and the potential need for further junction specific modelling and decommissioning traffic management plan. Following discussions between the parties during the examination, the final SoCG between NH and the applicants [\[REP6-131\]](#) recorded the fact that there were no outstanding issues at the end of the examination.
- 4.13.19. Traffic and transport issues were examined by the ExA in written questions [\[PD-008\]](#) and [\[PD-011\]](#) and in Issue Specific Hearings (ISH) 1, 2, and 4 with a summary of the discussions at each provided by [\[REP1-035\]](#), [\[REP4-104\]](#) and [\[REP6-163\]](#) respectively.
- 4.13.20. Discussions continued between the applicants and parties throughout the examination and through several iterations of the relevant control documents. Updated versions of the oCTMP were submitted at deadline (D) 2 [\[REP2-016\]](#), D4 [\[REP4-056\]](#), D5 [\[REP5-066\]](#), D6 [\[REP6-113\]](#) with a final version at D7 [\[REP7-017\]](#).

An updated version of the oHAMP was submitted at D4 [\[REP4-060\]](#), with a final version at D6 [\[REP6-117\]](#).

- 4.13.21. At the end of the examination the final statements of common ground (SoCG), between the applicants and FBC, BBC and NH, [\[REP7-028\]](#), [\[REP7-033\]](#) and [\[REP6-131\]](#) respectively recorded the fact that all traffic and transport issues had been agreed between the parties. Most of the outstanding issues had also been agreed at the end of the examination between the applicants and LCC [\[REP7-027\]](#) apart from changes requested by LCC to the wording of R10 (Highway Accesses) and article 10 (Power to alter layout etc. of streets) of the dDCO. There was also still disagreement on the nature and funding of the provision of a highway support officer for LCC. The Council considered that this should be a full-time role funded via a resource agreement in advance, while the applicants maintained that due to the anticipated work load the role should only be part-time and funded retrospectively via a Planning Performance Agreement (PPA). The ExA considers that in the event the Secretary of State (SoS) decides to make the order this is an issue for the parties to agree and is not material to its recommendation.

LCC's proposed amendments to R10 Highway Accesses

- 4.13.22. At the end of the examination LCC's position set out in [\[REP7-027\]](#) was that R10 of the dDCO should be amended to include the changes highlighted in bold below:

“(1) No new temporary or permanent means of access to a highway to be used by vehicular traffic, or any temporary or permanent alteration to an existing means of access to a highway used by vehicular traffic, may be formed for the Project A onshore works or Project A intertidal works until a highways access management plan for that access has been submitted to and approved in writing by the relevant highways authority **(substitute highway authority with - planning authority, in consultation with the appropriate highway authority satisfying all individual user needs, highway safety and design standards)**, and in relation to the Project A Blackpool Airport works, in consultation with BAOL to the extent specified in the outline highway access management plan.

(2) Each highways access management plan must accord with the outline highways access management plan.

(3) The highway accesses must be implemented as approved, **(add - under a signed Highways Act agreement)**”.

- 4.13.23. The applicants maintain that no amendments are necessary [\[REP7-027\]](#). Regarding the proposed change to R10(1), their position is that BBC and FBC while planning authorities have no highways expertise and defer to LCC in such matters, there is a need to keep the drafting of the dDCO consistent in relation to any reference to the HA because of planned changes to local authority administrative areas and the wording “satisfying all individual user needs” is open ended and not appropriate for a legal document.

- 4.13.24. Regarding the proposed addition to R10(3) the applicants contend that it is not needed because the implementation should not be restricted to a single process and paragraph 1.10.1.8 of the oCTMP [\[REP7-016\]](#) states: “Where road / junction widening, new / improved passing places or signage is proposed, they would be contained within the public highway and the technical approvals for the designs would be submitted to and agreed with the Morgan and/or Morecambe highway support officer (M&MHSO) on behalf of Lancashire County Council under Section 62 and Section 278 of the Highways Act 1980” securing the process for agreement with LCC.

ExA's consideration

- 4.13.25. There are currently proposals to move from the current two-tiered system of districts and county council to new unitary authorities in Lancashire to simplify governance and enhance service delivery across the region. The current timetable calls for proposals for new unitary authorities to be submitted by existing councils by 28 November 2025 with a public consultation planned for early in 2026 and selection of a preferred option by summer 2026. Based on this programme the new unitary authorities would take over services on 1 April 2028 within the construction phase of the proposed development. The ExA, therefore considers that it is important that references to the HA within the dDCO are consistent and able to accommodate this potential change in administrative boundaries and structure. Further the ExA agrees with the applicants that paragraph 1.10.1.8 of the oCTMP [\[REP7-016\]](#) (itself secured in the dDCO [\[REP6-013\]](#) by R9), already provides for the HA to agree the appropriate Highway Act power for the implementation of highway accesses.
- 4.13.26. For the reasons stated above, the ExA does not therefore consider the changes requested to R10 by LCC are necessary.

LCC's proposed amendments to Article 10 Power to alter layout etc. of streets

- 4.13.27. At the end of the examination LCC's position set out in [\[REP7-027\]](#) was that article 10 of the dDCO should be amended to include the changes highlighted in bold below:

“(1) Subject to paragraphs (2) and (3), the undertaker may, in so far as may be expedient or necessary for the purposes of or in connection with constructing, operating and maintaining the authorised project alter the layout of any street and, without limitation on the scope of this paragraph, the undertaker may—

(a) alter the level or increase the width of the street including any kerb, footway, cycle track or verge; and

(b) make and maintain passing place(s).

(2) The undertaker must restore any street that has been temporarily altered under this article to the reasonable satisfaction of the street authority.

(3) The powers conferred by paragraph (1) must not be exercised without the consent of the street authority, **(add - and must be exercised under a signed Highway Act agreement).**

(4) Paragraphs (2) and (3) do not apply where the undertaker is the street authority for a street in which the works are being carried out.

(add - (5) The reference to streets in paragraphs (1), (2), (3) and (4) relate to highway maintainable at public expense).

(add - (6) Any works subject to (1) must satisfy all individual user needs, highway safety and design standards).

(add - (7) The developer will be responsible for the consequential impacts of any works under (1), for example, part 1 land compensation claims)”.

- 4.13.28. The applicants maintain that no amendments are necessary [\[REP6-188\]](#) and [\[REP7-027\]](#). Regarding the proposed addition to article 10(3) the applicants contend that it is not needed because the implementation should not be restricted to a single

process and paragraph 1.10.1.8 of the oCTMP [REP7-016] states: “Where road / junction widening, new / improved passing places or signage is proposed, they would be contained within the public highway and the technical approvals for the designs would be submitted to and agreed with the M&MHSO on behalf of Lancashire County Council under Section 62 and Section 278 of the Highways Act 1980” securing the process for agreement with LCC.

- 4.13.29. Regarding the new suggested part 5 the applicants note that the definition of ‘street’ is already defined within Part 1 of the dDCO [REP6-013] and refers to section 48 of New Roads and Street Works Act which goes beyond streets maintainable at public expense e.g. Public Rights of Way.
- 4.13.30. Regarding the new suggested part 6, the applicants note that article 10(3) states that the powers must not be exercised without the consent of the street authority. As part of this, they will be required to satisfy their duties to ensure safety and design standards, etc. Additionally, the definition of “user needs” is open ended and therefore not appropriate for inclusion in legislation drafting.
- 4.13.31. Regarding the new suggested part 7, the applicants note that the oCTMP [REP7-016] includes specifics in relation to monitoring of defects and agreement of a remediation strategy (including appropriate funding of those works) and this text appropriately secures responsibility. Further the applicants note that compensation claims as they relate to land are not relevant or appropriate to include in article 10 as compensation claims for exercise of temporary powers over any streets is covered under article 29(7) and (9). Additionally, the use of “for example” is not appropriate for inclusion in legislation drafting.

ExA’s consideration

- 4.13.32. The ExA agrees with the applicants that paragraph 1.10.1.8 of the oCTMP [REP7-016] (itself secured in the dDCO [REP6-013] by R9), already provides for the HA to agree the appropriate Highway Act power for the implementation of highway accesses. The ExA is satisfied that the definition of ‘street’ is already accurately defined within Part 1 of the dDCO [REP6-013]. The ExA agrees with the applicants that the existing wording of article 10(3) in requiring the agreement of the HA will mean that the works will be performed to the required safety and design standards and that the term ‘user needs’ is subjective and not appropriate for inclusion in formal legal drafting. The ExA also agrees that the oCTMP [REP-016] already contains specific requirements in relation to the monitoring and remediation of defects and that compensation is adequately covered in articles 29(7) and (9) of the dDCO [REP6-013].
- 4.13.33. For the reasons stated above, the ExA does not therefore consider the changes requested by LCC to article 10 are necessary.

Other outstanding matters raised by interested parties

- 4.13.34. The effects of construction traffic were also of concern to many interested parties (IPs). Of the 2303 total RRs received, a little over 1000 raised issues about the impact of the proposed development on traffic and transport during both construction and operation and representations continued to be received on this topic throughout the examination. The principal issues raised related to construction traffic generation and increased vehicle movements, the suitability of the proposed highway access strategy, road closures, safety and access for emergency services and the cumulative effects assessment.

Construction traffic generation and increased vehicle movements

- 4.13.35. IPs frequently raised the issue throughout the examination of the potential for construction traffic generated by the proposed development to cause congestion and delays on both the LRN and SRN. Newton with Clifton Parish Council [[RR-1616](#)] and [[REP1-184](#)] and later in the examination with Freckleton Parish Council [[REP4-167](#)], [[REP5-139](#)], [[REP5-185](#)], [[REP5-186](#)], [[REP6-158](#)] and [[REP6-196](#)] frequently returned to the topic of traffic and transport. The concerns raised by IPs related to many different roads including Clifton Drive, Queensway, Kirkham Road, Blackpool Road, Bryning and Hillock lanes. Concerns were also raised regarding the potential for the effects of the proposed development to cause additional congestion at the access to BAE Wharton at the change of shifts.
- 4.13.36. The applicants' final position on this issue set out in its closing statement [[REP7-042](#)] is that 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 residual effects of the proposed development on traffic and transport would be negligible/ minor adverse not be significant in EIA terms.
- 4.13.37. This position is based on:
- their assessment of the effects of traffic and transport contained in ES volume 3, chapter 7: Traffic and Transport [[APP-108](#)] which they maintain considered all relevant routes along the connecting transport network and associated sensitive receptors and all relevant potential transport impacts in accordance the 'IEMA guidelines' during the construction, operation and decommissioning phases of the onshore and intertidal elements of the proposed development including driver delay, severance, non-motorised user delay, fear and intimidation, road safety and abnormal loads
 - the fact that vehicle movements of less than 30 per hour create negligible impacts upon highway capacity and the operation of junctions/ highways and ES volume 3, chapter 7: Traffic and Transport [[APP-108](#)] shows that during the most sensitive periods (network peak hours) movements through the LRN and SRN would typically be no greater than 30 trips an hour, with a peak of 33.
 - agreement of an oCTMP [[REP7-017](#)] with the relevant HAs containing a range of mitigation, demand management and travel plan measures
 - two detailed abnormal load studies (Abnormal Indivisible Load Study: Transformers [[REP2-049](#)] and Abnormal Indivisible Load Study: Cable drums [[REP2-050](#)])

ExA's consideration

- 4.13.38. The ExA considers that the applicants' assessment of the effects of the proposed development on traffic and transport is in accordance with the requirements of EN-1 paragraphs 5.14.3 and 5.14.5. The ExA is also content that the oCTMP [[REP7-017](#)] which is secured in the dDCO [[REP6-013](#)] by R9, and contains a range of mitigation, demand management and travel plan measures and facilities for HGV parking and waiting is in accordance with EN-1 paragraphs 5.14.4, 5.14.7, 5.14.9, 5.14.10, 5.14.11 to 5.14.16 and 5.14.17. In addition, the two detailed abnormal load studies [[REP2-049](#)] and [[REP2-050](#)] considered the Department for Transport (DfT) policy guidance "Water Preferred Policy Guidelines for the movement of abnormal indivisible loads", which is in accordance with EN-1 paragraph 5.14.16.

- 4.13.39. By the end of the examination, the ExA notes that in the final SoCGs between the applicants and HAs, BBC, LCC and NH, [\[REP7-033\]](#), [\[REP7-027\]](#) and [\[REP6-131\]](#) respectively there were no outstanding issues in relation to the assessment of the effects of the proposed development on traffic and transport.
- 4.13.40. For the above reasons the ExA agrees with the applicants' conclusion that 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 residual effects of the proposed development on traffic and transport would not be significant in EIA terms.

The suitability of the proposed highway access strategy

- 4.13.41. Throughout the examination, comments relating to the applicants' access strategy were raised by the relevant HAs, LCC, BBC and NH well as FBC and other IPs parties. Concerns were raised about the feasibility of some of the construction and operational accesses proposed and suitability of narrow lanes which the applicants referred to as 'last leg' links such as Bryning, Cartmel and Hillock lanes to accommodate the proposed two-way movement of HGVs. Mr Ralph Cairns [\[RR-1788\]](#), [\[PDA-054\]](#) and [\[REP1-191\]](#) raised specific concerns about what he understood to be the proposed use of 3 Nooks Lane (also known as Lytham Road) located between A583 Blackpool Road and A584 Preston New Road by the applicants for construction traffic. Mr Cairns was concerned that such use of the lane, which he noted was closed by LCC to through traffic on safety grounds approximately 20 years ago would adversely affect the tranquillity of the location and his Airbnb business. Mr Cairns made a further representation on this issue [\[REP3-126\]](#) pointing out that it would be unsafe for HGVs to use the lane which has no footpaths when it is currently used by pedestrians, people in wheelchairs and cyclists and that they would make its condition already poor much worse.
- 4.13.42. The applicants' final position on this issue is set out in its closing statement [\[REP7-042\]](#). The applicants firstly point out that their 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 temporary haul roads as set out in CoT24, [\[REP6-042\]](#) and secured by R9 of the dDCO [\[REP6-013\]](#), thereby reducing the requirement for construction traffic to travel via the local road network and where possible avoiding sensitive communities.
- 4.13.43. Regarding accesses [\[REP7-042\]](#) the applicants note that through the examination [\[RR-1262\]](#), [\[REP1-085\]](#), [\[REP3-084\]](#), [\[REP4-136\]](#), [\[REP5-174\]](#), [\[REP6-188\]](#) and ten technical meetings spanning June to October) LCC requested additional detail and amendments to access and crossing designs. While the applicants' position remains that the level of detail requested by LCC is not usually provided predetermination (but typically at the detailed design stage), they worked with LCC to address their concerns which resulted agreement being reached between the two parties at the end of the examination on accesses [\[REP7-027\]](#) and a final oHAMP [\[REP6-117\]](#).
- 4.13.44. Regarding the proposed use of narrow 'last leg' links by HGVs [\[REP7-042\]](#) the applicants note that again despite their position that the level of detail requested by LCC is not usually provided predetermination (but typically at the detailed design stage), they worked with LCC to address their concerns. Of the 16 links originally identified by LCC as an issue, the applicants note that the parties have agreed strategies that are deliverable to manage the passage of HGVs via all links as

evidenced by the final SoCG [REP7-027]. A description of these link specific mitigation strategies (and graphical figure) was included within an update to the oCTMP at Deadline 7 [REP7-016].

- 4.13.45. Regarding 3 Nooks Lane, the applicants confirmed [REP4-102] that there are no proposals to use it as a construction access. Its use as an operational access is however proposed with routine inspections of the cable corridor taking place annually using light goods or 4x4 vehicles.

ExA's consideration

- 4.13.46. The ExA notes that the access strategy developed by the applicants seeks to reduce the requirement for construction traffic to travel via local roads and instead prioritises the use of motorways and A and B roads in line with the functional road hierarchy and that further to facilitate this a commitment has been made to the use of temporary haul roads as set out in CoT24, [REP6-042] and secured by R9 of the dDCO [REP6-013].
- 4.13.47. The ExA also notes that agreement has been reached between the applicants on both accesses and HGV links as evidenced by the final SoCG between them and LCC [REP7-027]. In addition, the requirement to agree the final design of accesses and cross overs is secured by R9 and final design of highway mitigation measures is secured by R10 of the dDCO [REP6-013]. The ExA does not agree however with the applicants that the amount of detail that it provided to LCC to reach agreement on both is more typically provided at detailed design stage. The information provided by the applicants was necessary to demonstrate and evidence the suitability and feasibility of their proposals in principle at the examination stage of the proposed development.
- 4.13.48. Regarding 3 Nooks Lane the ExA is satisfied that its proposed use as an operational access only with typically a single visit by light inspection vehicles for inspection purposes only is acceptable.
- 4.13.49. For the above reasons the ExA is satisfied that this issue has been satisfactorily addressed by the applicants.

Road closures, safety and access for emergency services

- 4.13.50. One of the principal issues identified by the ExA was road safety and access for emergency vehicles. Concerns were raised regarding the proposed impacts of additional construction traffic, suitability of accesses and road closures on emergency services by IPs through Relevant Representations. Concerns were also raised more generally within the LIRs for LCC [REP1-085], FBC [REP1-078] and BBC [REP1-068] regarding the requirement for roads to be closed. These concerns were also raised by other IPs through RRs. Specific concerns were also raised in representations regarding the proposed restrictions on the use of Leach Lane with restricted access for residents.
- 4.13.51. In their closing statement [REP7-042] the applicants noted that no specific comments or concerns were raised by the emergency services. The IEMA guidelines set out the process for assessing driver delay for all road users (including emergency vehicles). Regarding 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.

- 4.13.52. 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) were assessed to not be significant.
- 4.13.53. In addition the applicants point out that to ensure that access via the highway network can be maintained for all road users, including emergency services, significant commitments have been made 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 proposed development (see CoT02 in [\[REP6-042\]](#)).
- 4.13.54. With regard to Leach Lane, the applicants point out that they 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.

ExA's consideration

- 4.13.55. The ExA notes that no specific comments or concerns were raised by the emergency services themselves about the potential impact of the proposed development on access.
- 4.13.56. The ExA considers that the applicants' approach to maintaining access for all road users through a commitment to use trenchless installation techniques (CoT02 in [\[REP6-042\]](#)) and traffic assessment which demonstrated that the potential increase in vehicle movements from the proposed development of typically less than 30 vehicles per hour means that emergency services would not be significantly impacted.
- 4.13.57. The ExA is content that although there will be some disruption to residents of Leach Lane from the proposed development, access will be maintained (including for emergency vehicles) at all times by the applicants' proposed method of completing the works on a 'half/ half' basis under traffic light control.
- 4.13.58. Finally, the ExA notes that at the end of the examination the final SoCG, between the applicants and FBC, BBC and NH, [\[REP7-028\]](#), [\[REP7-033\]](#) and [\[REP6-131\]](#) respectively record the fact that all traffic and transport issues had been agreed between the parties.
- 4.13.59. For the above reasons the ExA is satisfied that this issue has been satisfactorily addressed by the applicants.

Cumulative effects assessment

- 4.13.60. Concerns were raised regarding the potential for cumulative effects with other schemes within the LIR for LLC and BBC as well as RRs from NH. These concerns were also raised by other IPs through relevant representations.
- 4.13.61. The applicants' final position on this issue is set out in its closing statement [\[REP7-042\]](#). The applicants note that they 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. The cumulative screening matrix was updated throughout the examination at D1 [\[REP1-020\]](#) and D5 [\[REP5-028\]](#) to capture any project updates and relevant applications submitted since August 2024 (when the list was finalised for submission). The screened in cumulative sites were assessed to determine the developments that would generate material traffic and therefore have the potential for cumulative effects with the proposed development. The traffic forecasts from these projects plus the proposed development were assessed against 2027 baseline flows to determine the magnitude of impact (as set out in table 7.38 of [\[APP-108\]](#)).

4.13.62. The findings were also evaluated considering the updated cumulative screening matrix. Overall, the applicants concluded that there would be no significant cumulative effects arising from the proposed development, plus the screened in cumulative projects. In addition to the consideration of cumulative schemes, baseline traffic flows were also 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.

4.13.63. Through discussions with NH, the applicants have also provided further detailed clarifications upon several significant projects of interest to NH and how these are considered as part of the cumulative effects assessment (CEA). In addition to these clarifications, the applicants also discussed and agreed with NH 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.

ExA's consideration

4.13.64. The final SoCG between the applicants and LCC and NH, [\[REP7-027\]](#) and [\[REP6-131\]](#) records the agreement between the parties on CEA. The ExA is therefore satisfied that this issue has been adequately addressed by the applicants.

CONCLUSIONS

4.13.65. The ExA is satisfied that the applicants' assessment, which includes an integrated TA within ES volume 3, chapter 7: Traffic and Transport [\[APP-108\]](#), considers all relevant potential transport effects during the construction, operation and decommissioning phases of the proposed development alone and cumulatively with other projects in accordance with section 5.14 of 2024 NPS EN-1.

4.13.66. The ExA is satisfied that traffic and transport effects would be satisfactorily mitigated and managed through the measures contained within the oCTMP, secured by R8 of the dDCO, and the oHAMP secured by R10 of the dDCO. These include, amongst other things, the incorporation of demand management measures, routing of HGV movements and welfare facilities in accordance with section 5.14 of 2024 NPS EN-1.

4.13.67. The ExA has also had regard to the draft April 2025 NPS EN-1, EN-3 and EN-5 and notes that there is no material change in the requirements relating to traffic and transport.

4.13.68. Overall, the ExA finds that there would be no significant adverse effects or significant cumulative effects on the surrounding transport infrastructure arising from

the proposed development. The Applicant's TA has followed the mitigation hierarchy and meets the policy tests of 2024 NPS EN-1.

- 4.13.69. However, given there would be some temporary minor adverse effects on driver delay, non-motorised user delay, non-motorised user amenity and road safety during construction on the LRN and SRN the ExA concludes that effects on traffic and transport carry a little negative weight in the making of the order.

4.14. FISH AND SHELLFISH ECOLOGY

INTRODUCTION

- 4.14.1. This section considers the effects of the proposed development in relation to fish and shellfish ecology. This section does not consider Habitats Regulations Assessment (HRA) matters which are dealt with in appendix C and summarised in section 5 of this report.

THE APPLICATION

- 4.14.2. This section summarises the applicants' assessment of effects on fish and shellfish ecology.
- 4.14.3. The applicants' assessment of the effects on physical processes is set out in Environmental Statement (ES) volume 2, chapter 3: Fish and shellfish ecology [REP6-046]. The chapter draws upon information in ES volume 2, annex 3.1: Fish and shellfish ecology technical report [APP-049].

Baseline

- 4.14.4. The study area is shown in figure 3.1 of ES volume 2, figures – Part 2 of 5 [APP-063]. This is consistent with the fish and shellfish ecology study area defined for the Morgan Offshore Wind Project: Generation Assets and fully encompasses the study areas defined for fish and shellfish ecology for the Morecambe Offshore Windfarm: Generation Assets (Morgan Offshore Wind Ltd., 2024; Morecambe Offshore Wind Ltd., 2024). For the Morecambe Offshore Windfarm: Generation Assets, these were defined as the zone of influence (ZOI) in which sediment impacts could occur, and a radius of up to 100km surrounding the Morecambe Offshore Windfarm: Generation Assets to assess underwater sound impacts.
- 4.14.5. The applicants undertook a desktop review of existing studies and datasets and site-specific benthic surveys which provided information on seabed types and sediment suitable for fish spawning.
- 4.14.6. The applicants identified important ecological features (IEFs) in table 3.9 of ES volume 2, annex 3.1: Fish and shellfish ecology technical report [APP-049]. The following were assessed for significance of effects:
- marine fish
 - plaice, lemon sole, dover sole, other flatfish species, haddock, whiting (*merlangius merlangus*), other demersal species (species that live and feed on or near the seabed), sandeel species, herring, mackerel (*scomber scombrus*), sprat (*sprattus sprattus*), horse mackerel (*trachurus trachurus*)
 - elasmobranchs
 - basking shark, tope shark (*galeorhinus galeus*), spurdog (*squalus acanthias*), rays
 - shellfish
 - edible crab (*cancer pagurus*), nephrops, European lobster (*homarus gammarus*), king scallop, queen scallop (*aequiptecten opercularis*), velvet swimming crab (*necora puber*), other crustaceans
 - diadromous fish

- sea trout, European eel, sea lamprey, river lamprey, twaite shad (*alosa fallax*), allis shad (*alosa alosa*), Atlantic salmon, sparring/European smelt, freshwater pearl mussel

Mitigation and monitoring

4.14.7. A full list of embedded and secondary mitigation measures is provided in ES volume 1, annex 5.3: Commitments Register [\[REP6-042\]](#). Those relevant to physical processes are summarised in table 3.12 of ES volume 2, chapter 3: Fish and shellfish ecology [\[REP6-046\]](#). The measures include:

- CoT45 – outline offshore cable specification and installation plan (CSIP) - (secured by draft development consent order (dDCO) schedule 14 - part 2 condition 18(1)(e) and schedule 15-part 2 condition 18(1)(e))
- CoT49 - construction method statement(s) (CMSs) including CSIPs, will be produced and implemented prior to construction (secured as for CoT45)
- CoT54 - oCSIP includes for cable burial to be the preferred option for cable protection, where practicable (secured as for CoT45)
- CoT64 – development and implementation of detailed marine mammal mitigation protocols (MMMP) in accordance with outline MMMPs including separate licence for high order unexploded ordnance (UXO) clearance (secured by dDCO schedule 14-part 2 condition 20(1)(b) and schedule 15-part 2 condition 20(1)(b))
- CoT65 – development of an offshore environmental management plan (EMP) (secured by secured by dDCO schedule 14-part 2 condition 18(1)(f) and schedule 15-part 2 condition 18(1)(f))
- CoT69 – detailed vessel traffic management plan (VTMP) developed from the outline VTMP (secured by dDCO schedule 14-part 2 condition 18(1)(f) and schedule 15-part 2 condition 18(1)(f))
- CoT90 - installation of the 400kV grid connection cable corridor beneath the River Ribble will be undertaken by direct pipe or micro tunnel trenchless installation techniques (secured by dDCO schedules 2A and 2B, R5(2) and R8)

Assessment of effects

4.14.8. Table 3.38 of ES volume 2, chapter 3: Fish and shellfish ecology [\[REP6-046\]](#) presents a summary of the potential impacts, measures adopted as part of the proposed development and residual effects in respect to fish and shellfish ecology. The impacts assessed include:

- temporary habitat loss/disturbance
- underwater sound from UXO clearance and geophysical surveys impacting fish and shellfish receptors
- increased suspended sediment concentrations (SSC) and associated sediment deposition
- long term habitat loss
- electro-magnetic fields (EMF) from subsea electrical cabling
- introduction of hard substrata and injury to basking shark due to increased risk of collision with vessels

4.14.9. The residual effects following mitigation range from negligible to minor adverse not significant in environmental impact assessment (EIA) terms. Overall, the applicants therefore conclude that there will be no significant effects arising from the proposed development during the construction, operation and maintenance or decommissioning phases. No mitigation is considered necessary based upon the assessment outcomes.

- 4.14.10. Table 3.39 of ES volume 2, chapter 3: Fish and shellfish ecology [\[REP6-046\]](#) presents a summary of the potential cumulative impacts, mitigation measures and residual effects. The cumulative impacts assessed include the same impacts listed above.
- 4.14.11. The residual effects following mitigation range from negligible to minor adverse not significant in EIA terms. Overall, the applicants conclude that there will be no significant cumulative effects from the Transmission Assets alongside other projects/plans.
- 4.14.12. No potential significant transboundary impacts have been identified regarding effects of the proposed development.

ISSUES CONSIDERED DURING THE EXAMINATION

- 4.14.13. Relevant representations (RR) specifically relating to fish and shellfish were received from the Marine Management Organisation (MMO) [\[RR-1414\]](#), Natural England (NE) [\[RR-1601\]](#) and the Environment Agency (EA) [\[RR-0677\]](#). The principal issues raised during the examination related to UXO clearance and the potential effect of EMF on European smelt.

UXO clearance

- 4.14.14. In its RR [\[RR-1414\]](#) 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 the examination, the applicants provided further commitments in this regard, updating the dDCO to restrict any UXO required to be cleared to low order methods only (CoT64, [\[REP6-042\]](#)). This substantially reduces the potential extent of any effects of UXO clearance on fish and shellfish receptors, and the MMO confirmed at deadline (D) 4 [\[REP4-083\]](#) that seasonal restrictions are not required for these works. However, the MMO while recording its agreement with the applicants on all other issues relating to fish and shellfish ecology maintains its position in the final statement of common ground between the two parties [\[REP6-130\]](#) that the deemed marine licences (DML) should not include for the clearance of any UXO.
- 4.14.15. This matter is considered further in the marine mammal section 4.15 of this report.

Electro-magnetic effects on European smelt

- 4.14.16. In their RRs, both NE [\[RR-1601\]](#) and the EA [\[RR-0677\]](#) raised concerns in relation to effects of EMF on European smelt, which is listed as a feature of the Ribble Estuary marine conservation zone (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.
- 4.14.17. The applicants provided further justification as to why effects on this species were screened out within the MCZ Screening [\[APP-019\]](#) in their response to NE's RR [\[PDA-018\]](#). This was discussed further during issue specific hearing (ISH) 2 (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 is accepted by the EA as set out in the SoCG [\[REP6-129\]](#).

- 4.14.18. NE's position at the end of the examination [REP6-179] is that there is a great deal of uncertainty regarding EMFs and smelt behavioural interactions, drawing distinctions between the marine and estuarine/ river environment, which warrants a commitment to site-specific monitoring to confirm the predictions of the EIA.
- 4.14.19. The applicants' position set out in their closing statement [REP7-042] is that they accept that uncertainties exist about fish and shellfish species responses to EMF emission. However, strategic studies are in their opinion more appropriate to develop the evidence base than site specific studies and they are already contributing to industry studies to examine these effects via The Crown Estate's Offshore Wind Evidence and Change programme.
- 4.14.20. In addition, the applicants note that while there is limited uncertainty as to the scale of effects of EMF emissions on European smelt there is considerable evidence to demonstrate that effects will be limited to within a few metres of the cable. In particular, they draw on research by CSA (formerly Canadian Standards Association) Ocean Sciences Inc. and Exponent in 2019 (CSA, 2019) (see 3.11.7.18, [REP6-046]). For this reason, the applicants maintain that site specific monitoring is not necessary or appropriate.

ExA's consideration

- 4.14.21. While the ExA accepts that there is very limited research available on the effects of EMFs on European smelt it is persuaded by the evidence set out in ES volume 2, chapter 3: Fish and shellfish ecology [REP6-046] that with cables depths of 7m or more, EMF emissions from cables are not likely to be detectable above background levels and there would be no risk to migrating smelt in the Ribble Estuary.
- 4.14.22. Further, the ExA notes that the applicants are already actively participating in research at a strategic level into the effects of EMFs on fish and that the EA in its final SoCG [REP6-129] with the applicants accepts that there is no impact-receptor pathway for this impact.
- 4.14.23. For the above reasons the ExA is satisfied that this issue has been satisfactorily addressed by the applicants, and no harm would result.

CONCLUSIONS

- 4.14.24. The ExA has considered the effects of the proposed development on fish and shellfish in the context of the policy framework set by 2024 NPS EN-1 (particularly paragraphs 5.4.44, 5.4.45 and 5.4.48) and 2024 NPS EN-3 (particularly paragraph 2.8.318) the UK Marine Policy Statement and the Northwest Inshore and Northwest Offshore Coast Marine Plans 2021.
- 4.14.25. The ExA has also had regard to the draft April 2025 NPS EN-1, EN-3 and EN-5 and notes that there is no material change in the requirements relating to fish and shellfish.
- 4.14.26. The applicants have submitted an evidence-based assessment for fish and shellfish receptors in relation to impacts associated with the proposed development in ES volume 2, chapter 3: Fish and shellfish ecology [REP6-046] as required by the paragraphs 2.8.147 – 2.8.151 of 2024 NPS EN-3. The applicants have proposed a range of mitigation measures, (including CoT45, CoT49, CoT54, CoT64, CoT69 and CoT135 [REP6-042]) secured in the recommended DCO that reduce the potential impact on fish and shellfish.

- 4.14.27. The ExA concludes that the proposed development is in accordance with the relevant sections of 2024 NPSs EN-1 and EN-3 and is satisfied that all relevant legislation, other national policies and strategies, and relevant local policies are complied with, that adequate mitigation is secured in the recommended DCO regarding fish and shellfish and there are no other important or relevant matters to consider.
- 4.14.28. The ExA therefore agrees with the applicants that there will be no likely significant effects arising from the proposed development during the construction, operations and maintenance, or decommissioning phases and there will be no likely significant cumulative effects from the proposed development alongside other projects/plans.
- 4.14.29. While there will be no likely significant effects arising from the proposed development there are minor adverse effects. These minor adverse effects arise in the various phases of the proposed development in relation to temporary habitat loss/disturbance, underwater sound, increased SSCs and associated sediment deposition, long-term habitat loss, the introduction and colonisation of hard substrata and the disturbance/remobilisation of sediment-bound contaminants (see tables 3.38 and 3.39 of ES volume 2, chapter 3: Fish and shellfish ecology [[REP6-046](#)]). The ExA therefore concludes that effects on fish and shellfish carry a little negative weight in the making of the order.

4.15. MARINE MAMMALS

INTRODUCTION

- 4.15.1. This section considers the effects of the proposed development in relation to marine mammals. This section does not consider Habitats Regulations Assessment (HRA) matters which are dealt with in appendix C of this report and are summarised in section 5.

THE APPLICATION

- 4.15.2. The applicants' assessment of the effects on marine mammals is set out in environmental statement (ES) volume 2, chapter 4: Marine mammals [\[REP5-032\]](#). The chapter draws upon information in:

- ES volume 2, annex 4.1: Marine mammals technical report - Part 1 of 2 [\[APP-051\]](#)
- ES volume 2, annex 4.1: Marine mammals technical report - Part 2 of 2 [\[APP-052\]](#)

Baseline

- 4.15.3. For the purposes of the marine mammal baseline characterisation, two appropriate marine mammal study areas were defined:
- the transmission assets marine mammal study area (the study area) - an area encompassing the proposed development's offshore order limits (OLs) plus a buffer of 10 to 14km (see figure 4.1, ES volume 2, figures – Part 3 of 5 [\[APP-064\]](#))
 - the transmission assets regional marine mammal study area (regional study area) - marine mammals are highly mobile and may range over large distances and therefore; to provide a wider context, the desktop review considered primarily the marine mammal ecology, distribution and density/abundance within the Irish Sea and wider Celtic Sea but also in addition, species specific populations over a regional scale, within the context of their relevant species management units (see figure 4.1, ES volume 2, figures – Part 3 of 5 [\[APP-064\]](#))
- 4.15.4. A comprehensive desk-based review was undertaken to inform the baseline for marine mammals. The existing studies and datasets referred to as part of the desk-based review are summarised in table 4.6 of ES volume 2, chapter 4: Marine mammals [\[REP5-032\]](#).
- 4.15.5. Two site-specific digital aerial survey (DAS) campaigns that fall within the offshore OLs also informed the baseline characterisation; one covered the Morgan Offshore Wind Project: Generation Assets plus a buffer of 10km to 13.3km, which commenced monthly in April 2021 and was completed in March 2023 (Appendix A of ES volume 2, annex 4.1: Marine mammal technical report [\[APP-052\]](#)) and one covered the Morecambe Offshore Windfarm: Generation Assets plus 4km to 10km buffer where monthly surveys commenced in March 2021 for 24 months (Appendix B of volume 2: annex 4.1: Marine mammal technical report [\[APP-052\]](#)).
- 4.15.6. The applicants identified important ecological features (IEFs) in table 4.8 of ES volume 2, chapter 4: Marine mammals [\[REP5-032\]](#) and harbour porpoise, bottlenose dolphin, Risso's dolphin, short beaked common dolphin, minke whale, grey seal and harbour seal were assessed for significance of effects.

Mitigation and monitoring

4.15.7. A full list of embedded and secondary mitigation measures is provided in ES volume 1, Annex 5.3: Commitments Register [\[REP6-042\]](#). Those relevant to marine mammals are summarised in table 4.12 of ES volume 2, chapter 4: Marine mammals [\[REP5-032\]](#). The measures include:

- CoT55 - offshore decommissioning programme(s) will be developed prior to decommissioning (secured by draft development consent order (dDCO) schedules 2A and 2B, requirement (R) 21)
- CoT64 – development and implementation of detailed marine mammal mitigation protocols (MMMP) in accordance with outline MMMPs (secured by dDCO schedule 14-part 2 condition 20(1)(b) and schedule 15-part 2 condition 20(1)(b))
- CoT65 – development of an offshore environmental management plan (EMP) (secured by secured by dDCO schedule 14-part 2 condition 18(1)(f) and schedule 15-part 2 condition 18(1)(f))
- CoT69 – detailed vessel traffic management plan (VTMP) developed from the outline VTMP (secured by dDCO schedule 14-part 2 condition 18(1)(f) and schedule 15-part 2 condition 18(1)(f))

Assessment of effects

4.15.8. Table 4.51 of ES volume 2, chapter 4: Marine mammals [\[REP5-032\]](#) presents a summary of the potential impacts, commitments made as part of the proposed development and residual effects in respect to marine mammals. The impacts assessed include:

- injury and disturbance from elevated underwater sound during unexploded ordnance (UXO) clearance
- injury and disturbance to marine mammals from elevated underwater sound due to vessel use and other sound-producing activities
- increased likelihood of injury due to collision with vessels
- effects on marine mammals due to changes in prey availability
- injury and disturbance from underwater sound generated from pre-construction survey sources

4.15.9. A single potential significant effect was identified for harbour porpoise for the impact of injury due to elevated underwater sound during UXO clearance, for all other potential impacts the applicants conclude that there will be no significant effects arising from the proposed development alone during the construction, operation and maintenance, or decommissioning phases.

4.15.10. Regarding the potential significant effect for harbour porpoise the applicants note that:

- the assessment is based upon the absolute maximum UXO as per the maximum design scenario (MDS) which is very precautionary
- UXO clearance with high order techniques is not included within the deemed marine licence (DML) secured via the dDCO for the proposed development and would be subject to a separate licence application (both low and high order UXO clearance were included in the original application, but high order was subsequently removed by the applicants at D1)
- detailed surveys post-consent would inform their understanding of the type and size of UXO that require clearance and consequently the most appropriate method for clearance

- they have committed to a detailed MMMP (CoT64) (table 4.12 of ES volume 2, chapter 4: Marine mammals [\[REP5-032\]](#)) which will be developed in accordance with the outline MMMP (secured by dDCO schedule 14-part 2 condition 20(1)(b) and schedule 15-part 2 condition 20(1)(b))
- 4.15.11. Table 4.52 of ES volume 2, chapter 4: Marine mammals [\[REP5-032\]](#) presents a summary of the potential cumulative impacts, mitigation measures and residual effects. The cumulative impacts assessed include those listed above.
- 4.15.12. Overall, the applicants conclude that for most impacts there will be no significant cumulative effects from the proposed development alongside other projects/plans, except the potential injury from UXO clearance for harbour porpoise, where a potential significant cumulative effect has been identified if high order detonation is required.
- 4.15.13. As a result of UXO clearance, on the basis of the MDS (absolute maximum 907kg UXO) of high order detonation, there may be a residual effect cumulatively with other projects with a small number of animals potentially exposed to sound levels that could elicit permanent threshold shift (PTS), noting that high order is not included in the DML secured via the dDCO and a separate marine licence (ML) will be sought if this is required. However, the likelihood of UXO clearance being undertaken simultaneously with other projects is considered by the applicants to be very low.
- 4.15.14. A screening of transboundary impacts was carried out which identified that there was potential for significant transboundary effects regarding marine mammals from the proposed development upon the interests of other states. This is due to the highly mobile nature of marine mammal species.
- 4.15.15. The potential transboundary impacts assessed within ES volume 1, annex 5.4: Transboundary screening are summarised below:
 - injury and disturbance from elevated underwater sound during UXO clearance
 - injury and disturbance to marine mammals from elevated underwater sound due to vessel use and other sound-producing activities
 - injury and disturbance from underwater sound generated from pre-construction survey sources
- 4.15.16. Following assessment, the significance of injury from UXO clearance at a transboundary level is considered by the applicants to be minor adverse with the application of embedded mitigation CoT64 [\[REP6-042\]](#) with further detail in the outline MMMP [\[REP4-070\]](#), which is not significant in terms of EIA Regulations.
- 4.15.17. The significance of disturbance from geophysical and geotechnical surveys at a transboundary level is considered to be minor adverse which is not significant in terms of EIA Regulations.
- 4.15.18. For other potential impacts, including elevated underwater sound from vessel use and other sound producing activities, increased likelihood of injury due to collision with vessels and changes in prey availability, the effects on marine mammals are predicted by the applicants to be very localised (within the close vicinity of the project), and are therefore considered unlikely to result in significant transboundary effects on marine mammal key receptors.

ISSUES CONSIDERED DURING THE EXAMINATION

- 4.15.19. Representations were initially made by Natural England (NE) that UXO clearance should not be included in the dDCO/DMLs [\[RR-1601\]](#). The Marine Management Organisation (MMO) made similar representations ([\[RR-1414\]](#)). As a result, at D1, the applicants removed high order UXO clearance from the dDCO/DMLs.
- 4.15.20. Notwithstanding this, both NE and the MMO continued to maintain their position throughout the examination that all UXO clearance should be removed from the dDCO/DMLs. In NE's final statement of common ground (SoCG) with the applicants [\[REP6-179\]](#) this issue is recorded as not agreed between the parties and likely to result in a materially different impact to the assessment conclusions by NE. Similarly, in its closing statement [\[REP7-048\]](#) the MMO notes its agreement with NE on this matter.
- 4.15.21. Several other issues were also discussed throughout the examination and remained not agreed in the final SoCG between NE and the applicants [\[REP6-179\]](#), though considered by NE to be unlikely to make a material difference to the conclusions of the impact assessment. These are dual effect categories and the terminology used to base conclusions, the shortfall between the effective range of acoustic deterrent devices (ADDs) and estimated injury zone for harbour porpoise, the use of standard industry measures to conclude no significant disturbance of the species and the cumulative effects of UXO clearance and disturbance from elevated underwater sound due to vessel use and other (non-piling) sound producing activities.
- 4.15.22. Representations on transboundary effects relating to Habitats Regulations Assessment (HRA) are considered in appendix C. However, Attracta Uí Bhroin in a personal capacity, and on behalf of Irish environmental non-government organisation (eNGO) - An Claiómh Glas in response to the second transboundary screening under Regulation 32 of the EIA regulations published on 15 January 2025 made some wider comments regarding transboundary effects and marine mammals [\[OD-012\]](#).
- 4.15.23. Ms Uí Bhroin:
- raised concerns that the focus for marine mammals had been on special areas of conservation (SACs) whereas individual members of the species together with its breeding and resting places are protected under the EU Habitats Directive wherever they are
 - questioned the basis on which migratory, breeding and feeding data was considered in the screening
 - considered that the impact of anthropogenic noise (in particular seismic surveying and sonar activity) had not been adequately addressed,
 - raised fears that the species role in the sequestering of carbon had not been considered potentially compromising our ability to tackle climate change
 - maintained that a cumulative impact assessment on the species needs to consider the multiplicity of negative impacts in the marine environment including for example changes in sea temperature impacting on migration, breeding and feeding behaviours and understanding the significance of the more localised impacts associated with the project
- 4.15.24. The applicants responded at D1 [\[REP1-062\]](#) addressing the concerns raised by Ms Uí Bhroin by providing a detailed summary of the screening and assessment carried out on the effects of the proposed development on marine mammals in ES volume 2, chapter 4: Marine mammals [\[APP-050\]](#) (subsequently updated at D5 [\[REP5-032\]](#)).

- 4.15.25. Ms Uí Bhroin did not make any further representations during the examination and the ExA is content that the applicants have satisfactorily addressed all the issues raised.

Low order UXO clearance

- 4.15.26. Details of NE's position on the inclusion of any UXO clearance in the dDCO/DMLs (supported by the MMO in its closing statement [\[REP7-048\]](#)) is provided in its response to the ExA's second written questions [\[PD-011\]](#), ([\[REP5-184\]](#), Q2:7.4.1) "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 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 because of this".
- 4.15.27. The applicants' final position on the matter set out in its closing statement [\[REP7-042\]](#) is that it is appropriate and justified to include low order UXO clearance activities within the DMLs. The applicants maintain that they have included all necessary activities for the construction and operation and maintenance of the proposed development in the application for development consent, 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.
- 4.15.28. 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 proposed development and contributing to UK Government targets for net zero. Further, the applicants point out that 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 dDCO for the proposed development, and no reason in principle why it should not be included.

ExA's consideration

- 4.15.29. The ExA understands NE's concerns regarding the lack of information available at this stage of the proposed development regarding size, type and location of UXOs requiring clearance. However, the ExA notes that the applicants have been proactive in mitigating the issue by removing high order UXO clearance at D1.
- 4.15.30. In addition, the ExA is persuaded by the argument that inclusion of low order UXO clearance in the DMLs would assist the expeditious delivery of the proposed development and as a result contribute to the UK Government targets for net zero. The ExA also notes the SoS has included low order UXO clearance in DMLs for the East Anglia ONE North Offshore Wind Farm Order 2022, the East Anglia TWO Offshore Wind Farm Order 2022, and the recently consented Mona Offshore Wind Project and Morgan Offshore Wind Farm: Generation Assets.
- 4.15.31. Further, while the MMO recorded its agreement with NE's position on this matter in its closing statement [\[REP7-048\]](#) it also stated that "the MMO does agree on a without prejudice basis, should SoS include low order UXO clearance, the provisions in the DML are suitable".

- 4.15.32. For the reasons stated above the ExA is content that the dDCO/DMLs include low order UXO clearance and that the wording in the dDCO/DMLs (schedule 14 and 15 of [\[REP6-013\]](#)) is acceptable.

Dual effect categories

- 4.15.33. NE raised concerns about the dual effect categories in the assessment methodology in its RR [\[RR-1601\]](#) and risk and issues log [\[REP5-177\]](#), while 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 [\[REP5-177\]](#).
- 4.15.34. The applicants set out justification for this conclusion (see item [RR-1601](#).E.2 in [\[PDA-019\]](#)) and maintain that risk of injury would be fully mitigated via industry recommended measures as detailed in the outline MMMP [\[REP4-070\]](#). Further, they contend that this assessment was based on high order UXO clearance, which has now been removed from the dDCO. In any event, the applicants submit the difference between the parties is not material to the determination of the application, which NE agreed with as set out in the SoCG [\[REP6-179\]](#).

ExA's consideration

- 4.15.35. The ExA is content that though the parties disagreed on this issue at the end of the examination it is not material to the assessment of effects.

Effective range of ADDs and estimated injury zone for harbour porpoise

- 4.15.36. NE pointed out in its RR [\[RR-1601\]](#) and subsequent risk and issues logs that the effective range of ADDs for harbour porpoises is approximately 7.5km (JNCC 2022) and the applicants needed to outline how they plan to mitigate the rest of the estimated injury zone up to 15.37km for high order UXO clearance activities. It suggested that the applicants should provide further information on mitigation options for the entire harbour porpoise injury zone from high order UXO clearance for the alone and cumulative effects assessment (CEA).
- 4.15.37. Removal of high order UXO clearance at D1 effectively addressed this issue with NE confirming at D4 [\[REP4-139\]](#) that updates to the marine mammal chapter and outline MMMP would fully resolve this matter. The applicants had already submitted an updated outline MMMP at D4 [\[REP4-070\]](#) reflecting the change and submitted an updated marine mammal chapter at D5 [\[REP5-032\]](#).
- 4.15.38. NE's final position on the issue set out in the SoCG [\[REP6-179\]](#) is that while it agrees the issue is not now material it also notes that if a licence for high order is submitted, the assessment will need to be reviewed and the estimated injury zone for harbour porpoise appropriately assessed and mitigated for. NE also welcomed the update to CoT64 [\[REP6-042\]](#) which now includes noise abatement systems (NAS) as a secondary mitigation option if required.

ExA's consideration

- 4.15.39. With the removal of high order UXO clearance from the dDCO/DMLs the ExA agrees this is not a material issue. If a separate ML is subsequently required for

high order UXO clearance, then the ExA is satisfied the applicants will be required to agree appropriate mitigation measures with the MMO.

Use of standard industry measures to conclude no significant disturbance

- 4.15.40. NE pointed out in its RR [\[RR-1601\]](#) that standard industry measures (such as marine mammal observers, passive acoustic monitoring and ADDs are intended to minimise the risk of injury, thus they cannot be used as a justification to conclude that there will be no significant disturbance of the species. NE argued that mitigation measures aimed at reducing disturbance should be considered instead of relying on measures for reducing the risk of injury. This needs to be revised throughout the assessment.
- 4.15.41. The applicants addressed this matter through the removal of high order UXO clearance from the dDCO/DMLs at D1 [\[REP1-008\]](#) and from the outline MMMP at D2 [\[REP2-026\]](#). NE confirmed at D3 [\[REP3-055\]](#) that an update to the marine mammal chapter would fully resolve this matter. The Applicants submitted the updated Marine Mammal chapter at D5 [\[REP5-032\]](#).
- 4.15.42. NE's final position on the issue set out in the SoCG [\[REP6-179\]](#) is that while it agrees the issue is not now material it also notes that If a licence for high order is submitted, the assessment will need to be reviewed and the estimated injury zone for harbour porpoise appropriately assessed and mitigated for. NE also welcomed the update to CoT64 [\[REP6-042\]](#) which now includes NAS as a secondary mitigation option if required.

ExA's consideration

- 4.15.43. With the removal of high order UXO clearance from the dDCO/DMLs the ExA agrees this is not a material issue. If a separate ML is subsequently required for high order UXO clearance, then the ExA is satisfied the applicants will be required to agree appropriate mitigation measures with the MMO.

Cumulative effects from UXO clearance and disturbance from elevated underwater sound

- 4.15.44. In its RR [\[RR-1601\]](#) NE highlighted concerns regarding the CEA for marine mammals. It did not agree with the significance of effect for PTS during UXO clearance in the CEA, particularly for harbour porpoise and did not agree with the justification for the conclusions made.
- 4.15.45. In addition, NE did not agree with the assigned magnitude score 'low' for disturbance from elevated underwater sound due to vessel use and other (non-piling) sound producing activities. NE felt that the assessment provided very limited consideration of the potential significant increase of number of vessels and vessel movements for each project.
- 4.15.46. The applicants provided a detailed response to these concerns (see 1601.E.6 of [\[PDA-019\]](#)) and subsequently removed high order UXO clearance at D1 from the dDCO [\[REP1-008\]](#) and the outline MMMP at D2 [\[REP2-027\]](#), updated CoT64 [\[REP6-042\]](#) to include NAS as a secondary mitigation option and provided a vessel traffic management plan (VTMP) [\[REP3-034\]](#).
- 4.15.47. NE in its final SoCG with the applicants [\[REP6-179\]](#) welcomed the fact that high order UXO clearance had been removed from the dDCO noting that if this is

subsequently required a separate ML would have to be applied for with appropriate mitigation measures for the full estimated injury zone assessed in the CEA agreed by the MMO. NE also welcomed the update to CoT64 [\[REP6-042\]](#) to include NAS as a secondary mitigation option if required.

- 4.15.48. Regarding the number of vessels, NE noted that its concerns relating to the assessment of cumulative vessels were still applicable, however with the provision of the VTMP [\[REP3-034\]](#), the risk is reduced and it considered there would be no material changes to the conclusions of the CEA, therefore it considered this matter to be resolved.
- 4.15.49. In their closing statement [\[REP7-042\]](#), the applicants noted in respect of the identified potentially significant effects in EIA terms, for the project-alone impact on harbour porpoise, this was in part because final details of UXO clearance were yet to be agreed. Whilst the assessment conclusions were not amended, the applicants consider that the newly adopted Department for Environment Food and Rural Affairs (DEFRA) policy paper Reducing Marine Noise (2025) reduces the likelihood of such a significant impact arising. The stated intention of the DEFRA (2025) 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.
- 4.15.50. The applicants have committed to adhering to the DEFRA (2025) policy and guidance within their outline MMMP [\[REP5-032\]](#) and expect that where other projects move into the stage of discharging their own ML requirements, any mitigation plans they propose will similarly follow this approach. The required adherence to the DEFRA (2025) policy makes it less likely that the potential cumulative significant effect would occur.

ExA’s consideration

- 4.15.51. With the removal of high order UXO clearance from the dDCO/DMLs, the reduction in risk of effects from cumulative vessels by the provision of a VTMP [\[REP3-034\]](#) and adherence by the applicants to DEFRA (2025), the ExA agrees this is not a material issue. If a separate ML is subsequently required for high order UXO clearance, then the ExA is satisfied the applicants will be required to agree appropriate mitigation measures for the full estimated injury zone assessed in the CEA with the MMO.

CONCLUSIONS

- 4.15.52. The ExA has considered the effects of the proposed development on marine mammals in the context of the policy framework set by 2024 NPS EN-1 and 2024 NPS EN-3, in particular paragraphs 2.8.127 – 2.8.135 of 2024 NPS EN-3 specifically relating to marine mammals and offshore windfarm developments, The UK Marine Policy Statement 2011 and the Northwest Inshore and Northwest Offshore Coast Marine Plans 2021.
- 4.15.53. The ExA has also had regard to the draft April 2025 NPS EN-1, EN-3 and EN-5 and notes that there is no material change in the requirements relating to marine mammals.

- 4.15.54. The applicants have submitted an evidence-based assessment for marine mammal receptors in relation to impacts associated with the proposed development in ES volume 2, chapter 4: Marine mammals [\[REP5-032\]](#) as required by the paragraphs 2.8.131 – 2.8.145 of NPS EN-3. The applicants have proposed a range of mitigation measures, (including CoT55, CoT64, CoT65 and CoT69 [\[REP6-042\]](#)) and management plans including an outline MMMP [\[REP5-032\]](#) and VTMP [\[REP3-034\]](#) all adequately secured by requirements and conditions in the dDCO [\[REP6-013\]](#) that reduce the potential impact on marine mammals. The applicants have also resolved all the material issues raised by NE and MMO apart from the inclusion of low order UXO in the dDCO [\[REP6-013\]](#) as evidenced by NE's final SoCG [\[REP6-179\]](#) and MMO's closing statement [\[REP7-048\]](#) which the ExA is content with.
- 4.15.55. The ExA concludes that the proposed development is in accordance with the relevant sections of NPSs EN-1 and EN-3, The UK Marine Policy Statement 2011 and the Northwest Inshore and Northwest Offshore Coast Marine Plans 2021 and is satisfied that all relevant legislation, other national policies and strategies, and relevant local policies are complied with, that adequate mitigation is secured in the recommended DCO regarding marine mammals and there are no other important or relevant considerations.
- 4.15.56. The ExA therefore agrees with the applicants that in the absence of mitigation, all assessed impacts are not significant in EIA terms (minor adverse or negligible) from the proposed project alone, except for injury to harbour porpoise from elevated underwater sound from high order UXO clearance (moderate adverse). Cumulatively, all assessed impacts are not significant in EIA terms (minor adverse or negligible), except for injury to harbour porpoise from elevated underwater sound from high order UXO clearance (moderate adverse). These adverse effects will be mitigated by the removal of high order UXO clearance from the dDCO/DMLs [\[REP6-013\]](#) (with high order UXO clearance if needed requiring a separate ML with appropriate mitigation agreed with the MMO) and the applicants' adherence to the DEFRA (2025) policy.
- 4.15.57. Following mitigation there are likely to be no significant effects arising from the proposed development during the construction, operation and maintenance, or decommissioning or alongside other projects/plans in EIA terms. However, there are the minor adverse effects (not significant in EIA terms) as discussed in the ExA's consideration of the issues above. The ExA therefore concludes that effects on marine mammals carry a little negative weight in the making of the order.

4.16. OFFSHORE ORNITHOLOGY

INTRODUCTION

- 4.16.1. This section considers the effects of the proposed development in relation to offshore ornithology. This section does not consider Habitats Regulations Assessment (HRA) matters which are dealt with in appendix C with a summary provided in chapter 5 of this report.

THE APPLICATION

- 4.16.2. This section summarises the applicants' assessment of effects on offshore ornithology.
- 4.16.3. The applicants' assessment of the effects on offshore ornithology is set out in environmental statement (ES) volume 2, chapter 5: Offshore ornithology [\[REP5-036\]](#).

Baseline

- 4.16.4. The following study areas, shown in figure 5.1 of ES volume 2, figures – part 3 of 5 [\[REP2-012\]](#), are defined to inform the assessments of the proposed development:
- The transmission assets offshore ornithology study area (study area) - the proposed development's offshore Order Limits (OLs) plus a 15 km buffer area
 - The transmission assets offshore ornithology regional study area (regional study area) - species, season, impact and assessment stage specific
- 4.16.5. Information on offshore ornithology within the study area was collected through a detailed desktop review. The existing studies and datasets referred to as part of the desk-based review are summarised in table 5.5 of ES volume 2, chapter 5: Offshore ornithology [\[REP5-036\]](#).
- 4.16.6. A desktop review of boat-based and aerial survey data revealed key patterns of temporal and spatial use in the study area. These are summarised in table 5.6 of ES volume 2, chapter 5: Offshore ornithology [\[REP5-036\]](#).
- 4.16.7. All designated sites within the study area for the proposed development with qualifying interest features that could be affected by the construction, operation and maintenance, and decommissioning phases of the proposed development are listed in table 5.7 of ES volume 2, chapter 5: Offshore ornithology [\[REP5-036\]](#). These include:
- Liverpool Bay special protection area (SPA)
 - features for which likely significant effects were identified - red-throated diver, cormorant, common scoter, red-breasted merganser
 - other features - common tern, little tern, little gull
 - Ribble & Alt Estuaries Ramsar
 - features for which likely significant effects were identified - red-throated diver, cormorant, common scoter
 - other features - black-headed gull, common tern
 - Ribble & Alt Estuaries SPA
 - features for which likely significant effects were identified - common scoter, cormorant, scaup
 - other features - black-headed gull, common tern, lesser black-backed gull

- Morecambe Bay and Duddon Estuary SPA
 - features for which likely significant effects were identified – cormorant, eider, red-breasted merganser
 - other features - common tern, herring gull, lesser black-backed gull, Mediterranean gull, black-headed gull, common gull, little tern, sandwich tern
- Morecambe Bay Ramsar
 - features for which likely significant effects were identified – cormorant, eider, red-breasted merganser
 - other features - herring gull, lesser black-backed gull, sandwich tern

4.16.8. No site-specific surveys of the proposed development area have been undertaken; however, 24 months of surveys were undertaken for the generation assets which fall within the offshore OLs of the Morgan Offshore Wind Project: Generation Assets, between April 2021 and March 2023 and the Morecambe Offshore Windfarm: Generation Assets, between March 2021 and February 2023. The ES takes account of all available data for the generation assets representing 24 months of surveys (between April 2021 and March 2023 and between March 2021 and February 2023).

4.16.9. The occurrence and distribution of seabird species recorded during baseline aerial surveys of the Morgan Offshore Wind Project: Generation Assets and Morecambe Offshore Windfarm: Generation Assets are provided in tables 5.8 and 5.9 respectively of ES volume 2, chapter 5: Offshore ornithology [\[REP5-036\]](#).

4.16.10. Table 5.10 of ES volume 2, chapter 5: Offshore ornithology [\[REP5-036\]](#) identifies the offshore ornithology receptors taken forward into the assessment. The receptors have been selected based on the presence of each species within the study area. Where the abundance of a species is more than negligible in either site-specific surveys or regional datasets then the species is identified as a receptor.

Mitigation and monitoring

4.16.11. A full list of embedded and secondary mitigation measures is provided in ES volume 1, annex 5.3: Commitments register [\[REP6-042\]](#). Those relevant to offshore ornithology are summarised in table 5.15 of ES volume 2, chapter 5: Offshore ornithology [\[REP5-036\]](#). The measures include:

- CoT49 - construction method statement(s) (CMSs) including cable specification and installation plans (CSIPs), will be produced and implemented prior to construction (secured as for CoT45)
- CoT55 - offshore decommissioning programme(s) will be developed prior to decommissioning (secured by dDCO schedule 2A R21 and dDCO schedule 2B R21)
- CoT65 – development of an offshore environmental management plan (EMP) (secured by dDCO schedule 14 (Marine Licence 1) - part 2 condition 18(1)(f) and schedule 15-part 2 condition 18(1)(f))
- CoT69 – detailed vessel traffic management plan (VTMP) developed from the outline VTMP (secured by dDCO schedule 14-part 2 condition 18(1)(f) and schedule 15-part 2 condition 18(1)(f))
- CoT110 – oCSIP would include a timing restriction on all cable pull activities at landfall on Lytham St Annes beach between November and March (inclusive), unless otherwise agreed with the Marine Management Organisation (MMO), in consultation with Natural England (NE) (secured by - dDCO schedule 14 part 2 - condition 18(1)(e) and schedule 15 part 2 - condition 18(1)(e))

- CoT111 - total number of vessels for both the Morgan Offshore Wind Project and Morecambe Offshore Windfarm Limited actively working within the Liverpool Bay SPA during construction or during operation and maintenance phase will be limited to a maximum of five vessels at any one time in the wintering period, i.e. between November and February (inclusive) (secured by - dDCO schedule 14 part 2 - condition18(1)(f) and schedule 15 part 2 - condition18(1)(f))
- CoT113 - where construction activities are undertaken within the intertidal infrastructure area, mitigation measures will be provided (detailed within the outline environmental ecological management plan (oEMP)) at Fairhaven saltmarsh to reduce disturbance upon roosting wader features of Ribble and Alt Estuary SPA (secured by - dDCO schedules 2A & 2B, requirement (R)12)
- CoT114- all permanent infrastructure located between mean low water springs (MLWS) and mean high water springs (MHWS) will be buried to a target depth of 3 metres (secured by - dDCO schedule 14 part 2 – condition18(1)(e)(i)(bb) schedule 15 part 2 - condition18(1)(e)(i)(bb))
- CoT115- an offshore in-principle monitoring plan (OIPMP) has been prepared and submitted as part of the application for development consent. The OIPMP includes for monitoring of the recovery of sediments and benthic communities within representative areas of the Fylde marine conservation zone (MCZ) potentially impacted by sand wave clearance, cable installation and cable protection, at appropriate temporal intervals as part of the operational asset integrity surveys (secured by - dDCO schedule 14 part 2 - condition18(1)(d) schedule 15 part 2 - condition18(1)(d))
- CoT116- any material arising from sand wave clearance within the proposed development's OLs will be deposited in close proximity to the works and within the licensed disposal sites within the OLs, as detailed in the dredging and disposal - site characterisation plan prepared and submitted as part of the application for development consent (secured by - dDCO schedule 14 part 1 - condition 2(f) and part 2 – condition16(4) and schedule 15 Part 1 - condition 2(f) and part 2 – condition16(4))
- CoT130 - no clearance of unexploded ordnance (UXO) will be undertaken within Liverpool Bay SPA between November and March (inclusive) (secured by - dDCO schedule 14 part 2 - condition18(1)(f) and schedule 15 part 2 - condition18(1)(f))
- CoT135 - the applicants will not plan routine operation and maintenance activities in the original Liverpool Bay SPA (as designated in 2010), including a 2km buffer between November and March (inclusive) unless in urgent circumstances (secured by - dDCO schedule 14 part 2 – condition 11 schedule 15 part 2 - condition 11)

Applicants' assessment of effects

4.16.12. Table 5.43 of ES volume 2, chapter 5: Offshore ornithology [[REP5-036](#)] presents a summary of the potential impacts, measures adopted as part of the transmission assets and residual effects in respect to offshore ornithology. The impacts assessed include:

- disturbance and displacement from airborne sound
- disturbance and displacement from underwater sound and presence of vessels and infrastructure
- indirect impacts from underwater sound affecting prey species
- habitat loss/disturbance and increased suspended sediment concentrations (SSCs)

4.16.13. The residual effects following mitigation range from negligible to minor adverse not significant in environmental impact assessment (EIA) terms. Overall, the applicants

therefore conclude that there will be no likely significant effects arising from the proposed development during the construction, operations and maintenance, or decommissioning phases.

- 4.16.14. Table 5.44 of ES volume 2, chapter 5: Offshore ornithology [\[REP5-036\]](#) presents a summary of the potential cumulative impacts, mitigation measures and residual effects. The cumulative impacts assessed are the same as those listed in 3.3.12.
- 4.16.15. The residual effects following mitigation are minor adverse not significant in EIA terms. Overall, the applicants conclude that there will be no likely significant cumulative effects from the proposed development alongside other projects/plans.

ISSUES CONSIDERED DURING THE EXAMINATION

- 4.16.16. Most of the relevant representations (RR) made regarding offshore ornithology related to the ornithological interest features of the Liverpool Bay SPA. Other matters relating to the EIA were also raised by Natural England (NE) [\[RR-1601\]](#) including the ruling out of adverse effects on the red-throated diver and common scoter features of the Liverpool Bay SPA, the maximum design scenario (MDS), use of bespoke regional populations, the inclusion of the Hynet North-West Carbon Capture and Storage project in cumulative and in combination assessments and assessment of long-term habitat loss.

Liverpool Bay SPA

- 4.16.17. The primary stakeholder concerned with offshore ornithology was NE. Where other stakeholders made RRs relating to offshore ornithology these in the main repeated the following points made by NE in its risk and issues logs submitted throughout the examination:
 - NE did not agree that adverse effects on the red-throated diver and common scoter features of the Liverpool Bay SPA could be ruled out. It 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, extent and availability of supporting habitats of the red-throated diver and common scoter features of the Liverpool Bay SPA
 - provision of more detail in the MDS including the 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
- 4.16.18. At deadline (D) 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 2km buffer (CoT111, [\[REP6-042\]](#)). In addition, at D4, the applicants submitted an updated outline offshore operations and maintenance plan (OOMP) [\[REP4-072\]](#) which introduced commitment CoT135 [\[REP6-042\]](#) in which the applicants committed to not planning routine operation and maintenance (O&M) activities in the original Liverpool Bay SPA (as designated in 2010), or within a 2km buffer between November and March (inclusive) unless in urgent circumstances.
- 4.16.19. The applicants' position at the end of the examination set out in their closing statement [\[REP7-042\]](#) is that as a consequence of CoT111 and CoT135 [\[REP6-](#)

[042](#)] those qualifying offshore ornithological features of the three SPAs and two Ramsar sites for which the Habitats Regulations Assessment Stage 1 Screening Report [\[REP6-026\]](#) identified the potential for likely significant effects (LSEs), are all screened out during the construction and operations and maintenance phases of the proposed development. 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 D5 in the offshore ornithology chapter [\[REP5-036\]](#) and information to support appropriate assessment (ISAA) Part 3 [\[REP5-021\]](#).

4.16.20. Further, the applicants maintain that as there is no impact from the proposed development alone, there will be no contribution from the proposed development 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 [\[REP6-042\]](#). 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.

4.16.21. The final statement of common ground (SoCG) between the applicants and NE [\[REP6-179\]](#) records their agreement that adverse effects on integrity (AEol) can be ruled out and all matters relating to offshore ornithology are agreed.

ExA's consideration

4.16.22. For the reasons set out above the ExA agrees with the applicants and NE that there would be no adverse effects on AEol and the following minor adverse effects (not significant in EIA terms):

- disturbance and displacement from airborne sound, underwater sound and presence of vessels and infrastructure:
 - common scoter, cormorant, eider, guillemot, puffin, razorbill, red-breasted merganser, red-throated diver and scaup
- indirect impacts from underwater sound affecting prey species:
 - common scoter, cormorant, red-breasted merganser, red-throated diver and scaup
- habitat loss/disturbance and increased SSCs:
 - common scoter, cormorant, eider, red-breasted merganser, red-throated diver and scaup

4.16.23. The ExA also agrees the following minor adverse cumulative effects (not significant in EIA terms):

- disturbance and displacement from airborne sound, underwater sound and presence of vessels and infrastructure:
 - common scoter, cormorant, eider, red-breasted merganser, red-throated diver and scaup
- indirect impacts from underwater sound affecting prey species:
 - common scoter, eider, red-breasted merganser, red-throated diver and scaup
- loss/disturbance and increased SSCs:
 - common scoter, eider, red-breasted merganser, red-throated diver and scaup

CONCLUSIONS

- 4.16.24. The ExA has considered the effects of the proposed development on offshore ornithology in the context of the policy framework set by 2024 NPS EN-1 and 2024 NPS EN-3 in particular 2024 NPS EN-3 paragraphs 2.8.136 to 146, 2.8.240 to 2.8.244, and 2.8.315 and 2.8.316 specifically relating to ornithology and offshore windfarm developments and the Northwest Inshore and Northwest Offshore Coast Marine Plans 2021.
- 4.16.25. The ExA has also had regard to the draft April 2025 NPS EN-1, EN-3 and EN-5 and notes that there is no material change in the requirements relating to offshore ornithology.
- 4.16.26. The applicants have submitted an evidence-based assessment for offshore ornithological receptors in relation to impacts associated with the proposed development in ES volume 2, chapter 5: Offshore Ornithology [\[REP5-036\]](#) as required by the paragraphs 2.8.136 – 2.8.146 of 2024 NPS EN-3. The applicants have proposed a range of mitigation measures, (including CoT111 and CoT135 [\[REP6-042\]](#)) that reduce the potential impact on offshore ornithology and resolved all issues raised by NE as evidenced by the final SoCG [\[REP6-179\]](#).
- 4.16.27. The ExA concludes that the proposed development is in accordance with the relevant sections of NPSs EN-1 and EN-3 and is satisfied that all relevant legislation, other national policies and strategies, and relevant local policies are complied with, that adequate mitigation is secured in the recommended DCO regarding offshore ornithology and there are no other important or relevant considerations in line with legislation.
- 4.16.28. The ExA therefore agrees with the applicants that there will be no likely significant effects arising from the proposed development during the construction, operations and maintenance, or decommissioning phases and there will be no likely significant cumulative effects from the proposed development alongside other projects/plans.
- 4.16.29. While there will be no likely significant effects arising from the proposed development there are the minor adverse effects (not significant in EIA terms) summarised in the ExA's consideration of the issues above. The ExA therefore concludes that effects on offshore ornithology carry a little negative weight in the making of the order.

4.17. PHYSICAL PROCESSES, BENTHIC SUBTIDAL AND INTERTIDAL ECOLOGY

INTRODUCTION

- 4.17.1. This section considers the effects of the proposed development in relation to physical processes and benthic subtidal and intertidal ecology. This section does not consider the effects of the proposed development on the Lytham St Annes Dunes site of special scientific interest (SSSI). This is dealt with in the ecology and biodiversity (onshore) section 4.5. In addition, this section does not consider Habitats Regulations Assessment (HRA) matters which are dealt with in appendix C of this report and summarised in chapter 5.

THE APPLICATION

- 4.17.2. This part summarises the applicants' assessment of effects on physical processes and benthic subtidal and intertidal ecology.
- 4.17.3. The applicants' assessment of the effects on physical processes is set out in Environmental Statement (ES) volume 2, chapter 1: Physical processes [\[REP7-008\]](#). The chapter draws upon information in:
- ES volume 2, annex 1.1: Physical processes associated modelling studies – Part 1 of 2 [\[APP-043\]](#)
 - ES volume 2, annex 1.1: Physical processes associated modelling studies – Part 2 of 2 [\[APP-044\]](#)
- 4.17.4. The applicants' assessment of the effects on benthic subtidal and intertidal ecology is set out in ES volume 2, chapter 2: Benthic subtidal and intertidal ecology [\[REP7-010\]](#). The chapter draws upon information in:
- ES volume 2, annex 2.1: Benthic subtidal and intertidal ecology technical report [\[APP-046\]](#)
 - ES volume 2, annex 2.2: Water Framework Directive coastal waters assessment [\[APP-047\]](#)

Baseline (Physical processes)

- 4.17.5. The physical processes study area is illustrated in figure 1.1 of ES volume 2, figures – Part 1 of 5 [\[APP-062\]](#) and is the predicted physical processes zone of influence (Zoi) for the proposed development. This is the maximum distance suspended sediments would travel from the offshore order limits (OLs) in one tidal cycle prior to deposition on slack water or being carried back on the returning tide. The study area was agreed through the evidence plan process (EPP) and is in line with the approach adopted for Morecambe Offshore Windfarm: Generation Assets and Morgan Offshore Wind Project: Generation Assets.
- 4.17.6. A comprehensive desk-based review was undertaken to inform the baseline for physical processes. The existing studies and datasets referred to as part of the desk-based review are summarised in table 1.6 of ES volume 2, chapter 1: Physical processes [\[REP7-008\]](#).
- 4.17.7. All designated sites within the study area and qualifying interest features that could be affected by the construction, operation and maintenance, and decommissioning phases of the proposed development are set out in table 1.7 and shown in figure 1.2 of ES volume 2, figures – Part 1 of 5 [\[APP-062\]](#).

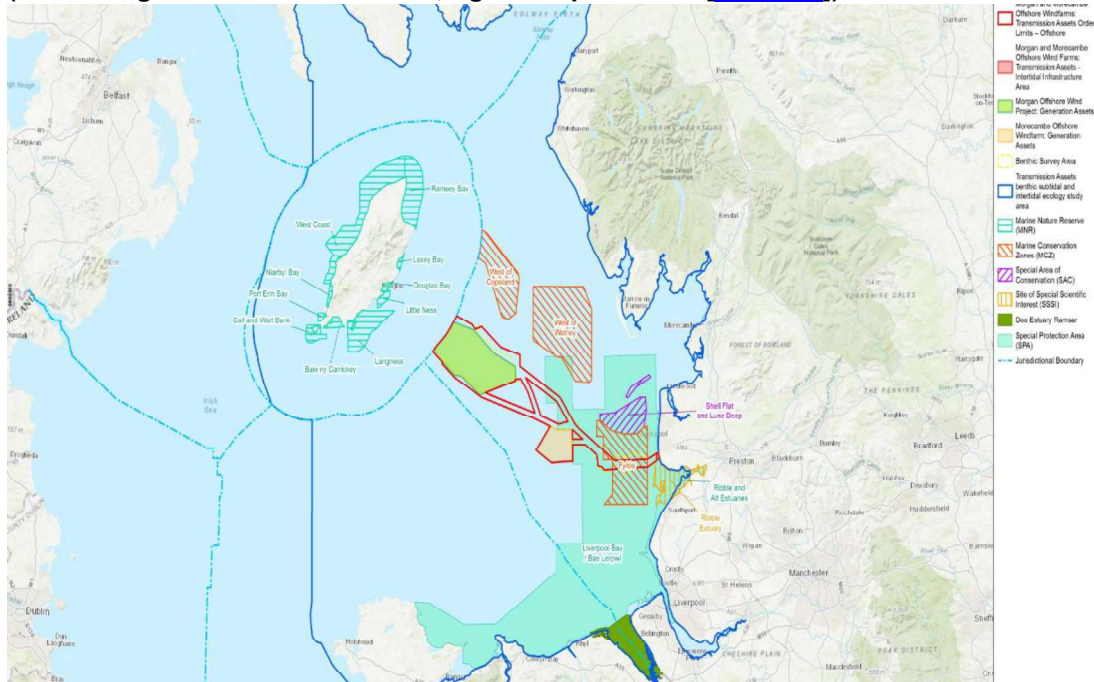
- 4.17.8. To inform the ES, site-specific surveys were also undertaken. The offshore order limits (OFOL) encompass the generation assets and therefore site-specific surveys undertaken for these projects are also applicable to the proposed development. A summary of the surveys undertaken to inform the physical processes impact assessment is outlined in table 1.8 of ES volume 2, chapter 1: Physical processes [\[REP7-008\]](#).
- 4.17.9. Section 1.5.4 of ES volume 2, chapter 1: Physical processes [\[REP7-008\]](#) describes the baseline environment for physical processes in terms of:
- bathymetry – sand waves within the OFOL have a general north-south orientation. Sand waves within the Morgan Offshore Wind Project: Generation Assets area having crest heights around 5m and those within Morecambe Offshore Windfarm: Generation Assets are fewer in number and around 1m in height
 - hydrography - semi-diurnal tides are the dominant physical process in the Irish Sea coming from the Atlantic Ocean through both the North Channel and St Georges Channel, with tidal currents ranging from the fastest currents in the west to the slowest currents in the east within the study area at the coast
 - wave climate - mean annual wave height in the study area ranges from 0.5m near the coast to 1.3m at the northwest extent with over 30% of the waves near the study area arising from the southwest with all significant wave heights (>4 m) arriving from the southwest or west while near the coast, over 40% of the waves arise from the west with the significant wave height not typically reaching over 2m
 - seabed sediment - seabed sediments within the study area are dominated by circalittoral sand, circalittoral sandy mud, circalittoral mud and circalittoral coarse sediment with circalittoral muddy sand near the coast
 - geology - the route north of the Morgan Offshore Wind Project: Generation Assets, is largely rippled (with orientation north to south) with dominant substrate being clayey sand. South of the Morgan Offshore Wind Project: Generation Assets the seafloor generally consists of clay beneath a thin layer of sand, with environmental sampling showing the composition is generally slightly gravelly clayey sand. Boulders are more common in this section of the cable route. As this section moves east the seafloors isolated dunes begin to shoal and grow in height and number. In the nearshore area of the offshore export cable route, the seabed alternates between featureless clayey sand and rippled clayey sand. Patches of sandy clay and slightly gravelly clayey sand become more common as the seabed shoals towards the beach
 - sediment transport and suspended sediments - based on the data provided within the study, the suspended particle matter (SPM) within the study area has been estimated as approximately 2mg/l offshore to c.40mg/l inshore over the 1998 to 2015 period with the principal mechanisms governing suspended sediment concentrations (SSC) in the water column being tidal currents, with fluctuations observed across the spring-neap cycle and across the different tidal stages (high water, peak ebb, low water, peak flood) and mean SSC near the seabed ranging from 4.3mg/l to 23.6mg/l offshore and maximum recorded at 48 mg/l, whilst mean SSC in the water column ranged from 1.6mg/l to 55.8mg/l
- 4.17.10. The baseline environment for physical processes is not static and will exhibit a degree of natural change over time. Such changes will occur with or without the proposed development in place due to natural variability. Future baseline conditions would be altered by climate change resulting in sea level rise and increased storminess. This is unlikely to have the effect of significantly altering tidal patterns and sediment transport regimes offshore and features such as the sand waves

within the OFOL would continue to develop regardless of wave climate. In the near-shore or inter tidal areas increased frequency of storm events may have the potential to alter existing sediment transport regimes however the presence of buried offshore export cables would not influence these changes.

Baseline (Benthic subtidal and intertidal ecology)

- 4.17.11. The proposed development's benthic subtidal and intertidal ecology study area encompasses the wider east Irish Sea, extending from mid mean highwater springs (MHWS) out to the furthest west extent from the Mull of Galloway in Scotland and to the west tip of Anglesey. The study area was selected to encompass the wider Irish Sea habitats and includes the neighbouring consented and proposed offshore wind farms and designated sites (see figure 2.1, ES volume 2, figures – Part 1 of 5 [\[APP-062\]](#)).
- 4.17.12. The study area is large enough to incorporate all direct and indirect impacts of the proposed development on benthic subtidal and intertidal receptors. The study area is the same as the regional benthic subtidal and intertidal ecology study area defined for the Morgan Offshore Wind Project: Generation Assets and fully encompasses the study area defined for the Morecambe Offshore Windfarm: Generation Assets.
- 4.17.13. The cumulative effects assessment (CEA) benthic subtidal and intertidal ecology study area has been defined as a 50km buffer around the proposed development. This 50km buffer is designed to capture all the relevant projects/plans/activities which have the potential to interact with the impact of the proposed development. For interactive/synergistic impacts (i.e. increase in suspended sediment concentration and changes in physical processes) the study area was defined by the CEA physical processes study area (as outlined in ES volume 2, chapter 1: Physical processes [\[REP7-008\]](#)) which is defined as two tidal excursions surrounding the proposed development.
- 4.17.14. Information on benthic subtidal and intertidal ecology within the study area was collected through a detailed review of existing studies and datasets. These are summarised in table 2.5 of ES volume 2, chapter 2: Benthic subtidal and intertidal ecology [\[REP7-010\]](#).
- 4.17.15. All designated sites within the study area and qualifying interest features that could be affected by the construction, operation and maintenance, and decommissioning phases of the proposed development are set out in table 2.7 of ES volume 2, chapter 2: Benthic subtidal and intertidal ecology [\[REP7-010\]](#) and shown in figure 2.2 of ES volume 2, figures – Part 1 of 5 [\[APP-062\]](#). An extract from figure 2.2 [\[APP-062\]](#) showing designated sites with benthic ecology features within the study area is provided below. Of note is the Fylde MCZ, the red hatched area just to the west of the coast, straddling the offshore OLs of the proposed development (in red). This is the subject of further discussion later in this section.

Figure 29: Designated sites with benthic ecology features within the study are (source: figure 2.2 of ES volume 2, figures – part 1 of 5 [APP-062]).



4.17.16. To inform the ES, site-specific benthic subtidal and intertidal surveys were also undertaken in the survey area as agreed with the Joint Nature Conservation Committee (JNCC), Natural England (NE), Natural Resources Wales (NRW) and Centre for Environment Fisheries and Aquaculture Science (Cefas). A summary of the surveys undertaken to inform the baseline assessment of the benthic subtidal and intertidal ecology impact assessment is provided in table 2.6 of ES volume 2, chapter 2: Benthic subtidal and intertidal ecology [REP7-010].

4.17.17. The applicants identified important ecological features (IEF's) in table 2.17 of ES volume 2, chapter 2: Benthic subtidal and intertidal ecology [REP7-010]. The following were assessed for significance of effects:

- subtidal habitats
- subtidal coarse and mixed sediments with diverse benthic communities
- brittle star beds
- subtidal muddy sands with relatively species poor benthic communities
- subtidal sandy sediments characterised by relatively diverse infaunal and epifaunal benthic communities
- annex I low resemblance stony reef (outside a special area of conservation (SAC))
- seapens and burrowing megafauna communities
- annex I habitat features of SACs
- sandbanks which are slightly covered by sea water all the time
- reefs
- Broudscale habitats: features of marine conservation zones (MCZs)
- subtidal mud
- subtidal sand
- subtidal coarse sediment
- subtidal mixed sediment
- seapens and burrowing megafauna communities

- intertidal habitats
- species poor/barren sands
- polychaete/ bivalve - dominated muddy sand shores
- echinocardium cordatum and Ensis spp. in lower shore and shallow sublittoral slightly muddy fine sand

Fylde MCZ protected feature and conservation objects

4.17.18. The protected features of the Fylde MCZ are the subtidal sand and subtidal mud. The conservation objective of the Fylde MCZ is that the protected features:

- so far as already in favourable condition, remain in such condition
- so far as not already in favourable condition, be brought into such condition, and remain in such condition

4.17.19. Favourable condition means that, within the MCZ the extent of the protected feature is stable or increasing and its structures and functions, its quality, and the composition of its characteristic biological communities are such as to ensure that it remains in a condition which is healthy and not deteriorating. The reference to the composition of the characteristic biological communities of the protected feature includes a reference to the diversity and abundance of species forming part of or inhabiting it. Any temporary deterioration in condition is to be disregarded if the protected feature is sufficiently healthy and resilient to enable its recovery. To determine whether the protected feature is in favourable condition any alteration to that feature brought about entirely by natural processes is to be disregarded.

Mitigation and monitoring (Physical processes)

4.17.20. A full list of embedded and secondary mitigation measures is provided in ES volume 1, annex 5.3: Commitments register [\[REP6-042\]](#). Those relevant to physical processes are summarised in table 1.13 of ES volume 2, chapter 1: Physical processes [\[REP7-008\]](#). The measures include:

- Commitment (CoT) 44 - exit pits associated with the direct pipe installation will be at least 100 m seaward of the western boundary of the SSSI (outline code of construction practice (CoCP)) (secured by draft development consent order (dDCO) schedules 2A and 2B requirement (R) 8))
- CoT45 – outline offshore cable specification and installation Plan (CSIP) - (secured by dDCO schedule 14-part 2 condition 18(1)(e) and schedule 15-part 2 condition 18(1)(e))
- CoT47 – outline CSIP limits the extent of cable protection to 3% and sand wave clearance to 5% of the offshore export cable route within the Fylde MCZ, within the Fylde MCZ, external cable protection will only be used where deemed to be essential and material arising from sand wave clearance in the Fylde MCZ, which will only be undertaken using a controlled flow excavator will be deposited within the Fylde MCZ (secured as for CoT45)
- CoT49 - construction method statement(s) (CMSs) including CSIPs, will be produced and implemented prior to construction (secured as for CoT45)
- CoT54 – outline CSIP includes for cable burial to be the preferred option for cable protection, where practicable (secured as for CoT45)
- CoT64 – development and implementation of detailed marine mammal mitigation protocols (MMMP) in accordance with outline MMMPs (secured by dDCO schedule 14-part 2 condition 20(1)(b) and schedule 15-part 2 condition 20(1)(b))

- CoT108 – outline CSIP includes for all external cable protection used within the Fylde MCZ to be designed to be removable on decommissioning (secured as for CoT45)
- CoT109 - requirement for removal of cable protection within the Fylde MCZ will be agreed with stakeholders and regulators at the time of decommissioning (secured by dDCO schedules 2A and 2B R21)
- CoT114 - all permanent infrastructure located between mean low water springs (MLWS) and mean high water springs (MHWS) will be buried to a target depth of 3m, subject to further pre-construction surveys (secured as for CoT45)
- CoT115 - offshore in-principle monitoring plan (OIPMP) and detailed offshore monitoring plans (OMPs) will be approved in consultation with statutory advisors and regulators (secured by dDCO schedule 14-part 2 condition 18(1)(d) and schedule 15-part 2 condition 18(1)(d))
- CoT133 - no cable/scour protection shall be deployed in the intertidal area between MLWS and MHWS during the construction and operation and maintenance phases (secured as for CoT45)
- CoT134 - 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 (secured as for CoT45)

Mitigation and monitoring (Benthic subtidal and intertidal ecology)

4.17.21. A full list of embedded and secondary mitigation measures is provided in ES volume 1, annex 5.3: Commitments Register [\[REP6-042\]](#). Those relevant to benthic subtidal and intertidal ecology are summarised in table 2.11 of ES volume 2, chapter 2: Benthic subtidal and intertidal ecology [\[REP7-010\]](#). The measures include:

- CoT19 - all trenchless crossings will be undertaken by non-impact methods such as horizontal directional drilling (HDD) (outline CoCP) (secured by dDCO schedules 2A and 2B, R8)
- CoT27 - all temporary compounds will be removed, and sites will be reinstated when construction has been completed (secured by dDCO schedules 2A and 2B, R8 and R16)
- CoT44 - exit pits associated with the direct pipe installation will be at least 100 m seaward of the western boundary of the site of the SSSI (outline CoCP) (secured by dDCO schedules 2A and 2B R8)
- CoT45 – outline CSIP - 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 licencing authority in consultation with the Maritime and Coastguard Agency (MCA) and Trinity House (TH) (secured by dDCO schedule 14-part 2 condition 18(1)(e) and schedule 15-part 2 condition 18(1)(e))
- CoT47 – outline CSIP limits the extent of cable protection to 3% and sand wave clearance to 5% of the offshore export cable route within the Fylde MCZ, within the Fylde MCZ, external cable protection will only be used where deemed to be essential and material arising from sand wave clearance in the Fylde MCZ, which will only be undertaken using a controlled flow excavator will be deposited within the Fylde MCZ (secured as for CoT45)
- CoT49 - CMSs including CSIPs, will be produced and implemented prior to construction (secured as for CoT45)
- CoT54 – outline CSIP includes for cable burial to be the preferred option for cable protection, where practicable (secured as for CoT45)

- CoT64 - development and implementation of detailed MMMPs in accordance with oMMMPs (secured by dDCO schedule 14-part 2 condition 20(1)(b) and schedule 15-part 2 condition 20(1)(b))
- CoT65 – development of an offshore environmental management plan (EMP) (secured by dDCO schedule 14-part 2 condition 18(1)(f) and schedule 15-part 2 condition 18(1)(f))
- CoT90 - installation of the 400kV grid connection cable corridor beneath the River Ribble will be undertaken by direct pipe or micro tunnel trenchless installation techniques (secured by dDCO schedules 2A and 2B, R5(2) and R8)
- CoT108 – outline CSIP includes for all external cable protection used within the Fylde MCZ to be designed to be removable on decommissioning (secured as for CoT45)
- CoT109 - requirement for removal of cable protection within the Fylde MCZ will be agreed with stakeholders and regulators at the time of decommissioning (secured by dDCO schedules 2A and 2B, R21)
- CoT114 - all permanent infrastructure located between MLWS and MHWS will be buried to a target depth of 3m, subject to further pre-construction surveys (secured as for CoT45)
- CoT115 - OIPMP and detailed OMPs will be approved in consultation with statutory advisors and regulators (secured by dDCO schedule 14-part 2 condition 18(1)(d) and schedule 15-part 2 condition 18(1)(d))
- CoT116 - any material arising from sand wave clearance within the offshore OLs outside the Fylde MCZ will be deposited near the works and within the licensed disposal sites. Within the Fylde MCZ, sand wave clearance, which will only be undertaken by controlled flow excavator, will be deposited near the works and only within the portion of the offshore OLs overlapping the Fylde MCZ (secured by dDCO schedule 14-part 1 condition 2(g) and part 2 condition 16(4) and schedule 15-part 1 condition 2(g) and part 2 condition 16(4))
- CoT117 - oCSIP includes details for any jack-up vessels used within the Fylde MCZ to be stationary. No walking jack-ups would be used within the Fylde MCZ (secured as for CoT45)
- CoT133 - no cable/scour protection shall be deployed in the intertidal area between MLWS and MHWS during the construction and operation and maintenance phases (secured as for CoT45)
- CoT134 - 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 (secured as for CoT45)

Assessment of effects (Physical processes)

- 4.17.22. The impacts arising from the construction, operation and maintenance, and decommissioning phases of the proposed development are listed in table 1.14 of ES volume 2, chapter 1: Physical processes [[REP7-008](#)] along with the maximum design scenario (MDS) against which each impact has been assessed.
- 4.17.23. Table 1.25 of ES volume 2, chapter 1: Physical processes [[REP7-008](#)] presents a summary of the impacts, measures adopted as part of the proposed development and residual effects in respect of physical processes. The impacts assessed include:
- increased SSC due to construction, operation and maintenance and/or decommissioning related activities, and the potential impact to physical features
 - impacts to physical processes, seabed morphology and the associated potential impacts to physical features and adjacent shorelines

- impacts to sediment transport and sediment pathways at the offshore export cable landfall site
- 4.17.24. Overall, the applicants conclude that there will be no significant effects arising from the proposed development during the construction, operation and maintenance, or decommissioning phases.
- 4.17.25. Table 1.26 of ES volume 2, chapter 1: Physical processes [\[REP7-008\]](#) presents a summary of the potential cumulative impacts, mitigation measures and residual effects. The cumulative impacts assessed include:
- increased SSC due to construction, operation and maintenance and/or decommissioning related activities, and the potential impact to physical features
 - impacts to physical processes, seabed morphology and the associated potential impacts to physical features and adjacent shorelines
- 4.17.26. Overall, the applicants conclude that there will be no significant cumulative effects from the proposed development alongside other projects/plans including the Morgan Offshore Wind Project: Generation Assets and Morecambe Offshore Windfarm: Generation Assets.
- 4.17.27. No significant potential transboundary impacts have been identified by the applicants regarding effects of the proposed development.
- 4.17.28. No further mitigation is proposed by the applicants following the assessment of the proposed development in isolation and in a cumulative capacity, as no significant effects are expected to arise, with those mitigation measures adopted as part of the proposed development appropriately attenuating risk to receptors.

Marine water and sediment quality

- 4.17.29. The Water Framework Directive (WFD) coastal waters assessment presented in ES 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 nautical mile (nm) from MHWS).
- 4.17.30. The WFD receptors 'hydro morphology', 'biology – fish', and 'invasive non-native species (INNS)', for the relevant activities for the construction, operation and maintenance, and decommissioning of the proposed development offshore export cables were scoped out of the assessment as they are below the thresholds set by the 'Clearing the Waters for All' guidance.
- 4.17.31. 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.
- 4.17.32. The applicants therefore concluded that the proposed development 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 proposed development offshore export cables is therefore considered to be compliant with the requirements of the WFD.

- 4.17.33. From the perspective of bathing waters, ES volume 2, chapter 9: Other sea users [\[APP-061\]](#) confirms 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. The applicants note 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 [\[REP5-030\]](#), the applicants concluded that this is very unlikely to occur because of the proposed development. 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.

Assessment of effects (Benthic subtidal and intertidal ecology)

- 4.17.34. The impacts arising from the construction, operation and maintenance, and decommissioning phases of the proposed development are listed in table 2.12 of ES volume 2, chapter 2: Benthic subtidal and intertidal ecology [\[REP7-010\]](#) along with the MDS against which each impact has been assessed. The potential impacts are also listed in table 2.17 of [\[REP7-010\]](#) together with the IEFs which have been assessed for each potential impact pathway.
- 4.17.35. During the different phases of the proposed development the following potential impacts (including cumulative) were identified:
- temporary habitat loss/ disturbance (all phases)
 - increased suspended sediment concentration and associated deposition (all phases)
 - disturbance/ remobilisation of sediment bound contaminants (construction and decommissioning; excluding cumulative)
 - long term habitat loss (all phases)
 - introduction of artificial structures (construction and operation)
 - increased risk of introduction and spread of invasive non-native species (construction and decommissioning)
 - removal of hard substrate (decommissioning)
 - changes in physical processes (operation and decommissioning)
 - impact to benthic invertebrates from electro-magnetic fields (EMF) (operation, excluding cumulative)
 - heat from subsea electrical cables (operation, excluding cumulative)
- 4.17.36. Table 2.41 of ES volume 2, chapter 2: Benthic subtidal and intertidal ecology [\[REP7-010\]](#) presents a summary of the impacts, measures adopted as part of the proposed development and residual effects in respect to benthic subtidal and intertidal ecology. Overall, the applicants conclude that there will be no significant effects arising from the proposed development during the construction, operation and maintenance, or decommissioning phases.
- 4.17.37. Table 2.42 of ES volume 2, chapter 2: Benthic subtidal and intertidal ecology [\[REP7-010\]](#) presents a summary of the potential cumulative impacts, mitigation measures and residual effects. Overall, the applicants conclude that there will be

significant cumulative effects (moderate adverse) in the short to medium term from temporary habitat disturbance/loss associated with the proposed development alongside the Morgan Offshore Wind Project: Generation Assets and Morecambe Offshore Windfarm: Generation Assets and other tier 2 and tier 3 projects. The significance of the cumulative effects is, however predicted to decrease to minor adverse significance in the long term as the sediments and associated benthic communities will recover over time. Therefore, effects of minor adverse significance are predicted in the long term which is not significant. There will be no significant cumulative effects from the proposed development alongside other projects/plans for any other impact pathway.

- 4.17.38. No potential transboundary impacts have been identified by the applicants regarding effects of the proposed development.

ISSUES CONSIDERED DURING THE EXAMINATION

Physical processes

- 4.17.39. The key relevant representations (RR) relating to marine physical processes and coastal change were made by Natural England (NE) ([[RR-1601](#)], Appendix B (Physical processes)) and the Marine Management Organisation (MMO) [[RR-1414](#)]. The position of the parties at the end of the examination is set out in the applicants' final statements of common ground (SoCG) with NE and the MMO, [[REP6-179](#)] and [[REP6-130](#)] respectively. The principal issues considered during the examination were the cable installation techniques, decommissioning of cable/scour protection scouring and scour protection and monitoring.

Cable installation techniques

- 4.17.40. During the examination NE expressed concerns regarding the likely success of the direct pipe trenchless technique and maintained that further details on the technique, associated infrastructure, and the sediment geology, was required to be able to fully assess the potential impacts on coastal processes at the landfall [[RR-1601](#)] (the effects of the proposed development on the Lytham St Annes Dunes SSSI is dealt with in the onshore ecology and biodiversity (onshore section) section 4.5). This matter was noted as not agreed in the final SoCG between the parties [[REP6-179](#)].
- 4.17.41. In their closing statement [[REP7-042](#)], the applicants maintain that they have undertaken engineering analysis to determine the suitability of the direct pipe trenchless technique and provided appropriate examples of where this has been successfully employed within their response to the NE's RR [[RR-1601](#)] at procedural deadline A (PDA) (1601.B.8 of [[PDA-016](#)]). The examples include the Beatrice Offshore Wind Farm, where the technique was employed to cross the designated Spey Bay Site of SSSI located along the Moray coastline in Scotland and The Norfolk Boreas Offshore Wind Farm DCO granted in 2019 which allowed for the use of direct pipe as a potential alternative trenchless installation technique at landfall, with its use dependent on further site-specific investigation as part of post-consent detailed design. They also note that they have confirmed that in the unlikely event of the technique not being viable, a variation with associated impact assessment will be required because this is the only technique permitted by the dDCO [[REP6-013](#)]. Therefore, a contingency plan and, or assessment of alternative techniques as requested by NE are not required.

- 4.17.42. At D6, the applicants point out that NE responded in its risk and issues log [\[REP6-193\]](#) that this matter was sufficiently resolved with the provision of an updated version of the outline landfall construction method statement at D5 [\[REP5-116\]](#) 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 (SoS) to change the landfall method.

ExA's consideration

- 4.17.43. The ExA notes the applicants' provision of details of the successful use/ proposed use of the direct pipe trenchless technique in Scotland and East Anglia demonstrating the recognition of the capability of direct pipe trenchless installation technique to address complex environmental challenges and avoiding direct impacts on sensitive habitats such as the Lytham St. Anne's Dunes. The ExA also notes the mitigations and contingency measures set out against drill failure in the outline landfall construction method statement 1.2.2 of [\[REP6-151\]](#) and the fact that if it is ultimately demonstrated that the trenchless technique is not a viable option then a variation request with associated supporting information would have to be made to the SoS to change the landfall method.
- 4.17.44. The ExA therefore considers that the applicants have adequately addressed this issue in general. The ExA's conclusions on the effects of the proposed development specifically on the Lytham St Annes SSSI are provided in section 4.5 and appendix C of this report.

Decommissioning of scour/cable protection

- 4.17.45. NE maintained its position throughout the examination 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 dDCO, to prevent permanent impacts to marine physical processes and loss of extent and distribution of site interest feature/s, (SoCG NE.PP.2 / B2 [\[REP6- 179\]](#)).
- 4.17.46. The applicants' final position set out in its closing statement [\[REP7-042\]](#) is that the Energy Act 2004 provides sufficient safeguards requiring a written decommissioning programme to be submitted to the SoS for approval prior to the commencement of construction in compliance with paragraphs 2.8.88 – 2.8.89 of NPS EN-3 2024. Requirement R21 of the dDCO [\[REP6-013\]](#) requires a written decommissioning programme to be provided to the SoS 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.
- 4.17.47. The applicants also note that on other projects including the Morgan Generation Assets and the Mona Offshore Wind Project, the SoS 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 SoS.
- 4.17.48. In addition, the applicants point out that they have updated schedules 14 and 15 in the dDCO [\[REP6-013\]](#) 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. Further, 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) [[REP6-042](#)].

- 4.17.49. The applicants also highlight 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 commitments in relation to decommissioning beyond a written decommissioning programme.

ExA's consideration

- 4.17.50. The ExA notes that the applicants have included R21 in the dDCO [[REP6-013](#)] requiring a written decommissioning programme to be submitted to the SoS for approval prior to the commencement of construction in compliance with the Energy Act 2004 and paragraphs 2.8.88 – 2.8.89 of NPS EN-3 2024. The ExA also notes that the SoS has approved this approach to avoid overlapping obligations on Morgan Offshore Wind Project: Generation Assets and the Mona Offshore Wind Project and most recently since the close of the examination on Morecambe Offshore Windfarm: Generation Assets.
- 4.17.51. The ExA therefore considers that the applicants have adequately addressed this issue and agrees with the applicants' assessment that the effects will be negligible and not significant in EIA terms.

Scouring and scour protection

- 4.17.52. NE maintained throughout the examination that there is 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. Despite further information provided by the applicants during the examination this issue was not agreed by the parties as noted in the final SoCG [[REP6-179](#)] with the NE calling for project-specific numerical modelling to be undertaken.
- 4.17.53. The applicants' final position on this matter is set out in its closing statement [[REP7-042](#)]. They contend that further detail was provided regarding 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 MCZ (excluding cable crossings) and sand wave clearance up to 5% of the offshore export cable route within the Fylde MCZ. Material arising from sand wave 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 3m
 - CoT133: no cable/scour protection shall be deployed in the intertidal area between MLWS and MHWS during the construction and O&M phases.
- 4.17.54. The applicants point out that 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. They do not therefore anticipate that external cable protection would be required in the nearshore and this is to be confirmed by pre-construction surveys. 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).

- 4.17.55. In practical terms this means that in 5m water depth, cable protection cannot exceed 0.25m. Additionally, the outline offshore 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 the applicants suggest that 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.
- 4.17.56. Further, in support of their position that modelling is not required the applicants point out that the conceptual approach adopted was agreed with the MMO, Cefas, Environment Agency (EA) and NE via the benthic ecology, fish and shellfish and physical processes EWG meetings [\[APP-190\]](#) and was based not only on studies for the Mona Offshore Windfarm Project but also a range of studies including a detailed project specific morphological seabed study. Further information was also provided outlining the appropriateness of the data sources applied at D6 [\[REP6-172\]](#).
- 4.17.57. Regarding decommissioning of cable protection, the outline 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 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 is to be designed to be removable (CoT108) with the requirement for removal agreed with the regulator and stakeholders at decommissioning (CoT109).

ExA's consideration

- 4.17.58. The ExA notes that NE together with other organisations including the MMO, CFAS and EA agreed the evidence based conceptual approach is appropriate for predicting impacts on physical processes receptors at benthic ecology, fish and shellfish and physical processes EWG meetings [\[APP-190\]](#). Notwithstanding this, the ExA also notes that in response to NE's concerns, the applicants provided detail regarding 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 secured by commitments CoT45, 47, 114 and 133 [\[REP6-042\]](#).
- 4.17.59. Further, the ExA notes 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. 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) and in practical terms this means that in 5m water depth, cable protection cannot exceed 0.25m.

- 4.17.60. The ExA therefore concludes that the applicants have adequately addressed this issue and agrees with the applicants' assessment that the effects will be negligible and not significant in EIA terms.

Monitoring

- 4.17.61. NE continued to advise the applicants throughout the examination to include a commitment to carryout monitoring of sand wave recovery (particularly within the Fylde MCZ) and dune/beach/intertidal morphology (1601.B.24 of [\[RR-1601\]](#)). This matter was noted as not agreed in the final SoCG between the parties [\[REP6-179\]](#).
- 4.17.62. Regarding the monitoring of sand wave recovery, the applicants' note in their closing statement [\[REP7-042\]](#) that at D6, they updated the offshore IPMP [\[REP6-101\]](#) to specifically include for monitoring of sand wave recovery through comparison of pre and post-construction geophysical data, which NE note in the final SoCG [\[REP6-179\]](#) would resolve this matter.
- 4.17.63. Regarding the monitoring of dune/ beach/ intertidal morphology the applicants point out that where exit pits are 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 areas, 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 therefore maintain that monitoring of intertidal morphology is not necessary or justified.

ExA's consideration

- 4.17.64. The ExA is content that by including a commitment in the offshore IPMP [\[REP6-101\]](#) to specifically include for monitoring of sand wave recovery through comparison of pre- and post-construction geophysical data the applicants have adequately addressed NE's concerns in that regard.
- 4.17.65. Regarding the monitoring of dune/beach/ intertidal morphology, the ExA is persuaded by the applicants' argument that during construction work the intertidal area will be returned to both baseline sediment type and level and as a result, the monitoring of intertidal morphology is not required.

Marine water and sediment quality

- 4.17.66. No issues were raised during the examination with regard to marine water and sediment quality.
- 4.17.67. The applicants' WFD coastal waters assessment presented in ES 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 1nm from MHWS). The applicants therefore consider that the proposed development is compliant with the requirements of the WFD.

- 4.17.68. From the perspective of bathing waters, ES volume 2, chapter 9: Other sea users [APP-061] confirms 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. The applicants note 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], the applicants concluded that this is very unlikely to occur because of the proposed development. 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.
- 4.17.69. ExA's consideration
- 4.17.70. Having regard to the applicants' assessment and further supporting information, the ExA is satisfied that the proposed development would not have an adverse effect on, and would meet the requirements of, the WFD with specific regard to coastal and transitional waters in accordance with Section 5.16 of NPS EN-1.

Benthic subtidal and intertidal ecology

- 4.17.71. RRs specific to benthic subtidal and intertidal ecology were made by the MMO [RR-1414], Natural England [RR-1601] and the Wildlife Trust for Lancashire Manchester and North Merseyside (TWT) [RR-2180] the latter relating to the Fylde MCZ. The applicants have agreed all matters relating to benthic subtidal and intertidal ecology with the MMO, as reflected in the SoCG between the parties [REP6-130]. The applicants have agreed several matters with NE relating to benthic, subtidal and intertidal ecology as reflected in the SoCG with Natural England [REP6-179]. The principal issues considered during the examination were MDS (construction phase) - sand wave clearance, impacts from unexploded ordnance (UXO) clearance, pre-lay grapnel runs (PLGR) and UXO and boulder clearance, feasibility of cable laying tools in shallow water and intertidal area at landfall, MDS (operation and maintenance phases) - deployment of cable/ scour protection, Fylde MCZ – lasting habitat change from the placement of cable protection, removal of infrastructure at the decommissioning stage and mitigation measures for s41 Natural Environment and Rural Communities Act 2006 (NERC) habitats.

MDS (construction phase) - sand wave clearance

- 4.17.72. NE advised in their relevant representation [RR-1601] that all the parameters associated with sand wave clearance and seabed preparation should be provided. The applicants responded with detailed clarifications on the definition of the MDS at procedural deadline A [PDA-017] and at Deadline (D) 4 [REP4-100]. NE, however, clarified at D5 [REP5-177] that they required the calculations for spoil volume. The applicants responded at D6 (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 (outline CSIP) ([APP-220] as updated in [REP6-098]).

4.17.73. NE's final position on this issue is set out in its SoCG [REP6-179] with the applicants and last risk and issues log (R_C14, [REP6-193]). While it is content that the applicants' update of the benthic ecology chapter at D5 had resolved some inconsistencies in relation to sand wave parameters it is not content with the way the sand wave clearance volume has been derived.

4.17.74. The applicants' position at the end of the examination set out in its closing statement [REP7-042] is that they are confident that the total spoil volumes assessed are correct and realistic. Further, they acknowledge that it is the applicants' responsibility to satisfy themselves that the proposed development can be constructed within the parameters specified within the dDCO, 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.

ExA's consideration

4.17.75. While the ExA understands the point being made by NE regarding clarity on the calculation of sand wave clearance volumes, we agree with the applicants that it is ultimately a matter for them whether the proposed development can be constructed within the parameters specified within the dDCO and the MDS as assessed within the EIA. In addition, the outline OIPMP secured by schedules 14 and 15 of the dDCO [REP6-013] requires the applicants to monitor the recoverability of sand waves. The ExA is therefore content that the applicants have adequately addressed this issue and agrees with the applicants' assessment that the effects will be negligible and not significant in EIA terms.

MDS (construction phase) - impacts from UXO clearance

4.17.76. NE [RR-1601] stated that impacts from UXO clearance had not been quantified or assessed within the ES. The applicants confirmed within RR-1601.C.22 of their response to NE [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 sand wave clearance, boulder clearance, 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 because of low order UXO clearance. However, at D5, 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 0.5km² based on existing data for high order clearance). NE have acknowledged the updates to the chapter but noted that detail on back-filling of any remaining UXO clearance depressions has not been provided.

4.17.77. NE's final position on this issue is set out in its SoCG [REP6-179] with the applicants and last risk and issues log (R_C13, [REP6-193]). NE maintains that it is not in agreement with the MDS presented for UXO clearance.

4.17.78. The applicants' position at the end of the examination set out in its closing statement [REP7-042] is 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.

ExA's consideration

4.17.79. The ExA is persuaded by the applicants' argument that any disturbance of the seabed, particularly from the low order UXO clearance now permitted by the dDCO will be within the areas of disturbance assumed for sand wave clearance, boulder clearance, PLGR and cable burial. Further the ExA notes the post-clearance visual inspections of low order UXO clearance at the Moray West Offshore Windfarm which demonstrated a lack of any seabed crater, confirming that anything other than highly localised disturbance to the seabed is not anticipated because of low order UXO clearance. The ExA is therefore content that the applicants have adequately addressed this issue.

4.17.80. **MDS (construction phase) - PLGR and UXO and boulder clearance**

4.17.81. NE [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 in [PDA-017], (reference RR-1601.B6) and provided further explanation at D4 [REP4-100] and submitted an updated chapter at D5 [REP5-034], as requested by NE.

4.17.82. NE's final position on this issue is set out in its SoCG [REP6-179] with the applicants and last risk and issues log (R_C13, [REP6-193]). NE maintains that it is not in agreement that the MDS for PLGR, UXO clearance and boulder clearance has been fully assessed.

4.17.83. The applicants' position at the end of the examination set out in its closing statement [REP7-042] is that along 9% of the offshore export cable routes, the MDS is sand wave clearance, boulder clearance, PLGR and low order UXO clearance with sand wave clearance dictating the width of the disturbance along the installation corridor (up to 60m for Morgan and 48m 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. Sand wave 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.

ExA's consideration

4.17.84. The ExA is content that the updates made by the applicants at D5 to ES volume 2, chapter 2: Benthic subtidal and intertidal ecology [REP5-034] (subsequently updated further [REP7-010]) satisfactorily demonstrate that the MDS for PLGR, UXO and boulder clearance has been fully assessed. The ExA agrees with the

applicants' assessment that overall there would be no significant effects (in terms of EIA) due to the construction, maintenance and operation, and decommissioning of the proposed development and that the moderate adverse cumulative effects will decrease to minor adverse (not significant in EIA terms) as sediments and benthic communities recover.

MDS (construction phase) - feasibility of cable laying tools in shallow water

- 4.17.85. NE [\[RR-1601\]](#) advised that a further assessment of the feasibility of the cable installation tools in shallow waters was required to support the MDS assessment. The applicants responded to this point in the applicants' response to RR.1601.B.11 [\[PDA-016\]](#) and in the applicants' response at D4 to NE's D3 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 proposed development's offshore OLs. The applicants secured a commitment at D4 that "As part of the detailed design process, micro-siting of the offshore export cables within the offshore export cable corridors (ECC) 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 dDCO under Schedules 14 and 15 [\[REP5-010\]](#).
- 4.17.86. NE's final position on this issue is set out in its SoCG [\[REP6-179\]](#) with the applicants and last risk and issues log (R_C11, [\[REP6-193\]](#)). NE notes that the applicants have provided further information on ploughing, jetting and mechanical cutting cable installation tools in the update benthic ecology chapter at D5 which is sufficient to confirm that cable burial is achievable to optimum depth using those tools. However, NE also notes that no consideration has been given to the ability to use those tools in shallow water and what the implications may be for direct and indirect impacts to designated sites.
- 4.17.87. The applicants' position at the end of the examination set out in its closing statement [\[REP7-042\]](#) is that the information provided in the outline CBRA [\[APP-219\]](#) and outline offshore CSIP [\[REP6-097\]](#) relate to the entirety of the ECC corridor and that the benthic subtidal and intertidal ecology assessment fully considered the MDS for cable installation tools.

ExA's consideration

- 4.17.88. The ExA is content that the information provided in the outline CBRA [\[APP-219\]](#) and outline offshore CSIP [\[REP6-097\]](#) when considered together with the additional information provided by the applicants on the feasibility of cable laying tools satisfactorily addresses this issue.

MDS for the deployment of cable/ scour protection (operation and maintenance phases)

- 4.17.89. NE maintained its representations, as originally set out in its combined relevant and written representations [\[RR-1601\]](#) and risk and issues log submitted at D1 [\[REP1-093\]](#), that the MDS parameters for the proposed development 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 operation and maintenance 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 (ML).

- 4.17.90. The applicants made a commitment in the outline offshore operations and maintenance plan (OOMP) submitted at D4 [\[REP4-072\]](#) 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 D4 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 ML application.
- 4.17.91. The applicants 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 D4 [\[REP4- 137\]](#) and D5 [\[REP5-175\]](#) submissions but did not object.
- 4.17.92. However, NE 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. NE also stated that there would be a 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.
- 4.17.93. The applicants confirmed in their D6 response [\[REP6-172\]](#) to NE that this can be implemented via the design of the benthic monitoring programme or adaptive management approach, as outlined in the updates to offshore IPMP at D5 [\[REP5-079\]](#).
- 4.17.94. During engagement with the applicants on the SoCG [\[REP6-179\]](#) NE clarified that any additional cable protection within Fylde MCZ would require a new ML application, regardless of when it is required. In response to NE's position, the applicants further updated the outline OOMP at D7 [\[REP7-020\]](#) to remove the ability to deploy cable/scour protection within the Fylde MCZ beyond the end of the construction phase without securing a ML.
- 4.17.95. The applicants consider that, with the additional commitment made at D7, this is now a matter that is agreed between NE and the applicants as reflected in the SoCG under NE.BE.2/C2 [\[REP6-179\]](#).

ExA's consideration

- 4.17.96. With the update made by the applicants to the outline OOMP (secured by condition 11 of Schedules 14 and 15 of the dDCO [\[REP6-013\]](#)) at D7 [\[REP7-020\]](#) removing the ability to deploy cable/scour protection within the Fylde MCZ beyond the end of the construction phase without securing a new ML, the ExA agrees with the applicants that this issue has been addressed.

Fylde MCZ – lasting habitat change from the placement of cable protection

- 4.17.97. As explained in the MCZ Screening and Stage 1 Assessment Report [\[APP-019\]](#) as updated in [\[REP5-022\]](#), ES volume 1, chapter 4: Site selection and consideration of

alternatives [\[AS-026\]](#), the offshore ECC 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. See figure 28 above.

- 4.17.98. 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 narrowest point and minimising the number of crossings within the Fylde MCZ with existing cables. 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 also made additional commitments during the examination to further reduce impacts to the Fylde MCZ, as outlined in the updated MCZ Screening and Stage 1 Assessment Report submitted at D5 [\[REP5-022\]](#).
- 4.17.99. As reported 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 0.0304km² / 3.04ha (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 (see Baseline – benthic subtidal and intertidal ecology above) and, therefore, a stage 2 MCZ assessment is not required.
- 4.17.100. However, the TWT maintained the need for a stage 2 MCZ Assessment and measures of equivalent environmental benefit (MEEB) for the Fylde MCZ in their written representation [\[REP1-210\]](#). This position was also taken by NE which considers that 3.04ha 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 consistently advised that MEEB will be required [\[RR-1601\]](#).
- 4.17.101. Additionally, NE maintains 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. 0.0264km² / 2.64ha for cable protection within both features, as well as 0.004km² / 0.4ha for cable crossings within the subtidal mud feature resulting in a total of 0.0568km² / 5.68ha of long term habitat loss).
- 4.17.102. The applicants however consider their current approach, which provides a MDS for each feature of the Fylde MCZ individually (i.e. 0.0264km² / 2.64ha for subtidal sand (cable protection only) and 0.0304km² / 3.04ha 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 0.0264km² / 2.64ha of long-term habitat loss because 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.
- 4.17.103. The applicants also suggest that 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 SoS. As a result of this dispute, the conclusions of the stage 1 of the MCZ assessment remained a matter that was not agreed between NE and the applicants as reflected in the SoCG with NE (NE.BE.3 / C3, [\[REP6-179\]](#)).

- 4.17.104. Without prejudice to the applicants' position on the stage 1 MCZ assessment, the applicants submitted a stage 2 MCZ Assessment at D1 [\[REP1-059\]](#) which was later updated at D5 [\[REP5-094\]](#), as requested by NE, which included a without prejudice, in-principle MEEB Plan. Additionally, the applicants also provided a without prejudice benthic compensation schedule at D3 (which was updated at D5, [\[REP5-109\]](#)) should the SoS 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 if the MRF is not made available to the applicants.
- 4.17.105. NE, in its D2 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 the ExA's written questions [\[REP3-056\]](#) and the applicant's D3 response to NE's risk and issues log [\[REP3-055\]](#). However, the applicants have highlighted that NE has agreed to the basis upon which the applicants have included the project led options (i.e. that if the preferred MRF becomes unavailable for any reason they would be required to provide further details of the project led options), where the matter is agreed between the parties under NE.MCZ.5 in the SoCG [\[REP6-179\]](#).
- 4.17.106. As reflected in the SoCG (NE.BE.3 / C3, [\[REP6-179\]](#)), both parties are agreed that, should the SoS deem that benthic compensation (MEEB) is required, strategic compensation with a payment into the MRF should be the preferred and prioritised option for the proposed development, as outlined in the applicant's commitment CoT136 [\[REP6-042\]](#).

ExA's consideration

- 4.17.107. S126 of the Marine and Coastal Access Act 2009 (MCAA) places specific duties on regulatory bodies relating to MCZs and ML decision making. This is because s126 applies where:
- a public authority has the function of determining an application (whenever made) for authorisation of the doing of an act and
 - the act is capable of affecting (other than insignificantly) -
 - the protected features of an MCZ and/or
 - any ecological or geomorphological process on which the conservation of any protected feature of an MCZ is (wholly or in part) dependent
- 4.17.108. The authority must not grant authorisation for an act unless the applicants seeking the authorisation satisfies the authority that there is no significant risk of the act hindering the achievement of the conservation objectives stated for the MCZ. The statutory nature conservation bodies (SNCBs) have responsibility under the MCAA to give advice on how to identify the activities that are capable of affecting the designated features and the processes which they are dependent upon.
- 4.17.109. If the applicants seeking the authorisation are not able to satisfy the authority that there is no significant risk of the act hindering the achievement of the conservation

objectives stated for the MCZ, that Applicants must satisfy the authority that (s126(7) MCAA):

- there is no other means of proceeding with the act which would create a substantially lower risk of hindering the achievement of those objectives
- the benefit to the public of proceeding with the act clearly outweighs the risk of damage to the environment that will be created by proceeding with it and
- the person seeking the authorisation will undertake, or make arrangements for the undertaking of, measures of equivalent environmental benefit to the damage which the act will or is likely to have in or on the MCZ

- 4.17.110. The ExA is content that the Fylde MCZ screening, stage 1 assessment in the applicants' MCZ Screening and Stage 1 Assessment Report [\[REP7-006\]](#) has been carried out in accordance with guidance published by the MMO which describes how MCZ screening and stage 1 assessments should be undertaken in the context of the MCAA and related marine licensing decisions (MMO, 2013).
- 4.17.111. However, regarding the need for a stage 2 MCZ assessment, while the ExA notes the applicants' assertion that the potential percentage of MCZ habitat loss is small (0.012%) in percentage terms it considers the actual area 3.04ha of lasting habitat change/loss of subtidal sand and subtidal mud interest features from the placement of cable protection within the Fylde MCZ a large area which it agrees with NE will hinder the conservation objectives of the site. The ExA therefore finds that a stage 2 MCZ assessment is necessary.
- 4.17.112. The ExA has considered the evidence presented by the applicants in their without prejudice MCZ Stage 2 Assessment [\[REP7-031\]](#) and has concluded that in accordance with the tests set out in s126(7) MCAA that there are no other means of proceeding which could deliver the project objectives and which would have a substantially lesser effect on the Fylde MCZ conservation objectives, in accordance with the need for the proposed development. In addition, there are clear public benefits to the delivery of the proposed development which outweigh the risks to the conservation objectives of the Fylde MCZ.
- 4.17.113. The ExA notes that the NE is content with the draft benthic compensation schedule [\[REP5-108\]](#) which prioritises strategic compensation with a payment into the MRF with project led compensation only being considered if the MRF is not available. The ExA also notes and is content that if the MRF is not available further details of the project led compensation measures will have to be agreed with the NE. The ExA recommends that the schedule is secured in the rDCO by a new article.
- 4.17.114. Regarding the area of long-term habitat loss to be compensated for, the ExA notes the methodology proposed by the NE (full area of long-term habitat loss within both the subtidal sand and subtidal mud features – 5.68ha) and the applicants (MDS for each feature of the Fylde MCZ individually – 3.04ha) which they consider to be a precautionary and realistic MDS. However, the ExA considers the best way forward would be to establish the exact compensation requirements in consultation with stakeholders following detailed design post consent.

Removal of infrastructure at the decommissioning stage

- 4.17.115. This issue was considered by the ExA in the physical processes part of the section above.

- 4.17.116. In summary, the ExA notes that the applicants have included R21 in the dDCO [\[REP6-013\]](#) requiring a written decommissioning programme to be submitted to the SoS for approval prior to the commencement of construction in compliance with the Energy Act 2004 and paragraphs 2.8.88 – 2.8.89 of NPS EN-3 2024. The ExA also notes that the SoS has approved this approach to avoid overlapping obligations on Morgan Generation Assets and the Mona Offshore Wind Project and most recently since the close of the examination on Morecambe Generation Assets. The ExA therefore considers that the applicants have adequately addressed this issue.

Mitigation measures for NERC habitats.

- 4.17.117. NE maintained its representations throughout the examination that the applicants should commit to measures to avoid or reduce impacts to NERC priority habitats [\[RR-1601\]](#).
- 4.17.118. The applicants responded to the points raised by NE in [\[PDA-014\]](#) and [\[PDA-017\]](#) and their response to NE's risk and issues log (Section 7 in [\[REP4-100\]](#)) and in response to NE's response to the ExA's first written questions (Section 5 in [\[REP4-100\]](#)) explaining how the mitigation hierarchy has been implemented, as far as reasonably practicable, for the proposed development.
- 4.17.119. In summary, the applicants maintain that 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 sand wave 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.
- 4.17.120. To address NE's comments several additional commitments were made during the examination with associated updates to relevant documents:
- new commitment made at D2 to "no rock dumping within Fylde MCZ" in acknowledgment that this is the least recoverable type of protection (secured by schedules 14 and 15 of the dDCO [\[REP6-013\]](#))
 - new commitment made at D4 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, [\[REP6-042\]](#))
 - new commitment made at D4 (and revised at D6) that "No cable/scour protection shall be deployed in the intertidal area between MLWS and MHWS during the construction and operation phases" (CoT133, [\[REP6-042\]](#)).
- 4.17.121. The applicants also updated the offshore IPMP at D4 [\[REP4-075\]](#), 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 INNS following construction activities within the Fylde MCZ.

- 4.17.122. As requested by NE, 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 D5 to include all new commitments made during examination.
- 4.17.123. NE's final position on this issue set out in their SoCG [REP6-179] with the applicants is that while welcoming the change in condition 18(1)(a)(iii) of the dDCO regarding micro-siting at D3 to refer to NERC priority Habitats [REP3-009] and noting that the applicants included further wording around application of the mitigation hierarchy in relation to broadscale NERC habitats in [REP4-100] it still considered the issue not agreed. However, NE does not anticipate this having a material impact to decision making as it will be considered as part of pre-construction deemed marine licence (DML) condition discharge,
- 4.17.124. The applicants' position at the end of the examination set out in their closing statement [REP7-042] is that they 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 s41 of NERC. Further 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 OLS or to the low level of risk to benthic receptors associated with the proposed development.

ExA's consideration

- 4.17.125. Given NE's position stated in the SoCG [REP6-179] that this issue is not material to decision making, will be considered as part of the pre-construction DML condition and it considered the issue closed at D6 the ExA is content that the applicants have adequately addressed this issue.

CONCLUSIONS

- 4.17.126. The ExA has considered the effects of the proposed development on physical processes and benthic subtidal and intertidal ecology in the context of the policy framework set by 2024 NPS EN-1, 2024 NPS EN-3, 2024 NPS EN-5, UK Marine Policy Statement and the Northwest Inshore and Northwest Offshore Coast Marine Plans 2021.
- 4.17.127. The ExA has also had regard to the draft April 2025 NPS EN-1, EN-3 and EN-5 and notes that there is no material change in the requirements relating to physical processes and benthic subtidal and intertidal ecology.
- 4.17.128. The ExA is satisfied that for physical processes the applicants' assessment, which included coastal geomorphological and sediment transfer modelling, has fully addressed the potential marine and coastal physical processes effects, including potential impacts from climate change, associated with the construction, operation and decommissioning of the proposed development in accordance with Section 5.6 of NPS EN-1.
- 4.17.129. The ExA is also satisfied that the proposed development would not have an adverse effect on and would meet the requirements of the WFD with specific regard to coastal and transitional waters in accordance with section 5.16 of 2024 NPS EN-1.
- 4.17.130. In addition, the ExA is content that any identified effects, either for the proposed development alone or cumulatively, on marine and coastal processes and

geomorphology would be satisfactorily mitigated and managed through the proposed use of trenchless techniques at landfall and by ensuring any cable protection is sufficiently low profile to cause minimal disruption to wave, tides and sediment transport. The relevant commitments and management plans are adequately secured by requirements or conditions in schedules 2A, 2B, 14 and 15 of the dDCO [\[REP6-013\]](#).

- 4.17.131. Overall, the ExA finds that there would be no significant adverse effects, significant cumulative effects or significant transboundary effects arising from the proposed development with regard to physical processes. The applicants' assessment of physical processes and marine water quality has followed the mitigation hierarchy and meets the policy tests of 2024 NPS EN-1 and 2024 NPS EN-3. Additionally, the ExA finds that the relevant provisions of policy related to physical processes in the UK Marine Policy Statement and Northwest Inshore and Northwest Offshore Marine Plans are met.
- 4.17.132. Regarding benthic subtidal and intertidal ecology, the ExA is satisfied that the applicant's assessment includes adequate information to understand the potential effects of the proposed development alone or cumulatively and accords with sections 4.3 and 4.5 of 2024 NPS EN-1 and section 2.8 of 2024 NPS EN-3.
- 4.17.133. The ExA is satisfied that the applicants have followed the MCZ assessment process set out in MMO guidance but contrary to the applicants' conclusions, finds that the 3.04ha of lasting habitat change/loss of subtidal sand and subtidal mud interest features from the placement of cable protection within the Fylde MCZ would hinder the conservation objectives of the site and that a stage 2 MCZ assessment with MEEB is required.
- 4.17.134. The ExA has considered the evidence presented by the applicants in their without prejudice MCZ Stage 2 Assessment [\[REP7-031\]](#) and has concluded that in accordance with the tests set out in s126(7) MCAA that there are no other means of proceeding which could deliver the project objectives and which would have a substantially lesser effect on the Fylde MCZ conservation objectives, in accordance with the need for the proposed development. In addition, there are clear public benefits to the delivery of the proposed development which outweigh the risks to the conservation objects of the Fylde MCZ. The ExA recommends that the draft benthic compensation schedule [\[REP5-108\]](#) is secured by a new article as shown in the rDCO.
- 4.17.135. The exact compensation requirements should be established in consultation with stakeholders following detailed design post consent with priority given to strategic compensation with a payment into the MRF and project led compensation only being considered if the MRF is not available.
- 4.17.136. With compensation for lasting habitat change/ loss of subtidal sand and subtidal mud interest features from the placement of cable protection within the Fylde MCZ, the ExA concludes that effects on physical processes and benthic subtidal and intertidal ecology carry a little weight against the making of the order.

4.18. SHIPPING AND NAVIGATION

INTRODUCTION

- 4.18.1. This section considers the effects of the proposed development in relation to shipping and navigation.

THE APPLICATION

- 4.18.2. The applicants' assessment of the effects on shipping and navigation is set out in Environmental Statement (ES) volume 2, chapter 7: Shipping and navigation [\[REP6-048\]](#). The chapter draws upon information in:

- ES volume 2, annex 7.1: Navigation risk assessment – part 1 of 2 [\[APP-057\]](#)
- ES volume 2, annex 7.1: Navigation risk assessment – part 2 of 2 [\[APP-058\]](#)

Baseline

- 4.18.3. The shipping and navigation study area for the proposed development is defined as an area covering a minimum of 3 nautical miles (nm) from the Morgan and Morecambe Transmission Assets subsea cables and 10 nm from the area in which the generation assets will be located, as shown in figure 7.1 of ES volume 2, figures – part 4 of 5 [\[APP-065\]](#). These distances ensure any relevant routeing which may be affected is captured, while still remaining site specific to the area being studied.
- 4.18.4. A comprehensive desk-based review was undertaken to inform the baseline for shipping and navigation. The existing studies and datasets referred to as part of the desk-based review are summarised in table 7.6 of ES volume 2, chapter 7: Shipping and navigation [\[REP6-048\]](#). Site-specific surveys were also undertaken as required in marine guidance note (MGN) 654 and as agreed with statutory consultees. A summary of the MGN654 compliant vessel traffic surveys undertaken to inform the shipping and navigation risk assessment is outlined in table 7.7 ES volume 2, chapter 7: Shipping and navigation [\[REP6-048\]](#).
- 4.18.5. Figure 7.2 of ES volume 2, figures – part 4 of 5 [\[APP-065\]](#) presents the principal navigational features in proximity to the proposed development and tables 7.8, 7.9 and 7.10 of ES volume 2, chapter 7: Shipping and navigation [\[REP6-048\]](#) provide a summary of the vessel traffic surveys.
- 4.18.6. In accordance with the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 a future baseline scenario has been considered within the study area for commercial, ferry, oil and gas, fishing and recreational vessels. Further details on the development of the future baseline are presented within ES volume 2, annex 7.1: Navigation risk assessment – part 1 of 2 [\[APP-057\]](#)

Mitigation and monitoring

- 4.18.7. A full list of embedded and secondary mitigation measures is provided in ES volume 1, annex 5.3: Commitments register [\[REP6-042\]](#). Those relevant to shipping and navigation are summarised in table 7.15 of ES volume 2, chapter 7: Shipping and navigation [\[REP6-048\]](#).

Applicants' assessment of effects

- 4.18.8. Table 7.46 of ES volume 2, chapter 7: Shipping and navigation [\[REP6-048\]](#) presents a summary of the impacts, measures adopted as part of the proposed

development and residual effects in respect to shipping and navigation. The impacts assessed include:

- impact on recognised sea lanes essential to international navigation
- impact to commercial operators including strategic routes and lifeline ferries
- impact to adverse weather vessel routing
- impact on access to ports and harbours
- impact on emergency response capability due to increased incident rates and reduced access for search and rescue responders
- impact on vessel-to-vessel collision risk
- impact on marine navigation, communications, electromagnetic interference and radar and positioning systems
- impact on recreational craft passages and safety
- impact on snagging risk to vessel anchors and fishing gear
- impact to oil and gas navigation, operations and safety
- impact on under keel clearance

- 4.18.9. Overall, the applicants conclude that there will be no significant effects arising from the transmission assets during the construction, operation and maintenance, or decommissioning phases.
- 4.18.10. Hazards were assessed and concluded within the navigational risk assessment (NRA) (ES volume 2, annex 7.1: Navigation risk assessment – parts 1 of 2 and 2 of 2 [[APP-057](#) and [APP-058](#)]). Zero hazards were identified as being high risk – unacceptable, four were ranked as medium risk – tolerable if as low as reasonably practicable (ALARP) and were concluded to be ALARP, and 12 were ranked as low risk – broadly acceptable.
- 4.18.11. Table 7.47 of ES volume 2, chapter 7: Shipping and navigation [[REP6-048](#)] presents a summary of the potential cumulative impacts, mitigation measures and residual effects. The impacts assessed cumulatively are the same as those assessed for the Transmission Assets in isolation. Overall, the applicants conclude that there will be three significant cumulative impacts arising from the proposed development alongside other projects:
- impact to commercial operators including strategic routes and lifeline ferries
 - impact to adverse weather routing
 - impact on vessel-to-vessel collision risk
- 4.18.12. The contribution of the proposed development in the assessment of the significant cumulative impacts was negligible or minor and was considered to be inconsequential compared to the generation assets and other tier 1 and tier 2 wind farm projects.
- 4.18.13. No additional potential transboundary impacts or inter-related impacts have been identified by the applicants in regard to effects of the proposed development upon shipping and navigation.

ISSUES CONSIDERED DURING THE EXAMINATION

- 4.18.14. Relevant representations (RR) relating to shipping and navigation were made by the Maritime and Coastguard Agency (MCA) [[RR-1418](#)], Trinity House (TH) [[RR-0442](#)], Spirit Energy [[RR-0684](#)] and a number of operating windfarms 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-2303](#)].

- 4.18.15. The principal issues raised by both the MCA and TH related to provisions relevant to shipping and navigation within the draft development consent order (dDCO) [\[REP6-013\]](#).
- 4.18.16. The MCA in its written representation (WR) [\[REP1-088\]](#), requested changes to part 2 of schedules 14 and 15 of the deemed marine licences (DMLs) in the dDCO to ensure local notifications to mariners would be issued weekly during construction activities rather than regularly, references to side scan sonar data are removed as not necessary for bathymetry surveys and close out reports would be submitted within 3 months of the date of completion. TH in its WR [\[REP1-209\]](#) requested that for arbitration, as provided for in part 6, section 46 of the dDCO, the wording be amended to include the term (saving provisions for Trinity House).
- 4.18.17. The applicants considered the issues for both organisations were addressed by updates to the dDCO at deadlines (D) 1 and 2 [\[REP7-042\]](#).
- 4.18.18. Spirit Energy [\[RR-0684\]](#), 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 [\[RR-2303\]](#) all raised issues related to the engagement with interested parties post-consent in respect of shipping and navigation. In particular, they highlighted that the outline vessel traffic management plan (VTMP) did not adequately specify how interested parties would be consulted with in respect of the detailed VTMP and other relevant management plans and requested greater clarity regarding the Marine Navigation Engagement Forum (MNEF), including in respect of membership and how it will be secured in the long term.
- 4.18.19. The applicants' response at D2 [\[REP2-031\]](#) noted updates to be made to the outline VTMP [\[REP3-034\]](#) at D3 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 interested parties on relevant matters. No further comments were submitted into the examination by the operating windfarms on this matter and the applicants consider the matter resolved [\[REP7-042\]](#).

ExA's consideration

- 4.18.20. The MCA confirmed in its response to the ExA's written questions [\[REP3-086\]](#) that the amendments made to the dDCO [\[REP6-013\]](#), including requirements for post-construction bathymetry surveys and monitoring, by the applicants set out in [\[REP2-031\]](#) were acceptable. TH also confirmed in its response to the ExA's written questions [\[REP3-111\]](#) that it was content with amendments made to the dDCO [\[REP6-013\]](#) in response to its comments. In addition, the final statements of common ground between the applicants and MCA and Trinity House [\[REP6-127\]](#) and [\[REP6-126\]](#) respectively confirm that all matters have been agreed between the parties. The ExA is therefore content that the applicants have adequately addressed the issues raised.
- 4.18.21. The ExA is also content that the updates made to the outline VTMP at D3 [\[REP3-034\]](#) securing the continuation of the MNEF post consent and clarifying its terms of engagement with interested parties has adequately addressed this issue.

CONCLUSIONS

- 4.18.22. The ExA has considered the effects of the proposed development on shipping and navigation in the context of the policy framework set by 2024 NPS EN-1 (particularly section 4) and 2024 NPS EN-3 (particularly section 2.8) the UK Marine Policy Statement and the Northwest Inshore and Northwest Offshore Coast Marine Plans 2021 and Marine Guidance Note (MGN) 654.
- 4.18.23. The ExA has also had regard to the draft April 2025 NPS EN-1, EN-3 and EN-5 and notes that there is no material change in the requirements relating to shipping and navigation.
- 4.18.24. The applicants have submitted an evidence-based assessment for shipping and navigation in relation to impacts associated with the proposed development in ES volume 2, chapter 7: Shipping and navigation [\[REP6-048\]](#) and undertaken a Navigation Risk Assessment (NRA) in ES volume 2, annex 7.1: Risk assessment – parts 1 and 2 of 2 [\[APP-057\]](#) and [\[APP-058\]](#) which follows MCA MGN 654 in accordance with paragraph 2.8.189 of NPS EN-3. The applicants have proposed a range of mitigation measures, (including CoT45, CoT46, CoT49, CoT52, CoT54, CoT55 and CoT61 [\[REP6-042\]](#)) secured in the recommended DCO that reduce the potential impact of the proposed development on shipping and navigation.
- 4.18.25. In accordance with paragraph 2.8.326 of 2024 NPS EN-3 the Secretary of State (SoS) should not grant development consent in relation to the construction or extension of an offshore wind farm if it considers that interference with the use of recognised sea lanes essential to international navigation is likely to be caused by the development. The use of recognised sea lanes essential to international navigation means: (a) anything that constitutes the use of such a sea lane for the purposes of article 60(7) of the United Nations Convention on the Law of the Sea (UNCLOS) 1982 and (b) any use of waters in the territorial sea adjacent to Great Britain that would fall within paragraph (a) if the waters were in a renewable energy zone.
- 4.18.26. The ExA agrees with the applicants' assessment in the NRA [\[APP-057\]](#) and [\[APP-058\]](#) that the proposed development would not interfere with the use of recognised sea lanes essential to international navigation.
- 4.18.27. Further the ExA agrees with the applicants' assessment in the NRA [\[APP-057\]](#) and [\[APP-058\]](#) that in accordance with paragraphs 2.8.328 to 2.8.335 of 2024 NPS EN-3 as a result of the proposed development there would be no unacceptable risks and that all risks have been reduced to broadly acceptable or as low as reasonably practicable and there would be no significant impacts to recreational activity.
- 4.18.28. The ExA therefore concludes that the proposed development is in accordance with the relevant sections of 2024 NPSs EN-1 and EN-3 and is satisfied that all relevant legislation, other national policies and strategies, and relevant local policies are complied with, that adequate mitigation is secured in the recommended DCO regarding shipping and navigation and there are no other important or relevant considerations.
- 4.18.29. The ExA therefore agrees with the applicants that there would be no likely significant effects arising from the proposed development in relation to shipping and navigation during the construction, operations and maintenance, or decommissioning phases. The ExA also agrees that there will be three significant cumulative impacts arising from the proposed development alongside other projects

(impact to commercial operators including strategic routes and lifeline ferries, impact to adverse weather routeing and impact on vessel-to-vessel collision risk).

While the applicants contend that the contribution of the proposed development in the assessment of the significant cumulative impacts was negligible or minor and was considered to be inconsequential compared to the generation assets and other tier 1 and tier 2 wind farm projects the ExA considers that all significant effects should be accounted for in its deliberations. The ExA therefore concludes that effects on shipping and navigation carry a little negative weight in the making of the order.

4.19. OTHER MATTERS

4.19.1. This chapter considers the following issues:

- commercial fisheries
- good design
- other sea users
- waste

COMMERCIAL FISHERIES

INTRODUCTION

4.19.2. This section considers the effects of the proposed development in relation to commercial fisheries.

THE APPLICATION

4.19.3. This section summarises the applicants' assessment of effects on commercial fisheries.

4.19.4. The applicants' assessment of the effects on commercial fisheries set out in Environmental Statement (ES) volume 2, chapter 6: Commercial fisheries [[APP-054](#)]. The chapter draws upon information in:

- ES volume 2, annex 6.1: Commercial fisheries technical report [[APP-055](#)]

Baseline

4.19.5. The proposed development is located within the international council for the exploration of the sea (ICES) division VIIa (Irish Sea) statistical area, which is divided into statistical rectangles for the purpose of recording fisheries landings. The commercial fisheries study area is defined as ICES rectangles 36E5, 36E6, 37E5 and 37E6 shown on figure 6.1 ES volume 2, figures – Part 4 to 5 [[APP-065](#)].

4.19.6. Given the operational ranges of the fishing fleets active in the region, and considering feedback from consultation, the study area for the cumulative effects assessment (CEA) for commercial fisheries is the same as for the main assessment (ICES Rectangles 36E5, 36E6, 37E5 and 37E6).

4.19.7. 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.

Mitigation and monitoring

4.19.8. A full list of embedded and secondary mitigation measures is provided in ES volume 1, annex 5.3: Commitments register [[REP6-042](#)]. Those relevant to commercial fisheries are summarised in table 6.10 of ES volume 2, chapter 6: Commercial fisheries [[APP-054](#)]. These include 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 of the draft development consent order (dDCO) [[REP6-013](#)], 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.

Applicants' assessment of effects

- 4.19.9. Table 6.33 of ES volume 2, chapter 6: Commercial fisheries [\[APP-054\]](#) provides a summary of the impacts, measures adopted as part of the proposed development and residual effects in respect to commercial fisheries. The impacts assessed include:
- loss or restricted access to fishing grounds
 - displacement of fishing activity
 - loss or damage to fishing gear due to snagging
 - potential impacts on commercially important fish
 - shellfish resources stocks and supply chain opportunities for local fishing vessels
- 4.19.10. Overall, the applicants concluded there would be no significant effects arising from the proposed development during the construction, operation and maintenance, or decommissioning phases in relation to commercial fisheries.
- 4.19.11. Table 6.34 of ES volume 2, chapter 6: Commercial fisheries [\[APP-054\]](#) provides a summary of the cumulative impacts, mitigation measures and residual effects of the proposed development on commercial fisheries. The cumulative impacts assessed include:
- loss or restricted access to fishing grounds
 - loss or damage to fishing gear due to snagging
 - potential impacts on commercially important fish and shellfish resources
- 4.19.12. Overall, the applicants conclude that there will be no significant cumulative effects on commercial fisheries from proposed development alongside other projects/plans following the implementation of embedded and further mitigation measures.
- 4.19.13. The applicants identified the following potential transboundary impacts regarding the effects of the proposed development:
- potential effects on commercially important fish and shellfish resources
 - displacement of fishing vessels
- 4.19.14. The effects of underwater noise on commercially important fish and shellfish resources, and therefore commercial fisheries receptors, were not predicted to extend beyond UK and Isle of Man waters. Therefore, the applicants conclude that the potential transboundary impact of effects on commercially important fish and shellfish stocks is not significant in EIA terms.
- 4.19.15. Due to the localised nature of any potential impacts and limited non-UK fishing fleet activity (some potential for Belgian and Irish vessels targeting sole and scallops, respectively, within the study area, but not specifically within the area of the proposed development), the applicants conclude that transboundary impacts are unlikely to occur.

ISSUES CONSIDERED DURING THE EXAMINATION

- 4.19.16. Relevant representations (RR) 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]. No commercial fishers or industry representatives registered as interested parties (IPs).

- 4.19.17. The principal issues raised 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 (FLO) and included in the FLCP.
- 4.19.18. The applicants 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 FLCP [REP3-028]. No further submissions were made by TSC on this matter. The applicants therefore consider this matter closed [REP7-042].
- 4.19.19. The principal issues raised by the MMO relate to the potential need for a bass fishery monitoring programme to monitor for construction activity and underwater sound effects from the construction of the proposed development alone or cumulatively with other offshore wind farm construction activity on the migratory routes of bass.
- 4.19.20. 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 unexploded ordnance (UXO) clearance, geophysical survey and other activities is either low level, short term or spatially limited.
- 4.19.21. In addition, at deadline (D) 1, the applicants updated the dDCO [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.
- 4.19.22. The ExA queried whether there were any outstanding matters on this subject in its written questions (17.2.3, [PD-008]) 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".
- 4.19.23. The MMO noted at D5 [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.
- 4.19.24. The applicants noted in their closing statement [REP7-042] that no further information was presented on this matter in the MMO's D6 submission [REP6- 199] and therefore, the applicants consider this matter closed and all matters relating to commercial fisheries resolved.

ExA's consideration

- 4.19.25. Based on the applicants' response to the TSC, the fact that no further representations were received from TSC and detailed FLCP(s) will be developed by the applicants prior to construction, through consultation with the relevant fisheries stakeholders via the FLO as secured in conditions 18(1)(f)(v) and 18(1)(f)(vi) of schedules 14 and 15 of the dDCO [[REP6-013](#)] the ExA is content that this issue has been adequately addressed.
- 4.19.26. On the basis that the ExA agrees with the applicants' assessment that there would be no significant effects on bass from the proposed development and in addition the subsequent restriction of UXO clearance to low order clearance methods reduce potential effects further it is content that a bass fishery monitoring programme is not required.
- 4.19.27. Regarding the potential link between geophysical / geotechnical surveys and low bass numbers raised by local fishers the ExA notes that the MMO itself considered it unlikely [[REP5-175](#)] and offered no further information in its subsequent submission at D6 [[REP6-199](#)] or closing statement at D7 [[REP7-048](#)]. The ExA therefore considers this matter resolved.

CONCLUSIONS

- 4.19.28. The ExA has considered the effects of the proposed development on commercial fisheries in the context of the policy framework set by NPS EN-1 and NPS EN-3 (particularly paragraphs 2.8.153 to 2.8.163) the UK Marine Policy Statement and the Northwest Inshore and Northwest Offshore Coast Marine Plans 2021.
- 4.19.29. The ExA has also had regard to the draft April 2025 NPS EN-1, EN-3 and EN-5 and notes that there is no material change in the requirements relating to commercial fisheries.
- 4.19.30. The applicants have submitted robust baseline data and detailed surveys of the effects on fish stocks of commercial interest, and any potential reduction or increase in such stocks that will result from the presence of the proposed development and of any safety zones in ES volume 2, annex 6.1: Commercial fisheries technical report [[APP-055](#)] as required by the paragraphs 2.8.152 – 2.8.164 of NPS EN-3. The applicants have proposed a range of mitigation measures, (including CoT45, CoT49, CoT50, CoT55, CoT59, CoT61, CoT62, CoT65, CoT66, CoT71 and CoT112 [[REP6-042](#)] secured in the rDCO that reduce the potential impact on commercial fisheries.
- 4.19.31. The ExA concludes that the proposed development is in accordance with the relevant sections of NPSs EN-1 and EN-3 and is satisfied that all relevant legislation, other national policies and strategies, and relevant local policies are complied with, that adequate mitigation is secured in the recommended DCO regarding commercial fisheries and there are no other important or relevant considerations.
- 4.19.32. The ExA agrees with the applicants that there will be no likely significant effects arising from the proposed development during the construction, operations and maintenance, or decommissioning phases and there will be no likely significant cumulative effects from the proposed development alongside other projects/plans.

- 4.19.33. The ExA therefore concludes that effects on commercial fisheries weigh neither for nor against making the order.

GOOD DESIGN

INTRODUCTION

- 4.19.34. This section considers whether the proposed development meets the criteria for good design.
- 4.19.35. Section 4.7 of 2024 NPS EN-1 sets out criteria for good design for energy infrastructure. It notes that high quality and inclusive design goes far beyond aesthetic considerations and that the functionality of an object – be it a building or other type of infrastructure – including fitness for purpose and sustainability, is equally important. It explains that good design is also a means by which many policy objectives in the NPS can be met. It says that given the benefits of good design in mitigating the adverse impacts of a project, applicants should consider how good design can be applied to a project during the early stages of the project lifecycle. It goes on to explain what is expected in the applicants' assessment and relevant matters for Secretary of State decision making.
- 4.19.36. Policy GD7 of the Fylde Local Plan to 2032 aims to achieve good design in development and sets out criteria relating to different aspects of design.

Issues arising during the examination and ExA's consideration

- 4.19.37. Through our second written questions [\[PD-011\]](#) we asked the applicants (ExQ2.1.1.8) to provide an update on how they consider the proposed development responds to the criteria for good design set out in section 4.7 of NPS EN-1.
- 4.19.38. The applicants' response [\[REP5-130\]](#) includes reference to the following matters:
- Their preparation of the outline Design Principles (oDP) document [\[REP6-109\]](#) providing a central, clear and enforceable framework for post-consent design with the discharging authority.
 - The transmission assets have been designed to be fit for purpose and efficient in delivering their operational role of connecting offshore generation to the national electricity transmission system.
 - The design approach incorporates measures to minimise environmental impacts.
 - A commitment to ensuring that the final appearance of the substations is sensitively designed insofar as possible.
 - The applicants' consenting strategy has been developed to provide appropriate flexibility in the design of the transmission assets, ensuring that the substations remain resilient and adaptable to future requirements.
- 4.19.39. The applicants closing statement [\[REP7-042\]](#) (section 11.1.4) emphasises that good design comprises both the design process, as well as securing a good design outcome noting the design process and design governance for pre and post consent are detailed in the design framework with the oDP.
- 4.19.40. During that the examination, including at issue specific hearing (ISH) 2 and 4, concerns were expressed by parties, including Lancashire County Council (LCC) and Fylde Borough Council (FBC) about the indicative nature of the design information, with questions raised about why greater specificity could not be provided at this stage.

- 4.19.41. The applicants responded at those hearings and explained 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 nationally significant infrastructure projects by the Planning Inspectorate— ‘Advice Note Nine: Rochdale Envelope’ [[REP4-103](#) and [REP6-163](#)]. The applicants say that 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.
- 4.19.42. We consider that, overall, the applicants approach using the Rochdale Envelope is consistent with the expectations of 2024 NPS EN-1 (section 4.3), recognising that in some instances, it may not be possible at the time of the application for all aspects of the proposal to have been settled in precise detail. However, as addressed below, we consider there are matters which the applicants could have addressed earlier and in greater detail in order to demonstrate good design.
- 4.19.43. As explained by 2024 NPS EN-1 good design is related to multiple issues and policy objectives. Many of the matters we have addressed in chapters 3 and 4 of our report are linked to the attainment of good design. We do not repeat each matter here but have focused on what we consider to be the key issues in considering whether the applicants have complied with the relevant policy expectations for good design.
- 4.19.44. In chapter 3 we conclude that the applicants’ approach to site selection and alternatives is generally sound. However, we have found that the proposed biodiversity mitigation and benefit areas have led to unresolved issues regarding bird strike risk and related issues under the Habitat Regulations. For good design to have been satisfactorily demonstrated for these matters, we consider that earlier consideration of the relevant issues regarding bird strike and aviation risks, along with the location and strategy for the environmental mitigation and benefit areas, could have been beneficial in seeking to overcome the objections and issues raised at the examination.
- 4.19.45. In chapter 3 we also address the applicants’ approach to co-ordination where, notwithstanding the need for two electrically separate projects and flexibility sought, we acknowledge the measures taken to achieve co-ordination and collaboration where this would be reasonably possible. This includes joint outline management plans and control documents and requirements in the draft development consent order to ensure collaboration.
- 4.19.46. The siting and design of the proposed substation for each project has also been a key focus of the examination, including the effects of the two separate, though closely located, substations upon the character and appearance of the area and the green belt. We have considered the applicants explanations as to why separate substations and equipment would be required for each project and we are content that the current regulatory regime for electricity transmission requires a separate approach be taken. The consequence of this, however, is the need for the two separate substations to be both closely located in the green belt and open countryside. This clearly has led to particular design challenges given the likely size, scale and form of each substation.
- 4.19.47. It is apparent in our view, that the design and appearance of both the proposed substations is at an early stage and we appreciate the difficulties that has caused for some parties to properly evaluate their effects. It has also made it more difficult to demonstrate the good design criteria have been adequately followed.

- 4.19.48. As set out in section 4.9, the oDP [\[REP6-109\]](#) for the onshore works have been comprehensively updated during the examination process. As a result, we consider that they would provide greater certainty, than when first proposed, that the final design would take account of aesthetic design considerations and effects on their surroundings as well as the functional requirements of each substation. They would also provide the host authority (currently FBC) with a more robust framework for assessing subsequent design proposals. Furthermore, the oDP would also establish a clearer path for the post consent design evolution and governance, including the formation of an agreed working group, the applicants' commitment to each have a 'design champion', 3D modelling and the provision of a compliance report which will record the extent of compliance to the agreed project level design principles and design codes.
- 4.19.49. We consider that the oDP would be an important part of achieving good design. However, the meaningful development of this document took place during the examination rather than at the pre-application stage. Furthermore, whilst the applicants provided justification for their choice of sites for the substations, we consider the evolution of the subsequent design beyond this to be limited at this stage.
- 4.19.50. Whilst 2024 NPS EN-1 expects some flexibility in the details of the proposals, we consider that more could have been done at the pre-application stage to set out how the design of the substations, including landscaping, could be developed to respond to the characteristics of the substation sites and their surrounds, bearing in mind the location of the sites within the open countryside and green belt. A more front loaded approach would have aligned more with the expectation in 2024 NPS EN-1 on how good design can be applied to a project during the early stages of the project lifecycle. Taking account of the concerns of LCC [\[REP7-027\]](#) set out in section 4.9 of our report, we also consider that this could have also led to further development of the applicants' landscape strategy, including areas of proposed landscaping.
- 4.19.51. In terms of other matters, we are satisfied that appropriate measures and mitigation have been included in respect of climate change adaptation and resilience, noting that the proposed development is associated with the respective generation assets would have a beneficial effect on reducing green house gas emissions and meeting the Government ambition to deliver 50GW of offshore wind capacity by 2030. We also acknowledge the applicants' approach on other onshore and offshore issues, including noise from the proposed substations, to minimise adverse effects.

CONCLUSIONS

- 4.19.52. Having regard to the above matters, we acknowledge that there are functional and operational factors influencing the overall design for the proposed development, which must be taken into consideration. We also note the applicants' justification for the site selection and their approach to co-ordination. We consider that the applicants have gone some way to meeting the requirements of 2024 NPS EN-1 and policy GD7 of the Fylde Local Plan.
- 4.19.53. The development of the oDP, secured through the dDCO, would provide for a robust framework for the post-consent evolution of design, most notably for the proposed onshore substations. However, as much of the detailed design work would take place post-consent, the design information available as part of the application has been limited in terms of how the detailed design would respond to the character of the respective sites and their surrounds, including through the use of landscaping.

- 4.19.54. In terms of other environmental effects, the applicants' approach has adequately demonstrated how effects could be minimised in respect of other issues. However, the applicants' approach to environmental mitigation and biodiversity areas has left unresolved issues regarding potential bird strike and related HRA issues. For good design to have been demonstrated in these areas, we consider that earlier consideration of the relevant issues, might have led to such matters being resolved.
- 4.19.55. The ExA has also had regard to draft NPS EN-1, EN-3 and EN-5 published in April 2025, though the revisions contained in these documents do not alter our overall conclusions on good design.
- 4.19.56. Taking all these matters into consideration, we consider overall that good design carries moderate negative weight in the planning balance.

OTHER SEA USERS

INTRODUCTION

- 4.19.57. This section considers the effects of the proposed development in relation to other sea users.

THE APPLICATION

- 4.19.58. This section summarises the applicants' assessment of effects on other sea users.
- 4.19.59. The applicants' assessment of the effects on other sea users is set out in Environmental Statement (ES) volume 2, chapter 9: Other sea users [[APP-061](#)].

Baseline

- 4.19.60. The other sea users study area varies in scale depending on the receptor. Two study areas were defined by the applicants for the assessment of different groupings of other sea users receptors. These are the regional study area, and the local study area. The two areas are shown in figure 9.1 of ES, volume 2, figures – part 5 of 5.
- 4.19.61. The main recreational sea user receptors identified include recreational bathing sites and recreational activities including sailing and motor cruising, sport fishing and inshore water sports.
- 4.19.62. 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.

Mitigation and monitoring

- 4.19.63. A full list of embedded and secondary mitigation measures is provided in ES volume 1, annex 5.3: Commitments register [[REP6-042](#)]. Those relevant to other sea users are summarised in table 9.12 of ES volume 2, chapter 9: Other sea users [[APP-061](#)].

Applicants' assessment of effects

- 4.19.64. Table 9.21 of ES volume 2, chapter 9: Other sea users [[APP-061](#)] provides a summary of the impacts, measures adopted as part of the proposed development and residual effects in respect to other sea users. The impacts assessed include:

- displacement of recreational activities
- increased suspended sediment concentrations and associated deposition affecting recreational diving sites and designated bathing water sites
- impacts to existing cables or pipelines or restrictions on access to cables or pipelines
- reduction or restriction of other offshore energy activities

4.19.65. Overall, the applicants conclude there will be no significant effects arising from the proposed development during the construction, operation and maintenance, or decommissioning phases in relation to other sea users.

4.19.66. Table 9.22 of ES volume 2, chapter 9: Other sea users [APP-061] provides a summary of the cumulative impacts, mitigation measures and residual effects of the proposed development on other sea users. The cumulative impacts assessed include:

- increased suspended sediment concentrations and associated deposition affecting recreational diving sites and designated bathing water sites
- reduction or restriction of other offshore energy activities

4.19.67. Overall, the applicants conclude that there will be no significant cumulative effects on other sea users from the proposed development alongside other projects/plans following the implementation of embedded and further mitigation measures.

4.19.68. The applicants conclude that there are no inter-related effects resulting from the proposed development for other sea users and no potential transboundary impacts.

ISSUES CONSIDERED DURING THE EXAMINATION

Effects and co-existence with other offshore infrastructure

4.19.69. Relevant representations (RR) were made by Spirit Energy [RR-0684], an oil and gas operator and carbon capture storage developer, interested parties (IPs) associated with the proposed Mooir Vannin Offshore Wind Farm (Mooir Vannin Offshore Wind Farm Limited [AS-063] 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]. A RR 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 RRs were submitted by cable operators.

4.19.70. The ExA in its rule 6 letter [PD-006] requested that the applicants submit a report on the interrelationships with other infrastructure projects which should reflect the other infrastructure projects within and around the Irish Sea. The report which was first submitted at D1 [REP1-057] set out the applicants' approach to the co-ordination of the proposed development with Morgan Offshore Wind Project: Generation Assets, Morecambe Offshore Windfarm: Generation Assets and Mona Offshore Wind Project through alignment meetings, co-ordinated consultation and co-ordinated assessment.

4.19.71. The applicants noted that specific coordination with the Awel y Mor Offshore Wind Farm and the Mooir Vannin Offshore Wind Farm was not carried out due to the different project timelines associated with these projects. Awel y Mor Offshore Wind Farm was consented in September 2023, and Mooir Vannin Offshore Wind Farm

was currently in the application process, awaiting acceptance by the Isle of Man government. Furthermore, the East Irish Sea Transmission Project (EISTP) (the transmission elements connecting the Mooir Vannin Offshore Wind Farm to the UK) is in the pre-application process.

- 4.19.72. In addition, the ExA in its first written questions [\[PD-008\]](#) (questions 1.4.1 and 1.4.2) noting EISTP's comments in [\[REP1-225\]](#) that it was highly probable that the grid connection date for the Mooir Vannin proposals would be brought forward and therefore it was possible its construction would overlap with the proposed development requested further information from the applicants and EISTP on potential timescales and cumulative effects.
- 4.19.73. At that stage the applicants responded [\[REP3-056\]](#) that while they were actively engaging with EISTP given the lack of information in the public domain, it was not feasible to take account of the project in its cumulative effects assessment (CEA). EISTP [\[REP3-104\]](#) provided likely timescales for the Mooir Vannin Offshore Wind Farm and EISTP along with a plan showing the draft scoping boundary for the latter.
- 4.19.74. The report on interrelationships with other infrastructure projects [\[REP1-057\]](#) was subsequently updated by the applicants at D5 [\[REP5-090\]](#) to reflect that Morgan Offshore Wind Project: Generation Assets and Mona Offshore Wind Project had received consent in the intervening period, Mooir Vannin Offshore Wind Farm had been accepted for examination and EISTP had reached the scoping stage.
- 4.19.75. 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. The issues relating to shipping and navigation are considered in section 4.18 of this report. To address cooperation, co-existence and simultaneous operations, the applicants updated the commitments register [\[REP5-027\]](#) at deadline (D) 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 [\[REP7-014\]](#).
- 4.19.76. 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 in accordance with CoT51 [\[REP6-042\]](#). The final statement of common ground (SoCG) submitted at D6 [\[REP6-159\]](#) records all matters between the parties as agreed.
- 4.19.77. Principal matters raised by Mooir Vannin Offshore Wind Farm Limited (MVOWF) [\[AS-063\]](#) and Ørsted East Irish Sea Limited (now EISTP) [\[AS-064\]](#), were the need for close engagement with the applicants in respect of the overlap between the proposed development and EISTP and, in particular, crossing of offshore transmission infrastructure.
- 4.19.78. The applicants point out [\[REP7-042\]](#) that both MVOWF and EISTP have been assessed in the 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 highlighted their commitment made under CoT51 [\[REP6-042\]](#) to enter into such agreements.

- 4.19.79. Key matters raised by the operating windfarm IPs in their relevant representations (see above) and at D1 [\[REP1-188\]](#) relate to shipping and navigation, concerns over the conclusion of no adverse effect on integrity (AEol) of the Liverpool Bay Special Protection Area (SPA) and that the greenhouse gas assessment [\[APP-139\]](#) 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 issues relating to shipping and navigation are considered in section 4.18 of this report. The issues relating to AEol and the Liverpool SPA are considered in section 4.16 of this report. The issues relating to the applicants' greenhouse gas assessment [\[APP-139\]](#) are considered in section 4.4 of this report.
- 4.19.80. Principal matters raised by TSC in their RR [\[RR-0866\]](#) relate to the Manx Interconnector 1 power cable, operated by the Manx Utilities Authority, which the Order Limits (OLs) of the proposed development 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 the 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 [\[REP6-042\]](#)), post consent. No further submission was made into the examination by TSC on this matter. The applicants therefore considered this matter resolved in their closing statement [\[REP7-042\]](#).

ExA's consideration

- 4.19.81. With the applicants' commitment (CoT51 of [\[REP6-042\]](#)) secured by schedule 18 (documents to be certified) of the dDCO [\[REP6-013\]](#) to enter into crossing and proximity agreements, the ExA considers that the applicants have adequately addressed the issues in relation to this section of the report.

Direct and indirect effects on recreational sea users

- 4.19.82. No IPs submitted RRs relating to recreational sailing, fishing, water sports or bathing sites, but the Royal National Lifeboat Institution (RNLI) submitted a RR relating to lifeboat activities [\[RR-1899\]](#).
- 4.19.83. Principal matters raised 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 [\[REP1-096\]](#) 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.
- 4.19.84. Regarding access to the Starr Gate slipway, the applicants confirmed that it would not be fenced, gated or otherwise obstructed and that in the event of an emergency, RNLI vehicles and vessels will be prioritised and the RNLI confirmed in [\[REP1-096\]](#) that this matter was resolved.
- 4.19.85. 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 D3 to secure development of a communication plan with the RNLI post consent, which the RNLI confirmed addressed the matter in [\[REP3-106\]](#).

- 4.19.86. Regarding ensuring unimpeded access for lifeboat recovery on the foreshore at Lytham St. Annes, the applicants updated the outline landfall construction method statement at D5 [\[REP5-185\]](#) 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 were made by the RNLI and the applicants in their closing statement [\[REP7-042\]](#) consider this matter closed.
- 4.19.87. The ExA notes that the RNLI has confirmed that the issues raised regarding access to the Starr Gate slipway and the need for a communications plan between the two parties during cable pull-in activities in their written representations ([\[REP1-096\]](#) and [\[REP3-106\]](#) respectively) have been resolved by the applicants. The ExA also notes that the RNLI made no further representations regarding access for lifeboat recovery on the foreshore at Lytham St. Annes after the applicants updated the outline landfall method state at D5 [\[REP5-185\]](#). The ExA therefore considers that these issues have been adequately addressed by the applicants.

CONCLUSIONS

- 4.19.88. The ExA has considered the effects of the proposed development on other sea users in the context of the policy framework set by 2024 NPS EN-1 and NPS EN-3 (particularly paragraphs 2.8.345 to 348 and 2.8.361 and 362) the UK Marine Policy Statement and the Northwest Inshore and Northwest Offshore Coast Marine Plans 2021.
- 4.19.89. The ExA has also had regard to the draft April 2025 NPS EN-1, EN-3 and EN-5 and notes that there is no material change in the requirements relating to other sea users.
- 4.19.90. The ExA is satisfied that in accordance with paragraphs 2.8.345 and 2.8.345 of EN-3 that the site selection and site design of the proposed development has been made with a view to avoiding or minimising disruption or economic loss or any adverse effect on safety to other offshore industries. Full risk assessments for both the proposed development alone and in-combination with other projects, plans and activities are presented in sections 9.11 and 9.13 respectively of ES volume 2, chapter 9: Other sea users [\[APP-061\]](#). The applicants have proposed a range of mitigation measures, (including CoT45, CoT50, CoT51, CoT52, and CoT66 [\[REP6-042\]](#)) secured in the rDCO.
- 4.19.91. The ExA concludes that the proposed development is in accordance with the relevant sections of 2024 NPSs EN-1 and EN-3 and is satisfied that all relevant legislation, other national policies and strategies, and relevant local policies are complied with, that adequate mitigation is secured in the recommended DCO regarding other sea users and there are no other important or relevant considerations.
- 4.19.92. The ExA agrees with the applicants that there will be no likely significant effects arising from the proposed development during construction, operation and maintenance, or decommissioning phases and there will be no likely significant cumulative effects from the proposed development alongside other projects/plans.

- 4.19.93. The ExA therefore concludes that effects on other sea users weigh neither for nor against making the order.

WASTE

- 4.19.94. The ExA notes that the outline site waste management plan (oSWMP) has been prepared [\[APP-199\]](#) and updated at D4 [\[REP4-038\]](#) and D6 [\[REP6-089\]](#). The oSWMP has been updated with the following:
- update to requirement 8 wording in line with the draft Development Consent Order [\[REP6-013\]](#) to include Blackpool Airport Operations Limited (BAOL) as a consultee along with the relevant management plans upon which BAOL will be consulted by the relevant planning authority
 - clarification of the roles and responsibilities for implementing the outline management plan
 - clarification that the measures within this outline management plan will be implemented during the onshore site preparation works
 - inclusion of specific measures (commitments) adopted as part of the proposed development relating to the oSWMP
- 4.19.95. The oSWMP [\[REP6-089\]](#) forms an appendix to the Outline Code of Construction Practice (CoCP) [\[REP6-067\]](#). The applicants have committed to the implementation of detailed Site Waste Management Plans via the commitment, CoT26 [\[REP6-042\]](#) secured by the requirement 8 of the draft Development Consents Order (DCO) Schedules 2A & 2B [\[REP6-013\]](#).
- 4.19.96. The ExA considers that the applicants have adequately applied the waste hierarchy and have advanced a sound recommendation plan for the prevention, re-use, recycling and disposal of construction waste.
- 4.19.97. The ExA is satisfied that the applicants have demonstrated that risks related to waste management associated with the proposed development can be satisfactorily mitigated and managed and that appropriate mitigation would be secured via relevant requirements in the recommended DCO.
- 4.19.98. The ExA is satisfied that the proposed development is in accordance with 2024 NPS EN-1, NPS EN-3 and where relevant NPS EN-5 as well as local policies and strategies and all other relevant legislation and there are no other important or relevant considerations.

OVERALL CONCLUSIONS

- 4.19.99. The ExA concludes that matters related to commercial fisheries, other sea users and waste weigh neither for nor against making the order.
- 4.19.100. In relation to good design the ExA considers overall that good design carries moderate negative weight in the planning balance.

4.20. INTER-RELATED AND CUMULATIVE EFFECTS

INTRODUCTION

4.20.1. This section considers both cumulative and inter-related effects. Cumulative effects were considered by the applicants on a topic-by-topic basis and reported as such in the environmental statement (ES). Where cumulative effects were identified these have been considered in the individual topic sections of the report and are not repeated here. This section therefore considers:

- whether cumulative effects have been sufficiently assessed alongside other plans, projects and on-going activities
- the accumulation of, and interrelationship between, effects arising from the proposed development.

4.20.2. In its consideration of cumulative effects below, the ExA has had regard to:

- the requirements of the overarching national policy statement for energy EN-1 (NPS EN-1), in particular Section 4.3
- the UK Marine Policy Statement and the Northwest Inshore and Northwest Offshore Coast Marine Plans 2021
- local impact reports (LIRs)
- any matters prescribed in relation to the development
- any other important and relevant matters

THE APPLICATION

Cumulative effects assessment

4.20.3. The cumulative effects assessment (CEA) was undertaken for the proposed development within the topic specific chapters in volumes 2, 3 and 4 of the ES [\[APP-042\]](#) to [\[APP-144\]](#).

4.20.4. The CEA methodology is described in full in ES volume 1, chapter 5: Environmental impact assessment methodology [\[APP-034\]](#). Together with comments made in response to consultation the methodology was developed in accordance with the following guidance:

- the Planning Inspectorate's advice note seventeen, version 2 (Planning Inspectorate, 2019)
- Cumulative Impacts Assessment Guidelines: Guiding Principles for Cumulative Impacts Assessment in Offshore Wind Farms (Renewable UK, 2013)

4.20.5. For a cumulative effect to occur, there must be an impact-receptor pathway, which includes conceptual overlap, physical overlap, and temporal overlap. The screening criteria used to identify an impact-receptor pathway is described in ES volume 1, chapter 5: Environmental assessment methodology [\[APP-034\]](#) and ES volume 1, annex 5.5: Cumulative screening matrix and location plan [\[REP6-044\]](#).

4.20.6. The following CEA scenarios were considered, where relevant for the proposed development:

- scenario 1: assessment of the proposed development together with the Morecambe Offshore Windfarm: Generation Assets
- scenario 2: assessment of the proposed development together with the Morgan Offshore Wind Project: Generation Assets.

- scenario 3: assessment of the proposed development together with both the Morgan Offshore Wind Project: Generation Assets and Morecambe Offshore Windfarm: Generation Assets (the generation assets).
- scenario 4: assessment of scenario 3 and all other relevant projects and plans.

4.20.7. Scenario 4 includes the cumulative assessment scenario 3 (proposed development and generation assets) together with all other relevant screened-in projects from the cumulative effects assessment long list:

- Scenario 4a: scenario 3 (proposed development and generation assets) and tier 1 projects, plans and activities which are:
 - under construction
 - consented projects
 - submitted applications
 - those currently operational that were not operational when baseline data were collected, and/or those that are operational but have an ongoing impact
- Scenario 4b: scenario 4a plus tier 2 projects, plans and activities for which a:
 - scoping report has been submitted in the public domain
- Scenario 4c: scenario 4b plus tier 3 projects, plans and activities which are:
 - where a scoping report has not been submitted but some information is within the public domain
 - identified in the relevant development plan
 - identified in other plans and programmes

4.20.8. The CEA long list was updated at D1 [\[REP1-020\]](#), D5 [\[REP5-028\]](#) and D6 [\[REP6-044\]](#) the applicants reviewed the cumulative effects assessment at D2 [\[REP2-043\]](#) D5 [\[REP5-099\]](#) and D6 [\[REP6-136\]](#).

4.20.9. Each project that was identified as having published substantial assessment material since the proposed development CEA was produced was taken forward to the screening stage below. Substantial assessment material included:

- projects which had progressed further along the consenting process meaning that they had moved from a lower tier to a higher tier
- projects where the status of the project changed, for example from submitted to consented
- new projects not considered in the proposed development CEA which had been identified in the long list screening process
- other new information that had become available that could potentially lead to a change in the assessment conclusions of the proposed development CEA

4.20.10. Minor updates to existing projects which did not constitute substantial assessment material (for example, updates to project names, project developers, completion of site investigation surveys where no new information was made available, etc.) were not considered.

4.20.11. New or updated project information was screened on a topic-by-topic basis to identify projects to be taken forward for the CEA review.

4.20.12. The screening process for new projects was:

- new projects identified through review of the updated CEA long list
- information screened to identify whether there is spatial overlap between the project and the proposed development CEA study area for each topic

- screening to consider whether the new project information was relevant to the assessment for that topic, considering the screening criteria in table 1.6 [[REP6-136](#)]
- screening considered whether the new project information could lead to an increase in the impacts assessed for each topic compared to that which had been assessed in the proposed development CEA
- where there was potential for a significant effect, the CEA was then reviewed considering the new project information and updated, if appropriate

4.20.13. The screening process for updated projects was:

- updated projects identified through review of the updated CEA long list
- screening to consider whether the updated project information was relevant to the assessment for that topic, considering the criteria in table 1.6 [[REP6-136](#)]
- updated information was reviewed to determine if this could result in any change to the cumulative maximum design scenario (MDS) for each impact compared to that assessed in the proposed development CEA (projects which had no potential to result in any change were screened out of the CEA review)
- where a change was identified, the screening considered whether the change could lead to an increase in the impacts assessed for each topic compared to that assessed in the proposed development CEA. Where there was potential for an increase in potential effects, as identified by the screening, a sensitivity analysis was subsequently carried out to consider if the updated information could alter the conclusions of the CEA and in-combination assessment presented in the application

4.20.14. A summary of the proposed development CEA and in-combination conclusions for scenario 4 by topic as presented within the ES is provided in table 1.5 of [[REP6-136](#)].

Inter-related effects

4.20.15. ES volume 4, chapter 3: Inter-relationships [[APP-143](#)] considers the potential offshore and onshore inter-related effects associated with potential impacts of the proposed development during the construction, operation and maintenance, and decommissioning phases. Inter-related effects refer to the interactions between aspect assessments and are considered for project lifetime effects and receptor-led effects. The assessment considered relevant impact assessments in each of the ES topics.

4.20.16. The detailed assessment of inter-related effects is presented in tables 3.6 to 3.28 of [[APP-143](#)].

4.20.17. The applicants' assessment concluded that following the implementation of mitigation measures adopted as part of the project and further mitigation (if required), project lifetime effects arising during the construction, operation and maintenance, and decommissioning phases of the proposed development are unlikely to result in effects of greater significance than those reported individually in the ES.

4.20.18. For receptor led effects, overall, the applicants state that it is unlikely that receptors would experience increased significance of inter-related effects than that which has already been reported in the individual chapters of the ES for the identified receptors. Therefore, there is no change resulting from the inter-related assessment.

ISSUES CONSIDERED DURING THE EXAMINATION

Cumulative effects assessment

- 4.20.19. Local impact reports (LIRs) from Blackpool Borough Council (BBC) [REP1-068], Fylde Borough Council (FBC) [REP1-078], Lancashire County Council (LCC) [REP1-085] and South Ribble Borough Council (SRBC) [REP1-227] and representations from interested parties (IPs) raised a number of matters relating to topic specific cumulative effects. These have been considered in the relevant sections of this report and are not repeated here.
- 4.20.20. More generally, both BBC [REP1-068] and FBC [REP1-078] thought that more consideration should be given to other developments in the area which are due or expected to be brought forward within the same timeframe as the proposed development. With respect to Blackpool, BBC [REP1-068] considered the proposed developments at Blackpool Airport and Blackpool Enterprise Zone relevant while FBC [REP1-078] maintained that the proposed solar farms at Clifton Marsh Farm and on land to the west of Parrox Lane should be taken into account.
- 4.20.21. In addition, both councils considered that that not all the cumulative effects of the phasing and programming of the two separate schemes forming the proposed development had been taken into account. SRBC [REP1-227] also raised this issue.
- 4.20.22. The ExA in its rule 6 letter requested that the applicants submit a report on the interrelationships with other infrastructure projects which should reflect the other infrastructure projects within and around the Irish Sea. The report which was first submitted at D1 [REP1-057] set out the applicants' approach to the co-ordination of the proposed development with Morgan Offshore Wind Project: Generation Assets, Morecambe Offshore Windfarm: Generation Assets and Mona Offshore Wind Project through alignment meetings, co-ordinated consultation and co-ordinated assessment.
- 4.20.23. The applicants noted that specific coordination with the Awel y Mor Offshore Wind Farm and the Mooir Vannin Offshore Wind Farm was not carried out due to the different project timelines associated with these projects. Awel y Mor Offshore Wind Farm was consented in September 2023, and Mooir Vannin Offshore Wind Farm is currently in the application process, awaiting acceptance by the Isle of Man government. Furthermore, the East Irish Sea Transmission Project (EISTP) (the transmission elements connecting the Mooir Vannin Offshore Wind Farm to the UK) is in the pre-application process.
- 4.20.24. In addition, the ExA in its first written questions [PD-008] (questions 1.4.1 and 1.4.2) noting EISTP's comments in [REP1-225] that it was highly probable that the grid connection date for the Mooir Vannin proposals would be brought forward and therefore it was possible its construction would overlap with the proposed development requested further information from the applicants and EISTP on potential timescales and cumulative effects.
- 4.20.25. At that stage the applicants responded [REP3-056] that while they were actively engaging with EISTP given the lack of information in the public domain, it was not feasible to take account of the project in its CEA. EISTP [REP3-104] provided likely timescales for the Mooir Vannin Offshore Wind Farm and EISTP along with a plan showing the draft scoping boundary for the latter.

- 4.20.26. The report on interrelationships with other infrastructure projects [\[REP1-057\]](#) was subsequently updated by the applicants at D5 [\[REP5-090\]](#) to reflect that Morgan Offshore Wind Project: Generation Assets and Mona Offshore Wind Project had received consent in the intervening period, Moir Vannin Offshore Wind Farm had been accepted for examination and East Irish Sea Transmission Project had reached the scoping stage.
- 4.20.27. The applicants responded to the issues raised by the councils at D2 and D3 [\[REP2-038\]](#), [\[REP2-040\]](#) and [\[REP3-059\]](#).
- 4.20.28. Regarding the consideration of developments at Blackpool Airport, Blackpool Enterprise Zone and solar farms at Clifton Marsh Farm and on land to the west of Parrox Lane, the applicants confirmed that these had been included in the review of the cumulative effects assessment and in-combination assessment at D2 [\[REP2-043\]](#).
- 4.20.29. Regarding the issue of cumulative effects arising from phasing and programming of the projects, the applicants referenced the detailed response that they provided in relation to construction scenarios and justification for MDS for environmental impact assessment (EIA) in response to the ExA's rule 9 letter [\[PD-005\]](#) - ES assessment of construction scenarios [\[AS-070\]](#) and the clarification note, construction scenarios [\[REP1-060\]](#).
- 4.20.30. The assessment of construction scenarios [\[AS-070\]](#) considered following scenarios:
- isolation (i.e. where one project does not proceed to construction)
 - concurrently (i.e. where both projects proceed at the same time)
 - sequentially (i.e. second project immediately follows the first project, or with some years of separation)
- 4.20.31. Based on the assessment the applicants asserted that they have appropriately justified the use of the MDS construction scenario depending on the topic and topic impact being considered. No topics were identified that needed to undertake a new assessment of the MDS sequential construction scenarios (with up to 4-year gap) as this was considered during the initial identification of the worst-case MDS construction scenario.
- 4.20.32. The applicants noted that the conservative approach to temporal overlap screening ensured that the 4-year gap sequential construction scenario was captured within the methodology for the cumulative effects screening assessment. The applicants also noted that consideration of the construction scenario within the MDS is applicable to the assessment of cumulative impacts.
- 4.20.33. The applicants' clarification note [\[REP1-060\]](#), confirmed that both the construction and operational phases of other projects were assessed as a worst-case assumption in combination with all phases of the proposed development if the construction timeline was not readily available (where relevant). The offshore CEA screening is set up to 2055 as this is deemed the timescale for which any cumulative impacts could be reasonably foreseen and potentially overlap with the operational period of the proposed development. With respect to the onshore CEA, any known projects were also considered for their anticipated project lifespans during the operation and maintenance phase, which would be up to and including 2055, where relevant.

- 4.20.34. The councils, in particular FBC continued to raise concerns regarding the CEA throughout the examination.
- 4.20.35. The final statement of common ground between the applicants and FBC [\[REP7-028\]](#) records the fact that the council still considers that the MDS has not been properly defined, notably with regards to impacts arising from the timing, duration and frequency of development and the matter remains not agreed.
- 4.20.36. Section 2.7 of FBC's closing statement [\[REP7-046\]](#) explains that paragraph 4.1.5 of EN-1 requires that long-term and cumulative adverse impacts, along with any measures to mitigate or compensate for adverse impacts, should be taken into consideration when weighing the adverse impacts of the proposed development against the benefits. While FBC notes that progress has been made in terms of setting out the likely impacts it still considers that some details are not sufficiently defined even at the outline stage to enable proper and full assessment of the likely impacts. This issue exists with specific regard to matters relating to the timing, duration, frequency and characteristics of the proposed development, particularly during the design and construction phases exacerbated by the fact that the proposal is for two completely independent developments, which creates the potential for construction activities to run up to June 2036 (assuming that the offshore DCO is made by the end of 2025)

ExA's consideration

- 4.20.37. The ExA notes FBC's continued concerns. However, based on the evidence presented by the applicants in [\[AS-070\]](#), [\[REP5-090\]](#) and [\[REP6-160\]](#) as outlined above and the final review of the cumulative assessment effects assessment [\[REP6-136\]](#) the ExA considers that the applicants' assessment of cumulative effects, as amended during the examination, is adequate, follows the approach suggested in the Planning Inspectorates CEA advice and accords with the EIA Regulations and the relevant NPSs.

Inter-related effects

- 4.20.38. Matters relating to topic specific inter-related effects (where raised) have been considered in the relevant sections of this report. The effects of the proposed development on general health and well-being are considered in section 4.12 of this report.
- 4.20.39. Following several oral and written representations made by the occupiers of Marybank Farm [including [REP1-129](#), [REP4-147](#), [REP4-148](#), [REP7-057](#), [REP7-065](#)] the ExA in its second written questions [\[PD-011\]](#) requested that the applicants provide an overall assessment of the effects of the construction and operation of Morecambe substation upon their living conditions and amenity.
- 4.20.40. The applicants [\[REP5-130\]](#) (question 1.3.1) acknowledged the concerns that had been raised regarding the potential impacts of the proposed development's Morecambe onshore substation on the occupiers of Marybank Farm, noting that the residential receptor (the farmhouse) is situated only approximately 241m away. Further they accepted that their human health assessment ES volume 1, annex 5.1: Human health [\[APP-035\]](#) takes a public health approach, meaning it reaches conclusions on the health outcomes to defined populations, rather than the health outcomes of individuals. The applicants therefore carried out an assessment specifically in relation to the receptor [\[REP5-130\]](#). The key findings of the assessment were:

- construction and operational substation noise – no significant effects with mitigation [REP6-042] (CoT18 – reasonable construction hours, CoT19 – trenchless crossings using non-impact methods, CoT34 – use of mufflers and acoustic barriers, CoT88 – best practice measures, CoT79 – implementation of outline construction noise and vibration plan and CoT80 – implementation of outline operational noise management plan)
- visual amenity - views of the proposed onshore substations would neither overwhelm existing properties within the landscape and visual impact assessment (LVIA) study area, nor render them so unattractive as places to live that development consent should be refused and visual changes are not anticipated to be of a scale that could give rise to significant population health effects.
- traffic and disturbance – no significant effects (Lower Lane will not be used as a route for construction traffic, outline construction traffic management plans to be agreed by the local highway authority and proposed operational access from Lower Lane very light usage – once a year by light goods vehicle or 4X4 (operational traffic impacts scoped out of assessment))
- electro-magnetic fields – no significant effects including vulnerable groups
- In-combination of all effects - limited potential for significant public health effects.

ExA's consideration

- 4.20.41. Having considered ES volume 4, chapter 3: Inter-relationships [APP-143] the ExA considers that the applicants have considered how the accumulation of and interrelationship between effects might affect the environment, economy or community as a whole.
- 4.20.42. The ExA acknowledges that there would be adverse impacts arising from the proposed development as a whole and cumulatively with other projects and that some of these impacts would occur over the project lifetime or have potential additive effects. However, the ExA agrees with the applicants that the effects arising would be unlikely to result in different or greater effects than the individual effects in isolation.
- 4.20.43. The ExA is also content on the basis of the applicants' assessment that the occupiers of Marybank Farm would not experience significant adverse effects from the construction and operation of the proposed development either individually or in-combination.
- 4.20.44. Given that the ExA's findings in relation to these matters, the ExA does not consider that the accumulation of or interrelationship of these effects would be significant in the terms of paragraph 4.3.19 of NPS EN-1.

CONCLUSIONS

- 4.20.45. Where the ExA has concluded that there would be adverse cumulative effects arising from the proposed development, these have been considered in the individual sections of this report as well as the weight to be ascribed to those conclusions. Therefore, as those findings and weightings are carried through to the overall planning balance, they are not considered here.
- 4.20.46. Nonetheless, the ExA concludes that the applicants' assessment of both cumulative and inter-related effects, as amended during the examination, is adequate and accords with the EIA Regulations and 2024 NPS EN-1 which require an assessment of the cumulative effects and the measures envisaged for avoiding or mitigating significant adverse effects.

- 4.20.47. Whilst the proposed development will be likely to cause adverse effects, the ExA is satisfied that any inter-related effects arising would be unlikely to result in different or greater effects than the individual effects in isolation. Having regard to paragraph 4.3.19 of 2024 NPS EN-1 and given the ExA's findings in relation to those individual effects set out in this report, the ExA does not consider that the accumulation of or interrelationship of these effects would be significant. The draft April 2025 revised NPSs do not change our conclusions. Therefore, this matter neither weighs for or against the making of the order.

5. SUMMARY OF THE HABITATS REGULATIONS ASSESSMENT

5.1. INTRODUCTION

- 5.1.1. The Examining Authority's (ExA's) detailed analysis and conclusions in relation to the Habitats Regulations Assessment (HRA) are set out at appendix C to this report. These will help the Secretary of State for Energy Security and Net Zero (SoS) to perform the duties of Competent Authority under the Conservation of Habitats and Species Regulations 2017 and the Conservation of Offshore Marine Habitats and Species Regulations 2017 (collectively known as 'the Habitats Regulations').
- 5.1.2. The proposed development is described in chapter 1 of this report. The spatial relationship between the order limits of the proposed development and European sites (the term 'European sites' includes Special Areas of Conservation (SACs) and Special Protection Areas (SPAs), proposed SACs, potential SPAs, Ramsar, proposed Ramsar, and any sites identified as compensatory measures for adverse effects on any of those) is shown in figures 1.3 (annex I habitats), 1.5 (annex II diadromous fish), 1.6 (marine mammals), 1.7 (offshore ornithology) and 1.8 (onshore and intertidal ornithology) of the HRA Screening [\[REP6-026\]](#).
- 5.1.3. The proposed development is not directly connected with, or necessary to, the management of a European site (paragraph 1.3.3.5 [\[REP6-026\]](#)). Therefore, the SoS must make an 'appropriate assessment' (AA) of the implications of the proposed development on potentially affected European sites in light of their Conservation Objectives.
- 5.1.4. The HRA Screening [\[REP6-026\]](#), identified 88 individual European sites (and all UK special protection areas (SPAs) for specific breeding seabirds) within the UK National Site Network (NSN) for inclusion within the assessment and is structured by receptor groups. It identified likely significant effects (LSEs) for one UK site designated for Annex I habitats (offshore and coastal), 9 UK sites designated for annex II diadromous fish, 7 UK sites designed for annex II marine mammals, 5 UK sites designated for offshore ornithological features, 8 UK sites for onshore and intertidal ornithological features and no UK sites for annex I habitats or annex II species onshore.
- 5.1.5. The applicants concluded that the proposed development would not adversely affect the integrity of any of the European sites and features assessed, either alone or in combination with other projects or plans.
- 5.1.6. The ExA produced a Report on the Implications for European Sites (RIES) [\[PD-015\]](#) which compiled, documented, and signposted HRA-relevant information provided in the development consent order (DCO) application and examination representations up to deadline D5 (22 September 2025). The RIES was issued to set out ExA understanding on HRA-relevant information and the position of the interested parties (IPs) in relation to the effects of the proposed development on European sites at that point in time. Consultation on the RIES took place between 01 October 2025 and 22 October 2025. Comments were received from the applicants [\[REP6-175\]](#) and Natural England (NE) [\[REP6-194\]](#) at DL6 (22 October 2025).
- 5.1.7. The key issues considered during the examination were:

- consideration of additional European sites within the scope of the HRA report

- consideration of LSE and adverse effects on integrity (AEoI) to additional qualifying features, including habitats, waterbird assemblages and natterjack toads
- consideration of additional LSE/ AEoI pathways, such as a reduction in prey species for SPA qualifying features, a reduction in air quality, and impacts to habitats and species from works at the landfill
- the methodology employed, in particular for the assessment of impacts to ornithological features, assessment of in-combination effects and the worst-case scenario of construction works
- the detail of the design, implementation, feasibility and likely success of mitigation measures, and whether the works are considered as mitigation, enhancement or compensation
- the conclusions of LSE and AEoI to the relevant European sites

5.1.8. Further information can be found within appendix C of this report.

5.2. SUMMARY OF ASSESSMENT OF LIKELY SIGNIFICANT EFFECTS

5.2.1. The applicants' HRA Report [[REP6-026](#)] concluded potential LSE from the proposed development alone on the qualifying features of one UK site designated for offshore and coastal annex I habitats, 9 UK sites for designated for annex II diadromous fish, 7 UK sites designed for annex II marine mammals, 5 UK sites designated for offshore ornithology, 8 UK sites for onshore and intertidal ornithology and no UK sites for onshore annex I habitats or annex II species. LSE were also found for two sites designated for marine mammals in the Republic of Ireland.

5.2.2. The scope of the applicants' screening for LSE was subject to some discussion and scrutiny (covered in section 1.3 of appendix C) however the ExA concludes that no additional European sites or qualifying features are required to be considered in the assessment.

5.2.3. The ExA also considered the scope of impact pathways that were included in the applicants' assessment of LSE and concludes that the following potential LSE should also be considered in the assessment:

- Long-term loss of supporting habitat due to scour/ cable protection on offshore ornithological features of Liverpool Bay SPA.

5.2.4. With this addition, the ExA considers all potential impacts which could give rise to significant effects have been identified.

5.2.5. No IPs raised any concerns with the sites and qualifying features determined to be subject to LSE. The ExA is in agreement with the conclusions of LSE to these sites and qualifying features, alone and in combination with other plans and projects.

5.3. SUMMARY OF FINDINGS IN RELATION TO ADVERSE EFFECTS ON INTEGRITY

5.3.1. The European sites and qualifying features found to be subject to LSE were further assessed by the applicants to determine if they could be subject to AEoI from the proposed development, either alone or in-combination. The applicants concluded there would be no AEoI for all sites and features assessed.

- 5.3.2. For many sites and features, these conclusions were undisputed (listed in table C.4 of appendix C) and the ExA is satisfied that AEol can be excluded.
- 5.3.3. For other sites (listed in table C.5 of appendix C) the conclusions were disputed during the examination. The ExA's recommendations on these matters are summarised below.
- 5.3.4. The ExA is satisfied that none of the offshore LSE pathways considered will result in AEol to the red-throated diver, common scoter, cormorant, and red-breasted merganser features of the Liverpool Bay SPA, from the proposed development alone and in-combination.
- 5.3.5. Whilst matters relating to unexploded ordnance(UXO) clearance in general are shown to not be agreed between the applicants and NE in either the SOCG [\[REP6-179\]](#) or final risk and issues log [\[REP6-193\]](#), the ExA considers that NE have provided confirmation [\[REP5-184\]](#) that there are no HRA implications for this, and that its concerns relate to the provisions within the dDCO only. The ExA also notes the submissions from Natural Resources Wales (NRW) and the Department of Agriculture, Environment and Rural Affairs (DAERA) which also agree with the conclusions of no AEol to sites designated for marine mammals.
- 5.3.6. Regarding impacts at the landfall, with the securing of the seasonal working restrictions and other mitigation during the wintering and passage periods, the ExA is satisfied that temporary disturbance and displacement in the intertidal/ subtidal zone during construction and decommissioning will not result in AEol to the following Ribble and Alt Estuaries (R&AE) SPA features and Ramsar species: oystercatcher, ringed plover, grey plover, knot, dunlin, bar-tailed godwit and redshank. The ExA also considers that the mitigation at source would be sufficient to ensure no AEol to passage sanderling. No AEol are also agreed for those features not present or functionally linked to the habitats at the landfall.
- 5.3.7. Regarding impacts to the terrestrial habitats, the ExA is satisfied on the basis of absence or no functional linkage, that temporary disturbance and displacement during construction and decommissioning will not result in AEol to the following R&AE SPA features and Ramsar species: common tern, wigeon, oystercatcher, ringed plover, grey plover, knot, sanderling, dunlin, ruff, bar-tailed godwit, lesser black-backed gull.
- 5.3.8. Based on the information provided, the ExA considers that the following features require mitigation, proposed in the form of habitat creation/ supplementary feeding at either Lytham Moss or Newton-with-Scales: whooper swan, pink-footed goose, shelduck, teal, golden plover, black-tailed godwit, and the wintering bird assemblages.
- 5.3.9. The ExA considers that unresolved concerns regarding potential increase of bird strike risk from the proposed mitigation areas and the lack of clarity over whether this risk can be effectively mitigated, introduce material uncertainty regarding the deliverability of the proposed mitigation areas. Air traffic safety matters and bird strike considerations are explored in detail in sections 4.3 and 4.5 and in appendix C of this report.
- 5.3.10. The material uncertainty relates to the deliverability of the Newton-with-Scales mitigation area, as it remains the aviation stakeholders' (BAE Systems and the Defence Infrastructure Organisation (on behalf of the Ministry of Defence)) position that the site should be relocated, and the effectiveness of the Lytham Moss and

Newton-with-Scales mitigation areas as it has not been determined beyond reasonable doubt that the wildlife hazard management measures will not downgrade the quality and effectiveness of the proposed mitigation areas to the extent that they will no longer meet their HRA objectives.

- 5.3.11. The ExA notes NE's argument from the start of the examination for the applicants to implement spatial scheduling which would reduce the need for the mitigation areas, as well as BAE Systems preference that the applicants' proposed alternative mitigation measures should be pursued. The ExA considers that, in principle, alternative measures to reduce the impact on ornithological features at source would be preferable, and indeed, would follow the mitigation hierarchy. However, given the lack of detail provided during the examination these measures cannot be relied upon to conclude no AEol.
- 5.3.12. For temporary loss of supporting habitats for the R&AE SPA and Ramsar site the ExA cannot be assured beyond reasonable doubt that AEol from the proposed development alone can be excluded on these features.
- 5.3.13. Regarding permanent loss of supporting habitats for the R&AE SPA and Ramsar based on the information provided, the ExA is satisfied that the permanent loss of habitat from the proposed development alone will not result in AEol to the R&AE SPA pink-footed goose, oystercatcher, and lesser black-backed gull features, as well as the other features that were not observed to be present at the site of permanent habitat loss during the surveys.
- 5.3.14. The ExA considers that given golden plover has been observed to occupy the area of permanent habitat loss in numbers that exceed the standard threshold for determining functional linkage, it is precautionary to conclude that the area is of importance to the species. On this basis, the ExA considers that mitigation is required to exclude an AEol on this feature. As the Newton-with-Scales mitigation area is the only relevant permanent mitigation proposed and given the material uncertainty surrounding the deliverability of this mitigation area, the ExA is not satisfied that permanent loss of supporting habitat will not result in AEol to wintering golden plover of the R&AE SPA from the proposed development alone.
- 5.3.15. Although the applicants argue that (alone) there is no loss of functionally linked land for golden plover, NE did not agree with this assertion. As outlined above, the ExA agrees with NE's advice that the area of permanent habitat loss does comprise functionally linked land for the golden plover feature. Therefore, for the same reasoning as set out for the effects of the proposed development alone, the ExA is not satisfied that AEol from the permanent loss of supporting habitat can be excluded to wintering golden plover of the R&AE SPA from the proposed development in-combination with other plans and projects.
- 5.3.16. The remaining sites designated for onshore ornithology are Morecambe Bay, Duddon Estuary SPA, Morecambe Bay Ramsar site, Martin Mere SPA and Martin Mere Ramsar site. Although IPs raised no specific queries or concerns regarding the assessment of effects to these sites and conclusions, given the uncertainty regarding the deliverability of the mitigation areas due to their potential to increase bird strike risk, there are implications for the conclusions to certain features of these sites (set out in table C.9 of appendix C).

5.4. CONCLUSIONS

- 5.4.1. The ExA's findings are that, subject to the mitigation measures to be secured in the dDCO, AEOL from the proposed development when considered alone or in combination with other plans or projects can be excluded from the impact-effect pathways assessed for Shell Flat and Lune Deep SAC designated for offshore annex I habitat, 9 UK sites designated for annex II diadromous fish, the 7 UK and 2 Irish sites designated for annex II marine mammals and Liverpool Bay SPA and Bowland Fells SPA, designated for ornithological features.
- 5.4.2. However, the ExA considers that where the measures to be delivered at the Lytham Moss and Newton-with-Scales mitigation areas are relied upon to mitigate for effects and support the conclusion of no AEOL, given the material uncertainty over the deliverability of this mitigation, the ExA is unable to agree to exclude adverse effects. This conclusion extends to R&AE SPA and Ramsar as well as sites listed in table C.9 of appendix C (Morecambe Bay and Duddon Estuary SPA, Morecambe Bay Ramsar site, Martin Mere SPA, Martin Mere Ramsar site).
- 5.4.3. Therefore, the ExA considers that owing to permanent and temporary loss of supporting habitat, and disturbance and displacement, from the proposed development alone and in combination, AEOL cannot be excluded.
- 5.4.4. The ExA considers that there is insufficient information before the SoS to enable them to undertake an appropriate assessment and to apply the derogation tests of The Habitats Regulations of alternative solutions, IROPI, and compensation in order to fulfil their duty under the requirements of The Habitats Regulations.
- 5.4.5. The SoS may undertake further consultation with the applicants, NE and where relevant, the aviation stakeholders, on the effectiveness of the Lytham Moss and Newton-with-Scales mitigation areas and compatibility with the wildlife hazard management measures and any progress made with applicants' alternative mitigation measures submitted at D6.
- 5.4.6. If the SoS agrees with the ExA's conclusions and no further progress has been made by the applicants as outlined above, the SoS is advised to seek further information from the applicants and NE regarding alternative solutions, IROPI and compensatory measures.
- 5.4.7. In addition, given the amount of HRA information submitted by the applicants and NE at D6 and 7 towards the end of the examination and following publication of the RIES, the SoS may wish to undertake further consultation. This would be to fulfil duties under regulation 63(3) of the Habitats Regulations

6. CONCLUSION ON THE CASE FOR DEVELOPMENT CONSENT

6.1. INTRODUCTION

- 6.1.1. This chapter sets out the Examining Authority's (ExA) overall assessment of the planning merits of the proposed development. This is in the light of the legal and policy context set out in chapter 2 and the planning issues that arose from the application and during the examination set out in chapters 3 and 4. Whilst the Habitats Regulations Assessment (HRA) has been documented separately in appendix C and summarised in chapter 5, relevant facts and issues arising from it are taken fully into account.
- 6.1.2. We have taken account of all the relevant representations, written representations, four local impact reports, statements of common ground, and the responses to our written questions, rule 9 and 17 letters and other submissions during the examination together with the matters raised within the hearings and the matters we saw during our site inspections.
- 6.1.3. Our conclusions on this case for the granting of development consent are based on an assessment of those matters which we consider are both important and relevant, as well as the submitted local impact reports.
- 6.1.4. Matters in relation to the compulsory acquisition and temporary possession of land and/ or rights and the creation of new rights over land are discussed in chapter 7, chapter 8 addresses the implications of the matters arising for the applicants draft development consent order (dDCO) and finally section 9 summarises all relevant considerations and sets out our recommendation as ExA to the Secretary of State (SoS).
- 6.1.5. As set out in section 3.3 of this report, the ExA is content that the applicants' approach to the assessment of alternatives, is comprehensive and complies with the EIA Regulations. Furthermore, as set out in section 3.4, despite the limitations we have identified, we are satisfied that the proposed development takes adequate account of 2024 National Policy Statement (NPS) EN-1 and NPS EN-5 in terms of co-ordination between the two Morgan and Morecambe projects that form the application.
- 6.1.6. Also as set out in chapter 2 of our report, the ExA is content that the Environmental Statement (ES) and other information submitted by the applicants during the examination has provided an adequate assessment of the environmental effects of the proposed development and meets the requirements under the Environmental Impact Assessment (EIA) Regulations. We therefore consider that the requirements of section 4.3 of 2024 NPS EN-1 have been met.
- 6.1.7. The ExA is also satisfied with the applicant's methodology for assessing cumulative effects and their assessment of decommissioning. The ExA has taken full account of all environmental information in our consideration of this application.
- 6.1.8. Whilst the applicants fulfilled their statutory pre-application duties which were considered at the acceptance stage, in relation to some matters the ExA has found that constructive engagement has taken place late in the application process, with some matters still under detailed discussion towards the end of the examination. For example, meaningful engagement on the issues relating to bird strike risk for

aviation appear to have only taken place during the examination rather than at the pre-application stage. A more front-loaded approach might have led to reduced areas of disagreement by the end of the examination.

- 6.1.9. The ExA also notes that the extent of issues still under discussion towards the end of the examination also led to concerns raised by interested parties regarding the amount of information that needed to be read and responded to in the final weeks of the examination, including submissions at deadlines 6 and 7. These include matters related to the HRA.

6.2. SUMMARY OF MAIN PLANNING ISSUES

- 6.2.1. The ExA's findings and conclusions in relation to the effects of the proposed development and its compliance with the relevant policy and legislation can be found in the relevant sections of chapters 3 and 4 of this report. These are summarised in table 1 below.

Table 1: Summary of the ExA's findings on main planning issues.

Issue	Finding	Weighting	Section
Need	Positive	Very great / substantial	3.2
Socio-economic	Positive	A little	4.12
Aviation	Negative	Great	4.3
Green Belt	Negative	Great/substantial	4.10
Onshore ecology, biodiversity and intertidal biodiversity	Negative	Great	4.5
Landscape and visual	Negative	Moderate	4.9
Land-use and recreation	Negative	Moderate	4.8
Good design	Negative	Moderate	4.19
Historic environment	Negative	A little	4.7
Noise and vibration	Negative	A little	4.11
Traffic and transport	Negative	A little	4.13
Fish and shellfish ecology	Negative	A little	4.14
Marine mammals	Negative	A little	4.15
Offshore ornithology	Negative	A little	4.16
Physical processes, benthic subtidal and intertidal ecology	Negative	A little	4.17

Shipping and navigation	Negative	A little	4.18
Water environment and ground conditions	Negative	A little	4.6
Air quality	Neutral	-	4.2
Climate change	Neutral	-	4.4
Other matters	Neutral	-	4.19
Interrelated and cumulative effects	Neutral	-	4.20

Habitats Regulations Assessment summary

- 6.2.2. The SoS is the Competent Authority under the Conservation of Habitats and Special Regulations (the Habitats Regulations) 2017 and will make the definitive assessment.
- 6.2.3. The ExA concludes that where the measures to be delivered at the Lytham Moss and Newton-with-Scales mitigation areas are relied upon to mitigate for effects and support the conclusion of no adverse effects on integrity (AEOL), given the material uncertainty over the deliverability of this mitigation, the ExA is unable to agree to exclude adverse effects. This conclusion extends to Ribbles and Alt Estuaries Special Protection Area (SPA) and Ramsar as well as sites listed in table C.9 of appendix C (Morecambe Bay and Duddon Estuary SPA, Morecambe Bay Ramsar site, Martin Mere SPA, Martin Mere Ramsar site).
- 6.2.4. Therefore, the ExA considers that owing to permanent and temporary loss of supporting habitat, and disturbance and displacement, from the proposed development alone and in combination, AEOL cannot be excluded.
- 6.2.5. The applicants have not provided any derogation case in relation to these effects and no compensation measures were put before the examination. Therefore, the ExA considers that there is insufficient information before the SoS to enable them to undertake an appropriate assessment and to apply the derogation tests of alternative solutions, IROPI, and compensation in order to fulfil their duty under the requirements of the Habitats Regulations.
- 6.2.6. Notwithstanding the above, subject to the mitigation measures secured in the draft development consent order, adverse effects on integrity (AEOL) from the proposed development when considered alone or in-combination with other plans or projects can be excluded from the impact-effect pathways assessed for Shell Flat and Lune Deep Special Area for Conservation designated for offshore annex I habitat, 9 UK sites designated for annex II diadromous fish, the 7 UK and 2 Irish sites designated for annex II marine mammals and Liverpool Bay Special Protection Area (SPA) and Bowland Fells SPA, designated for ornithological features.

Marine Conservation Zone (MCZ) summary

- 6.2.7. The ExA agrees with Natural England that 3.04ha of lasting habitat change/loss of subtidal sand and subtidal mud interest features from the placement of cable protection within the Fylde MCZ is a large area of loss which would hinder the conservation objectives of the site and a stage 2 MCZ assessment is necessary.

- 6.2.8. Having considered the evidence set out in that assessment we concludes that in accordance with the tests set out in s126(7) Marine and Coastal Access Act 2009 that there are no other means of proceeding which could deliver the project objectives and which would have a substantially lesser effect on the Fylde MCZ conservation objectives, in accordance with the need for the proposed development. In addition, there are clear public benefits to the delivery of the proposed development which outweigh the risks to the conservation objectives of the Fylde MCZ.
- 6.2.9. The ExA recommends that the draft benthic compensation schedule [REP5-108] is secured by a new article as included in our recommended DCO (appendix E).

6.3. THE OVERALL PLANNING BALANCE

- 6.3.1. This section weighs the benefits and disbenefits of the proposed development to reach a recommendation as to whether the case is made for granting development consent.

Legal framework and policy background

- 6.3.2. S104(2) and s104(3) of the Planning Act 2008 (PA2008) require the SoS to have regard to and decide the application in accordance with the relevant NPSs, unless a relevant consideration arising from s104(4) to (8) applies.
- 6.3.3. As we set out in chapter 2 of this report, the suite of January 2024 NPS's EN-1, EN3 and EN- 5 are the designated NPSs which have effects for this application. On 24 April 2025 (shortly before the start of our examination), the government published draft amended versions of NPS EN-1, NPS EN-3 and NPS EN-5. These versions were before the examination and we have also taken them into account where necessary as important relevant considerations. They do not alter our overall conclusions on the planning issues. The final 2025 amended NPSs were published on 6 January 2026 after the close of the examination and so the parties have not had the opportunity comment on them. We consider them further in chapter 9.
- 6.3.4. Paragraph 4.1.3 of the 2024 NPS EN-1 advises that the SoS will start with a presumption in favour of granting consent to applications for energy NSIPs, given the level and urgency of the need for the delivery of major energy infrastructure. That presumption applies unless any more specific and relevant policies set out in the relevant NPSs clearly indicate that consent should be refused and subject to the other provisions of PA2008.
- 6.3.5. Paragraph 4.1.7 of 2024 NPS EN-1 goes on to advise that where the NPSs require an applicant to mitigate a particular impact as far as possible, but there would still be residual adverse effects after applying mitigation measures, those residual effects should be weighed against the benefits of the proposed development. For projects which qualify as critical national priority (CNP) Infrastructure, it is likely that the need case will outweigh the residual effects in all but the most exceptional cases. We go onto considered CNP later in this chapter.

Matters weighing in favour of the DCO being made

- 6.3.6. As we set out in section 3.2 of this report, we consider that very great positive weight (and substantial) should be given to the proposed development's role in providing for low carbon infrastructure connecting two nationally significant offshore wind farms (providing almost 2GW of new offshore wind capacity) to the UK electricity transmission network. In doing to so it would make a significant

contribution in meeting the urgent need for low carbon electricity infrastructure and towards the Government's energy security, affordable energy and net zero ambitions. 2024 NPS EN-1 states that substantial weight should be given to this need when considering applications for development consent under the PA2008.

- 6.3.7. We have attributed little positive weight to the beneficial socio-economic effects arising from the employment opportunities that would be created by the proposed development.
- 6.3.8. The applicants final Planning Statement [\[REP7-023\]](#) in setting out the benefits of the proposed development also (in paragraph 6.2.1.15 of that document) sets out the other tangible benefits that would arise. These comprise:
- Contracts for Difference Process (CfD)
 - climate change and greenhouse gas emissions
 - biodiversity
 - socio-economic
 - outline Employment and Skills Plan (oESP)
 - benefits of coordination
 - community funds for transmission infrastructure
- 6.3.9. Of the above, as set out in section 4.12 of our report, we have concluded that minor socio-economic benefits would arise from the creation of employment opportunities, including through the employment and skills measures contained in the oESP [\[REP6-111\]](#).
- 6.3.10. The applicants refer to benefits from the CfD process (where projects will be required to submit a Clean Industry Bonus application) through commitments to investment that deliver measurable local benefits. We consider that as these are not directly secured or clearly defined, they do carry any weight over and above that identified above for socio-economic benefits.
- 6.3.11. We have included benefits arising for climate change and greenhouse gas emissions within our very great / substantial weighting set out above from the provision of low carbon infrastructure.
- 6.3.12. Whilst requirement 26 of the dDCO [\[REP6-013\]](#) would provide for biodiversity benefit including at least 10% in biodiversity net gain in relation to the proposed permanent works (substations), and noting the contribution to addressing climate change, this has to be set against the harm we have found to result overall (as set out in section 4.5) in terms of onshore and intertidal biodiversity and intertidal ornithology meaning that there is no certainty that any overall benefit would result in terms of biodiversity.
- 6.3.13. We have not afforded positive weigh to the benefits of co-ordination. Whilst acknowledging that the applicants have sought to achieve the best possible co-ordination within the context and constraints of there being two commercially separate projects, given the limitations of the co-ordination that has been achieved as set out in chapter 3 and the overall residual harm that would still result from the proposed development, this is not a matter that we consider should afford positive weight in the balancing exercise.
- 6.3.14. We have also not given any positive weight to the applicant's commitment to delivering a community benefit fund as this is not secured through the draft

development consent order and, as the applicants agree in their closing statement [\[REP7-042\]](#), is not material to the determination of the proposed development.

Matters weighing against the DCO being made

- 6.3.15. The ExA has found that great negative weight should be ascribed to the potential bird strike risk in relation to aviation activity at BAE Warton.
- 6.3.16. We also consider that the harm arising from the inappropriate forms of development in the green belt, particularly the two proposed onshore substations, upon the openness and purposes of the green belt should be given great negative weight, noting that the 2024 National Planning Policy Framework states that substantial weight should be given to any harm to the green belt.
- 6.3.17. Additionally, we have ascribed great negative weight to the effects on onshore ecology, including the persisting uncertainties regarding the feasibility of the proposed ecological mitigation due to the lack of resolution of the bird strike risk issue.
- 6.3.18. We have ascribed moderate negative weight to effects concerning landscape and visual effects, land-use and recreation, and good design.
- 6.3.19. We have found a little negative weight to arise from effects concerning the historic environment, noise and vibration, traffic and transportation, fish and shellfish ecology, marine mammals, offshore ornithology and physical processes, shipping and navigation along with benthic subtidal and intertidal ecology.

The heritage balance

- 6.3.20. We have had regard to the duties under Regulation 3 of the Infrastructure Planning (Decisions) Regulations 2010. We note that great weight should be given to the conservation of designated heritage assets.
- 6.3.21. We consider that the need for and the benefits of the proposed development outlined above, most particularly the contribution towards renewable energy infrastructure, would outweigh, both individually and cumulatively, the less than substantial harm that we have identified would result to the significance of designated heritage assets as set out in section 4.7 of this report. Therefore, taking account of the public benefits, we are satisfied that there is clear and convincing justification for the harm that would result, both individually and collectively, upon designated heritage assets. We also consider that the minor harm to non-designated heritage assets would be outweighed by the benefits.
- 6.3.22. Overall, we conclude that matters concerning the historic environment would accord with the relevant heritage aims of 2024 NPS EN-1, EN-3 and EN-5 along with Strategic Policy ENV5 of the Fylde Local Plan. The same conclusion would arise in respect of the updated 2025 draft suite of energy NPSs.

The planning balance including green belt balance

- 6.3.23. Paragraph 153 of the 2024 NPPF states that substantial weight should be given to any harm to the green belt, including harm to its openness. Inappropriate development is, by definition, harmful to the green belt and should not be approved except in very special circumstances. It goes on to say that very special circumstances will not exist unless potential harm to the green belt by reason of

inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

- 6.3.24. Paragraph 160 of the NPPF acknowledges that such very special circumstances may include the wider environmental benefits associated with increased production of energy from renewable sources.
- 6.3.25. We set out above the benefits that we consider would result from the proposed development, including the clear needs case in providing important renewable energy infrastructure to connect the Morgan and Morecambe generation assets to the national grid. 2024 NPS EN-1 says that this should carry substantial weight and we have attributed very great positive weight.
- 6.3.26. Against the benefits are the harm to green belt openness and its purposes (as set out in section 4.10 of our report), carrying substantial weight alongside the other harms that would arise from the proposed development which are also set out above. These include, but are not limited to, the harm arising from bird strike for aviation in relation to BAE Warton carrying great weight and harm to onshore and intertidal biodiversity, including the adverse effects on the integrity of the Ribble and Alt Estuaries SPA.
- 6.3.27. In our view, all harms arising from the proposed development need to be considered in the green belt balancing exercise, noting the wording in paragraph 153 of the NPPF that says “and any other harm resulting from the proposal...”. We note that excluding harms that are not directly related to the inappropriate elements of the proposed development, would result in a distorted balancing exercise where the entirety of the benefits would be considered as achieved by the proposed development as a whole, but not the entirety of the harms that would result.
- 6.3.28. Despite the clear importance of providing for renewable energy infrastructure and the very great / substantial positive weight given to it, we find that the ‘other considerations’ (including the provision of renewable energy infrastructure) in this case do not clearly outweigh the harm identified. Consequently, the very special circumstances necessary to justify development in the green belt do not exist. The proposed development would therefore be contrary to the green belt protection aims of the NPPF, 2024 NPS EN-1 and policy GD2 of the Fylde Local Plan to 2032.
- 6.3.29. We also conclude overall that despite the benefits outlined above, under a normal planning balance, the adverse impacts of the proposed development would outweigh its benefits.

Critical national priority

- 6.3.30. Paragraph 4.2.4 of 2024 NPS EN-1 explains that the Government has concluded that there is a CNP for the provision of nationally significant low carbon infrastructure. We are satisfied that the proposed development falls within the general scope of CNP as set out in paragraph 2024 4.2.5 of NPS EN-1.
- 6.3.31. Paragraph 4.2.7 of 2024 NPS EN-1 goes on to make clear that CNP policy does not create an additional or cumulative need case or weighting to that which is already outlined for each type of energy infrastructure. The policy applies following the normal consideration of the need case, the impacts of the project, and the application of the mitigation hierarchy. As such, it is relevant during SoS decision making and specifically in reference to any residual impacts that have been

identified. It should therefore also be given consideration by the ExA when it is making its recommendation to the SoS.

- 6.3.32. Paragraph 4.2.15 of 2024 NPS EN-1 explains that where residual non-Habitats Regulations Assessment (HRA) or non-marine conservation zone (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. Therefore, in all but the most exceptional circumstances, it is unlikely that consent will be refused on the basis of these residual impacts. The exception to this presumption of consent are residual impacts onshore and offshore which present an unacceptable risk to, or unacceptable interference with, human health and public safety, defence, irreplaceable habitats or unacceptable risk to the achievement of net zero. Further, the same exception applies to this presumption for residual impacts which present an unacceptable risk to, or unacceptable interference offshore to navigation, or onshore to flood and coastal erosion risk.
- 6.3.33. Paragraph 4.2.18 of 2024 NPS EN-1 makes clear that any HRA or MCZ residual impacts will continue to be considered under the framework set out in the Habitats Regulations and in the Marine and Coast Access Act 2009 respectively.
- 6.3.34. Through ExQ2.1.1.6 of our second written questions [[PD-011](#)] we asked the applicants to (a) set out for each topic area how they have met the test in paragraph 4.2.11 of 2024 NPS EN-1 that applicants must apply the mitigation hierarchy and (b) where the mitigation hierarchy has not been demonstrated to have been applied for just one topic area, whether this would mean that the CNP policy would not be applicable for the application as a whole. The applicants' responses to these questions are contained within [[REP5-130](#) and [REP5-132](#)]. These matters were also included in discussion of the potential application of CNP policy at issue specific hearing 4 with their submissions summarised in their post hearing submission [item 12 of [REP6-164](#)]. Their points made include:
- That it is not necessary to rely on CNP in the determination of the application.
 - The CNP test does not alter the planning balance but rather provides additional weight to the need for the proposed development as appropriate.
 - In relation to the mitigation hierarchy test within CNP policy, they have focused on residual significant effects as this is consistent with the Environmental Impact Assessment process which is designed to identify and assess likely significant environmental effects. They note, however that all chapters of the Environmental Statement set out the mitigation hierarchy that has been applied to avoid, minimise and mitigate environmental effects (whether significant or not).
 - That green belt policy is based on the concept of very special circumstances and is treated separately from the mitigation hierarchy. Green belt effects are addressed through planning policy rather than environmental mitigation.
 - The SoS is entitled to consider the application as a whole.

Consideration on CNP

- 6.3.35. We consider that the currently unresolved residual impact for bird strike issue in relation to BAE Warton Aerodrome, as set out in section 4.3 of this report, amounts to an unacceptable risk to defence. We therefore consider that it amounts to an exception to the presumption of consent set out in paragraph 4.2.15 of NPS EN-1.
- 6.3.36. As set out in appendix C (HRA) and summarised in chapter 5, we have identified HRA residual impacts arising from the temporary and permanent effects on the integrity and conservation objectives of European protected sites. This results from

the uncertainty surrounding the deliverability of the Lytham Moss and Newton-with-Scales mitigation areas, matters that are related to the unresolved bird strike / aviation issue. The applicants have declined to provide a derogation case in relation to these effects and no compensation measures were put before the examination.

- 6.3.37. Furthermore, in the circumstances of the bird strike/aviation issue, and the outstanding HRA issue, we do not consider that the applicants have adequately demonstrated that all residual impacts have been avoided, reduced or mitigated. This leads us to find that the mitigation hierarchy has not been demonstrably applied, contrary to paragraph 4.2.11 of 2024 NPS EN-1.
- 6.3.38. Therefore, we advise this to be a case where there is an exception to the presumption of consent for CNP infrastructure. As a result paragraph 4.2.16 of 2024 NPS -EN1 in directing that the SoS will take as the starting point for decision making that CNP infrastructure is to be treated as if it has met any tests which are set out within the NPSs, or any other planning policy, which requires a clear outweighing of harm, exceptionally or very special circumstances, is not applicable in this case.
- 6.3.39. In the event that the issues relating to bird strike risk to aviation and European protected sites are resolved to the satisfaction of the SoS, then it is possible that the mitigation hierarchy may be demonstrated to have been applied. In such a scenario 2024 NPS EN-1 CNP policy may be applicable to the application.

6.4. CONCLUSIONS

- 6.4.1. On the basis of all the above considerations we conclude that overall, the proposed development would not comply with 2024 NPS EN-1, EN-3 and EN-5 and, furthermore, that the overall harms would outweigh the benefits of the proposed development. Based on the position at the end of the examination, we are also unable to exclude adverse effects on the integrity of European proposed sites under the Habitats Regulations and no derogations case has been provided. We conclude, on the basis of the position at the end of the examination, that the DCO should therefore not be made.
- 6.4.2. We have considered the April 2025 amendments to NPS EN-1, EN3, EN5 and find that these do not alter our overall conclusion on the case for development consent.
- 6.4.3. We acknowledge from final submissions made that discussions are likely to have continued following the close of the examination between the applicants and key interested parties, including with BAE Warton and the Ministry of Defence. Such matters may also have a bearing on the adequacy of the applicants proposed environmental mitigation and alternative mitigation measures may also have been developed further with Natural England. We will return to such matters in our summary of findings and conclusions in chapter 9.

7. LAND POWERS AND RELATED MATTERS

7.1. INTRODUCTION

- 7.1.1. This chapter of the report deals with the compulsory acquisition (CA) of land and rights over land and related matters including temporary possession (TP), human rights and the Public Sector Equality Duty (PSED).
- 7.1.2. The powers for CA are sought by Morgan Offshore Wind Project Limited (“Morgan OWL”) and Morecambe Offshore Windfarm Limited (“Morecambe OWL”). Both Morgan OWL and Morecambe OWL have made separate applications for two offshore wind farms (together called “the Generation Assets”) and both of these applications have obtained consent from the Secretary of State (SoS) during 2025. The intention is to obtain consent to this application in order that the two offshore wind farms, once constructed, may be connected to the National Grid.
- 7.1.3. Morgan OWL and Morecambe OWL (together the applicants) have joined together in making this single application for a development consent order (DCO) but in order to proceed with the proposed development, land and rights in land are required on a permanent and temporary basis.
- 7.1.4. The Examining Authority (ExA) identified a number of principal issues in our rule 6 letter [\[PD-006\]](#) which were:
- the need for and the amount of land, rights and powers proposed to be subject to CA and/ or TP
 - the requirement for the powers sought and whether a compelling case in the public interest has been established
 - whether the interference of rights of those with an interest in land is necessary and proportionate
 - the position and/ or effects of statutory undertakers (SU) and Protective Provisions (PP) and whether the tests of s127(2), (3), (5) and (6) and s138(4) of the Planning Act 2008 (PA2008) are satisfied
 - the adequacy and security of funding for compensation
 - consideration of the implications of the two separate projects with potentially different timescales
 - whether the proposals meet the requirements of PA2008 in all other respects
- 7.1.5. The ExA's conclusions on the case for development consent are set out in chapter 6 of this report with our overall findings and conclusions contained in chapter 9. Whether there is a compelling case in the public interest which is required to justify CA and TP powers is considered in this chapter, with certain plots being specifically considered.

7.2. THE REQUEST FOR CA AND TP POWERS

- 7.2.1. The purposes for CA and TP powers are set out in the following application documents with the later reference in each case being to the last version submitted:
- Statement of Reasons (SoR) [\[APP-013, to REP6-018\]](#)
 - Funding Statement (FS) [\[APP-008 to REP4-011\]](#)

- Book of Reference (BoR) [[APP-014](#) to [REP6-020](#)]
- Schedule of Changes to the BoR [[REP6-121](#)]
- Draft DCO (dDCO) [[APP-005](#) to [REP6-013](#)]
- Land Plan - Onshore [[APP-156](#) to [REP6-006](#)]
- Land Rights Tracker (LRT) [[REP1-065](#) to [REP7-032](#)]
- Access and Rights of Way Plans [[APP-160](#) to [REP7-005](#)]
- Crown Land Plans [[APP-168](#) to [REP1-006](#)]
- Section 135 Progress Tracker [[REP7-040](#)]
- Planning Statement [[APP-233](#) to [REP7-023](#)]

7.2.2. Articles contained in the dDCO submitted with the application [[APP-005](#)] and all subsequent versions included both permanent and temporary powers to construct, operate and maintain the proposed development. The applicants' case for the CA and TP powers sought was initially set out in the applicants' SoR [[APP-013](#)] and associated Land Plans [[APP-156](#)]. Following the advice from the ExA [[PD-002](#)] under s51 PA2008 the SoR [[AS-009](#)] and Land Plan [[AS-019](#)] were updated.

7.2.3. The SoR includes the following chapters:

- chapter 3 - location and project description
- chapter 4 - need for and benefits of the proposed development
- chapter 7 - site selection and alternatives
- chapter 9 - engagement with affected parties (APs)
- chapter 10 - case for powers sought
- chapter 11 - human rights
- chapter 12 - funding
- chapter 13 - special considerations including Crown Land and statutory undertaker's land

7.2.4. The applicants submitted one change request during the examination [[CR1-003](#)], as discussed in chapter 2 of this report. There were no requests for additional land or rights and so the ExA agreed [[PD-014](#)] that the changes considered in the change request all relate to reductions in the extent of the original CA and TP request. Furthermore, noting that additional areas of land were not required, we were satisfied that the changes would not engage the Infrastructure Planning (Compulsory Acquisition) Regulations 2010.

7.2.5. We made a procedural decision in our rule 6 letter [[PD-006](#)] requesting the applicant to submit a LRT with the purposes of enabling the applicant to report on the status of land rights: not agreed with affected persons (APs) and other parties following the application's submission; and any progress that might be made during the examination with respect to reaching agreements with APs and other parties before the close of the examination.

7.2.6. The ExA was kept updated throughout the examination by the applicants on the progress with negotiations with APs by means of the LRT, the final version of which was submitted at deadline 7 [[REP7-032](#)].

7.2.7. These documents taken together form the basis for the analysis for this chapter and any reference to these documents in this chapter should be read as reference to the latest versions provided.

The CA and TP powers sought

7.2.8. The applicants' intention is to construct and operate two electrically independent transmission systems connecting the Morecambe and Morgan generation assets to

the National Grid substation in Penwortham. Consent from the Secretary of State for a DCO for both of the two generation asset projects has been granted during 2025. In order for the applicants to implement the proposed development, they require land and rights in land on both a permanent and temporary basis.

- 7.2.9. The powers sought in the dDCO to achieve this relate to the acquisition of land (article 20), acquisition of rights together with the creation of new rights (article 22), the extinguishment of rights and restrictive covenants (article 24), and the temporary use of land to permit construction or maintenance (articles 29 and 30).
- 7.2.10. The use of compulsory purchase powers is restricted by article 21 of the dDCO. In the SoR submitted with the application, this required that notices exercising such powers be served within 7 years of the date of the DCO being made and there was some discussion over this time period during the examination.
- 7.2.11. The applicants seek permanent acquisition on land identified on the Land Plan [\[REP6-006\]](#) as being shaded pink, with permanent rights shaded in blue and where temporary possession is required, shaded yellow. The applicants also seek powers to ensure that easements, restrictions and other private rights identified as affecting the land can be extinguished or suspended. These powers allow the applicants to construct, operate and maintain all elements of the proposed development.
- 7.2.12. As noted above, the applicants submitted one formal change request which in the opinion of the ExA did not invoke the Infrastructure Planning (Compulsory Acquisition) Regulations 2010 (CA Regulations) because no additional land or rights were sought.

7.3. THE PURPOSES FOR WHICH LAND IS REQUIRED

- 7.3.1. The applicants submit that they are seeking powers of CA and TP in order to allow the construction, operation, maintenance and decommissioning of the proposed development. They explain in paragraphs 1.3.5.1 of the SoR [\[REP6-018\]](#) that they have adopted a 'centreline' approach whereby a specific portion of the cable corridor is identified for the two separate wind farm's transmission cable infrastructure. The applicants acknowledge at paragraph 1.3.6.1 of the SoR that there are multiple 'overlapping' works areas where at this stage of the infrastructure design process it has not been possible to identify separate areas for each offshore wind farm, i.e. a 'centreline'. As such, both Morgan OWL and Morecambe OWL would have the ability to carry out their authorised development within these areas.
- 7.3.2. They are seeking these powers in order to ensure that they are able to acquire the relevant interests in the order land in the event that a voluntary land agreement in relation to any particular area of land cannot be reached and to ensure that they obtain the rights of any unidentified owners.
- 7.3.3. At this stage, there is no certainty over the precise route for laying the cables. Once this has been clarified, CA will be sought over the areas where the cables are laid in addition to any area required for access during the operational stage. Any land which is only required during the construction phase, will not be subject to any permanent CA of land or rights and therefore the amount of land over which CA powers will be required is likely to be significantly reduced. As explained in paragraph 1.10.1 of the SoR [\[REP6-018\]](#), the intention is for the land along the cable route to be returned to its original use after construction has been completed.

- 7.3.4. The applicants are seeking permanent acquisition over some areas of land. This includes the two onshore substation sites and the associated permanent accesses and also the land which is required for permanent environmental mitigation and the biodiversity areas.
- 7.3.5. The applicants explain that in the absence of powers of CA and TP, it might not be possible to assemble all of the land within the order limits, uncertainty will continue to prevail, and the applicants considered that its objectives and those of Government policy would not be achieved. Whilst permanent acquisition of land is required for the two proposed substations and associated accesses, the majority of the cable corridor would be subject to TP powers for construction followed by acquisition of rights to enable maintenance and operational functions.
- 7.3.6. The applicants outlined in the SoR [\[REP6-018\]](#) how it considers its proposals meet the tests set out in the PA2008 and submits that all plots of land are either needed for the development or to facilitate the development. The applicants referred to the negotiations with landowners at paragraph 1.9 of the SoR. The LRT which was originally submitted [\[REP1-065\]](#) was regularly updated and at the end of the examination [\[REP7-032\]](#) sets out the persons with a freehold interest, the plots they have an interest in, the interest to be acquired or TP and the purpose for which the plot is required in relation to the works specified in the dDCO, along with the status of the negotiations and any objections.
- 7.3.7. The applicants explained, at paragraph 1.6.2 of the SoR, that it had considered the land and rights required and has sought to balance the requirement to secure sufficient land whilst also minimising the land take. Where freehold acquisition is sought, the applicants submitted (paragraph 1.6.2.2 of the SoR) that this is required where the use of rights or TP is not adequate and so they can ensure that they will have exclusive possession and control of the land necessary for the safe construction, operation, maintenance and decommissioning of the proposed development.
- 7.3.8. The applicants further outlined their case at compulsory acquisition hearing (CAH) 1 [\[EV5-001 to EV5-006\]](#) and submitted that the Overarching National Policy Statement for Energy (EN-1) (2024) (NPS EN-1) emphasised the urgent need and critical national priority for major energy infrastructure to support the transition to a net zero economy.
- 7.3.9. The applicants referred to the Planning Statement [\[APP-233\]](#) which set out what the applicants considered to be the public benefits of the proposed development. They emphasised at section 1.6.2 of the SoR that they had explored all reasonable alternatives to compulsory acquisition and that the proposed interference of those with an interest in land is for a legitimate purpose and is necessary and proportionate.
- 7.3.10. The applicants recognised the test contained in s122 PA2008, that there needed to be a compelling case in the public interest to justify the compulsory acquisition of land. The applicants explained their position that the public benefit for the project in the anticipated delivery of almost two gigawatts of new renewable energy generating capacity from the two offshore wind farms was clear and supported by a variety of obligations directing the United Kingdom on a path to create safe and reliable energy from its own resources. The applicants emphasised the urgency of this need. The applicants confirmed that the route of the proposed pipeline would be sited primarily on agricultural land, much of which would be returned to its former use once the cables were installed. The applicants said that they had engaged with

the relevant landowners and had sought to minimise the impacts on them through merged survey campaigns and merged intrusive licences. They had also worked with the land agent group formed by local landowners with participation from the National Farmers' Union (NFU) to agree a set of heads of terms.

7.3.11. The applicants conclude in section 1-14 of the SoR that the proposed development:

- Is the minimum amount necessary to deliver the new renewable generating capacity from the generation assets which have strong support from policy as well as local and national benefits
- these benefits justify the interference with the rights of those persons with an interest in land proposed to be acquired
- the need for the proposed development together with the generation assets demonstrates that there is a compelling case in the public interest for the land to be acquired compulsorily if necessary.

7.3.12. Overall, the ExA agrees with the applicants' conclusions on the generality of the case and subject to the ExA's consideration of plots affected by outstanding objections from APs together with the ExA's assessment later in this chapter of issues outstanding at the end of the examination, the ExA considers that the tests set out in s122(2) and s122(3) are capable of being met.

7.4. LEGISLATIVE REQUIREMENTS

The Planning Act 2008 (PA2008)

7.4.1. The application included a request for CA and TP powers which can only be granted if the conditions set out in section s122 and s123 PA2008 are met. The relevant guidance in the Guidance Related to Procedures for the Compulsory Acquisition of Land, September 2013 (the former Department for Communities and Local Government (DCLG) (the CA Guidance) sets out the purpose for which CA may be authorised.

7.4.2. S122(2) PA2008 requires that land subject to CA must be required for the development to which the development consent relates or must be required to facilitate or be incidental to that development or is replacement land which is given in exchange for the Order land under section 131 or 132. The CA Guidance states that in respect of land required for development the land to be taken must be no more than is reasonably required and proportionate.

7.4.3. S122(3) PA2008 requires that there must be a compelling case in the public interest to acquire the land compulsorily. The CA Guidance advises for this condition to be met the SoS will need to be persuaded that there is compelling evidence that the public benefit derived from the CA would outweigh the private loss that would be suffered by those whose land is to be acquired.

7.4.4. An order granting development consent may include provision authorising the CA of land only if the SoS is satisfied that one of the conditions in s123(2) to (4) is met. These are:

- the application includes a request for CA to be authorised - s123(2), or
- all persons with an interest in the land consent to the inclusion of the provision – s123(3), or

- the prescribed procedure is followed in respect of the land– s123(4).

- 7.4.5. The ExA is satisfied that the condition in s123(2) is met because the application for development consent includes a request for CA of the land to be authorised and this chapter, together with appendix D, addresses the outstanding objections.
- 7.4.6. S127 PA2008 applies in relation to land belonging to an SU, that is used for the purpose of their undertaking, where that SU has made a representation to the examination that has not been withdrawn. A number of SUs have land interests within the order Limits. These are set out in the BoR [\[REP6-020\]](#) and also in the SU negotiations tracker [\[REP6-139\]](#).
- 7.4.7. S131 and s132 PA2008 make provision for special parliamentary procedure to apply where a DCO authorises either the CA of land or rights over special category land unless the SoS is satisfied that one of the subsections applies. This applies to land used for the purposes of public recreation in accordance with s19, Acquisition of Land Act 1981.
- 7.4.8. S135(1) PA2008 requires that an Order granting development consent may include provision authorising the compulsory acquisition of an interest in Crown land only if:
- it is an interest which is for the time being held otherwise than by or on behalf of the Crown, and
 - the appropriate Crown authority consents to the acquisition
- 7.4.9. S135(2) requires that an Order granting development consent may include any other provision applying in relation to Crown land, or rights benefiting the Crown, only if the appropriate Crown authority consents to the inclusion of the provision.
- 7.4.10. S138 PA2008 relates to the extinguishment of rights, and removal of apparatus on, under or over, from SU land. It states that an Order may include a provision for the extinguishment of the relevant rights, or the removal of the relevant apparatus only if the SoS is satisfied that the extinguishment or removal is necessary for the purposes of carrying out the development to which it relates. For the proposed development, this section of the PA2008 is relevant to SUs with land and equipment interests within the order limits.
- 7.4.11. TP powers are also capable of being within the scope of a DCO by virtue of paragraph 2, part 1 of schedule 5 to the PA2008, pursuant to s120. This allows for, amongst other things, the suspension of interests in or rights over land compulsorily or by agreement. The PA2008 and the CA Guidance do not contain the same level of specification and tests to be met in relation to the granting of TP powers, as by definition such powers do not seek to permanently deprive or amend a person's interests in land. Further, such powers tend to be ancillary and contingent to the application proposal as a whole: only capable of proceeding if the primary development is justified.
- 7.4.12. The Neighbourhood Planning Act 2017 includes a number of provisions related to the TP of land including notice requirements, the service of counter notices and compensation. These provisions have not been brought into force and are described as technical changes in the explanatory notes that accompany the Act. Article 7e of the dDCO [\[REP6-013\]](#) disapplies the provisions of the Act insofar as they relate to TP of land under the articles of the DCO.

The CA Guidance

- 7.4.13. A number of general considerations also have to be addressed either as a result of following the CA Guidance or in accordance with the legal duties on decision makers:
- All reasonable alternatives to CA must have been explored.
 - the applicants must have a clear idea of how it intends to use the land subject to CA powers and must be able to demonstrate that adequate funds are likely to be available to meet the compensation liabilities that might flow from the exercise of CA powers.
 - the decision-maker must be satisfied that the purposes stated for the CA are legitimate and sufficiently justify the interference with the human rights of those affected.
 - paragraph 18 of the CA Guidance provides that applicants should be able to demonstrate that adequate funding is likely to be available to enable the CA within the statutory period following the order being made
 - paragraph 25 states that applicants should seek to acquire land by negotiation wherever practicable.
 - paragraph 39 of the CA Guidance states that the applicants should aim to ensure that agreement with the relevant Crown department is in place no later than the time that the application for the project is submitted to the Planning Inspectorate.
- 7.4.14. In relation to the CA guidance, the ExA is aware that negotiated settlements are not always a guaranteed outcome. The ability to fall back onto CA powers would, therefore, be justified to ensure that there would not be an impediment to the proposed development in the event of any negotiated sales on isolated parcels not being secured, thus severing the proposed alignment and rendering the project undeliverable.
- 7.4.15. The ExA has taken all relevant legislation and guidance into account when considering this matter and relevant conclusions are drawn at the end of this chapter.

7.5. EXAMINATION OF THE CA AND TP CASE

- 7.5.1. The examination of the proposed development included consideration of all submitted written and oral submissions relevant to CA and TP. The various landholdings affected by the CA and TP proposals are summarised in the LRT [\[REP7-032\]](#). Where relevant representations (RRs) have been received, they are referred to below utilising the numbering from the RR section in the examination library. The applicants have confirmed in the LRT [\[REP7-032\]](#) that it has been in dialogue with all of the landowners and is at an advanced stage of agreement with many of the APs who were objecting. Indeed, the applicants have been successful in closing negotiations with a significant number of the APs.
- 7.5.2. The ExA has considered all written material in respect of CA and TP and asked written questions regarding justification of the need for the CA/TP in the ExA's first written questions (ExQ1) [\[PD-008\]](#), the ExA's second written questions (ExQ2) [\[PD-011\]](#) and the rule 17 request [\[PD-017\]](#).
- 7.5.3. All relevant guidance and legislation are taken into account in the reasoning below and relevant conclusions are drawn at the end of this chapter in relation to both CA and TP.

- 7.5.4. A total of 2303 RRs were received in relation to the application and the applicants provided detailed responses [\[PDA-007\]](#) to the matters raised by APs and statutory consultees. The RRs covered a wide range of topics but quite a number referred to the request from the applicants for powers of CA and TP. Non-material changes to the proposed development were sought by the applicants during the examination, but none of these involved any additional land. The applicants provided a summary of the change proposals at CAH2 [\[EV7-002\]](#). Throughout the examination, the applicants engaged with landowners, lessees, tenants and occupiers with the aim of completing voluntary agreements.
- 7.5.5. Towards the end of the examination, the applicants succeeded in many of the objections which had been sustained throughout the process being withdrawn. In respect of individual objections, appendix D of this report contains the ExA's assessment in respect of each individual circumstance having regard to the applicants' final position as set out in the LRT [\[REP7-032\]](#) reported in appendix D (the ExA's Land Rights Summary Table).
- 7.5.6. During the examination, we held three CA hearings. CAH1 [\[EV5-001 to EV5-006\]](#) was held on 2 May 2025; CAH2 [\[EV9-001 to EV9-006\]](#) on 1 August 2025 and finally CAH3 on 9 October 2025 [\[EV11-001 to EV11-006\]](#). At CAH1, the applicants were invited to outline the case for CA and TP and how it meets the tests of the PA2008. We held a session to examine the applicants' general case, consider Crown land and the applicants' funding. At CAH2, APs were provided with an opportunity to be heard and comment on the process and on the rights sought and provisions proposed in the dDCO and SUs were afforded an opportunity to raise or expand on any concerns or objections. The ExA held a further CAH3 to hear further evidence concerning a number of outstanding issues.
- 7.5.7. A number of APs attended CAH1 including representatives from the NFU, Armistead Barnett who represented a significant number of farming businesses, and SHP Valuers who represented the Hornbies Foundation Charity which owned the freehold interest in the proposed Morecambe substation site which is currently occupied by the agricultural tenant, John Fare. This is considered later in this chapter. We also queried the corporate structure for the applicant companies and asked how the applicants proposed to deal with any effects on vulnerable groups as no equalities impact assessment had at the time of the hearing been submitted.
- 7.5.8. The ExA asked in CAH1 about the extent of land sought and the applicants explained that permanent acquisition is limited to the two substation plots and access to these and also the land needed to provide the necessary environmental mitigation and biodiversity benefit areas. The applicants' position was explained in the hearing summary [\[REP6-165\]](#) to the effect that the amount of land sought is proportionate as it would be required to deliver two separate projects which need to be capable of being delivered separately. They also submitted that the width of the cable corridor required for each of the two separate projects, which for most part of the route is parallel with each other, is similar to other projects across the country and is not excessive.
- 7.5.9. In response to a question from the ExA, the applicants updated the position concerning negotiations with various key landowners who own the freehold of the sites of the two proposed substations. They had also held a number of meetings with the NFU and the land action group to discuss the latest version of the proposed heads of terms. Based on the progress made, the applicants considered that they expected to secure heads of terms with a significant number of parties during the examination period.

- 7.5.10. The ExA also asked in CAH1 about funding in the light of publicity concerning changes to the company structures of both applicant companies. The applicants confirmed they would explain the revised company structures in their response to an action point but that it is normal in this type of project for ownership structures to change during the period of consideration of the application. The ExA also raised a concern about both applicant companies having limited assets but the applicants referred to article 33 (Funding) in the dDCO [\[AS-004\]](#) which requires each project to provide a sufficient guarantee to the SoS that funding is available to ensure that the projects can be delivered before compulsory purchase powers are exercised.
- 7.5.11. The applicants also explained their requirement for TP of much of the route of the pipeline for construction purposes as an alternative to permanent acquisition of the land, with permanent acquisition of subsurface rights only, thus limiting interference. The areas required for TP are set in paragraph section 12 of the SoR [\[APP-013\]](#).
- 7.5.12. The applicants asserted [\[REP1-036\]](#) that the application documents demonstrate that the proposed development would:
- help meet the urgent need for new decarbonised energy infrastructure in the UK, providing enhanced energy security and supporting UK Government priorities in relation to economic development and security of supply
 - deliver additional renewable energy capacity, supporting the achievement of the UK Government's climate change commitments and carbon budgets
 - minimise or mitigate adverse impacts to an acceptable degree; and
 - comply with the NPSs which were relevant being NPS EN-1 (2024), NPS EN-3 (2024) and NPS EN-5 (2024).
- 7.5.13. The applicants concluded, as summarised at section 1.14 of the SoR [\[APP-013\]](#), that a compelling case exists in the public interest which justifies the making of the DCO and the granting of the powers sought.
- 7.5.14. The ExA's first written questions [\[PD-008\]](#) raised a variety of issues including:
- specific benefits for the local community
 - the impact on Blackpool Airport
 - in view of the recent publicity concerning change of ownership for the applicants, confirmation of the current corporate structures. This had been raised as an action point in CAH1 [\[EV5-006\]](#) and background provided by the applicants in their response at CAH1.8 [\[REP1-037\]](#)
 - the seven year period before construction must start and the possible length of the construction period in view of there being two separate applicants, each being a separate commercial entity
 - the impact on specific farm businesses
 - the position as to planning blight (This was action point 12 from CAH1 [\[EV5-006\]](#) with a response provided [\[REP1-037\]](#))
 - Crown land and progress with s.135 PA2008 consent
 - the Blackpool Road recreation ground was open space within the meaning of s.132 PA2008 and whether the test of the land being "no less advantageous" had been met
- 7.5.15. The applicants provided a detailed response to the questions raised [\[REP3-056\]](#) and provided an update concerning the corporate structure for both applicants and a further justification for the seven year period as provided for by requirement 1 in the dDCO [\[REP6-013\]](#) and also referred to requirement 25 [\[REP6-013\]](#) which set out arrangement for the collaboration between the two applicants.

- 7.5.16. The ExA's second written questions [[PD-011](#)] raised further points. The ones directed towards the applicants included:
- a request for an updated equalities impact assessment
 - an update on negotiations with Blackpool Borough Council (BBC) concerning the land rights sought over Blackpool Airport
 - progress with negotiations with the Duchy of Lancaster for rights over the River Ribble. A representative of the Duchy had appeared at CAH2.
 - an update on the progress with negotiations with APs generally
 - whether the reference concerning the leaseholders and tenants included in the BoR as "category 2" APs in accordance with s57 PA2008 was correct?
 - whether the CA being sought for the Lea Marsh biodiversity benefit areas was "necessary" since this was being offered as biodiversity net gain
 - accounts for the two applicant companies as they appeared to be subsidiaries with limited assets
 - the position concerning possible farm business closures and evidence that they could continue to operate
 - a specific enquiry concerning the farm business affected by the proposed siting of the Morecambe substation as their agent had spoken at CAH2 concerning the impact on the business
 - time limit for commencement of works – the applicants had requested 7 years
 - more clarity concerning the position of possible planning blight
- 7.5.17. At CAH2, more APs had the opportunity to make representations including BBC, Fylde Borough Council (FBC), Sabic UK, the NFU, and local farmers including Sheila Hall, Anne Mason, Andrew Coney of P Wilson & Company who was speaking on behalf of John Fare, Christine Fare and Fare Farms Limited who are the tenants for the farm where the Morecambe substation is proposed. Adam Pickervance of SHP spoke on behalf of the freeholder of the Fare Farms site which is the Hornbies Foundation Charity. Mr Pickervance explained that the charity has objected to the proposed siting of the substation but he explained that the main function of the charity is to support a local school and it needs to act in the best interests of the charity which might be to accept compensation for the substation land. Richard Thompson spoke on behalf of the Duchy of Lancaster who have interests on the River Ribble and they echoed the concerns that other APs had raised concerning the lack of engagement with the applicants.
- 7.5.18. The applicants provided a detailed response to the points raised in the ExA's second written questions [[REP5-130](#)]. They commented on the progress of the negotiations with APs and provided a particular update concerning the proposed CA at Blackpool Airport and the negotiations with the Duchy of Lancaster. The applicants asserted that the efforts that they had made with the negotiations were in accordance with the requirement of paragraph 25 of the CA Guidance. They also corrected the reference to the leaseholders and tenants so they were now referred to as "category 1" APs. The applicants also provided further explanation concerning the selection of the BNG land at Lea Marsh.
- 7.5.19. At CAH3, the applicants provided a further update that 46 heads of terms had been signed representing 48% of the total of the APs. BBC raised a number of outstanding issues which were still to be agreed at this late stage of the examination ranging from the entrance at Starr Gate to the required easements over the sand dunes to the possible sterilisation of land at Blackpool airport part of which is intended for use as a solar farm. FBC also spoke about Blackpool airport and the area of sand dunes which it owns. Sabic UK spoke to confirm that agreement had been reached and its objection was being withdrawn, whilst Tallentine Limited had

queries concerning the environmental mitigation areas and how this would eventually be returned to full agricultural use.

- 7.5.20. After CAH3 which was held on 9 October 2025, the ExA raised a rule 17 request for information [\[PD-017\]](#) on 22 October 2025. This was concerned, amongst other issues, with the impact on a number of farm businesses and also the financial position of Morecambe OWL. The ExA said in our rule 17 request that the accounts “showed a company with very limited assets and mostly in the form of inter-company loans which were repayable on demand. The accounts confirm that the company received no income and made no expenditure in the year to 31 December 2023. This was raised as action point 9 from CAH3.”
- 7.5.21. The applicants replied to the rule 17 letter at deadline 7 [\[REP7-049\]](#).
- 7.5.22. The applicants submitted a response to the CAH1 Action Points, and a summary of CAH1, at D4 ([\[REP1-037\]](#) and [\[REP1-036\]](#) respectively). At D4 they submitted a response to the CAH2 Action Points [\[REP4-108\]](#), and a summary of CAH2 [\[REP4-107\]](#). CAH3 took place towards the end of the examination and the applicants submitted a hearing summary [\[REP6-165\]](#) together with their comments on the various action points [\[REP6-176\]](#), [\[REP6-178\]](#), and [\[REP6-180\]](#).
- 7.5.23. The applicants acknowledged at the close of the examination that there were some objections still outstanding. The ExA had heard in particular from BBC and BAPL and John Fare together with the other APs referred to later in this chapter. Aside from these exceptions, the ExA do not consider that any should represent a barrier to the grant or subsequent implementation of the DCO.

Site inspections

- 7.5.24. Unaccompanied site inspections (USI) [\[EV1-001\]](#), [\[EV1-002\]](#) and [\[EV1-004\]](#) enabled the ExA to view much of the land subject to CA and TP proposals from public highways and public rights of way. During the USIs, the ExA was also able to gain an appreciation of the general extent of land being sought to be acquired permanently and temporarily. In addition, the accompanied site inspection (ASI), which took place over two days on 25 and 26 June 2025, enabled the ExA to view more of the land subject to CA and TP proposals. The itinerary for the ASI [\[EV1-003\]](#) included visits to a number of farms along the cable route and some time was spent viewing the land over which permanent acquisition is being sought. Taken together this has provided us with a good understanding of the location of the affected plots as well as the siting of the proposed above ground infrastructure.

7.6. CONSIDERATION OF THE STRATEGIC CASE FOR CA/TP POWERS

- 7.6.1. The applicants' general case for CA is set out in section 1.10 (case for powers of acquisition sought), section 1.10.16 (Special Considerations on page 53) and section 1.12 (Human Rights) of the final SoR [\[REP6-018\]](#).
- 7.6.2. In chapter 3.1 of this report, the ExA considers the benefits of the proposed development in terms of the provision of renewable energy infrastructure. If the proposed development is considered in isolation, these benefits are rather limited as the delivery of real tangible benefits would come when the proposed development, is linked to the two offshore wind farms being the generation assets. However, the ExA notes that both of the wind farm applications have now received consent and we consider it reasonable to assume that the applicants will not be commencing

construction of the onshore elements of the project unless construction of at least one of the offshore wind farms will be progressing.

7.6.3. At paragraph 1.4.4 of the SoR [\[REP6-018\]](#), the applicants set out the need for and benefits of the proposed development and explain at section 1.4.4 how their proposal follows the requirements set out in NPS EN-1, NPS EN-3, and NPS EN-5. The applicants conclude at paragraph 1.14 of the SoR [\[REP6-018\]](#) that:

- the order land, and other interests required to be subject to compulsory acquisition, are the minimum amount necessary to bring forward the proposed development and deliver the new renewable generating capacity from the Morgan Offshore Wind Project: Generation Assets and Morecambe Offshore Windfarm: Generation Assets.
- the purpose of the proposed powers of CA is to enable the delivery of the offshore wind farms which have extremely strong support from policy, as well as numerous local and national benefits for the project as a whole.
- these benefits to the public justify the interference with the rights of those persons with an interest in the land proposed to be acquired.
- the order land to be subject to the proposed CA is no more than is reasonably necessary for that purpose and is therefore proportionate.
- the need for the proposed development as part of the Morgan Offshore Wind Project: Generation Assets and the Morecambe Offshore Windfarm: Generation Assets, suitability of the Order land and the legislative and policy support for the projects, including from the NPS, demonstrate that there is a compelling case in the public interest for the land to be acquired compulsorily if necessary.
- all reasonable alternatives to CA have been explored
- the applicants have clearly set out what each plot of the order land will be used for and why it is required
- the funding needed to meet any costs of land acquisition and compensation payable as a result of the use of powers of CA is available to the applicants.
- that the inclusion of powers of compulsory acquisition in the DCO for the purposes of the proposed development meets the conditions of section 122 of the PA 2008.
- the applicants consider the DCO to be within the necessary statutory powers and that a compelling case exists in the public interest, which justifies the making of the DCO and the granting of the powers sought.

7.6.4. Taking the applicants' responses to the various matters raised in the examination, they assert that the SoR [\[REP6-018\]](#) sets out the justification for CA and TP for each plot identified in the land plan for onshore [\[REP6-006\]](#) and the works plans onshore and offshore [\[REP6-004\]](#) when considered with the final dDCO [\[REP6-013\]](#) shows how the applicants consider that they would use the land which is subject to CA and TP.

7.6.5. The applicants explained their approach to site selection and the consideration of alternatives. They say at paragraph 1.6.2.4 of the SoR [\[REP6-018\]](#) that "a number of onshore cable route change proposals, as well as changes to the substation platforms, construction compounds and access tracks have been put forward by those affected by the proposed onshore infrastructure, and the applicants have been able to incorporate a number of those suggestions into refinements of the onshore and landfall infrastructure". The applicants set out these modifications in their selection and refinement of onshore infrastructure [\[APP-033\]](#). The applicants also refer to the significant effort which they have put into agreeing a negotiated solution with each of the persons affected by the exercise of CA powers as shown

by the final version of the LRT [\[REP7-032\]](#) which sets out the current status of those negotiations at the close of the examination.

7.6.6. The applicants set out their argument that there is a compelling case in the public interest for the granting of the CA and TP powers which are required for the delivery of the proposed development. They did so at CAH1 [\[EV5-001 to EV5-006\]](#) as confirmed in their hearing summary [\[REP1-036\]](#) and also in the Planning Statement [\[REP6-133\]](#). The applicants explained that the construction of the proposed development is required to connect the two Generation Asset projects to the National Grid at Penwortham and thereby facilitate the transmission of almost 2GW of new renewable energy generation. The ExA is mindful that both of the generation asset DCOs have received consent during 2025.

7.6.7. The applicants confirm that they have sought to limit the land to be acquired compulsorily as far as possible and they have been able to reach voluntary agreements with a significant number of the APs. They emphasise that there may be some cases where it is not possible to reach agreement and therefore without the ability to use CA powers it may not be possible for the proposed development to be constructed which would lead to a loss of the significant public benefits which would be realised from the opportunity presented by the combination of the overall project including the connectivity with the two consented offshore wind farms.

Compliance with s122 PA2008 and DCLG Guidance

7.6.8. Section 122(2) PA2008 provides that the land subject to CA must be required for the project to which development consent relates or must be required to facilitate or be incidental to the development. The CA Guidance states that the land to be taken must be no more than is reasonably required for the purposes of the development and is no more than is reasonably necessary and proportionate.

7.6.9. The applicants summarised the powers they are seeking at section 17 of their closing statement. They emphasise at paragraph 17.1.1.5 that they are seeking TP powers over all of the order land to undertake the construction works for the proposed development and the CA of permanent rights would then be secured over the area where the cables are laid, in addition to areas for which access is required during the operational stage. Land which is only required during the construction stage will not be subject to any permanent CA and this process will therefore significantly reduce the amount of land over which CA powers will be required. The applicants submitted that this process would ensure that all of the land subject to the request for CA and TP powers would be no more than would be reasonably required and therefore compliant with paragraph 11 of the CA Guidance.

7.6.10. The applicants did acknowledge that permanent acquisition would be required for some of areas of land and these included the onshore substation sites together with the related permanent accesses and also the land required for permanent environmental mitigation and the biodiversity benefit areas.

7.6.11. The use of compulsory purchase powers is restricted by article 21 of the dDCO [\[REP6-013\]](#) which provides that notices exercising such powers must be served within 7 years of the date of the DCO being made. This time period will be considered later in this chapter.

ExA's consideration

7.6.12. On any analysis, this is a complex construction project and the task of planning the connection of the two offshore wind farms with the National Grid substation at

Penwortham has undoubtedly presented difficulties. The complication that there are two separate applicants who are completely separate legal entities and also on different timelines as to their negotiations with the Government for contracts of difference as explained in the examination [\[PDA-007\]](#) has led to the need to provide a degree of flexibility to the project together with a request for an extended time period of seven years before commencing construction.

7.6.13. The ExA considers that with the exception of the biodiversity benefit land at Lea Marsh considered in detail later in this chapter, the applicants have assessed all reasonable alternatives for each element of the proposed development and that the most appropriate location, having regard to environmental considerations and technical constraints, is being proposed. We are therefore content that as a matter of principle it would be reasonable for any made DCO for the proposed development to include CA and TP powers.

7.6.14. That said, for the reasons given below, we have had to carefully consider whether it would be reasonable for all of the onshore order land to be made the subject of the CA powers sought by the applicants, having regard to the conditions stated in s122 PA2008, and most particularly subsection (3) "... that there is a compelling case in the public interest for the land to be acquired compulsorily" and the provisions of the CA Guidance. The CA Guidance, amongst other things, advises that land to be acquired compulsorily should be no more than is reasonably required for the purposes of the proposed development (paragraph 11).

7.6.15. The applicants were able to make significant progress with many areas of the CA and TP consideration but there were certain key issues which received considerable attention during the examination but where the ExA is less than convinced by the applicants' final position. In particular, the ExA identified the possible impact on the farming businesses affected by permanent acquisition as a major issue from the outset of the examination and many of our questions were pertinent to this aspect. Overall, in the view of the ExA, questions remained outstanding in the following significant areas:

- biodiversity net gain land
- negotiations with BBC including the CA powers requested over Blackpool Airport
- impact on farm businesses
- funding for possible blight claims

7.6.16. Each of these will be considered later in the chapter but prior to this, the ExA will address specific objections from particular APs that were maintained throughout the examination:

GREENBANK FARM - PLOT 12-015A IN THE LAND PLAN AND BOR

7.6.17. These APs have objected throughout (originally RR-458, RR-582 and RR1520) to the proposed use by the applicants of their private farm road and repeated this at D6 [\[REP6-216\]](#). The APs say that this access is necessary as it will provide the access to the mitigation areas for construction and then operation and maintenance. Further the APs assert [\[REP6-216\]](#) that the agents acting for the applicants have verbally agreed that permanent rights over the farm road would not be necessary. The APs emphasised that the proposed development already has an access road from the A583 which could easily link to the environmental mitigation area.

7.6.18. The applicants confirm that this is the only issue remaining in their negotiation with the applicants [\[REP7-042\]](#) and the APs confirm this position [\[REP6-216\]](#). The

applicants apparently have a solution but this involves reaching agreement with a neighbouring landowner and terms are still being negotiated. The applicants confirm [\[REP7-042\]](#) that they are updating the heads of terms to reflect this position.

ExA's consideration

- 7.6.19. The ExA notes the separate position of the parties and that the APs have maintained their position throughout the examination. The applicants have acknowledged that there is an alternative solution available but, to secure this, the applicants have been in negotiations with a neighbouring landowner and these were not concluded by the close of the examination.
- 7.6.20. Furthermore, the impression has clearly been given to the APs that the requirement for the applicants to use the private farm road would not be necessary. Accordingly, it is disappointing that the applicants not only gave this impression but also failed to conclude negotiations with the adjacent landowner.
- 7.6.21. Nevertheless, the negotiations for the alternative land which are outside the order limits have yet to be finalised and there is currently no certainty that this will be resolved. The ExA considers that that access to the environmental mitigation area is necessary for the proposed development and accordingly the public interest outweighs the private loss. The ExA therefore concludes, in the event the SoS is minded to grant the DCO, that the land rights sought are for a legitimate purpose and that they are necessary and proportionate and that there is a compelling case for the powers to be granted.

EASTON HALL FARM - PLOT 08-073 IN THE LAND PLAN AND BOR

- 7.6.22. The applicants are seeking rights for a permanent operational access over this piece of land. This was subject to action point 7 from CAH3 [\[EV11-006\]](#) and the APs continued to object to the end of the examination [\[REP6-216\]](#) on the basis that the proposed access passed very close to their residential property. An earlier WR [\[REP4-155\]](#) also objected and then [\[REP5-196\]](#) the APs indicated that the applicants had informed them that this was to be an operational access whilst the proposed use is as a construction access as well.
- 7.6.23. The applicants originally queried [\[PDA-007\]](#) whether the plot 08-073 is actually part of the front garden of the property as the applicants understood from a site visit that the plot was actually an existing field gateway that is positioned outside the curtilage of the residential property.
- 7.6.24. The ExA referred to this in our rule 17 request [\[PD-017\]](#) and the applicants confirmed [\[REP7-049\]](#) that an alternative access is being sought over land outside the order limits. The applicants also say that the rights sought over plot 08-073 are essential for the operation and maintenance of the onshore export cables.

ExA's consideration

- 7.6.25. The ExA has considered the responses received from both parties. The APs have maintained their positions throughout the examination and the existence of the ongoing negotiations with an adjacent landowner indicates that an alternative solution may be possible but this land is outside the order limits and there is no certainty it can be achieved. The applicants have had many months to resolve the negotiations with neighbouring landowners but for whatever reason, this has not been possible. The ExA is mindful of the importance of this access including during the construction period. In the event the SoS is minded to grant the DCO, the ExA

therefore concludes that the land rights sought are for a legitimate purpose and that they are necessary and proportionate and that there is a compelling case for the powers to be granted.

MIDGELAND RIDING SCHOOL AND PAUL HAMILTON ELLIS - PLOTS 05-041A, 047A, 048A, 052, 052A, 054 IN THE LAND PLAN AND BOR

- 7.6.26. Negotiations for heads of terms are still ongoing but the landowner made a submission at D6 [\[REP6-229\]](#) concerning the proposed temporary construction compounds. The applicants acknowledged in their response [\[REP7-044\]](#) to the ExA's rule 17 [\[PD-017\]](#) request that there was an error in the earlier LRT [\[REP5-098\]](#) which had been rectified and the agent for the AP advised accordingly. The land agents for the APs confirmed [\[REP6-232\]](#) that "we have now been notified by the projects that references to temporary construction compounds on the landowners' property were made in error and no such compounds are required on this landowners' property. We therefore withdraw our comments regarding Temporary Construction compounds for these landowners".

ExA's consideration

- 7.6.27. The position relating to the access to the construction compounds at Midgeland riding school appears to be resolved with the applicants acknowledging an error. Revised heads of terms have been provided to the APs. The ExA concludes that, In the event the SoS is minded to grant the DCO, the permanent rights sought are for a legitimate purpose and that they are necessary and proportionate and that there is a compelling case for the powers to be granted.

BLACKPOOL BOROUGH COUNCIL - STARR GATE ACCESS – PLOTS 02-007, 02-007I, 02-008, 02-008I, 02-008II, 02-009, 02-010, 02-011 AND 02-012

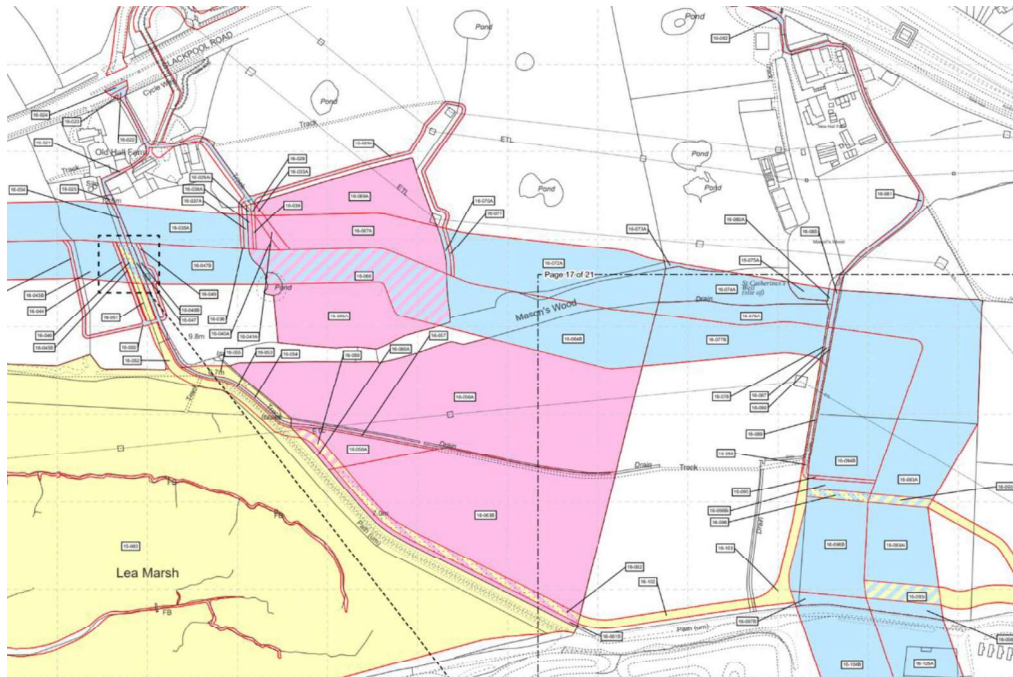
- 7.6.28. The Starr Gate access provides existing well used access from Starr Gate (located to the northwest of Blackpool Airport) onto St Annes beach. The applicants seek temporary possession powers for its use during construction of both projects. BBC considers that specific land plots at Starr Gate access and slipway should not be subject to temporary possession powers on the basis that this allows the applicants to take exclusive possession.
- 7.6.29. We refer to chapter 8 (on the dDCO) where we consider this matter in detail in relation to article 29 (Temporary use of land for carrying out the authorised projects). We also note that negotiations on this matter were likely to continue beyond the end of the examination and that further agreement may have been reached by the time of the SoS's decision.
- 7.6.30. In chapter 8 we conclude that if no further agreement has been reached between the parties, to rule out any ambiguity on this matter we recommend the inclusion of an additional paragraph, as suggested by BBC, to article 29. This would state: The powers conferred under paragraph (1) and (2) over plots 02-007 and 02-008ii shown on the land plan are subject to their use by Morgan or Morecambe not displacing others with a right of access over these plots.
- 7.6.31. On this basis, including for the reasons set out in chapter 8, in the event the SoS is minded to grant the DCO, we are satisfied that the powers of temporary possession sought at the Starr Gate access are reasonably required for the proposed development and are justified in the public interest.

- 7.6.32. The ExA in the following paragraphs now revert in detail to three further issues which all received considerable attention throughout the examination.

BIODIVERSITY BENEFIT LAND AT LEA MARSH

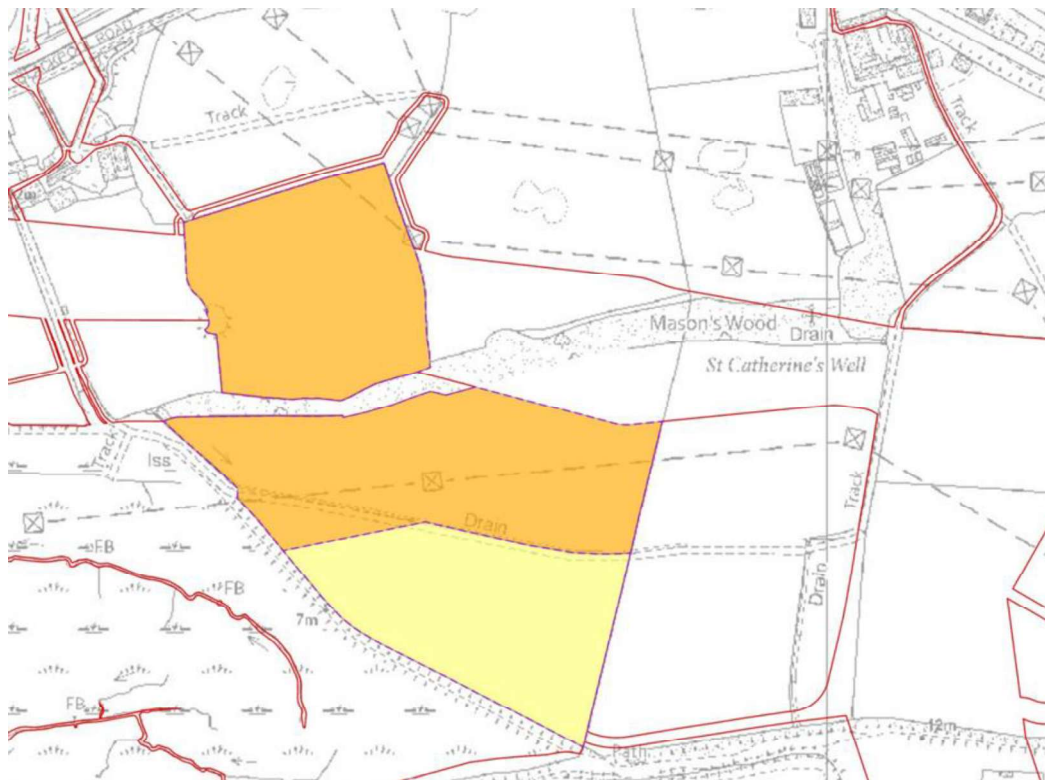
- 7.6.33. The applicants are seeking the power to acquire the freehold interest contained in the plots numbered 16-033A, 16-056A, 16-057, 16-058A, 16-059, 16-060A, 16-061B, 16-062, 16-063B, 16-065A, 16-066 and 16-069A in the BoR [\[REP6-020\]](#) at Lea Marsh.
- 7.6.34. This is to provide an area of biodiversity benefit (biodiversity net gain (BNG) land) for the proposed development. The freeholder of the site is Tallentine and it is occupied by APs who have objected to the proposed development. [\[RR-0790\]](#). Some of the plots are also affected by rights in favour of the Canal and River Trust (CRT).
- 7.6.35. The applicants acknowledged at CAH3 [\[REP6-165\]](#) that the delivery of biodiversity is not at present a mandatory requirement. The relevant policy is contained at paragraph 4.6 of 2024 NPS EN-1 and paragraph 4.6.6 provides that projects “whether onshore or offshore, should seek opportunities to contribute to and enhance the natural environment by providing net gains for biodiversity, and the wider environment where possible.” The applicants have endeavoured to do this in the view of the ExA.
- 7.6.36. BAE Systems (BAE) in particular has queried whether this requirement has been met. BAE set out its position throughout the examination and summarised this in its closing statement [\[REP7-055\]](#) when it stated at paragraph 4.10 that “in relation to the Biodiversity Benefit Site, BAE’s position remains that there is no statutory requirement to provide biodiversity net gain for developments consented through the Planning Act 2008. As such, there is no need to provide the proposed biodiversity benefit site at Lea Marsh Fields. No credible explanation has been provided of why the site needs to be located where it is proposed. Given that BNG is not a statutory requirement (meaning there is no requirement to use the statutory Biodiversity Metric and noting that the biodiversity benefit site is providing benefit not mitigation), the biodiversity benefits of the biodiversity benefit site would not be reduced if it was located outside of the 13 km wildlife hazard safeguarding zone around Warton Aerodrome. This should have been a factor in the applicants’ site selection process.”
- 7.6.37. The CRT which has a leasehold interest in certain plots contained within the BNG site which are part of the Ribble Link leading to the Lancaster canal. The CRT submitted a further representation [\[REP7-056\]](#) emphasising that it had expected negotiations to have been completed before the end of the examination and it was disappointed that this had not in fact been achieved.
- 7.6.38. The following plan (figure 29) from page 16 from the Land Plan [\[REP6-006\]](#) shows the environmental mitigation areas that are being proposed in the area around Lea Marsh which is to the south of the Blackpool Road. The ExA inspected this area during our ASI [\[EV1-003\]](#). The plans show the majority of the area proposed for BNG in pink.

Figure 30: Extract from the Land Plan [REP6-006].



7.6.39. The second plan (figure 30) is taken from the outline biodiversity benefit management plan (oBBMP) [REP7-018] and shows the proposed BNG land in orange with the Blackpool Road shown in the top left-hand corner.

Figure 31: Proposed area for BNG land (Lea Marsh) [REP7-018].



7.6.40. The ExA note the argument from BAE and also note that the applicants, to a large extent, have acknowledged this position by themselves producing a series of alternative mitigation as contained firstly in the Biodiversity Benefit Supporting Statement [\[REP5-145\]](#) and then repeated within the oBBMP [\[REP6-095\]](#) and updated at [\[REP7-018\]](#) where they said at paragraph 1.8.1.1 that “in the case that biodiversity benefit cannot be delivered through these preferred means, the applicants propose a hierarchy comprising four limbs as presented in the Biodiversity Benefit Supporting Statement submitted at D5 ([\[REP5-145\]](#)) to ensure the delivery of a positive biodiversity outcome.” The applicants then present this hierarchy in order of preference with option 1 to deliver biodiversity benefit (in accordance with the oBBMP) with the proposed measures at Lea Marsh Fields to deliver in excess of 10% biodiversity benefit but if this option was not practical, then three further possible options were provided.

7.6.41. The operation of the oBBMP is secured for the two separate projects in the dDCO [\[REP6-093\]](#) at requirement 26. At paragraph 1.1.3.3 of the oBBMP [\[REP6-095\]](#) the applicants who have tried to steer a course through the somewhat competing directives summarise their position as follows: “although there is no statutory requirement for the applicants to provide biodiversity net gain, and no guidance on how applicants should approach this for linear nationally significant infrastructure projects (or projects directed into the regime under s35 Planning Act 2008 as is the case for the Transmission Assets), the applicants have adopted a transparent approach to the identification of the areas proposed for biodiversity benefit and the metrics applied.”

ExA's consideration

7.6.42. The applicants have provided a number of options for the BNG areas initially proposed at Lea Marsh. The applicants have submitted various alternatives in the event that any of the BNG land is, for whatever reason, not available. To cover this eventuality, the applicants suggesting a hierarchy of possibilities in the oBBMP [\[REP6-095\]](#) which recognises that alternative mitigation is available

7.6.43. The ExA notes paragraph 5.4.44 of 2024 NPS EN-1, which provides that the SoS should consider “what appropriate requirements should be attached to any consent and/or in any planning obligations entered into, in order to ensure that any mitigation or biodiversity net gain measures, if offered, are delivered and maintained.” The applicants have stated that a 10% BNG is achievable for the proposed development, and in order to secure this commitment the requirement has been included.

7.6.44. The position of BNG is being considered in this application in the context of the CA powers sought and the ExA is mindful of paragraph 8 of the CA Guidance which states that “all reasonable alternatives to CAhave been explored” and the provision in s.122 PA2008 that “the land is required for the development” which is explained in paragraph 11 of the CA Guidance as “the land in question is needed for the development for which the consent is sought.” The ExA is not convinced that the BNG plots are in fact “required for the development”.

7.6.45. In such circumstances, in the event the SoS is minded to grant the DCO, the ExA does not recommend that CA powers should be granted for the plots: 16-033A, 16-056A, 16-057, 16-058A, 16-059, 16-060A, 16-061B, 16-062, 16-063B, 16-065A, 16-066 and 16-069A and reference to these should be removed from the BoR [\[REP6-020\]](#), from the Land Plan [\[REP6-006\]](#), from the draft DCO [\[REP6-013\]](#).

- 7.6.46. If the SoS agrees with the ExA on this matter and is otherwise minded to grant the DCO, for the avoidance of doubt it is recommended that clarification is sought from the applicants on the precise details of the plots that would need to be excluded from CA powers for the biodiversity benefit land at Lea Marsh, and consequent changes that would be required to the dDCO. This is because it is not entirely clear which are the plots that relate solely to the biodiversity benefit areas.

LAND AT BLACKPOOL AIRPORT

- 7.6.47. The applicants reached agreement with Blackpool Airport Operations Limited (BAOL) concerning impacts that the proposed development could have on the functioning of the airport operations which will continue to function. However, the entire site is owned by Blackpool Airport Properties Limited (BAPL) which is a company controlled by BBC who made it clear from the outset [\[RR-0248\]](#) that it had reservations concerning the effects on the possible future use of a part of the airport site. BBC said at paragraph 9 of their RR that “the application may sterilise, curtail, and/or delay much needed private sector investment potential of property within the locality, with the potential loss of required investment, and delay in receiving new business rates.”
- 7.6.48. BBC emphasised this at paragraph 9.2.1 of their local impact report (LIR) [\[REP1-068\]](#) when it stated that “the Scheme must not detrimentally impact upon the vision of the Blackpool Airport Enterprise Zone which is, to grow the Enterprise Zone to become a premier business location, where high quality businesses locate and facilitate economic growth and employment, and further develop the strong skills and knowledge base of residents along the Fylde Coast. BBC cannot accept works that would prevent development of land within Blackpool Airport or the Blackpool Airport Enterprise Zone boundaries.” The applicant responded to this in their reply to the LIR [\[REP2-040\]](#) that “the applicants are confident that any concerns Blackpool Council may have regarding land sterilisation can be managed through the land agreements currently under negotiation.”
- 7.6.49. By the time of the CAH2 on 1 August 2025, it appeared that progress was being made with negotiations and BBC reported [\[REP4-130\]](#) that its agent had “provided a detailed response in writing to the draft terms on 3 May 2025 which were passed to Delcore (Dalcour) MacLaren who replied during this week. As an agreed position has been reached on the cooperation agreement It is intended for Delcore (Dalcour) MacLaren and the agent for BBC to arrange a further meeting to discuss those heads of terms.”
- 7.6.50. Unfortunately, it seemed that negotiations then stalled for some weeks and the agent for both BBC and BAPL, Peter Roberts, spoke at CAH3 on the difficulty in getting the applicants to engage concerning the ability for other planned uses at the airport to come forward. Mr Roberts submitted his view on the current state of negotiations at deadline 6 [\[REP6-210\]](#). BBC at paragraph 5.7 of their closing submission [\[REP7-045\]](#) say “not surprisingly, bearing in mind the lateness of engagement by the applicants, there are significant differences between the parties that remain to be resolved. In this regard, the applicants have only recently engaged properly in respect of the design of their proposed schemes and co-existence with the council’s solar farm development although, as has previously been pointed out, the applicants have been aware of the Council’s intentions since at least 2023.”
- 7.6.51. At paragraph 5.8 [\[REP7-045\]](#), BBC add “whilst the Council and BAPL welcome the applicants’ work since CAH3 in carrying out further design refinement and presenting “worst case” scenarios that significantly reduce the area of sterilisation

over the land within the airport, these designs remain indicative and need to be finalised, and the Council requires a binding commitment from applicants that they will restrict their schemes accordingly.”

- 7.6.52. In his later submission [\[REP7-068\]](#), Mr Roberts gives a breakdown of the contact between himself and the agents acting for the applicants over several months and it is clear that such engagement was only entered into seriously by the applicants following the CAH3 and Mr Roberts’ remarks at that hearing.
- 7.6.53. The applicants refer to their onshore cumulative effects matrix [\[REP5-029\]](#) but the statement of common ground (SoCG) with BBC [\[REP6-143\]](#) showed little progress towards a solution. BBC summarise its position at paragraph 5.10 [\[REP7-045\]](#) when it states “In essence, the Council requires certainty and binding commitments from the applicants such that a viable solar farm together with the associated public benefits can be delivered at the earliest opportunity.” The solar farm is intended for land away from the actual airport operations though the precise location has not been determined as yet.
- 7.6.54. The schedule provided by Mr Roberts [\[REP7-068\]](#) includes an entry on 30 July 2025 in which Mr Roberts summarises an email he received from Dalcour MacLaren which sets out the then current negotiating position of the applicants which Mr Roberts assesses as:
- the applicants do not agree to PPs
 - the applicants do not agree to not use CA powers against BBC or BAOL
 - the applicants will only agree a final lump sum payment without any further rights to claim compensation
 - the applicants insist on surface restrictive covenants but has not provided any drafting for these
 - the applicants require the ability to assign the agreements without the consent of BBC or BAOL
 - neither BBC nor BAOL are allowed to make any planning application
- 7.6.55. Mr Roberts confirmed the position to Dalcour MacLaren in his email to them of 5 August 2025 [\[REP7-068\]](#) but no substantive response from the applicants appears to have been received concerning this apparent position. Mr Roberts emphasised the position again at CAH3 and the applicants’ response was contained in their summary of the hearing [\[REP6-165\]](#). It should be noted that this submission is incorrectly titled as a summary of ISH3 when it is actually a summary of CAH3.
- 7.6.56. The rights sought over Blackpool Airport are most important for the project and so this should have been a key negotiation for the applicants to progress. They explain the position in the final version of the LRT [\[REP7-032\]](#) as follows:
- “Deadline 6 Update - Communication has been ongoing between the Applicants appointed agent, the land interest, and their agent via email, focusing on the HoTs and key matters including cable depth and land sterilisation. A meeting was held between the applicants’ agent and the Airports agent on the 02 October 2025 to continue discussions on the key points of difference between the parties, mainly 1. Cable Restrictions in the Solar Farm 2. Protective Provisions 3. Use of CA Powers 4. Assignment 5. Planning objections. A constructive and proactive meeting has been held on 21st October 2025 between the parties to continue discussion. A way forward has been agreed on a number of plots and revised HOTs are to be issued imminently. Further meeting and a regular cadence of meetings are being set up with a view to holding engineering workshops to move outstanding matters forwards.

Deadline 7 Update - Regular cadence of meetings now set up with the Council and their appointed agent. Revised HOTs are issued for Stargate access, revised HOTs will be issued imminently for the sand dunes. Ongoing engineering discussions on sterilisation areas with the airport and solar development with a view to an updated plan being prepared and HOTs to be issued.”

ExA's consideration

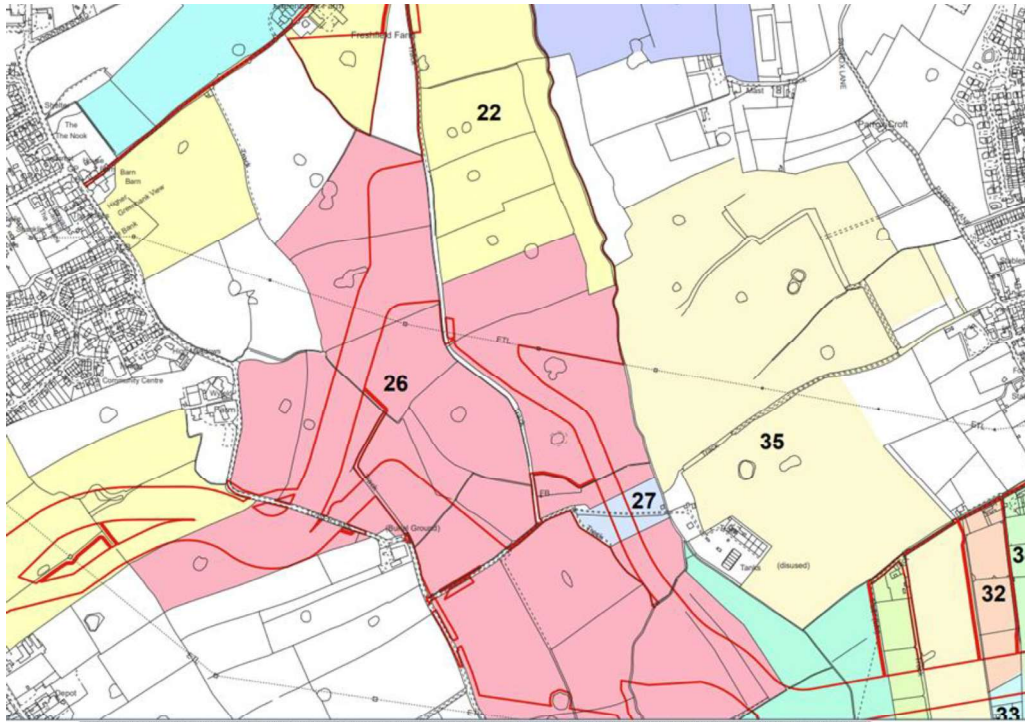
- 7.6.57. There was a rush of meetings in the final stage of the examination, and it does not reveal any real progress notwithstanding BBC's strong criticism of the applicants' approach at CAH3 and the lack of engagement so as to ensure that the proposed development and the proposed solar farm on the airport site could co-exist. By the end of the examination period, this issue has not been resolved.
- 7.6.58. The ExA is satisfied that the proposed cable route and land sought across the Blackpool airport site is reasonably required for the proposed development. Notwithstanding this, in the view of the ExA, in relation to Blackpool airport, the applicants have fallen short of the directive in paragraph 25 of the CA Guidance which requires: “applicants should seek to acquire land by negotiation wherever practicable. As a general rule, authority to acquire land compulsorily should only be sought as part of an order granting development consent if attempts to acquire by agreement fail.” The evidence provided by Mr Roberts appears to show that the applicants made little effort until the last month of the examination to seek a negotiation which would be acceptable to BBC.
- 7.6.59. The ExA has to evaluate the position with the available evidence at the end of the examination. BBC are yet to submit a planning application for the proposed solar farm or even a detailed plan for discussion. Negotiations will no doubt continue with BBC which may allow the parties to agree a consensus concerning PPs which can be confirmed to the SoS as the position relating to the protection of BBC's proposals for the solar farm on part of the airport site appears to be capable of being resolved allowing the two projects to co-exist.
- 7.6.60. Overall, in the event the SoS is minded to grant the DCO, we are satisfied that the land rights powers sought in respect of the relevant plots at the Blackpool airport site being plot numbers 03-003, 03-004, 03-005, 03-006, 03-007, 03-008, 03-011, and 04-024 as set out in the BoR [\[REP6-020\]](#) would be for a legitimate purpose, that they are necessary and proportionate and that there is a compelling case in the public interest for the powers to be granted which would outweigh the private loss.

IMPACTS ON FARM BUSINESSES

- 7.6.61. This was another area which was left to late in the examination. It was clear from the outset of the examination that the farm businesses most affected by the proposed development are the four farms facing land required by the applicants for permanent acquisition. A detailed assessment was clearly required so that the ExA could weigh the private loss suffered by these farmers whose land is acquired as against the public benefits that would be delivered.
- 7.6.62. The ExA asked for further detail in ISH1 and raised action point 46 [\[EV4-018\]](#) asking for “plans showing the distribution of landholdings within the order limits.” The applicants submitted such a document [\[REP1-044\]](#). It detailed the major landholdings and included were the holdings mostly affected by permanent acquisition which were the holdings identified as “landholding 22”, “landholding 25”, “landholding 26” and landholding “44”. By the end of the examination, landholding 26 which for the purposes of permanent acquisition is mainly located on plot 11-

109B in the BoR [\[REP6-020\]](#) still remained outstanding as an objector of those landowners affected by the proposed permanent acquisition. That landholding is close to Lower Lane, Freckleton and the relevant plan from the distribution of landholdings document [\[REP1-044\]](#) is shown in figure 31 below.

Figure 32: Extent of landholding 26 as shown in [\[REP1-044\]](#).



- 7.6.63. The farm business assessment [\[REP6-182\]](#) considered 3 farm businesses referring to the landholding numbers in the plans submitted earlier [\[REP1-044\]](#). Heads of terms had been agreed with the owner of landholding 22 whilst landholding 25 is Greenbank Farm which has a single issue outstanding relating to access. The APs submitted a final representation [\[REP6-216\]](#) and this has been considered previously at paragraph 1.6.15.
- 7.6.64. The land occupied by the tenant farmers for the landholdings 43 and 44 (which is land being proposed for the environmental mitigation areas and includes the BNG land previously referred to) was not considered in the assessment [\[REP6-182\]](#).
- 7.6.65. Landholding 26 is particularly significant to the request for CA powers as it is the proposed site for the Morecambe OWL substation and it also faces disruption with works connected with laying the proposed cables. This was discussed further at CAH2 when the farm agent from P Wilson and Company for the occupiers of landholding 26 made a detailed oral representation. The ExA raised action point 7 [\[EV11-006\]](#) which asked the applicants to confirm their “approach to consideration of business impacts on agricultural holdings affected by permanent acquisition.” The farm agent subsequently made a further WR [\[REP6-222\]](#) and [\[REP6-217\]](#) which is included in figure 32 below which contains details of the relevant ownership.
- 7.6.66. The ExA had requested a copy of the business assessment at ExQ2. This had still not been forthcoming by the time of CAH3 and as later detailed in paragraph 1.2.3.3

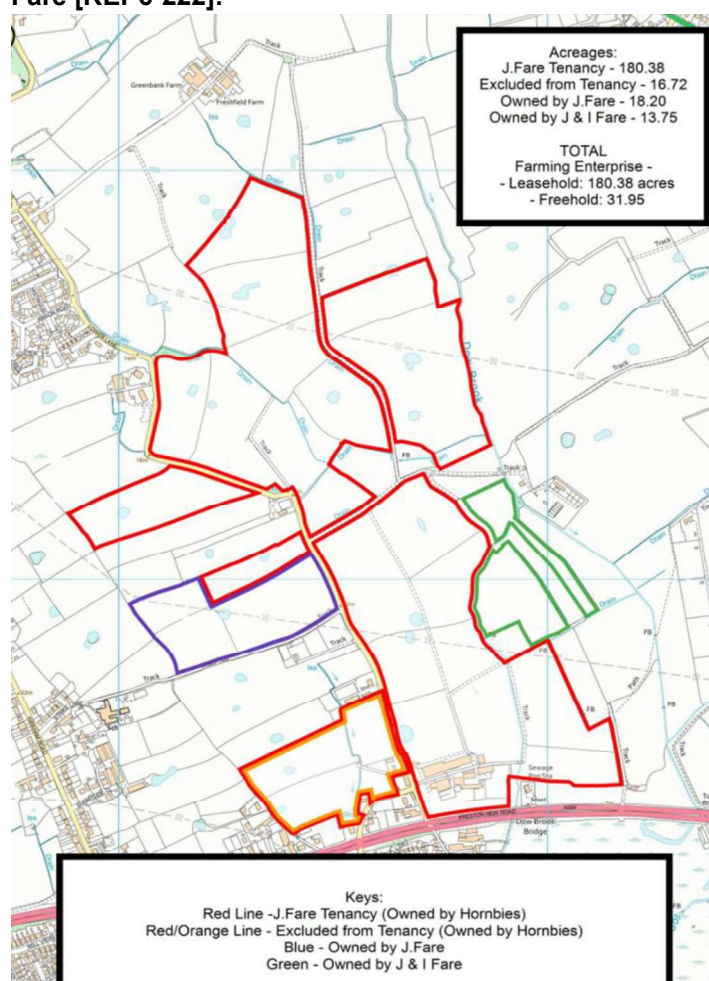
of their assessment [\[REP6-182\]](#) the applicants confirmed at CAH3 that the "document was a "Stage 1 Assessment" for discussion between the parties and that a further report was being prepared for the purposes of the examination – the "Stage 2 Assessment".

- 7.6.67. When finally submitted, the assessment provides considerable detail at paragraph 3.1.1 concerning the farm business operated by John Fare. He farms 229.05 acres for his dairy business and the majority of this is as an agricultural tenant from the Hornbies Foundation Charity. In the same paragraph, the assessment acknowledges that Mr Fare has installed a "comprehensive system of livestock tracks, of hardcore and concrete sleeper construction, totalling c.2.85km. The main 'spine' track stretches 1.39km from the farmyard through the centre of the grazing platform to the northern-most field parcel, with 'spur' tracks projecting outwards to provide access to paddocks that cannot be accessed directly from this main track."
- 7.6.68. There are many redactions to both assessments making a full understanding difficult, but the first assessment did say at paragraph 2:
- at paragraph 2.3.a that "the lack of certainty around temporary land take timescale and duration is such that it is reasonable to seek a 'permanent' solution at the outset."
 - at paragraph 2.3.b that "the level of stress associated with trying to operate the business in close proximity to such a large construction project should not be underestimated."
 - section 4 of the assessment considers the impact of the permanent land acquisition and temporary possession and concludes that "If the work was phased on absolute timescales with no overrun, there is a slim chance that managing the disruption might be practically achievable if costly. However, since there are no guarantees possible around the extent of land take at any one time, and the duration for which the land might be needed, it has to be assumed that a substantial area will be taken on relatively short notice and not returned for months/years."
- 7.6.69. The second assessment delivered at the same time [\[REP6-182\]](#) comes to a rather different conclusion which is that the occupiers can continue to operate a farming business whether this is as a dairy farm (although this would need to be on a reduced scale) or an alternative form of cattle farming. The applicants in paragraph 17.8.1.4 of their closing statement refer to the expert evidence submitted in the second business assessment [\[REP6-182\]](#) demonstrating the continued viability of the current farming enterprise although at a reduced scale.
- 7.6.70. The later assessment includes the opinions of two veterinary experts which are summarised at paragraph 3.2 on page 9 of the second business assessment [\[REP6-182\]](#). One of these experts concluded that it would be "challenging but feasible to continue a grazing system both during and after the construction period with the appropriate mitigation measures in place" whilst the other found that "it is not feasible to maintain a dairy enterprise, principally on the grounds that the required reduction in herd size both during and after construction would render the Businesses financially unviable and that required mitigation actions could give rise to non-compliance with farm assurance standards and current commercial contracts."
- 7.6.71. In the conclusions at page 14 [\[REP6-182\]](#), the assessment accepted the finding from the one of the veterinary experts (but not the other) that the business could continue although it did acknowledge in this section that "the financial assessments

for the During Construction and Post Development scenarios indicate potential profits of c.£(redacted), (a reduction in the region of 70 percent) and c.£(redacted), (a reduction in the region of 54 percent), respectively, on the basis of the assumptions made." Notwithstanding the projected significant drop in profits, the conclusion states "that the continuation of a grazing dairy enterprise both during and after construction works at Farm would be challenging but practically feasible."

- 7.6.72. The farm agent for John Fare delivered a response to the business assessments in his final submission [REP6-222 and REP6-217] which included in the plan below at figure 32 which contains details of the relevant ownership.

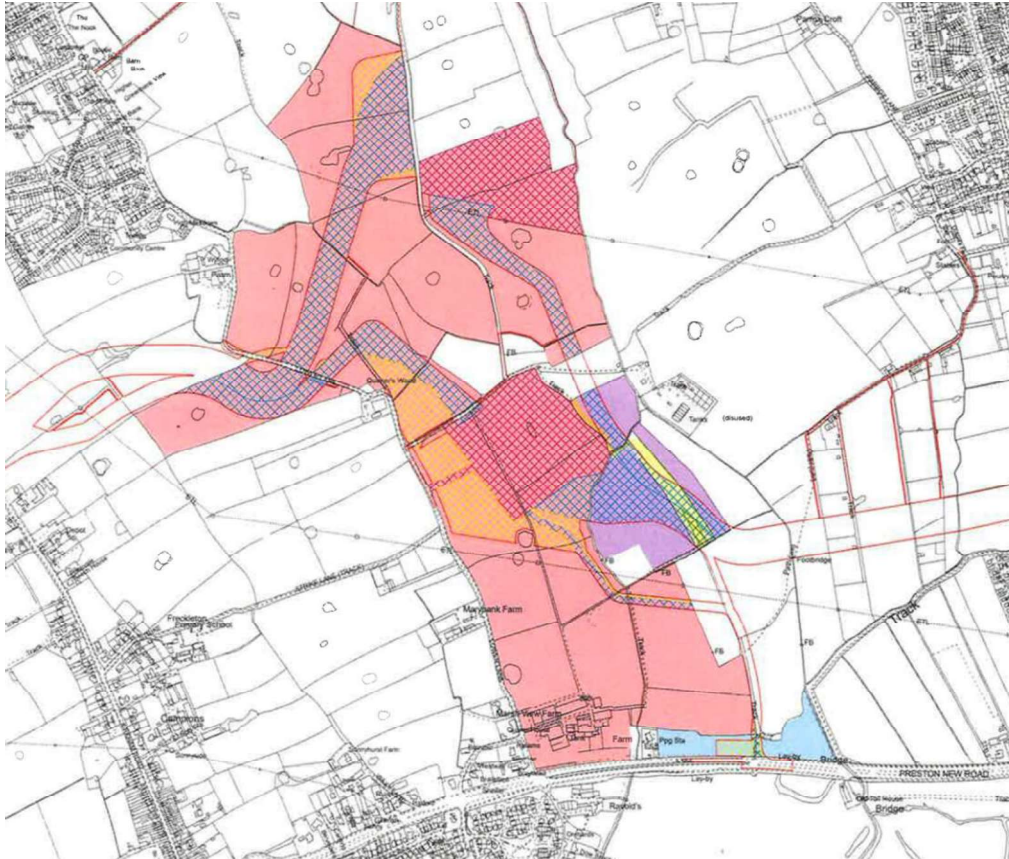
Figure 33: Extent of farm business operated by John Fare [REP6-222].



- 7.6.73. The plan below (figure 33) is prepared by Dalcour MacLaren but also supplied by P Wilson and Company in their D6 submission. It shows landholding 26 in a variety of colours. The farm has Lower Lane to the west and Preston New Road to the south and the track at the northern end of the farm is the bridleway 5-5 in Freckleton which receives various references in the Land Use chapter 4.8 of this report. The order limits are edged red with the cable route being cross hatched mauve whilst the proposed site of the Morecambe substation is cross hatched red in the centre of the plan. The other area cross hatched red just to the north is part of the site proposed for the Morgan substation. Landholding 26 is a dairy farm which comprises 212.33 acres with the freeholder of 180.38 acres being the Hornbies

Foundation Charity whilst the occupier is the freeholder either alone or in part of the remaining 31.95 acres.

Figure 34: Proposed position of Morecambe substation and cable routes through landholding 26 [REP6-222].



- 7.6.74. The agent acting for John Fare [REP6-222 and REP6-217] refers to the first business assessment and largely accepts the conclusions. He sets out at paragraph 1.11 the reason why this farm is so efficient in that "the cows flow naturally and freely in an undisturbed manner across the entire farm through an extensive network of strategically placed to cow tracks and paddock graze intensively.
- 7.6.75. The response from the agent [REP6-222] continues at paragraph 2.3.4 that "at a high level under section 2 of their report and development scenarios we don't believe that Grays have taken sufficient account of the impact of temporary land take and/or the unknown timings of the Schemes proceeding, neither do we believe the mitigation proposals proposed adequately deal with this. Dairying enterprises have at least a three-year lead in terms of breeding replacement stock in advance of committing to breeding replacement stock. We have to be able to predict what land that will be available three years in advance of committing to breeding replacement stock." The response continues to raise what the farm agent considers to be flaws in the second business assessment.

7.6.76. The ExA endeavoured to understand the competing arguments in the rule 17 request [PD-017] that was raised after the D6 submissions and the applicants responded to these at D7 [REP7-044]. The applicants say in their response that the "The Applicants' focus on solutions and accommodations to mitigate impacts on this business is primarily driven by minimising the impacts on the affected business (and to demonstrate that the land remains viable for a continued farming enterprise – a point which is now common ground). This claim is, however, still contested by Mr Coney on behalf of the Fares [REP6-222] as a statement that "the dairy enterprise cannot continue in its current form" is hardly an acceptance that the "land remains viable as a continued farming enterprise" as the applicants assert. On the contrary, Mr Coney states at paragraph 2.3.7 [REP6-022] that the "financial viability of the proposed mitigation solution is fundamentally flawed because again, there is no evidence in the Business Impact Assessment to show that the mitigation proposals proposed will actually work, in fact the evidence is to the contrary."

ExA's consideration

7.6.77. The ExA is required to balance the private loss of those with an interest in land as against the public benefit of the project. The agent for John Fare made it clear from the outset that the farm would face closure in the event that the project and the proposed use of CA powers went ahead. Looking at the final LRT [REP7-032] and the entry for John Fare (AP number 4 in the "occupiers" section on page 36 of 36 pages in total) the agent made this clear at meetings on 4 April 2024, 20 November 2024, and 9 May 2025.

7.6.78. Mr Fare's original submission [RR-1043] stated that "The impact of these 2 combined schemes on my farm will be devastating requiring two thirds of the farm to be occupied for construction purposes which will render my dairying business as being unable to continue. I will lose my business and my livelihood. The uncertainty surrounding the 2 schemes and how they will proceed and the location of the substations on and adjacent to my farm is causing great worry". This position was consistent throughout the examination culminating in the submission at D6 [REP6-222].

7.6.79. The applicants failed to submit any evidence as to the impact on the farm business to counter the submissions on behalf of the AP and to enable the ExA to weigh the private loss against the public benefit until D6 which was only one week before the close of the examination. The submission included two assessments as appendices yet there were marked differences between the first and second assessment. The agent for John Fare commented on these [REP6-222] and the ExA agreed with many of these comments and accept the comments that:

- it is a highly profitable dairy business as a result of being so efficient in the use of grass for milk production.
- it is efficient in keeping all other costs in the business to a minimum.
- the grassland management drives those efficiencies.
- the paddock grazing system allows for the free movement of cattle throughout the farm on the cow track system.

7.6.80. The ExA viewed a number of farms during the two days of the ASI [EV1-003] and spent some time walking around landholding 26 which is farmed by Mr Fare. It is difficult to understand why the applicants have been so reluctant to provide their business assessment until the very end of the examination and then that they accept the second assessment without commenting on the clear inconsistencies between this and the first assessment.

- 7.6.81. The farm agent for Mr Fare identifies these [REP6-22] and we find his evidence far more compelling than the detail provided by the applicants. In particular, the applicants claim in their conclusions (mentioned at paragraph 1.6.58 above) that it is common ground that it is viable for farming to continue at landholding 26 and yet the same conclusions report dramatically lower profits for Mr Fare's business of 70% during construction (which with the two separate applicant companies could be for as long as 10 years) and 54% post construction.
- 7.6.82. We conclude that the business previously conducted by Mr Fare will very likely have to cease if the project proceeds since the efficient operation he has devised will simply not deliver anything like the same level of profitability. We therefore accept the position that Mr Fare and Mr Coney have been consistently submitting throughout.
- 7.6.83. The impact on Mr Fare is therefore very considerable as the closure of the business which he has been developing for some years is at serious risk. He is not the freeholder but as a protected agricultural tenant he has a land interest which constitutes to his being an AP under the PA 2008. The ExA needs to consider, as we asked in our rule 17 request [PD-017], whether the very significant impact to Mr Fare of the closure of his business outweighs the public interest in the project proceeding.
- 7.6.84. The ExA has sympathy for Mr Fare as he and his farm agent have clearly spent considerable time and effort in these negotiations. Mr Coney places this at paragraph 1.19 of his final submission [REP6-222] at 535 hours. It is the view of the ExA that the applicants have made the whole negotiation with Mr Fare more difficult and lengthier than they should have and this resulted in a rushed last few weeks of the examination which could have been avoided.
- 7.6.85. The applicants could have considered the impacts on farm businesses much earlier and it is difficult to understand why the initial LRT [REP1-065] did not include reference to the APs with a land interest which was other than a freehold interest. The introduction to the LRT [REP1-065] states that "Part 1 of the LRT does not include tenants, lessees and occupiers identified as Category 1 interests in the Book of Reference, save for where they have submitted representations during Examination." This is a clear error not only since landholding 26 is on any analysis the farm business most affected by the proposed development but also that three RRs were submitted on behalf of the farm business [RR-0375, RR-0686, and RR-1043].
- 7.6.86. The ExA notes these failures, added to the late delivery of the two business assessment [REP6-182] reports, the second of which seems to contradict the first assessment [both REP6-182] and contains conclusions somewhat less than convincing.
- 7.6.87. Nevertheless, Mr Fare will be entitled to compensation for the loss of his business. His position must be set against the applicants concluding negotiations with many of the other APs and that a finding that there is no compelling case in the public interest test for CA of Mr Fare's interest at landholding 26 would mean that it would not be possible to construct the Morecambe substation with the consequence that the entire part of the overall project would not be delivered. This would mean that the recently consented DCO for the Morecambe offshore wind farm had no onshore substation to connect to.

- 7.6.88. The applicants refer to the SoR [\[REP6-018\]](#) and the Planning Statement [\[REP7-023\]](#) which recite the overall benefits of the proposed development when linked to the now consented two DCOs for the generation assets. The ExA recognise the overall urgent need for this project weighs heavily in favour of CA powers being granted for Mr Fare's interest at plots 11-109B, 12-029B, 13-008B, 13-009B, 13-020B being part of his landholding 26. In the event the SoS is minded to grant the DCO, we conclude that the public benefit of the proposed development outweighs the private loss and that there is a compelling case in the public interest for the CA and TP sought over these plots to be authorised.

FUNDING OF POSSIBLE BLIGHT CLAIMS

- 7.6.89. The ExA emphasised on a number of occasions during the examination that the issue of planning blight does not normally become an issue in DCO examinations as the applicants almost invariably ensure that this is fully explained and satisfied. However, it has been raised in this application firstly as the applicants did not appear to understand the basics of a possible claim and secondly it was not clear even by the close of the examination that the applicant companies have the required resources. Blight remains an issue even at this stage in view of the topics of impact on farm businesses and funding.
- 7.6.90. The applicants' approach was difficult to understand as it was clear from the outset that there were a number of farm businesses which were facing permanent acquisition and would be seriously affected by the proposed development. Two of these businesses had indicated that they would need to close if the project went ahead. In addition, both applicant companies appeared to have limited assets. These issues were raised with the applicants at CAH1 [\[EV5-003\]](#) after 30 minutes). The ExA was not satisfied with the applicants' explanation and raised action point 12 [\[EV5-006\]](#) stating that "the applicants submitted that blight claims could only be raised in respect of residential properties. Provide a note on the scope of blight claims. Applicants to confirm the figures in the Funding Statement take into account potential businesses losses and make any necessary updates."
- 7.6.91. Paragraph 18 of the CA Guidance provides that "the resource implications of a possible acquisition resulting from a blight notice have been taken into account." Blight is not mentioned in the application SoR [\[APP-013\]](#) but does appear in the funding statements for both applicant companies [\[APP-009\]](#) to [\[APP-010\]](#). Compensation for blight is mentioned at paragraphs 2.6 of the funding statements and the applicants say that "for a blight notice to be accepted and compensation to be payable, it must be supported by evidence that the claimant has made reasonable endeavours to sell the land or property in question and that the claimant has been unable to do so or could only do so at a reduced price substantially lower than that which it might reasonably have been expected to sell at." In view of this, the allowance for blight claims is placed at £100,000 for both Morgan OWL and Morecambe OWL plus an allowance for blight and contingency giving a total of £134,089 for each company.
- 7.6.92. The applicants provided a response [\[REP1-037\]](#) to the action point 12 raised at CAH1 [\[EV5-006\]](#) but the ExA requested in ExQ2 [\[PD-011\]](#) a more accurate assessment of planning blight from the applicants. The applicants' position at deadline 1 was that they now accepted that the suggestion at CAH1 that a blight claim would only be brought for a residential property was not correct and a claim could indeed be brought by farm businesses. However, they suggested that "for a blight notice to be accepted and compensation to be payable, it must be supported by evidence that the claimant has made reasonable endeavours to sell the land." In

the view of the ExA, this was incorrect as it overlooks s.150, Town and Country Planning Act 1990 and the Land Compensation Manual section 15.

- 7.6.93. They claimed in their response to action point 12 [\[REP1-037\]](#) that none of the land for which CA is sought would comprise a qualifying interest for the purposes of a blight claim." The ExA considered that this was a mistaken reference to the rateable value limit of £36,000 which does not apply to farm businesses.
- 7.6.94. The applicants said further [\[REP1-037\]](#) that "the applicants are not aware that any land for which compulsory acquisition is sought would comprise a qualifying interest for the purposes of a blight claim. On the basis of the above, the applicants consider it unlikely blight claims would be received and a contingency of £100,000 is included within the property cost estimate." Again, this did not satisfy the ExA as an allowance of £100,000 is clearly insufficient with a number of farm businesses significantly affected by the applicants' proposals for permanent acquisition of their land.
- 7.6.95. The applicants retrieved the situation to some extent with their subsequent note on planning blight [\[REP4-123\]](#) and also their revision to the relevant funding statements [\[REP4-011\]](#) to [\[REP4-015\]](#). The applicants summarise their revised position in relation to planning blight at section 7.12 of their closing statement [\[REP7-042\]](#). They say at paragraph 17.12.1.4 that they "to date have not been made aware that any landowner intends (or would necessarily be eligible) to make a blight claim." They later claim that "sufficient funding is available in satisfaction of paragraph 18 of the CA Guidance."
- 7.6.96. The applicants from the outset referred to the security provided by article 33 in the dDCO [\[REP6-013\]](#) since this required appropriate security to be in place before any CA powers are exercised. This position was queried at CAH1 in view of the reported changes to the identity of the applicant companies and this was probed further in ExQ1 5.1.6 and 5.1.7. The applicants confirmed at CAH2 that the transfer of ownership of one of the applicant companies to CI V Copenhagen had been completed and this was followed at deadline 4 with an updated SoR [\[REP4-016\]](#) and updated funding statements for both applicants [\[REP4-011\]](#) to [\[REP4-15\]](#).
- 7.6.97. The ExA looked for further reassurance and asked at ExQ2 5.1.14 [\[PD-011\]](#) for company accounts for both applicants and these were duly provided [\[REP5-130\]](#). The accounts submitted for Morecambe Offshore Wind Limited did not satisfy the ExA as they showed that the company had no assets save for inter-company loans which were repayable on demand. This led to action point 9 [\[EV11-006\]](#) which required "an update regarding the Morecambe OWL financial position to provide satisfaction that Morecambe OWL would be able to pay any blight claims that may be made in advance of commencement of construction."
- 7.6.98. This led to a letter of comfort being submitted by Copenhagen Infrastructure Partners [\[REP6-180\]](#). The applicants stated in their closing statement [\[REP7-042\]](#) that it is normal for projects of this size, scale and cost to be progressed by a special purpose vehicle with limited assets but which have been secured through parent companies.

ExA's consideration

- 7.6.99. These missteps were indicated to the applicants in ExQ2 [\[PD-011\]](#) and the applicants largely retrieved the situation with their note on planning blight [\[REP4-123\]](#). The applicants summarised their position in their closing statement [\[REP7-](#)

[042](#)]. The ExA does not accept the argument from the applicants that the continued existence of all farming businesses affected by the proposed development is compatible with the proposed development. There were certainly four farm businesses affected by the applicants' proposals where these included a request for powers for permanent acquisition. These were the landholdings 22, 25, 26 and 44 as shown in the applicants' distribution of landholdings document [\[REP1-044\]](#).

- 7.6.100. There were a number of farm businesses significantly affected by the project and yet the original LRT [\[REP1-065\]](#) made no mention of the occupiers and only referred to the freeholder owners. After the ExA raised this omission, the occupiers were considered in later versions of the LRT but the applicants made an admission on page 35 of a later LRT [\[REP5-098\]](#) when they state in relation to occupier number 3 (who are leaseholders) that they were awaiting the finalisation of heads of terms with the freeholder before progressing negotiations with the occupier.
- 7.6.101. The ExA does not accept that the applicants have followed the directive in paragraph 18 of the CA Guidance either by considering the implications of planning blight appropriately or, in the case of Morecambe OWL, ensuring that sufficient funding was in place. For much of the application, the applicants have been arguing that blight was most unlikely to arise but then at D6 (one week before the close of the examination) they produce a business assessment which concludes that the landholding most affected by the proposed development is able to continue in business whilst acknowledging a likely significant fall in profits.
- 7.6.102. In the circumstances of this application and the evidence submitted to the examination in the form of the last company accounts [\[REP5-135\]](#), Morecambe OWL has no income, no expenditure and no employees. The only assets is an inter-company loan repayable on demand. The ExA raised this yet the "security" offered is a letter from the parent company addressed to Morecambe OWL which is patently insufficient as it cannot be relied upon by any individual affected and, particularly in the case of this application, any AP considering bringing a claim for planning blight after the approval of the DCO but prior to the commencement of construction.
- 7.6.103. Funding has become such an issue in this examination partly due to the changes in corporate ownership but also a result of the applicants misunderstanding of the position concerning planning blight and it is disappointing that the submission from the parent company [\[REP6-180\]](#) was not able to consider and address this satisfactorily. There has been more than sufficient time during the examination for this issue to be addressed. This oversight will no doubt be remedied in the coming weeks but it is also relevant that the information provided in section 1.2 of the SoR [\[REP6-018\]](#) is solely about Morgan OWL without any reference to Morecambe OWL aside from the very limited detail at paragraph 1.1.1.3.
- 7.6.104. The ExA considers that the applicants need to demonstrate that adequate funding is likely to be available to enable the CA within the statutory period following the order being made, and that the resource implications of a possible acquisition resulting from a blight notice have been taken account of. The applicants have referred to article 33(2) in the BoR [\[REP6-020\]](#) but that will not provide any compensation to an AP for a blight claim if the DCO has been granted but powers of CA and TP are still to be exercised.
- 7.6.105. The ExA concludes that the applicants have failed to adhere to the directive in paragraph 18 of the CA Guidance and it is recommended that this should be secured in an adequate manner from the parent company before any CA powers are granted to Morecambe OWL.

Statutory Undertakers

- 7.6.106. The applicants have made significant progress with their negotiations with SUs from a relatively early stage in the examination and few submissions were made by SUs during the CAHs. Progress was tracked by the Statutory Undertakers' Negotiations Tracker, the final version of which was submitted at D6 [\[REP6-139\]](#).
- 7.6.107. In section 1.10 of the SoR [\[REP6-018\]](#) the applicant refers to s.127 PA 2008 which, if made, allows the dDCO to authorise the CA of land held by SUs. It also refers to s138 of PA2008 which provides that a DCO can include provisions for the extinguishment of rights or the removal of apparatus only if the SoS is satisfied that would be necessary for the purposes of carrying out the proposed development.
- 7.6.108. SUs or utility providers that may have land or apparatus belonging to them within the order land have been identified and discussions have been held with those parties about the acquisition of land and rights. The status of those discussions at the time of the application's submission was set out in the Statutory Undertakers Negotiations Tracker [\[REP6-139\]](#).
- 7.6.109. The applicants emphasised that they are not intending to remove any apparatus belonging to SUs although they need to reserve the right to do so. By the end of the examination, the applicants confirmed that agreement had been reached with all SUs [section 17.10.1.2 of [REP7-042](#)] with the exception of the lead local flood authority (being Lancashire County Council) which has one outstanding point under discussion being the disapplication of provisions in the Land Drainage Act.
- 7.6.110. The applicants have confirmed that they will with LCC continue to work towards reaching an agreement in order to provide an update to the SoS but acknowledge that the applicants are aware that in the absence of agreement on the protective provisions, the LCC will not be in a position to provide their consent to the disapplication of the Land Drainage Act.
- 7.6.111. Reverting to the claim referred to above by the applicants at paragraph 17.10.1.2 of their closing statement, they stated that "agreement has been reached with all SUs" apart from the LCC. However, this is clearly not quite the case when the various submissions are considered and indeed, the references in the applicants own trackers taken into account.
- 7.6.112. The following SUs would appear to have objections which have not been confirmed as being withdrawn at the close of the examination:
- Canal and River Trust ("CRT")— this relates to the interest in the Savick Brook which is the waterway connection for narrowboats between the Ribble crossing and the Lancaster canal. It is not entirely clear if CRT are objecting and their closing submission [\[REP7-056\]](#) certainly indicates that the parties are close in their negotiations.
 - National Gas Transmission PLC ("NGT") – whilst an objection was lodged by this SU, it was not withdrawn by the close of the examination and the applicants indicated that they would update the SoS at a future date concerning the negotiations.
 - National Grid Energy Transmission PLC ("NGET") – side agreements have apparently been negotiated between the applicants and NGET but these had not been signed by the close of the examination. NGET have agreed [\[REP6-189\]](#) to withdraw its objection once these agreements have been concluded.

- Network Rail (“NR”) – NR has agreed PPs with the applicants and the resulting framework agreements were awaiting signature at the close of the examination. Once these have been completed, NR has confirmed [\[REP6-195\]](#) that its objection can be withdrawn.
- LCC – as mentioned above.

ExA's consideration

- 7.6.113. If the applicants should need to extinguish rights in land for the benefit of various SUs mentioned in the tracker [\[REP6-139\]](#) and/or remove any of their apparatus for the purpose of carrying out the development to which the order relates, in accordance with article 31 of the dDCO, then the ExA concludes that s138 PA2008 would be satisfied as the extinguishment or removal is necessary for the purposes of carrying out the proposed development.
- 7.6.114. If the applicants need to exercise rights in accordance with s138 PA2008, by virtue of article 31 of the applicant's final dDCO [\[REP6-013\]](#), the ExA is satisfied that the default protective provisions in schedule 10 thereof would safeguard the SUs' undertaking and interests.
- 7.6.115. The applicants have recorded the position of their negotiations with LCC as the lead local flood authority and will update the SoS accordingly. However, the result is that the article 7 of the dDCO may need to be amended. We address this in the DCO chapter 8.
- 7.6.116. As to the other outstanding objections, it is difficult to understand that the applicants submitted that agreement has been reached with all SUs when some objections remained outstanding at the close of the examination. It is accepted that agreement in each case might be close but the fact that they had yet to be concluded should have been acknowledged to enable the ExA to make the appropriate assessment.
- 7.6.117. Notwithstanding this, it is the case that the applicants confirmed at both CAH2 and CAH3 that significant progress had been made with the negotiations with SUs. In addition, no SU appeared at either CAH2 or CAH3 to register concern about the proposed development. The ExA accepts that negotiations with the SUs mentioned at paragraph 7.6.111 are all well advanced and none aside from CRT have reinforced their concerns at either deadline 6 or 7.
- 7.6.118. In summary and with respect to the applicants' seeking CA powers pursuant to s127 (Statutory undertakers' land) and s138 (Extinguishment of rights, and removal of apparatus, of statutory undertakers) of PA2008, none of the affected SUs or other utility providers have objected in principle to their land or apparatus being made the subject of the powers sought. Instead, the concerns raised by those APs relate to the detailed drafting of the protective provisions intended to be in their favour.
- 7.6.119. In these circumstances, the ExA has considered the submissions from the SUs mentioned above (being the CRT, NGT, NGET, NR and LCC) who may be considered as having not withdrawn their objections, and in each case the ExA takes the view that the powers of CA and TP can be acquired without serious detriment to the carrying on of the particular undertaking in accordance with s127(3) PA2008.

Special Category Land

- 7.6.120. None of the order land is either common land or is held inalienably by the National Trust. The order land does, however, include a number of plots which fall within the

definition of open space within the PA 2008. These plots are identified at section 1.10.1 of the SoR [\[REP6-018\]](#).

- 7.6.121. As to the foreshore and beach area, the applicants explained in its SoR [\[REP6-018\]](#), paragraphs 1.10.1.36 that the rights to possess open space for a temporary period, including rights of access over the foreshore and beach area, would apply during construction and thereafter only as required for inspection and maintenance. The granting of rights or access over these areas would not interfere with the current open space use nor with any other party's rights as it was not proposed to extinguish any other party's right to use the beach. The applicants emphasised that public beach access will be maintained throughout construction and thereafter, access would be taken only when required for inspection and maintenance and would not exclude other users.
- 7.6.122. The Blackpool Road recreation ground is also classed as open space and FBC raised concerns in their LIR [\[REP1-078\]](#) and throughout the examination in relation to possible impacts to its use. In response the applicants committed to use trenchless techniques across the majority of the recreation ground and where surface access is required for a temporary period, this ultimately will not result in the recreation ground being less advantageous to those who use it.
- 7.6.123. There was discussion in relation to the restrictive covenants to be imposed upon the land in favour of the applicants. The ExA raised a concern as to whether this would be in accordance with s132 PA 2008 and in response to this the wording of the covenant was amended and agreed with FBC. This is explained at paragraph 17.4.1.2 of the applicants' closing statement [\[REP7-042\]](#).

ExA's consideration

- 7.6.124. The ExA agrees with the assessment from the applicants that when burdened with the rights contained within the dDCO, the land within the order land which is open space will be no less advantageous than it was before. The ExA is therefore of the view that the exemption contained within s123(3) PA2008 is satisfied.

Crown Land

- 7.6.125. S135 PA 2008 precludes the CA of interests in Crown land unless the land is held "otherwise than by or on behalf of the Crown" and the appropriate Crown authority consents to the application. S135(2) precludes a DCO from including any provision applying to Crown land or crown rights without the consent of the appropriate crown authority.
- 7.6.126. The CA Guidance encourages applicants to apply for consent from the Crown as soon as possible. Indeed, paragraph 2 to annex B from the CA Guidance provides that "the aim should be to ensure that the Crown consent is in place before the application for the development consent order is submitted. If consent is not granted by the time an application is submitted, then the applicant should give an indication of when they expect consent to be received. At the very latest, this should be by the time the examination phase of the project is completed."
- 7.6.127. Crown land was identified in the order limits in the plots listed at paragraph 1.10.1.25 of the SoR [\[REP6-018\]](#). The applicants explain at paragraph 1.10.1.27 that offshore cable corridor of the proposed development "will be situated within seabed/land owned and managed by The Crown Estate (TCE). Agreements for lease for the Morgan Offshore Wind Project: Generation Assets and Morecambe Offshore Wind Project: Generation Assets are already in place with TCE and it is

expected that separate agreements for lease for each project's offshore export cable corridors will be in place by the end of the DCO examination." Whilst no evidence was provided as to whether these agreements were concluded by the close of the examination, the ExA accept that progress is being made with the offshore areas.

7.6.128. As to onshore plots, the applicants confirmed that the foreshore area is also owned by the TCE whilst other Crown Land interests are those for Government departments or the Duchy of Lancaster. The applicants provided an update on these discussions during the examination and culminating in the s135 progress tracker [\[REP6-150\]](#). The applicants have been able to obtain the consent from the Secretary of State for Defence but are yet to secure any of the other s135 consents required. These include consents from His Majesty's Coastguard, the SoS for Transport, the SoS for Defence, and the Ministry of Housing, Communities and Local Government. However, as outlined in the progress tracker [\[REP6-150\]](#) there has been progress with most of the relevant departments with the exception of the Duchy of Lancaster.

7.6.129. The applicants confirm in paragraph 17.3.1.1 of their closing statement [\[REP7-042\]](#) that they are confident that the outstanding consents can be resolved following the close of the examination. However, the Duchy of Lancaster clearly did not agree with this assessment. Their planning agents, Savills, spoke at CAH2 with concerns about the progress with negotiations. They submitted an update [\[REP7-070\]](#) which queried some of the statements put forward by the applicants at D6 [\[REP6-150\]](#). In particular, Savills said on behalf of the Duchy of Lancaster that "the Duchy across its portfolio completes a number of agreements every year. The outcome of these negotiations can depend on the specifics of each case as has been suggested above. In this matter the Duchy is of the view that its approach is entirely consistent with that which it has taken in the past. In the 5 cases referred to above these were all agreed amicably prior to DCO process."

ExA's consideration

7.6.130. As for s135 consents generally, the ExA acknowledges the applicants' position [\[REP7-040\]](#) that it is not aware of any overall reason why the consents would not be granted by the relevant bodies. The applicants did submit the s135 consent from the Secretary of State for Defence as appendix 1 to their s135 LRT [\[REP7-040\]](#).

7.6.131. Progress with the negotiation with the Duchy of Lancaster has been somewhat slower than might be expected notwithstanding the evidence from the Duchy of Lancaster that it has dealt with 5 similar cases which have all been agreed at an apparently earlier stage. Paragraph 39 of the CA Guidance clearly states that "as it may be possible that the project as a whole will not get development consent if a voluntary agreement with the Crown authority is not reached, the aim should be to ensure that agreement is in place no later than the time that the application for the project is submitted to the Planning Inspectorate." The applicants have failed to meet this directive and it appears that they are hoping that it will be resolved later in the process.

7.6.132. The position is referred to in article 39 (Crown rights) of the dDCO [\[REP6-013\]](#) but this does not actually prevent the CA from being exercised over Crown Land. This is covered by s.135 which prevents a DCO being made which authorises CA of an interested held otherwise than but or on behalf of the crown, unless consent has been obtained. The plots of crown land are critical for the proposed development and it is therefore recommended that consent for the DCO as a whole cannot be

granted until the crown consents referred to in the s135 LRT [\[REP7-040\]](#) are obtained.

Human Rights

- 7.6.133. The Human Rights Act 1998 (HRA 1998) incorporated into domestic law the European Convention on Human Rights (the Convention). Given the inclusion of the compulsory acquisition powers in the dDCO [\[REP6-013\]](#), there is a possibility that the Articles 1 and 8 of the Convention which protects persons who hold interests in the order land may be infringed.
- 7.6.134. Section 1.11 of the SoR [\[REP6-018\]](#) refers to the relevant provisions in the Convention and also to s6 HRA 1998 which prohibits public authorities from acting in a way which is incompatible with the rights protected by the Convention.
- 7.6.135. The applicants concluded that, in respect of Article 6, Article 8 and Article 1 of the First Protocol to the Convention, any infringement of the ECHR rights of those whose interests in the land might be affected by the exercise of powers of CA and TP would be proportionate and legitimate, would be in the public interest and would be in accordance with national and European law.

ExA's consideration

- 7.6.136. As far as human rights are concerned, the ExA is satisfied that:
- the examination has ensured a fair and public hearing;
 - any interference with human rights arising from implementation of the proposed development would be proportionate and strike a fair balance between the rights of the individual and the public interest; and
 - compensation would be available in respect of any quantifiable loss.
- 7.6.137. The ExA concludes that the proposed development would not conflict with the provisions of the HRA 1998.

Equality Act 2010

- 7.6.138. The Equality Act 2010 establishes a duty to eliminate discrimination and advance equality of opportunity and foster good relations between persons who share a protected characteristic and persons who do not. The ExA has given regard to the public sector equality duty (PSED) throughout the examination and in our consideration of the issues raised in this report.
- 7.6.139. It was clear from many of the RRs, that there were potentially a number of persons who shared a protected characteristic and the ExA considered that the impact on such persons had not been fully considered in the application documents. We therefore asked in section 10 of our rule 6 statement [\[PD-006\]](#) for an Equalities Impact Assessment to assist the ExA and Secretary of State in the consideration of the PSED, concerning the effects of the proposed development on those with protected characteristics to be submitted at an early stage.
- 7.6.140. This was repeated at CAH1 when the applicants referred to the assessment of Human Health [\[APP-035\]](#) even though this made no reference to the Equality Act 2010. The applicants suggested paragraph 17.5.1.2 of their closing statement [\[REP7-042\]](#) that this was a "comprehensive assessment" of the potential impacts on vulnerable groups. The ExA considered that it fell some way short of providing the

detail to allow the ExA, the SoS or even the applicants to discharge their statutory duty.

- 7.6.141. When the equalities impact assessment was provided [[REP1-058](#)], whilst its outline was appropriate, there was still insufficient assessment of particular sites, being the Century Care Home which contains older residents and the Wrea Green equitation centre which caters for disabled riders, both of which are located very close to proposed construction activity. Specifically, there was no mention of the use of the equitation centre by a significant number of disabled riders.
- 7.6.142. The ExA asked in ExQ1.5.31 [[PD-008](#)] for these omissions to be addressed. The applicants had by this stage acknowledged that they could themselves be subject to the provisions of the Equality Act in accordance with s149(2) as they would be considered as a public body if they exercised powers of CA or TP as they would then be exercising public functions. They also emphasised that they would continue to engage with landowners and occupiers to discuss the impacts on horses to ensure mitigation measures can be put in place where practicable.
- 7.6.143. The applicants responded to these concerns with an updated equalities impact assessment [[REP5-092](#)] which referred to the provision of further mitigation for the Century Care Home and further engagement with the owner of the equitation centre and consideration of possible impacts. The concern for the owner of the equitation centre as expressed in her earlier WR [[REP3-134](#)] is that a construction compound is proposed to be sited adjacent to the field which riders use and also where the horses graze. The owner mentioned a total of around 14,750 sessions each year of which approximately 5,250 riders are disabled. The owner appeared at ISH4 and confirmed that she had been talking with the applicants for many months. She emphasised that horses are flight animals and if they become frightened, they will run away at speed.
- 7.6.144. The possibility of the applicants renting and thereby providing an alternative and nearby field for the horses was raised by the ExA as this would resolve the possible impacts. However, this was not considered and the applicants submitted a further updated assessment [[REP6-133](#)] and a note [[REP6-183](#)] entitled 'Managing Construction Noise at Equestrian Receptors Technical Note'.
- 7.6.145. The updated impact assessment [[REP6-133](#)] specifically included discussions which had taken place with the Wrea Green Equitation Centre and further updates to the outline Communications Plan [[REP6-069](#)] and outline Construction Noise and Vibration Management Plan [[REP6-083](#)]. Following meetings with the owner of the equitation centre in October 2025, the assessment at paragraphs 1.3.5.9 and 1.3.5.10 included further specific mitigation for the benefit of the Wrea Green Equitation Centre including a bespoke communications plan which will ultimately be approved by the relevant local planning authority. Paragraph 1.5.1.10 of the outline Communications Plan [[REP6-069](#)] provides that the mitigation will extend to such matters as the layout of the construction compound, fencing and screening, and providing specialist equine support.
- 7.6.146. Due to the late stage of these submissions, the owner of Wrea Green Equitation Centre did not have the opportunity to consider this during the examination and therefore, at this stage, neither they nor the ExA can be totally satisfied that the impacts upon those persons with a protected characteristic have been taken into account and that they are not disadvantaged.

ExA's consideration

- 7.6.147. No representations were made on behalf of the owners of the Century care home nor by the residents. The concern of the ExA was for the residents who would be elderly and possibly disabled as well. The applicants emphasised that the cable routes around the care home would be using trenchless techniques and the applicants have proposed a construction noise limit at Century Care Home as set out in Table 1.4 of the outline construction noise and vibration management plan [\[REP6-083\]](#) to acknowledge the increased sensitivity of the care home. Whilst the ExA has been concerned about possible impacts on the residents of the care home, we are satisfied that adequate mitigation has been put in place.
- 7.6.148. There has clearly been a considerable effort in the last few weeks of the examination and especially since the question of the Wrea Green Equitation Centre was raised at ISH4 with the applicants agreeing to review their submissions and the issue of the PSED. Whilst the outcomes of the mitigation proposed cannot be evaluated at this stage, with the mitigation suggested, the ExA considers that it is likely that the proposed development would not harm the interests of persons who share a protected characteristic or have any adverse effect on the relationships between such persons and persons who do not share a protected characteristic.

Time limit for commencement of development

- 7.6.149. The ExA also queried [\[PD-011\]](#) with the applicants if the seven year timeframe before construction has to commence could be justified when considered against the urgent need for low carbon energy and the applicants' argument that the proposed development would make a contribution to 2030 targets for renewable energy and offshore wind. The applicants stated that it was clear through all the documentation that it was their intention to start development as soon as possible, acknowledging that if it was delayed then it would not contribute to the 2030 targets.
- 7.6.150. In the context of CA, the ExA queried at ExQ2.5.1.27 the need for the 7 year time period for construction works to start. The applicants' response [\[REP5-130\]](#) maintained that it needed the flexibility in order to address the inherent uncertainties associated with the projects including supply chain, project financing and the Contracts for Difference (CfD) process.

ExA's consideration

- 7.6.151. The ExA do not consider that the applicants have provided sufficient justification for increasing the standard five year period in which to commence a DCO to seven years. The ExA notes the applicants' concerns regarding financing, the CfD process and supply chains but there is no evidence before the ExA that this had caused significant delays on other developments of a similar nature.
- 7.6.152. This issue is considered in more detail in chapter 8 of this report. However, from a CA perspective, the ExA is mindful of the fact that, under the sequential construction scenario, the works on the two projects would not be undertaken at the same time which would extend the impacts on landowners and particularly on the farming businesses affected. The ExA finds that extending the time limit for the commencement of construction to 7 years imposes the possibility of two years of further uncertainty on landowners.
- 7.6.153. The ExA therefore concludes that article 21(1) of the dDCO and requirement 1 for both projects are amended so that the time limit is reduced to the standard five years.

7.7. CONCLUSIONS

7.7.1. As the ExA is of the view that the balance does not lie with the granting of the DCO, a compelling case in the public interest for the granting of compulsory acquisition and similar powers has not been made out.

7.7.2. However, if the SoS is minded to grant consent for the proposed development then having considered all of the material submitted to the examination, the ExA has reached the following conclusions concerning the grant of CA and TP powers:

- overall, the application site has been appropriately selected
- that subject to the exceptions stated in this chapter and confirmed below, that all reasonable alternatives to CA have been explored
- that one of the applicants, Morgan OWL, would have access to the necessary funds and the dDCO provides a clear mechanism where the necessary funding can be guaranteed. However, notwithstanding opportunities to clarify the position, the other applicant, Morecambe OWL, has failed to convince the ExA that it has adequate funding to meet any blight claim. It has therefore not complied with paragraph 18 of the CA Guidance and this should be rectified before any powers of CA are granted over the site of the proposed Morecambe substation on land plots 11-109B, 13-008B, 13-009B, and 13-020B.
- subject to the exceptions detailed in this chapter and repeated below, there is a clear need for the land included in the BoR to be subject to CA or TP
- there is a need to secure the land and rights required (save for the listed exceptions) to construct, operate and maintain the proposed development within a reasonable time and the proposed development represents a significant public benefit to weigh in the balance
- subject to the biodiversity benefit area plots at Lea Marsh listed below, in cases relating to individual objections that CA and TP powers are justified to enable implementation of the proposed development
- the powers sought in relation to SUs meet the conditions set out in s127 and s138 of the PA2008 and the CA Guidance.
- in respect of open space, the relevant parts of the order land, when burdened with the order right, would be no less advantageous than it was before. Accordingly, on the basis of s132(2)(a) thereof, an exemption to special parliamentary procedure is merited in respect of the proposed CA of rights over this land as set out in the preamble to the applicants' final dDCO [\[REP6-013\]](#),
- the consent required by s135(1) to include a provision authorising the CA of interests in Crown land, held otherwise than by or on behalf of the Crown, has not been forthcoming. If consent is not obtained, the Crown land plots will need to be removed from the scope of the CA provisions in respect of plots: 01-002, 01-003, 01-004, 02-13, 02-014, 02-015, 15-061A, 15-062B, 15-065B, 16-107B, 16-108B, 16-109A, 16-110A, 16-111B, 16-112B, 16-113A, 16-114, 16-115, and 16-116A (for the Duchy of Lancaster) and plots 02-005, 02-006, 19-001 and 19-002 (for the King's Most Excellent Majesty in right of his Crown).

7.7.3. The ExA has set out our conclusions as far as time limits are concerned in paragraph 1.6.145 above and recommends that article 21(1) and requirement 1 in the DCO for both projects are amended so that the time limit for the commencement of construction is reduced to the standard five years

7.7.4. The CA powers included in the dDCO, including the versions of PPs in the dDCO, unless alternative PPs have been agreed and submitted for the SoS's consideration

since the close of the examination subject to the above mentioned amendments and clarifications being made.

- 7.7.5. The TP powers included in the dDCO be authorised. The ExA accepts that argument put forward by the applicants that such land will not be subject to permanent rights once construction has been completed and as a result, the interference will be minimised.
- 7.7.6. The ExA recommend the exclusion of CA powers for biodiversity benefit area land at Lea Marsh: Plots 16-033A, 16-056A, 16-057, 16-058A, 16-059, 16-060A, 16-061B, 16-062, 16-063B, 16-065A, 16-066 and 16-069A. This is subject to, for the avoidance of doubt, clarification and confirmation from the applicants on the precise details of the plots that would need to be excluded.
- 7.7.7. In respect of River Ribble - Duchy of Lancaster land – 16-107B, 16-108B, 16-109A, 16-110A, 16-111B, 16-112B, 16-113A, 16-114, 16-115, 16-116A , it is noted that the applicants have not been able to clarify during the examination whether some of these plots are owned by the Duchy of Lancaster or by Hesketh Farms Limited and the applicants should attempt to clarify this for the SoS.
- 7.7.8. It is noted that progress towards a voluntary agreement may been made for the River Ribble land in the period since the close of the examination.

8. DRAFT DEVELOPMENT CONSENT ORDER AND RELATED MATTERS

8.1. INTRODUCTION

- 8.1.1. This chapter describes the draft Development Consent Order (DCO) as applied for and updates made to it during the examination. We then go on to set out the key DCO matters and issues raised during the examination and that remained in dispute at the end of the examination, followed by our conclusions and recommendations on those matters and changes to the draft DCO that would result.
- 8.1.2. The application for development consent included a draft development consent order (dDCO) [APP-005] and associated explanatory memorandum (EM) [APP-007]. The EM includes explanation of the purpose and effect of each article and schedule of the dDCO. The original application dDCO and subsequent iterations are in the form of a statutory instrument as required by section 117(4) of the Planning Act 2008 [PA2008].
- 8.1.3. Amended versions of the dDCO and EM were submitted at deadlines during the examination. The applicants' final dDCO [REP6-013] was submitted at deadline (D) 6 along with an updated EM [REP6-016]. At the end of the examination, the applicants also submitted a document [REP7-043] comprising what they considered to be the outstanding drafting points in the dDCO. This sets out both the applicants' summary of the relevant stakeholder's position and the applicants' position on each outstanding drafting point.
- 8.1.4. Our recommended development consent order (rDCO), which can be found in appendix E, incorporates the changes made during the examination and additionally those which we consider should be made as a result of our findings on the matters discussed within this report. These latter changes are set out in table 2 below.
- 8.1.5. The general structure of this chapter is as follows:
- the order as applied for
 - examination of the dDCO
 - main DCO issues considered in the application
 - protective provisions
 - ExA's proposed DCO changes (in the event the Secretary of State (SoS) is minded to make the order)
 - conclusions

8.2. THE ORDER AS APPLIED FOR

- 8.2.1. The purpose of the order is set out in section 1.2 of the EM [REP6-016]. Section 1.4 of the EM sets out the approach the applicants have taken in the dDCO in respect of the works proposed for the two electrically independent projects. It explains that the numbered works in schedule 1 of the dDCO have been split into project A works (Morgan) and project B works (Morecambe). This split between project A and project B is also reflected in the relevant schedules of the dDCO. The drafting of relevant parts of the order was amended during the examination to clearly differentiate where necessary between project A and project B.
- 8.2.2. Whilst the number of articles and schedules, including protective provisions (PP) in the dDCO changed during the examination, its overall structure remained. The final

version of the dDCO [\[REP6-013\]](#) is briefly described below, with a fuller explanation, as given by the applicants, in the final version of the EM [\[REP6-016\]](#).

- Part 1: Preliminary
 - Article 1 sets out the name of the order and when it comes into force.
 - Article 2 sets out the interpretation of various terms used in the order.
- Part 2: Principal powers
 - Articles 3 and 5 provide the principal powers to carry out, operate and maintain the proposed development.
 - Article 4 is the provision under which the marine licences in schedules 14 to 17 are deemed granted.
 - Article 6 sets out who has the benefit of the powers of the order and how those powers can be transferred.
 - Article 7 provides for the disapplication of certain requirements which would otherwise apply under public general legislation, as well as local legislation
 - Article 8 provides a defence to proceedings brought in relation to certain nuisances.
- Part 3: Streets
 - Articles 9 to 15 include provision for the undertaker (Morgan or Morecambe) to be able to carry out works to and within streets, to alter the layout or carry out works in streets, to temporarily close, alter or divert public rights of way, to allow for the temporary alteration, diversion or restriction of streets for the purposes of the authorised project and to create, improve or maintain accesses within the order limits.
- Part 4: Supplemental powers
 - Articles 16 to 18 set out supplemental powers relating to discharge of water, the authority to survey and investigate land and protective work to buildings.
- Part 5: Powers of acquisition
 - Articles 20 to 33 provide for the undertaker to be able to compulsorily acquire rights over land as well as the land itself and for new rights to be created, and to be able to temporarily use parts of the order land for the construction or maintenance of the proposed development. The provisions also provide for the undertaker to extinguish certain private rights and to acquire, or acquire and create rights in, the subsoil below land rather than having to acquire the land itself as well as to appropriate and use land above and below streets. The provisions provide for compensation to be payable to affected persons (AP) in respect of these powers, where that is not already secured elsewhere. These articles also provide for powers in relation to equipment of statutory undertakers.
- Part 6: Miscellaneous and general
 - Article 34 provides that any agreement for the transfer of the benefit of the order could override landlord and tenant law.
 - Articles 35 and 36 provide powers in relation to trees, including those subject to tree preservation orders, shrubs and hedgerows.
 - Article 37 allows the SoS to issue a written notice requiring the undertaker to repair, make safe and restore any of the works, or to remove any offshore works.

- Articles 38 to 40 provide protection for Trinity House, Crown land and interests as well as giving effect to schedule 10 which contains provisions protecting the interests of third parties.
- Articles 41 to 44 include provision that the order land will be ‘operational land for the purposes of the Town and Country Planning Act 1990, the certification of plans and documents, the serving of notices and ensuring that compensation is not payable under this order and other compensation regimes.
- Articles 45 and 46 give effect to schedule 12 of the order (which contains details of the application and appeal procedure for requirements) and provides the procedure for arbitration.
- Article 47 relates to any inconsistency between planning permissions and development authorised by the order.

8.2.3. There are 18 schedules to the order:

- Schedule 1 provides the description of the proposed development for project A (Morgan) and project B (Morecambe).
- Schedule 2 sets out the requirements that apply to projects A and B.
- Schedule 3 lists the streets subject to street works for projects A and B
- Schedule 4 lists the streets to be temporarily closed or restricted for projects A and B.
- Schedule 5 lists the public rights of way to be temporarily closed, altered or diverted for projects A and B.
- Schedule 6 lists the approximate locations of accesses for projects A and B.
- Schedule 7 lists the plots for which only temporary possession may be taken for projects A and B.
- Schedule 8 lists the plots within which either project may only acquire rights and cannot acquire ownership.
- Schedule 9 modifies existing compensation legislation to provide for the acquisition of rights and imposition of restrictive covenants as well as acquisition of ownership of land.
- Schedule 10 provides various sets of protective provisions for various statutory undertakers to ensure that the powers sought in the order are exercised appropriately.
- Schedule 11 sets out the lengths of hedgerows which may be interfered with or removed under the order for each project.
- Schedule 12 sets out the process for discharging requirements.
- Schedule 13 provides for an arbitration process.
- Schedules 14 to 17 contain the four marine licences for projects A and B, including for the tidal River Ribble crossing works.
- Schedule 18 lists the documents and plans to be certified under article 42.

8.3. EXAMINATION OF THE DRAFT DEVELOPMENT CONSENT ORDER

8.3.1. General matters concerning the dDCO were briefly considered at issue specific hearing (ISH) 1 [\[EV4-001\]](#). Written questions on dDCO matters were included in our first round of ExA written questions (ExQ) [\[PD-008\]](#) issued on 17 June 2025. Detailed consideration and discussion of the dDCO took place at ISH3 [\[EV8-001\]](#) on 31 July 2025. We later issued the ExA’s commentary and questions on the dDCO on 8 September 2025 [\[PD-012\]](#). Outstanding dDCO matters were subsequently discussed at ISH4 [\[EV10-001\]](#) on 7 October 2025.

- 8.3.2. Written submissions and responses to ExQs on dDCO matters were made by the applicants and interested parties (IP) throughout the examination.

Evolution of the dDCO

- 8.3.3. The applicants updated the dDCO several times throughout the examination, including in response to matters raised in written questions, hearings and written submissions along with discussions between the applicants and IPs outside of the examination. Full details of the numerous changes made to the dDCO and the reasons for these changes are set out in the applicants' 'Schedule of Changes to the Draft Development Consent Order including Marine Licences'. This was submitted along with each iteration of the dDCO.
- 8.3.4. A final version of the applicants' schedule of changes was submitted at D6 [\[REP6-184\]](#), alongside the final dDCO [\[REP6-013\]](#), including all the changes made with each revision of the dDCO. The applicants' EM was also updated throughout the examination with the final version submitted at D6 [\[REP6-016\]](#).
- 8.3.5. In the interests of brevity, it is not considered necessary to list here any of the changes made as they are all set out in the applicants' schedule of changes and are reflected in the final dDCO.

8.4. MAIN DCO ISSUES CONSIDERED IN THE EXAMINATION

- 8.4.1. As set out above, the applicants sought to address the matters relating to the provisions of the dDCO raised by IPs and the ExA through drafting amendments during the examination.
- 8.4.2. This section considers those dDCO matters which remained in contention at the end of the examination. It also considers novel provisions and matters which we consider are of particular relevance to the drafting of the final DCO should the SoS be minded to grant consent and make the order.
- 8.4.3. Towards the end of this section table 2 sets out our recommended changes to the applicants' dDCO, including those arising from our considerations in this section. These changes are included in our rDCO in appendix E.
- 8.4.4. The issues considered below are generally set out in the order they appear in the applicants' final dDCO [\[REP6-013\]](#).

Article 3 (Development consent etc. granted by the Order)

- 8.4.5. Article 3(2) in square brackets in the dDCO provides that the development consent granted for Project B is conditional upon and subject to development consent being granted for the Morecambe generation assets. As the Morecambe generation assets was granted development consent in December 2025 (following the end of this examination) paragraph 2 would need to be deleted. This is reflected in table 2 below and our rDCO in appendix E.

Article 6 (Benefit of the order)

- 8.4.6. This article allows the benefit of the order to be transferred or leased to others by Morgan Offshore Wind Limited (OWL) or Morecambe Offshore Windfarm Limited. It was the subject of several submissions from the Marine Management Organisation (MMO) during the examination including its initial relevant representation [\[RR-1414\]](#),

written representation [[REP1-086](#)] and further submissions [[REP2-061](#), [REP3-085](#) and [REP4-137](#)].

- 8.4.7. The MMO objects to article 6 (1) to (3) on the basis that it gives the right to permanently transfer the benefits of the DCO, including the deemed marine licences (DML) in schedules 14 to 17 to a third party with the consent of the Secretary of State (SoS). The MMO considers that this is clear departure from the Marine and Coastal Access Act 2009 (MCAA), which would normally require the licence holder ('the undertaker') to make an application to the MMO for a licence to be transferred. Instead, this provision operates to make the decision that of the undertaker, with the SoS providing consent to the transfer, rather than the MMO as the regulatory authority for marine licences considering the merits of any application for a transfer.
- 8.4.8. The final Statement of Common Ground (SoCG) between the applicants [[REP6-130](#)] and the MMO's closing statement [[REP7-048](#)] summarises its final position generally reflecting its previous representations.
- 8.4.9. It states that there is no good reason to move away from the process already set out in the MCAA, save for operator convenience, and states that its strongest preference remains for the DML not to be made subject to the transfer of benefit provisions in the main body of the order, in full or in part. It says that even if the SoS approves a transfer of benefit for the DML, the SoS has no power under the PA2008 to change the DML once consented. Therefore, the MMO argues that the transfer and variation completed by the MMO is the right and proper way to amend the DML.
- 8.4.10. The applicants responded in detail [[PDA-013](#), [REP2-033](#), [REP3-054](#), [REP3-056](#) and [REP4-099](#)] and maintain that the drafting included in the dDCO is entirely necessary and appropriate and is in line with recent precedent. The applicants also updated the dDCO at D5 to adopt the drafting included in the Morgan Generations Assets made Order, including the revisions made by the SoS.
- 8.4.11. The MMO notes in its SoCG [[REP6-130](#)] the changes to the dDCO made at D5 and, whilst welcoming the updates made, confirms at the end of the examination that it still disagrees with the inclusion of the DML in article 6.

ExA's consideration

- 8.4.12. The ExA notes that the PA2008 provides that a DCO may apply, modify or exclude statutory provision and consequently there is no legal reason why the DCO should not include transfer of the benefit provisions that override s72 provisions within the MCAA.
- 8.4.13. The ExA also notes that in spite of similar objections by the MMO, the SoS has included similar articles making provision for the transfer of DML with the consent of the SoS in several recently made orders, including the Morgan and Morecambe Generation Assets Orders.
- 8.4.14. The ExA considers there to be advantages in having a single 'one-stop shop' approach to the transfer of benefits as opposed to a dual system that would result from the use of s72 of MCAA preventing potentially unnecessary delays and complications. With consultation with the MMO provided within the article, there is no apparent reason as to why the SoS would not be able to competently make a decision on any proposed transfer. Furthermore, any additional administrative burden would not be significant.

- 8.4.15. The ExA is therefore satisfied with the approach taken by the applicants' and we do not recommend any amendments to article 6 as provided for in the applicants final dDCO.

Article 7 (Application and modification of legislative provision)

- 8.4.16. We consider later in this chapter the outstanding issues between the applicants and the local lead flood authority (LLFA) in part 10 of schedule 10 (PPs) of the dDCO. As we set out later, it appears possible that further agreement may be reached between the parties on the outstanding matters of disagreement within these PPs. However, the current position is that due to the outstanding disagreements, the LLFA does not consent to the disapplication of the relevant Land Drainage Act 1991 provisions. On this basis this would need to be removed from the article, unless the LLFA's position changes.
- 8.4.17. We note that it is only section 23 of the Land Drainage Act which must be removed in accordance with section 150 of the PA2008. However, as the LLFA concerns relate to the disapplication of each of sections 23, 30 and 66 of the Land Drainage Act, we consider that each should be removed from article 7 as set out in the applicants D7 response on this matter [[REP7-041](#)] (reference 188.25 on page 34).
- 8.4.18. This is reflected in our rDCO, where we recommend the deletion of 7 (b) and (d), based on the current position of disagreement between the applicants and the LLFA, whilst noting that both parties expect to reach an agreement prior to a decision being made.

Article 10 (Power to alter layout etc. of streets)

- 8.4.19. This article allows Morgan OWL and Morecambe OWL to alter the layout of or carry out works in any street, subject to the restoration of such streets to the reasonable satisfaction of the street authority. The applicant explains in their EM [[REP6-016](#)] that it is necessary to alter street layouts for access to minimise disruption to the local highway network.
- 8.4.20. We report in section 4.13 (Traffic and transport) that Lancashire County Council (LCC) suggested changes to this article as set out in that section and in the SoCG (reference LCC.DCO.8) between the LCC and the applicants [[REP7-027](#)]. These are not repeated here for brevity.

ExA's consideration

- 8.4.21. For the reasons we set out in section 4.13 of the report, we do not consider that the changes suggested by LCC to article 10 are necessary. Therefore, we do not recommend any changes to the applicants' dDCO in this respect.

Articles 20, 22 and 29 (Lea Marsh biodiversity benefit areas)

- 8.4.22. In chapter 7 we recommend that CA and TP powers should not be granted for the proposed biodiversity benefit areas for each project at Lea Marsh. At D6 the applicants added drafting to each of articles 20(3) and (4), 22(4) and (5) and 29(4) and (5) of the dDCO to the effect that the relevant powers conferred under each article for each project must not be exercised until the biodiversity benefit scheme has been approved pursuant to requirement 26. On the basis of such powers not been authorised, each of these paragraphs can be deleted as they would no longer required.

- 8.4.23. However, if the SoS is minded to make the order and is satisfied that CA/TP powers should be authorised for the biodiversity benefit areas at Lea Marsh, then these paragraphs in articles 20, 22 and 29 should remain.
- 8.4.24. If the SoS agrees with the ExA that the powers should not be authorised for the Lea Marsh biodiversity benefit areas, then confirmation of any other resulting amendments that would need to be made to the dDCO, including to schedules 7A, 7B, 8A and 8B, should be sought from the appellants. This should include, for the avoidance of the doubt, clarity on the relevant land plots covered.

Article 21 (Time limit for exercise of authority to acquire land compulsorily)

- 8.4.25. As we explain in detail under requirement 1 (Time limits) below, we consider that a 5 year commencement period (rather than 7 years as proposed by the applicants) for both projects is justified in this case given the specific circumstances of the proposed development. We therefore recommend below, in the event the SoS decides to make the order, that R1 of schedules 2A and 2B is amended to a five year commencement period.
- 8.4.26. For similar reasons, including the prolonged uncertainty for landowners and agricultural tenants that would result from a 7 year period) we also recommend that the time period in article 21 is also amended to 5 years.

Article 29 (Temporary use of land for carrying out the authorised project) and Schedules 7A and 7B (Land of which only temporary possession may be taken) – Starr Gate access and slipway

- 8.4.27. Blackpool Borough Council (BBC) consider that specific land plots at Starr Gate access and slipway should not be subject to temporary possession powers on the basis that this allows the applicants to take exclusive possession. The plots concerned include 02-007, 02-007i, 02-008, 02-008i, 02-008ii, 02-009, 02-010, 02-011 and 02-012 of the land plan [REP6-006].
- 8.4.28. The Starr Gate access provides existing well used access from Starr Gate (located to the northwest of Blackpool Airport) onto St Annes beach. The applicants seek temporary possession powers for its use during construction of both projects.
- 8.4.29. BBC has submitted legal opinions on this matter [[REP4-130](#), [REP5-164](#)], with a final legal opinion also appended to its closing statement [[REP7-045](#)] which the applicants did not have the opportunity to comment on as it was submitted at the end of the examination.
- 8.4.30. The applicants have provided detailed responses to the first two legal opinions [[REP5-127](#) and [REP6-178](#)]. They disagree with BBC that the exercise of temporary possession powers at Starr Gate would enable them to take temporary exclusive possession or temporarily close the Starr Gate access. The applicants note that as the majority of the relevant land plots are being adopted as public highway (being plots 02-007i, 02-008, 02-008i, 02-009, 02-010, 02-011, 02-012 on the land plan) [[REP6-006](#)] the applicants do not consider they will need to exercise any temporary possession powers to allow them to use the road as an access. The applicants have consequently included wording at D6 in article 29 to restrict the applicants' ability to use temporary possession powers over any plots at Starr Gate which are public highway. The plots that remain private are 02-007 and 02-008ii ('the Starr Gate plots').

- 8.4.31. The applicants [\[REP6-178\]](#) recognise that the broad powers granted by article 29 when read along with article 24(5) and (6) (concerning private rights) have the potential to be exclusionary. However, the applicants have limited the powers sought in relation to Starr Gate so that they will not have consent, in any form, to carry out works or closures (whether temporary or not) to the land and will solely be able to utilise the Starr Gate plots as an access route, as defined in work no. 19A and 19B of schedule 2A and 2B and schedule 7A and 7B of the dDCO, as they relate to the Starr Gate plots. The applicants also question the weight that can be given to the legal opinions obtained by BBC without sight of the relevant instructions.
- 8.4.32. The applicants go on to argue that the term ‘temporary possession’ is the legal term which is attached to this form of right and that this does not automatically mean that the applicants will have the ability to take exclusive possession of this land. They say that utilising the Starr Gate plots in any manner other than for access purposes would be a breach of the DCO, as drafted. The applicants’ position is that there is no manner in which Article 24 parts (5) and (6) could be interpreted to permit the applicants to suspend or render unenforceable private rights which were “not inconsistent” with the purpose of temporary possession.
- 8.4.33. The applicants explain that these plots of land are currently already used as an access road and that the proposed use of this land as an access by the applicants is not, in any way, inconsistent with this existing use. They argue that article 24 parts (5) and (6) would therefore not be applicable here and the powers sought by the applicants would not be exclusionary. They say that the only hypothetical situation in which the powers sought could have the potential to suspend or render unenforceable any private rights over the Starr Gate access would be if the Council were to alter the use of this land such that it was no longer used as an access route, and was instead used in a manner which was inconsistent with the applicants’ taking access over the land.
- 8.4.34. BBC’s legal opinion [appendix 2 of [REP5-164](#)] recommends that the matter is straightforwardly resolved by the inclusion by way of modification of the dDCO of a term which makes clear that the use of Starr Gate access in connection with Project A and B must not displace others with a right to use it for access and otherwise. Without this it argues that for the DCO to be made with the powers over Starr Gate access which are sought would be unlawful.
- 8.4.35. In response the applicants note that the dDCO has been updated to restrict the ability to use the article 29 powers over any adopted highway at Starr Gate and that any further amendment to apply this restriction to privately owned plots of land is entirely unnecessary on the basis that the powers sought could not have this impact, because they are not inconsistent with the use of land as an access way. Furthermore, in the unlikely event that the use of the private land was altered such that it was used by BBC for a purpose other than access, the applicants would require the ability for their access rights to subsist.
- 8.4.36. BBC’s closing statement [REP7-045] says that the applicants’ amendments to in their final D6 DCO go a long way to resolving the Council’s practical concerns but that there remains a difference in opinion over the operation of article 29 which remains applicable to the Starr Gate slip way and St Annes Beach (plots 02-007 and 02-008ii)]. BBC remains concerned that the applicants could take unrestricted access of this land and is hopeful that this can be addressed through the on-going land agreement negotiations.

ExA's consideration

- 8.4.37. In general terms, the powers sought by article 29 are commonplace in made orders, including making provision for temporary access to facilitate, for example, temporary use for construction. The ExA acknowledges the need to ensure that the applicants' proposed temporary use of the Starr Gate access and slipway does not exclude access by others. Indeed, it is most likely the two should be able to be compatible and there is nothing to suggest otherwise in terms of the nature of use sought by the applicants and the current and future use of the access.
- 8.4.38. We note that the amended description of works 19A and 19B confirms that the applicants do not seek to carry out any physical works to Starr Gate access and that access to St Anne's beach to facilitate construction would be subject to controls contained within the construction traffic management plan (CTMP) to be approved under requirement 9 of schedules 2A and 2B of the dDCO. This would be based on the outline CTMP and we are satisfied that there is appropriate certainty that the measures within this document can be expected to be included in the detailed version to be approved by the relevant highway authority, which for Starr Gate access would be BBC.
- 8.4.39. The ExA notes that the disagreement relates now to the slipway on the basis of the (yet to be confirmed) adoption of the remaining relevant plots and the applicants' subsequent amendments to the dDCO at D6. In the absence of any voluntary agreement by the close of the examination, we have considered whether BBC's suggested modification to article 29 would be necessary to prevent the risk of displacement of others with a right to use the slipway access to and from the beach.
- 8.4.40. We have considered article 24 (5) and (6) on private rights in this respect, noting in particular the drafting stating that "*all private rights or restrictions over land of which Morgan [or Morecambe] takes temporary possession under this Order are suspended and unenforceable, in so far as their continuance would be inconsistent with the purpose for which temporary possession is taken*". We acknowledge the applicants' position, in that the proposed use for access is consistent with the existing use. Indeed, on the face of it we consider there appears to be no apparent reason why the continuance of any private rights or restrictions over the slipway land (or the remainder of the Starr Gate access) would be inconsistent with the purpose for which temporary possession would be taken, on which basis the powers sought by the applicants would not be exclusionary.
- 8.4.41. However, if no further agreement has been reached between the parties, to rule out any ambiguity on this matter we recommend the inclusion of an additional paragraph, as suggested by BBC, to article 29. This would state: *The powers conferred under paragraph (1) and (2) over plots 02-007 and 02-008ii shown on the land plan are subject to their use by Morgan or Morecambe not displacing others with a right of access over these plots.*
- 8.4.42. This change is included in table 2 below setting out our recommended changes to the dDCO.

Article 29(3) (Temporary use of land for carrying out the authorised development – period of notice of temporary possession)

- 8.4.43. We had previously questioned [Q1.1.10 of [PD-012](#)] the originally proposed 28 day notice period given the circumstances of the proposed development involving two projects and the potential sequential construction scenario where the proposed construction works for each project would be carried out sequentially. This could

have particular implications for landowners, including farmers who would need sufficient advance notice of temporary possession of their land in order to plan farming and other operations on their land. The applicants' response [\[REP5-141\]](#) considered the minimum 28 day notice period to be reasonable, appropriate and based on precedent. They went on to note that there would be, in effect, greater than 28 days warning before temporary possession powers are exercised due to ongoing landowner engagement post consent and throughout the construction period.

- 8.4.44. However, following discussion at ISH4 the applicants have amended article 29(3) to provide for 40 days' notice period rather than what they state to be the well-precedented 28 days in acknowledgement of concerns raised around the potential added complexities for landowners given that the dDCO would authorise two projects [reference ISH4-20 of [REP6-176](#)].

ExA's consideration

- 8.4.45. We acknowledge the applicants increase from 28 days to 40 days of the notice period for temporary possession, which goes beyond the notice period generally used in DCO's. Nevertheless, given the potential for the construction works to affect farms and other land uses on two separate occasions (one for each project) under the sequential construction scenario we consider that a yet longer period of 56 days (eight weeks) to be justified in this case. We consider this would strike a reasonable and proportionate balance between the need for the timely construction of nationally significant infrastructure and the need to provide an appropriate notice period to safeguard the interests of landowners and tenants affected by temporary possession for the carrying out of the proposed development. There seems to be no reason to us why, with adequate forward planning, the increase to a 56 day (8 week) notice period would lead to an unacceptable delay in the construction process.
- 8.4.46. The ExA therefore has amended article 29(3) in our rDCO so that the notice period before entering on and taking temporary possession of land is changed from 40 to 56 days.

Article 30 (Temporary use of land for maintaining the authorised project)

- 8.4.47. This article would authorise Morgan OWL and Morecambe OWL to take temporary possession of land within the order limits for maintenance during the 'maintenance period' which is defined in article 30(12). This was updated at D6, following discussion at ISH4 and comments made by Fylde Borough Council (FBC) at D5 [\[REP5-171\]](#), to provide temporary possession powers for maintenance to be used for a period of up to 10 years for trees, hedgerows and shrubs and a 5 year period for any other part of the proposed development. This aligns with the updates made to the outline landscape management plan (OLMP) [\[REP6-101\]](#). The applicants' full explanation of this change is contained with reference ISH4-21 of [\[REP6-176\]](#).

ExA's consideration

- 8.4.48. We are satisfied that this revision to the dDCO appropriately aligns the 'maintenance period' in article 30 with the landscape maintenance provisions in the oLMP. We do not recommend any further changes to this article.

Article 35 (Felling or lopping of trees) and article 36 (Trees subject to tree preservation orders)

- 8.4.49. Consideration was given during the examination on whether sufficient controls are placed on the powers to remove trees and hedgerows contained within articles 35 and 36. FBC's D6 submission [\[REP6-187\]](#) following ISH4 states that the powers contained within articles 35 and 36 must be constrained by certified plans, the approved arboricultural impacts assessments, tree protection plans and hedgerow assessments under the Hedgerow Regulations 1997.
- 8.4.50. As set out in response to hearing action point ISH4-23 [\[REP6-176\]](#), the applicants updated articles 35 and 36 to include cross referencing of the Outline Arboriculture Method Statement (OAMS) [\[REP6-154\]](#) and Outline Ecological Management Plan (OEMP) [\[REP6-115\]](#) and the processes set out within those management plans for tree and hedgerow removal to ensure that the safeguards and controls referenced within these plans are adhered to. The OAMS has originally been submitted earlier in the examination providing the framework for how tree protection would be implemented following questions, including ExQ21.16 [\[PD-011\]](#) and ExQ1.1.13 [\[PD-012\]](#), from the ExA about how the applicants would go about protecting existing trees where feasible within the order limits.

ExA's consideration

- 8.4.51. We are satisfied that the applicants' revisions to articles 35 and 36, alongside the controls in the OAMS and OEMP and related requirements in schedule 2A and 2B of the dDCO make adequate provision for the protection of existing trees where this is reasonable and possible for the proposed development. We do not therefore recommend any changes to these articles.

Article 47 (Inconsistent planning permissions)

- 8.4.52. The applicants explain in the EM [\[REP6-016\]](#) that this article is included to address the legal uncertainty that can arise where multiple consents granted under different statutory regimes apply to the same land. In particular, it is intended to safeguard against enforcement risks and potential barriers to implementation caused by inconsistencies between planning permissions granted under the Town and Country Planning Act 1990 and the development authorised by the order.
- 8.4.53. In Q1.1.15 of the ExA's commentary and questions on the dDCO [\[PD-012\]](#) we questioned several aspects of this article noting that it is not widely preceded and that similar suggested articles have been removed by the Secretary of State in several recently made energy DCOs due to it being unnecessary and creating potential ambiguity. The applicants' response [\[REP5-141\]](#) includes reference to other developments, including solar and battery storage along the route of the proposed development and notes that South Ribble Borough Council (SRBC) are supportive of the article as previously amended during the examination [\[REP3-109\]](#).
- 8.4.54. The applicants explain that from a practical perspective, conflicts may arise where, for example, hedgerow reinstatement has been undertaken for either project and subsequently a separate development comes forward requiring removal of the reinstated hedgerow which Morgan OWL or Morecambe OWL have committed to retain and maintain, which otherwise could give rise to a breach of the DCO, or the situation could also arise in reverse. The applicants say the article operates to ensure unnecessary enforcement action is not taken in these types of situations.
- 8.4.55. Following discussion at ISH4, the applicants made further amendments to article 47 including adding additional wording to 47(3), to address the submission of Newton with Clifton and Freckleton Parish Councils (NCFPC) [\[REP6-196\]](#), in the context of the Hillside Parks Ltd v Snowdonia National Park Authority 2022 Supreme Court

judgement, to confirm that implementation of the order can continue after a 'slot 'in' planning permission has been implemented.

ExA's consideration

- 8.4.56. We note that the SoS has removed similarly worded articles from recently made DCOs. We have also considered whether the circumstances of the proposed development still justify its inclusion in this case. There are other planned developments which may affect the order limits, though this is not necessarily any different to other projects where separate permission may be sought for other developments. There does not appear to be any material difference between the circumstances in this case and those of other made orders where a similar article has been removed.
- 8.4.57. We therefore consider that article 47 is unnecessary, may lead to potential ambiguity and should be removed from the dDCO. This is reflected in our rDCO.

New article 47 (Benthic compensation) and schedule 19 (Benthic compensation)

- 8.4.58. In section 4.17 of this report, we conclude that the proposed development would hinder the conservation objectives of the Fylde Marine Conservation Zone (MCZ). Further to the MCZ Stage 2 Assessment [[REP7-031](#)], the ExA recommends that the draft benthic compensation schedule [[REP5-108](#)] is secured through a new article in the rDCO. The drafting of this schedule is agreed with Natural England [[REP6-179](#)].

ExA's consideration

- 8.4.59. The ExA has added the draft benthic compensation schedule [[REP5-108](#)] to our rDCO as schedule 19 and a new article 47 is added to have effect to the schedule.
- 8.4.60. Should the SoS disagree with our conclusion on the effects upon the MCZ then these changes would not be necessary.

Schedules 2A and 2B (requirements)

- 8.4.61. The requirements considered below relate to the requirements in both schedules 2A (Morgan) and 2B (Morecambe) of the dDCO. The drafting for these is essentially the same for both projects other than the references to either project.

Requirement 1 (Time limits)

- 8.4.62. Requirement 1 (in schedule 2A and 2B) of the applicants' final dDCO provides that either project must commence no later than the expiration of 7 years beginning with the date the respective Morgan/Morecambe Generation Assets Orders come into force. In this way they would be aligned with the commencement time periods for the related generation asset orders.
- 8.4.63. In Q1.3.1 of the ExA's commentary and questions on the dDCO [[PD-012](#)] we questioned whether in this case a shorter 5 year commencement period would be justifiable taking into consideration the implications of the proposed development for landowners and local communities. The concern being that a 7 year commencement period would increase the uncertainty for landowners and the community on when either project would commence. In particular, taking account of the sequential construction scenario which includes a maximum 4 year gap between projects, could lead to a situation where the overall time period from the start of the first and the completion of the second project could be as much as 10 years.

- 8.4.64. The applicants' response [\[REP5-141\]](#) says that a reduced time period is not justified in the context of the SoS's decision to allow a 7 year commencement period for the Morgan Generation Assets Order. They reiterate that the transmission assets for each of the Morgan and Morecambe projects are inherently dependent on and will be delivered in parallel with each project's respective generation assets, so whilst the generation assets and transmission assets are being brought forward for consent under separate DCOs, the commencement periods must be aligned as the project will be brought forward into construction and operation as one offshore wind project.
- 8.4.65. The applicants' response goes on to argue that the consequence of granting the transmission assets DCO with only a 5 year commencement period, would have the practical effect of eroding approximately 16 months from the Morgan Generation asset implementation period as the programme for the Morgan Generation element of the Morgan project would have to be aligned to the transmission element.
- 8.4.66. The applicants explain from a practical perspective, alignment is critical due to:
- Construction sequencing, procurement, and supply chain contracts for each project's respective generation stations and transmission infrastructure are integrated, with the transmission infrastructure aspects of each project forming the critical path to energisation.
 - The financing and Financial Investment Decision (FID) for the transmission infrastructure will be undertaken at the same time as the generation components of each project. Should there be any delays in FID, for example due to market conditions, timing of Contract for Difference outcomes or supply chain constraints associated with the generation stations, it will also impact upon the transmission infrastructure. Therefore, alignment in commencement dates is needed to deal with any external delays associated with either wind farm project granted.
 - If the transmission assets DCO consent was granted for less than 7 years, this would compress the implementation window relative to the respective generation assets for each project. In practice, this could risk forcing each project's programme to proceed on an accelerated and potentially suboptimal basis, undermining the coordinated delivery model that underpins the transmission assets works.
 - A 7 year window would allow for better strategic alignment of contracting reflecting the complex and fluctuating market conditions with the aim of reducing risks, maximising collaboration and increasing value for money.
- 8.4.67. FBC [\[REP5-171\]](#) support a shorter commencement period, noting that a 7 year commencement period has the potential to exacerbate some issues, particularly for human health, and it is likely that an overall reduction in the commencement period would be beneficial. SRBC [\[REP5-191\]](#) consider a 5 year time limit would be more suitable, giving comfort to residents that development would not be overly prolonged and that a comprehensive and up to date assessment of the situation could be managed. LCC [\[REP5-174\]](#) considers that 5 years would be justifiable given the impacts of the project. NCFPC's D6 response [\[REP6-196\]](#) considers that the time limit for implementation should not be 7 years and that the potential sequential gap between the two projects should be reduced.
- 8.4.68. In response to the discussions and submissions on the commencement time period, the applicants have amended R1 of schedule 2A and 2B so that the period of 7 years would run from the date the respective (Morgan/Morecambe) generation assets Order came or comes into force (it was originally drafted as 7 years from the

date of the transmission assets order coming into force). As the Morecambe generation assets order was subsequently made in December 2025, both generation asset orders are now in force. The applicants also removed the provision for the period to be extended by one year if proceedings to challenge the order are made.

- 8.4.69. The applicants summarise in paragraph 2.4.1.10 of their closing statement [\[REP7-042\]](#) their position on construction durations, noting that the sequential construction scenario (with a maximum 4 year gap between projects) could amount to an overall period of 10 years, however in that scenario active construction activities would only take place a total combined period of 66 months within the 10 year period.

ExA's consideration

- 8.4.70. We note that recently made offshore windfarm orders, including those for the Morgan and Morecambe generation assets, have a 7 year commencement period. Nevertheless, the ExA considers that the circumstances of the proposed development warrants careful consideration on whether 7 years is appropriate in this case, or if a shorter commencement period is justified.
- 8.4.71. The applicants' revisions to R1 mean that the 7 year commencement period would start with the date the respective generation asset orders came into force. However, depending on the date of decision for this application, it would still potentially result in both a long lead in time before commencement and an elongated total period over which both projects would be carried out under the sequential construction scenario.
- 8.4.72. We recognise this would lead to considerable uncertainty for landowners and local communities affected by the proposed development. In our view, it would potentially dilute any benefits arising from a more co-ordinated approach for transmission infrastructure, as envisaged in the Holistic Network Design, as opposed to a radial connection approach. This would be particularly so given the landowners and the local community in this case would experience two closely aligned construction projects along the route of the transmission infrastructure.
- 8.4.73. A reduction in the commencement period to 5 years would also reduce the maximum possible gap between construction of the projects from 4 to 2 years under the sequential construction scenario, in addition to the reduction in the overall period in which the construction works could take place.
- 8.4.74. The above considerations are particularly pertinent given the location of the transmission assets in proximity to local communities along the route and taking account of the number of landowners affected. A reduction to a commencement period of 5 years would not alleviate impacts but, in our view would strike a more proportionate and reasonable balance between providing appropriate time for the two projects to be planned and implemented, taking account of the practicalities and constraints outlined by the applicants, and minimising the overall effects on landowners and local communities. It would also potentially reduce the time taken for the proposal, along with the generation assets, to deliver renewable energy to the national grid, consistent with the urgent need for new large scale energy infrastructure as set out in NPS EN-1.
- 8.4.75. Therefore, we consider that a five year commencement period for both projects is justified in this case given the specific circumstances of the proposed development which are different to those of other recently granted offshore wind DCOs. We

therefore recommend, in the event the SoS decides to make the order, that R1 of schedules 2A and 2B is amended to a five year commencement period and that the time period in article 21 (Time limit for exercise of authority to acquire land compulsorily) is amended accordingly.

Requirement 4 (substation works)

- 8.4.76. This requirement provides that specific details of the proposed substations works' would need to be submitted to and approved by the relevant planning authority before commencement of these works.
- 8.4.77. Several amendments were made to the requirement during the examination. These include, at D6, additional wording relating to the location and heights of lightning rods and the positioning of any aircraft warning lights and requiring consultation on the details submitted in this respect with BAE Systems, the Ministry of Defence (MoD) and Blackpool Airport. BAE Systems and the MoD confirmed they are satisfied with these amendments in their joint SoCG with the applicants [\[REP7-030\]](#).
- 8.4.78. At D6, the applicants included 'external appearance' in 4(d) of the matters to be considered. NCFPC [\[REP6-196\]](#) request that it should be named consultee in the requirement. The applicants confirmed at D7 that they do not consider it necessary to name NCFPC as a consultee but acknowledge that FBC, as the discharging authority, may choose to consult NCFPC if they consider it appropriate.

ExA's consideration

- 8.4.79. We agree with the applicants that it is not necessary for NCFPC to be named as a consultee in the requirement, but that FBC may choose to consultee them as part of its process for discharging these matters. We are content with the drafting of this requirement and do not therefore recommend any changes to it.

Requirement 6 (Provision of landscaping)

- 8.4.80. This requirement requires the submission and approval of a landscaping scheme and associated works programme prior to the commencement of any stage of the development. Further to Q1.3.7 of the ExA's commentary and questions on the dDCO [\[PD-012\]](#), FBC [\[REP5-171\]](#) consider that the drafting of this requirement should include details of existing trees and hedgerows to be retained and those to be removed.
- 8.4.81. As discussed above in relation to articles 35 and 36, in response to this issue the applicants have submitted and subsequently made revisions to the OAMS to confirm that a detailed schedule and plan of all trees and hedgerows to be removed, protected and retained will be provided as part of the detailed arboriculture method statement(s). These are secured through R8 (Code of construction practice (CoCP)). Articles 35 and 36 also cross reference to the OAMS and OEMP to ensure that the safeguards referenced within these plans are adhered to. FBC confirm in its final SoCG at D7 [\[REP7-028\]](#) that this matter is now agreed.

ExA's consideration

- 8.4.82. We are satisfied that, following the updates described above, this matter is satisfactorily resolved and we do not recommend any amendments to requirement 6.

Requirement 10 (Highway access)

- 8.4.83. This requirement requires a highways access management plan to be submitted prior to the formation of any new temporary or permanent highway access. LCC [\[REP7-027\]](#) suggest additional drafting to this requirement as set out in the traffic and transport section (4.13) of this report.

ExA's consideration

- 8.4.84. For the reasons we set out in section 4.13 of the report, we do not consider that the changes suggested by LCC to R10 are necessary. Therefore, we do not recommend any changes to R10.

Requirement 14 (Construction hours)

- 8.4.85. This requirement sets out restrictions on the hours of construction works. The applicants made amendments to the drafting during the examination in response to IP representations and ExA questions, including removal of Saturday afternoon working at D4 and drafting at D5 to make clear that mobilisation activities must be undertaken in accordance with the outline construction noise and vibration plan. In general terms, the construction hours as proposed in the applicants' final dDCO are between 0700 and 1900 from Monday to Friday and 0700 to 1300 on Saturday. It also includes an allowance for 'mobilisation activities' one hour prior to and one hour after the specified construction hours.
- 8.4.86. FBC's D6 submission [\[REP6-187\]](#) states that mobilisation works should not be authorised to take place prior to 0700. NCFPC's D6 submission [\[REP6-196\]](#) supports FBC's position on construction hours. LCC's D6 submission [\[REP6-188\]](#) states that the start time for construction works on Saturdays should be 0800 (not 0700) where works are proposed within 200m of noise sensitive receptors.

ExA's consideration

- 8.4.87. In section 4.11 (noise and vibration) of our report we consider in detail whether the applicants' proposed construction hours are appropriate in this case. These considerations are not repeated here for brevity. For the reasons set out in that section, we conclude the proposed core working hours of 0700 to 1900 Monday to Friday and 0700 to 1300 on Saturday, excluding the suggested mobilisation hours, strike an equitable balance between construction efficiency and the protection of residential amenity.
- 8.4.88. Therefore, we recommend that R14 of both schedules 2A and 2B of the dDCO are amended to remove the provisions referring to mobilisation hours.
- 8.4.89. If the SoS agrees with our recommended amendment to R14, reference to mobilisation activities in the suite of documents comprised within the CoCP would need to be amended accordingly including the outline CoCP itself [\[REP6-067\]](#) and the Outline Construction Noise and Vibration Management Plan [\[REP6-083\]](#).

Requirement 16 (Restoration of land used temporarily for construction)

- 8.4.90. This requirement requires land used temporarily for construction to be reinstated in accordance with details to be approved in relevant management plans. Reinstatement must take place within 12 months of the completion of the relevant stage unless otherwise agreed with the relevant planning authority.

- 8.4.91. FBC's D6 submission [\[REP6-187\]](#) states that this requirement should include approval of a restoration management plan and post-restoration reporting requirements. In addition, it considers the period for restoration should be reduced from 12 to 6 months. The applicants consider that the drafting of this requirement is reasonable and appropriate, and in accordance with recent precedent. They explain [\[DCO Q1.3.14 of REP6-169\]](#) that, in response to concerns raised, the wording now allows for the undertaker and the relevant planning authority to agree an alternative restoration period where, for example, works take place under the sequential construction scenario. The revised wording also ensures that it is clear that the restoration works would be tied to reinstatement measures included in the relevant management plans.
- 8.4.92. The applicants also note the relevance in this respect of the Construction Coordination Working Group (CCWG) that would be set up to provide a forum for post-consent engagement between the applicants for the two projects and local authorities.
- 8.4.93. NCFPC's D6 [\[REP6-196\]](#) submission suggests that restoration time limits for highway reinstatement is included in this requirement or in the CTMP. The applicants have made relevant updates to the outline CTMP [\[REP6-113\]](#), including drafting on timescales, to resolve this point.

ExA's consideration

- 8.4.94. We are satisfied that the amendments made to this requirement and relevant management plans during the examination, including the setting up of a CCWG, would provide an appropriate basis for the implementation of satisfactory restoration works. We also consider a period of 12 months to be generally appropriate and proportionate to the complexity of the proposed development. We therefore do not recommend any further amendments to R16.

Requirement 25 (Onshore collaboration)

- 8.4.95. As previously discussed in chapter 3 of our report, this requirement was added during the examination following concerns raised regarding the collaboration between the two projects (Morgan and Morecambe) during construction. It has also been subsequently updated by the applicants following comments from FBC [\[REP6-187\]](#) and LCC [\[REP5-174\]](#). It requires either project to share plans, schemes, details or documents with the other before submitting them for approval under relevant requirements. The submissions will share details of the comments made by the other project along with a statement setting out how they have been taken into account or where they have not, why this has been the case. No outstanding concerns remain from FBC or LCC on the drafting by the end of the examination.

ExA's consideration

- 8.4.96. We are satisfied that this requirement would promote collaboration between the two projects and ensure a co-ordinated approach between the projects to the development of final details and final management plans prior to and during construction. We recommend no further amendments to it.

Requirement 26 (Biodiversity benefit)

- 8.4.97. The applicants first proposed a biodiversity benefit requirement, on a without prejudice basis, at D4 [\[REP4-007\]](#). Following discussions during the examination on the applicants' approach to biodiversity benefit, this requirement was

comprehensively revised at D6 [REP6-013] and was no longer proposed on a without prejudice basis.

8.4.98. The applicants' final approach to biodiversity benefit is set out in its Onshore Biodiversity Benefit Statement [REP5-074] and its Biodiversity Benefit – Supporting Statement [REP5-145]. Our consideration of this is contained in within section 4.5 (Onshore ecology, biodiversity and intertidal ornithology) of our report. We conclude that overall appropriate mechanisms are proposed by the applicants for biodiversity net gain (BNG), noting the current absence of relevant guidance regarding the provision of BNG in the NSIP regime. It is also not yet a legal requirement.

8.4.99. FBC confirms in its SoCG [REP7-028] with the applicants that R26 is agreed and contains the necessary controls in regard of biodiversity benefit. NCFPC in its closing statement [REP7-051] acknowledges the amendments made to this requirement but notes that BNG is not defined and the outline Biodiversity Management Plan still only commits to providing BNG for the permanent infrastructure works and not the rest of the onshore order limits. It also expressed concern that option (b) of R26 is a vague substitute for registered offshore units that form part of the official biodiversity gain hierarchy.

8.4.100. Following the D6 dDCO submission, we sought further information and explanation from the applicants' [PD-017] on several matters in relation to the requirement as included in the applicants final dDCO. The applicants' response [REP7-044] included minor amendments to the Outline Biodiversity Benefit Management Plan (OBBMP) [REP7-018] to provide greater clarity with regards to the prioritisation exercise. They also suggest further minor amendments to paragraph 3(b) of R26 in their final dDCO to sit alongside the updates to the management plan which they suggest could be incorporated into the ExA's rDCO when reporting to the SoS. The suggested amendments are as follows:

'(b) as part of biodiversity projects delivered within close proximity to the Order limits **as set out within the outline biodiversity benefit management plan** ~~through the local nature recovery fund.~~'

8.4.101. Similarly, the applicants also propose an amendment to paragraph 3(c) of R26 of their final D6 dDCO so it would read as follows:

'(c) through the purchase of biodiversity credits **as set out in the outline biodiversity benefit management plan.**'

ExA's consideration

8.4.102. We are satisfied that the drafting of R26 with the final amendments suggested by the applicants to their D6 dDCO, and those made to the OBBMP, as set out above would be appropriate to deliver BNG for the proposed development. Given the drafting of the OBBMP and reference to it in the updated requirement, we are satisfied that the drafting of the requirement would provide for certainty and precision. We do not consider that BNG requires definition given the approach to achieving it set out in the OBBMP.

8.4.103. In chapter 7 we separately consider whether CA powers should be granted for the biodiversity benefit areas at Lea Marsh. This does not alter the drafting of this requirement given that given that BNG provision at Lea Marsh is only one of the hierarchy of options including in the requirement.

8.4.104. We therefore have included the amendments outlined above in our rDCO.

Requirement 27 (Wildlife Hazard Management Plan)

- 8.4.105. This requirement was introduced and subsequently amended during the examination by the applicants in order to seek to resolve objections from BAE Systems (BAE), MoD and Blackpool Airport Operations Limited (BAOL) regarding the risk of bird strike to aviation interest. We consider this matter in detail in section 4.3 of our report.
- 8.4.106. The requirement was agreed by BAOL by the end of the examination. BAE and MoD, whilst not objecting to the specific drafting of the requirement, are unable to agree it as an approach to resolving the bird strike aviation issue until the broader outstanding issues are agreed including the content of the Outline Wildlife Hazard Management Plan and bird strike risk assessment [[REP7-030](#)].
- 8.4.107. NCFPC consider that the discharging body for this requirement should be BAE (in relation to aviation effects on Warton Aerodrome).

ExA's consideration

- 8.4.108. On its own terms we consider the drafting of this requirement to be appropriate. However, for the reasons set out in section 4.3 of this report regarding the outstanding issues on the applicants' approach to bird strike and aviation, there is currently no certainty that this requirement would resolve this issue.
- 8.4.109. We are satisfied that the relevant planning authority would be the appropriate body to determine submissions through this requirement, noting that it is their usual role to do so for reserved matters and that they would be required to consult BAE, the MoD and BAOL before determining any application. We do, however, recommend that the drafting to R27(1) is amended to make it clear that the relevant planning authority must consult the listed parties before determining an application. As currently drafted, there is ambiguity as to whether the relevant planning authority should do so, or whether the applicants should consult before submission.
- 8.4.110. We would expect of course that the applicants would informally consult the parties before submission in order to front load matters in advance of final submission to the relevant planning authority under R27(1).
- 8.4.111. If the SoS is satisfied that the bird strike issue is resolved and/or is minded to make the order, then the ExA considers the wording of this requirement to be satisfactory subject to the above amendment.

Requirement 28 (Blackpool Road Recreation Ground)

- 8.4.112. The applicants' EM [[REP6-016](#)] explains that this requirement was drafted during the examination as a without prejudice "Grampian" requirement to secure the delivery of appropriate mitigation to minimise the construction impacts at Blackpool Road Recreation Ground. This would be through a section 106 (s106) agreement, that is being negotiated between the parties, for the delivery of measures to mitigate construction impacts on St Annes Football Club at Blackpool Road Recreation Ground.
- 8.4.113. Whilst the applicants are progressing negotiation of a s106 deed of obligation (s106) with FBC and the freehold landowner which provides for the required mitigation, the without prejudice s106 requirement has been provided to ensure that the mitigation is secured through the order while the s106 negotiations are ongoing. It is only required in the event the s106 is not completed prior to the making of the order. It

has therefore been included in the dDCO in square brackets on the basis it can be removed (as appropriate) by the decision maker if the s106 is completed prior to the making of the order.

8.4.114. The applicants provide further justification in hearing action point ISH-40 of [\[REP6-176\]](#).

8.4.115. Separately, FBC state that there are also other matters as highlighted in previous submissions (section 9 of [\[REP4-134\]](#) and section 2.11 of [\[REP5-171\]](#)) which FBC, its local authority partners and the Fylde Economic Prosperity Board regard as relevant section 106 matters. FBC notes that the applicants have refused to engage with these requests. These are also set out in section 3 of its closing statement [\[REP7-046\]](#).

ExA's consideration

8.4.116. These impacts on Blackpool Road Recreation Ground are considered in section 4.8 (Land use and recreation) of our report. By the close of the examination, the s106 agreement being discussed between the parties had not been completed. We therefore consider the requirement to be reasonable and necessary in order to provide for appropriate mitigation for the proposed construction works at Blackpool Road Recreation Ground.

8.4.117. In the event that the SoS is minded to make the order and a s106 is completed by the time of the SoS's decision, then this requirement could be omitted.

8.4.118. With regard to FBC's concern regarding the lack of other obligations it has sought within the s106 (not related to Blackpool Road Recreational Ground), the ExA agrees with the applicants' position [\[REP6-169\]](#) that the matters raised are already secured through the requirements of the dDCO and associated management plans or are matters, related to potential community benefits, which are not required in order to mitigate the impacts of the proposed development.

Schedule 12 (Approval of matters specified in requirements)

8.4.119. This schedule has been subject to several amendments during the examination following submissions made by IPs and comments and questions from the ExA. In response to FBC's suggestion that sub-paragraph 6(2)(a) should apply to any requirement with details to discharge, the applicants [\[REP7-043\]](#) have inserted wording to this sub-paragraph stating that the fees are payable as set out within the listed bullet points (including higher fees for specific requirements) 'unless otherwise agreed with the relevant planning authority'. The applicants consider that the inclusion of this wording allows for a further assessment as necessary with the relevant planning authorities of the applicable fees at the relevant time and therefore specifically provides a mechanism by which the relevant planning authorities could require an uplift to any of the fees stated in paragraph 6.

8.4.120. FBC in its final SoCG with the applicants, confirms its agreement to the application fees set out in part 6 of schedule 12.

ExA's consideration

8.4.121. The ExA considers the drafting of schedule 12, following the updates made by the applicants, to be generally appropriate. Our only recommended amendment is to add requirement 4 (substation works) to those requirements listed in 6 (2) (a) of schedule 12 where a higher fee of £2,535 would be applicable. This is due to the

likely significant degree of work that would be involved in considering submissions under this requirement.

Condition 17 (Force majeure), part 2 of schedules 14 and 15 (Marine licences) and condition 15 (Force majeure) of schedules 16 and 17 (Marine licences)

- 8.4.122. This condition (in each schedule) provides for the notification of deposits made in an emergency within or outside of the order limits. The MMO originally raised concerns regarding the drafting of this condition in its relevant representation [\[RR-1414\]](#) including that the drafting adequately aligns with sections 85 and 86 of MCAA. The applicants' response [\[PDA-013\]](#) considers that section 85 and 86 of the MCAA serve a slightly different purpose.
- 8.4.123. To seek to resolve MMO's concerns, the applicants added a new paragraph 2 to the condition (in each schedule) stating that unauthorised deposits must be removed at the expense of the undertaker unless written approval is obtained from the MMO. Subsequently, at D5 the applicants updated the condition to align with the wording of the Morgan Offshore Wind Farm Generation Assets Order 2025.
- 8.4.124. At D6 the MMO [\[REP6-200\]](#) stated that the additional wording does assist with the previous negligence and enforcement issues, but this issue remains as that wording is still subjective and broad. The MMO also notes and welcomes the addition of paragraph 2 but states that the issue remains around the authority to remove if the deposit is outside of the red line boundary (order limits).

ExA's consideration

- 8.4.125. Noting that the same condition is included in the recently made Morgan order, we are satisfied that the drafting is necessary, sufficiently clear and justified for inclusion in the deemed marine licences (DML). We concur with the conclusion of the ExA in its Morgan recommendation report that this condition imposes a prompter duty on the undertaker than in the MCAA to notify the MMO in an explicit timeframe of 48 hours. It is therefore not inferior to s86 of the MCAA and does not necessarily duplicate it. Furthermore, the additional drafting added by the applicants during the examination ensures that it is enforceable as if removal is not undertaken and agreement is not reached with the MMO, the MMO would be able to take enforcement steps against the undertaker to ensure removal of unauthorised deposits.
- 8.4.126. We therefore consider this condition to be necessary and do not recommend any amendments to its drafting.

Condition 20 (Low order unexploded ordnance clearance), part 2 of schedules 14 and 15 (Marine licences)

- 8.4.127. This condition requires the submission and approval of a method statement and a marine mammal mitigation protocol before any low order unexploded ordnance (UXO) clearance activities are undertaken. The use of the defined term 'low order unexploded ordnance' and the clarification at condition 20(8) clearly establishes that high order UXO clearance is not permitted under the licence. It also specifies the maximum number of low order UXO clearances authorised by each licence.
- 8.4.128. The MMO's D6 submissions [\[REP6-199\]](#) and Natural England's D6 SoCG with the applicants [\[REP6-179\]](#) confirm that both the MMO and Natural England's position is that all UXO clearances should be included within a separate marine licence

application and not included within the deemed marine licences in schedules 14 and 15.

- 8.4.129. The applicants maintain that inclusion of low order UXO clearance is appropriate and note that the drafting of condition 20 follows and aligns to the Morgan Generation Order 2025 and ensures that appropriate post consent compliance controls are in place. The applicants note [\[REP6-171\]](#) that the MMO confirmed at D5 [\[REP5-175\]](#), on a without prejudice basis, that the MMO is largely content that should the SoS include low order UXO clearance then the drafting in condition 20 provides for the required information for the UXO clearance works at the post consent stage.

ExA's consideration

- 8.4.130. We discuss this issue in detail in section 4.15 of this report. We conclude that the ExA is content that the dDCO/DMLs include low order UXO clearance and that the wording in the dDCO/DMLs (schedule 14 and 15) is acceptable.
- 8.4.131. We do not recommend any amendments to the drafting of this condition.

Other marine related matters

Removal of cable protection within designated sites at decommissioning

- 8.4.132. As we report in section 4.17, the ExA notes that the applicants have included R21 in the dDCO [\[REP6-013\]](#) requiring a written decommissioning programme to be submitted to the SoS for approval in compliance with the Energy Act 2004 and paragraphs 2.8.88 – 2.8.89 of NPS EN-3 2024. The ExA also notes that the SoS has approved this approach to avoid overlapping obligations on Morgan Offshore Wind Project: Generation Assets and the Mona Offshore Wind Project and most recently since the close of the examination on Morecambe Offshore Windfarm: Generation Assets.
- 8.4.133. We do not therefore consider it is necessary for any additional provision to be added to the dDCO to secure the removal of all infrastructure and cable protection from benthic designated sites at the time of decommissioning.

Whether an adaptive management condition is necessary

- 8.4.134. The MMO [\[REP4-137\]](#) explains that it has standard conditions for adaptive management, noting a similar condition has been included in the Sheringham and Dudgeon Offshore Windfarm Order. These are set out in paragraph 2.2.3 of [\[REP4-137\]](#). This is requested due to issues occurring in older offshore wind farms that are in the post construction monitoring phase. The MMO explains that it wishes to implement a more proactive process to manage issues in the event that monitoring shows a greater impact than that assessed in the Environmental Statement and enable the Applicants to start discussions at the earliest opportunity alongside the monitoring report submission, or before in some circumstances.
- 8.4.135. In response to the MMO's concerns, the applicants updated the Offshore In Principle Monitoring Plan (OIPMP) [\[REP6-103\]](#) to include adaptive management measures. This would be secured under condition 18(1)(d) of Schedules 14 and 15 of the dDCO [\[REP6-013\]](#). The MMO's D6 response [\[REP6-200\]](#) says that it acknowledges the updated wording in the IPMP but it still considers that a separate condition securing adaptive management should be included within the dDCO.

- 8.4.136. In its final SoCG with the applicants, the MMO [[REP6-130](#)] says that for any impacts related directly to Marine Protected Areas the MMO believes a condition should be on the face of the DML and not within a plan.
- 8.4.137. We agree with the applicants that a separate condition is not necessary as adaptive management is suitably controlled through the OIPMP and therefore secured under condition 18 of schedule 14 and 15.

Compliance with the Infrastructure Planning (Decisions) Regulations 2010

- 8.4.138. Under regulation 3A of The Infrastructure Planning (Decisions) Regulations 2010 where the SoS is considering granting a DCO which would include a DML the SoS must have regard to:
- the need to protect the environment
 - the need to protect human health
 - the need to prevent interference with legitimate uses of the sea
- 8.4.139. Having considered each of these matters throughout this report, we are satisfied that each of the DML would include sufficient matters to protect both the environment and human health and would not result in unacceptable interference with legitimate users of the sea. Consequently, the SoS would be able to grant each DML.

Schedule 18 (Documents to be certified)

- 8.4.140. The drafting of this schedule includes a 'Planning Inspectorate Reference' column which includes the examination library reference. Because such references are provided by the Planning Inspectorate, they were included retrospectively in the next iteration of the dDCO. This means that the documents supplied at D6 and at the end of the examination do not form part of the applicants' drafting in this schedule.
- 8.4.141. This requires us to recommend a number of changes to the schedule to bring it up to the end of the examination and to rectify document referencing errors in the dDCO. These are included in table 2.

East Irish Sea Transmission Project (suggested additional requirements)

- 8.4.142. Orsted East Irish Sea Transmission Limited (OEIST) is promoting the East Irish Sea Transmission project (EISTP) which would comprise the transmission infrastructure for the proposed Moir Vannin Offshore Windfarm project. The Moir Vannin Offshore Windfarm application was accepted for examination by the Isle of Man Government in August 2025 and the scoping report for the EISTP was published in August 2025. The EISTP has been determined to be a nationally significant infrastructure project through a direction under section 35 of the PA2008.
- 8.4.143. Several representations were made by OEIST [including [REP4-169](#)] regarding the potential for the proposed development to jeopardise the OEIST project's ability to connect to the Penwortham substation. The case of OEIST is summarised in its closing statement [[REP7-071](#)]. OEIST consider that co-ordination is required to manage the potential interface between the projects, in particular due to the extent of land rights sought for the project surrounding the Penwortham substation.

Without this OEIST argues that there is a risk that the substation will be sterilised for future projects.

- 8.4.144. OEIST acknowledge the applicants desire for flexibility and is not asking for the applicants to reduce the land rights currently sought or make any design changes. However, it is seeking a formal mechanism for communication and co-ordination with other developers to be established, noting that NPS EN-5 sets an expectation that developers co-ordinate in order to facilitate the achievement of the UK's clean energy targets.
- 8.4.145. OEIST therefore has suggested two draft requirements [[REP4-169](#) and [REP5-188](#)] in the absence of any relevant PPs or cooperation agreement in the dDCO. These requirements would:
- Require the grid connection works to be designed in accordance with design principles, which would provide for a level of consideration to be given to the ability of other developers to access the substation.
 - Require the details of the location and extent of the grid connection works, once known, to be shared with other parties which have secured a grid connection at Penwortham.
 - Provide for the establishment of a liaison group for parties with an interest in the Penwortham substation, the 'National Grid Penwortham substation liaison group', to facilitate collaboration between developers.
- 8.4.146. OEIST concludes that the measures sought would simply facilitate information sharing and engagement and provide for some consideration of other developers' access to the substation in the design of the proposed development. It considers this to be the minimum level of engagement communities would expect of developers working in the same area.
- 8.4.147. The applicants' final position on this matter is set out in section 2.6 of [[REP7-041](#)]. It explains that the applicants have engaged with OEIST and provided information on the intended electricity export cable route leading to Penwortham substation. The EISTP is still at an early stage and has not defined the land area required for its export cable routes. The applicants note that whilst the EISTP has a grid connection at Penwortham, this is still subject to design refinement, as evidenced by the two cable corridor options being taken through scoping.
- 8.4.148. The applicants intend to enter into commercial negotiation for cable easements and associated protective provisions as required by OEIST as part of OEIST's formal DCO application, as this is when there will be sufficient certainty as to OEIST's proposals to allow for meaningful engagement. They argue that it would be premature for a formal framework to be included in the DCO for the proposed development and may not come forward in the timeframes anticipated. Notwithstanding this, the applicants say they will continue to discuss and engage with OEIST following the close of the examination and as OEIST prepares for the submission of its own application in mid-2027.
- 8.4.149. The applicants also explain that they would only draw down permanent rights over the area of land where the cables are eventually laid and, as such, there will be no sterilisation of the wider area around the Penwortham substation. In conclusion, they acknowledge the importance of co-ordination, as is required where possible by NPS EN-1, to reduce impacts and have sought to explore opportunities for co-ordination where possible (including with the EISTP). However, given the

consenting and programme separation between the projects, it is not possible or reasonable for co-ordination to be mandated in the manner which Ørsted suggests.

ExA's consideration

- 8.4.150. Taking particular account of the relatively early stage of the development of the EISTP application along with the opportunities that would exist for commercial agreements and PPs to be agreed as part of a future EISTP DCO, we do not consider that the additional requirements suggested by OEIST to be justified or necessary. There does not appear to us to be evidence that the respective development would not be able to satisfactorily co-exist and we also note that National Grid Electricity Transmission has not raised any concerns that the proposed connections for each of the schemes would not be practicably able to be implemented. We are satisfied that NPS EN-1 or EN-5 would not be breached in this regard and recommend no changes in our rDCO.

8.5. PROTECTIVE PROVISIONS

- 8.5.1. Schedule 10 of the dDCO provides PPs for Statutory Undertakers (SUs) and their apparatus. Schedule 10 includes PPs for the following entities:
- Part 1 - protection of electricity, gas, water and sewerage undertakers
 - Part 2 – protection for operators of electronic communications code networks
 - Part 3 – for the protection of SABIC
 - Part 4 – for the protection of National Grid Electricity Transmission as electricity undertaker
 - Part 5 – for the protection of National Gas Transmission PLC
 - Part 6 – For the protection of Cadent Gas Limited as gas undertaker
 - Part 7 – For the protection of United Utilities Water Limited
 - Part 8 – For the protection of Network Rail
 - Part 9 – for the protection of the Environment Agency
 - Part 10 – for the protection of Lead Local Flood Authority
 - Part 11 – For the protection of SP Manweb as electricity undertaker
 - Part 12 – For the protection of the Canal and River Trust
- 8.5.2. The status of the PPs with SUs can be found in the applicants' Statutory Undertaker Negotiations Progress Tracker, the final version of which was submitted at D6 [\[REP6-139\]](#).
- 8.5.3. The progress tracker [\[REP6-139\]](#) contains a list of statutory undertakers who have apparatus that interacts with the proposed development. The applicants' closing statement [\[REP7-042\]](#) explains that except for GTC Pipelines and those SUs listed in table 2 of [REP6-139](#), who have agreed bespoke PPs and/or commercial side agreements with the applicants, no representations have been made by other SUs with regard to the application. Those listed under table 3 of [REP6-139](#) would be able to rely on part 1 and part 2 of schedule 10 for protection.
- 8.5.4. The applicants also confirm in their closing statement that the PPs included at parts 3 to 12 (other than part 10) of schedule 10 are agreed. Table 2 of [REP6-139](#) provides details of where SUs 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.
- 8.5.5. Confirmation of agreement of PPs has been received from the following:
- SABIC [\[REP7-074\]](#)

- National Gas Transmission PLC [\[REP7-073\]](#)
- Cadent Gas Limited [\[REP4-178\]](#)
- United Utilities Water Limited [\[REP6-201\]](#)
- Environment Agency [\[REP6-186\]](#)
- Canal and Rivers Trust [\[REP4-131\]](#)

8.5.6. The following SUs have finalised protective provisions but their final agreement is subject to the finalising of relevant commercial side or framework agreements:

- National Grid Electricity Transmission [\[REP6-189\]](#)
- Network Rail [\[REP6-195\]](#)

8.5.7. SP Manweb have confirmed agreement as part of the applicants' progress tracker [\[REP6-139\]](#) though no separate representation has been made. The progress tracker also confirms that agreement has been reached with GTC pipelines on a side agreement to amend part 1 of the PPs.

8.5.8. In all the above cases, we are not aware of any outstanding objections regarding the drafting of PPs in the dDCO and we are not aware of any reason why they would not provide sufficient protection to ensure there would be no serious detriment to SUs carrying on their undertaking. The outstanding issue of disagreement relates to the lead local flood authority (LLFA) as considered below.

Part 10 (Lead local flood authority)

8.5.9. The PPs for the LLFA have not been agreed by the end of the examination. LCCs D6 response [\[REP6-188\]](#) notes that the applicants and the LLFA have worked collaboratively to progress the PPs with the majority of points being agreed. However, 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.

8.5.10. The applicants explain in their closing statement [\[REP7-042\]](#) that they have added drafting at paragraph 9(1) to the part 10 PPs [\[REP6-013\]](#) which would allow an officer of the LLFA to watch and inspect the construction and its related effect on the watercourse and land. The applicants have explained to the LLFA that the PA2008 enables a DCO to amend and disapply legislation (with the LLFA's consent in this case) and that similar provisions are preceded in other recent DCOs including Byers Gill Solar Order 2025 and Tillbridge Solar Project Order 2025. Further outstanding points relate to the indemnity provisions, where the LLFA are seeking to widen these provisions further than is acceptable to the applicants and in a manner which the applicants say goes further than other recently granted orders.

8.5.11. The applicants have confirmed that they will continue to engage with the LLFA in the post-examination phase with the intention of reaching agreement on the PPs and will provide an update on progress at the appropriate time. The applicants confirm that if they cannot be agreed, the Land Drainage Act disapplications would be removed from article 7 of the DCO.

8.5.12. The ExA notes that the LLFA have not provided any alternative drafting for the ExA to consider in respect of the above. The LLFA says at D6 that the applicants' changes to the part 10 PPs are being actively considered by the LLFA and that both parties remain optimistic that an agreement can be reached on the remaining issues.

- 8.5.13. Our view on the basis of the information before us and without any alternative suggested drafting, is that the updated PPs for the LLFA appear to be reasonable and we do not suggest any proposed amendments to them. It is possible that further agreement could be reached between the parties on the outstanding matters of agreement. However, the current position is that due to the outstanding matters, the LLFA does not consent to disapplication of Land Drainage Act in article 7 of the dDCO, on which basis it would need to be removed from the article, unless the LLFA's position changes. We have considered this further under the section on article 7 above.

8.6. ExA's PROPOSED DCO CHANGES

- 8.6.1. Table 2 below sets out the complete list of proposed changes which are included in our rDCO, which can be found in appendix E of this report. Recommended insertions are shown in bold with deletions shown in bold and scored through.

Table 2: ExA's recommended DCO changes.

Provision	ExA's proposed change
Article 3 Development consent etc. granted by the Order	Delete the following: 3(2) [The development consent granted for Project B is conditional upon and subject to development consent being granted for the Morecambe generation assets.]
Article 7 Application and modification of legislative provisions	Delete the following: 7 (1) (b) the provisions of any byelaws made under section 66 (powers to make byelaws) of the Land Drainage Act 1991(b) 7 (1) (d) sections 23 (prohibition on obstructions etc. in watercourses) and 30 (authorisation of drainage works in connection with a ditch) of the Land Drainage Act 1991(b) Also delete footnote (b) As substituted by section 31 of, and paragraphs 25 and 38 of Schedule 2 to the Flood and Water Management Act 2010 (c.29) and section 86(1) and (3) of the Water Act 2014 (c.21). Alter remaining paragraph numbers accordingly. Note: These can remain in the event the applicants reach agreement with the LLFA as set out above.
Article 20 Compulsory acquisition of land	Delete 20 (3) and (4) as follows: (3) Morgan must not exercise the power conferred under paragraph (1) over land plots 16-033A, 16-056A, 16-057, 16-058A, 16-059, 16-060A, 16-065A,

	16-066 and 16-069A until the biodiversity benefit scheme has been approved by the relevant planning authority pursuant to requirement 26 (Biodiversity benefit) of Schedule 2A. (4) Morecambe must not exercise the power conferred under paragraph (2) over land plots 16061B, 16-062 and 16-063B, until the biodiversity benefit scheme has been approved by the relevant planning authority pursuant to requirement 26 (Biodiversity benefit) of Schedule 2B. Alter remaining paragraph numbers accordingly.
Article 21 Time limit for exercise of authority to acquire land compulsorily	Amend the first part of 21 (1) and 21 (2) as follows: 21 (1) After the end of the period of 5 7-years beginning on the day on which this Order is made the Morgan Offshore Wind Project Generation Assets Order 2025(a) came into force, Morgan must not— 21 (2) After the end of the period of 5 7-years beginning on the day on which this Order is made the Morecambe Offshore Windfarm Generation Assets Order 202[•] comes into force, Morecambe must not— Also delete footnote (a) S.I 2025/1012
Article 22 Compulsory acquisition of rights	Delete 22 (4) and (5) as follows: (4) Morgan must not exercise the power conferred under paragraph (1) over land plot 16-054 until the biodiversity benefit scheme has been approved by the relevant planning authority pursuant to requirement 26 (Biodiversity benefit) of Schedule 2A. (5) Morecambe must not exercise the power conferred under paragraph (2) over land plots 16054 and 16-057 until the biodiversity benefit scheme has been approved by the relevant planning authority pursuant to requirement 26 (Biodiversity benefit) of Schedule 2B. Alter remaining paragraph numbers accordingly.
Article 29 Temporary use of land for carrying out the authorised project	Amend 29 (3) as follows: (3) Not less than 56 40 days before entering on and taking temporary possession of land under this article the undertaker must serve notice of the intended entry

	on the owners and occupiers of the land and explain the purpose for which entry is taken in respect of land specified under paragraph (1)(a)(ii) or 2(a)(ii).
Article 29 Temporary use of land for carrying out the authorised project	Delete 29 (4) and (5) as follows: (4) Morgan must not exercise the power conferred under paragraph (1)(a)(ii) over land plots 16033A, 16-054, 16-056A, 16-057, 16-058A, 16-059, 16-060A, 16-065A, 16-066 and 16-069A until the biodiversity benefit scheme has been approved by the relevant planning authority pursuant to requirement 26 (Biodiversity benefit) of Schedule 2A. (5) Morecambe must not exercise the power conferred under paragraph (2)(a)(ii) over land plots 16-054, 16-057, 16-061B, 16-062 and 16-063B until the biodiversity benefit scheme has been approved by the relevant planning authority pursuant to requirement 26 (Biodiversity benefit) of Schedule 2B. Alter remaining paragraph numbers accordingly
Article 29 Temporary use of land for carrying out the authorised project	Add the following paragraph to article 29: The powers conferred under paragraph (1) and (2) over plots 02-007 and 02-008ii shown on the land plan are subject to their use by Morgan or Morecambe not displacing others with a right of access over these plots.
Article 47 Inconsistent planning permissions	Delete the entire article.
Article 47 (new) Benthic compensation	Insert new article 47 as follows: 47. Schedule 19 (benthic compensation) has effect.
Requirement 1 of schedule 2A Time limits	Amend as follows: 1. Project A must commence no later than the expiration of five seven years beginning with the date this Order the Morgan Offshore Wind Project Generation Assets Order 2025(a) came comes into force.

	Also delete footnote (a) S.I 2025/1012
Requirement 1 of schedule 2B Time limits	Amend as follows: 1. Project B must commence no later than the expiration of five seven years beginning with the date this Order the Morecambe Offshore Windfarm Generation Assets Order 202[•] comes into force.
Requirement 14 of schedules 2A and 2B Construction hours	Delete and alter the following parts of requirement 14 in both schedules 2A and 2B: (2) (e) mobilisation activities, which may take place one hour immediately prior to and one hour immediately after the hours specified in paragraph (1). (6) Mobilisation activities must be undertaken in accordance with the construction noise and vibration management plan approved under requirement 8. (7) For the purposes of this requirement— (a) “mobilisation activities” include personnel briefings, inspections, tool-box talks, inductions, health and safety works, deliveries excluding heavy goods vehicle movements, movement to place of work, general preparation and site maintenance work but does not include operation of heavy machinery or operation of generators or flood lights; and (b) “emergency” means a situation where, if the relevant action is not taken, there will be adverse health, safety, security or environmental consequences that in the reasonable opinion of the undertaker would outweigh the adverse effects to the public (whether individuals, classes or generally as the case may be) of taking that action. Accordingly, in 14(2) move the ‘and’ at the end of sub-paragraph (d) to the end of sub-paragraph (c).
Requirement 26 of schedules 2A and 2B Biodiversity Benefit	Amend the following parts of requirement 26(3) in both schedules 2A and 2B as follows: (b) as part of biodiversity projects delivered within close proximity to the Order limits as set out within the outline biodiversity benefit management plan through the local nature recovery fund ; and

	(c) through the purchase of biodiversity credits as set out in the outline biodiversity benefit management plan.
Requirement 27 of schedules 2A and 2B Wildlife Hazard Management Plan	Amend the following part of requirement 27 (1) in both schedules 2A and 2B as follows (substituting 'Project B' in place of 'Project A' for schedule 2B): No works shall be carried out in connection with the Project A construction activities until a detailed wildlife hazard management plan (which shall be in accordance with the outline wildlife hazard management plan) has, following consultation with the statutory nature conservation body, the Ministry of Defence, BAE and BAOL, been submitted to and approved by the relevant planning authority, in consultation with the statutory nature conservation body, the Ministry of Defence, BAE and BAOL.
Requirement 28 of Schedules 2A and 2B Blackpool Road Recreation Ground	Remove the square brackets around this requirement in both schedules A and schedules B. Note: This requirement is to be deleted if a s106 agreement is agreed and completed with BBC before the decision is made.
Schedule 12 Approval of matters specified in requirements	Amend 6 (2) (a) as follows: (a) a fee of £2,535 for the first application for the discharge of each of the requirements 4 , 6, 8, 9, 11, 12, 26 and 27;
Schedule 18	This requires us to recommend a number of changes to the schedule to bring it up to the end of the examination and rectify errors in the dDCO.
Schedule 19 Benthic compensation	Add, as schedule 19, the Benthic Compensation schedule (Article 47) as contained within REP5-108 .

8.7. CONCLUSIONS

- 8.7.1. The ExA has considered all iterations of the dDCO and the degree to which the applicants' final dDCO has addressed matters raised during the examination. A number of matters are the subject of recommendations in this chapter as set out in table 2 and are included in the ExA's rDCO in appendix E of our report.

- 8.7.2. We consider that the rDCO only includes requirements that are necessary, relevant to planning, relevant to the development to be consented, enforceable, precise, and reasonable in all other respects. On that basis we are of the view that paragraph 4.1.16 of NPS EN-1 would be satisfied.
- 8.7.3. Taking all matters raised in this chapter and all matters relevant to the dDCO raised in the remainder of this report into account, if the SoS is minded to make the DCO, it is recommended that the DCO should be made in the form set out in the rDCO.

9. SUMMARY OF FINDINGS AND CONCLUSIONS

9.1. INTRODUCTION

- 9.1.1. This chapter summaries our overall conclusions arising from the report as a whole and sets out our recommendation to the Secretary of State (SoS).

9.2. CONSIDERATION OF FINDINGS AND CONCLUSIONS

- 9.2.1. In reaching our recommendation we have considered whether the proposed development would be in accordance with the relevant National Policy Statements (NPS) and matters prescribed in relation to the development and other matters that are both important and relevant to the decision, as required by s104(2) of PA2008. The designated NPSs for this application are:
- The 2024 Overarching NPS for Energy (NPS EN-1)
 - The 2024 NPS for Renewable Energy Infrastructure (NPS EN-3)
 - The 2024 NPS for Electricity Networks Infrastructure (NPS EN-5)
- 9.2.2. The transitional provisions set out in section 1.6 of the December 2025 NPS EN-1 state for any application accepted for examination before the final publication of the 2025 amendments, the 2024 suite of NPSs should have effect in accordance with the terms of those NPSs. However, any emerging draft NPSs (or those designated but not having effect) are potentially capable of being important and relevant considerations in the decision making process.
- 9.2.3. Our considerations of the issues have also taken account of the draft amended versions of NPS EN-1, NPS EN-3 and NPS EN-5 which were published in April 2025 prior to examination and so were able to be taken into consideration in the submissions of parties during the examination. The final versions of the draft 2025 NPSs were subsequently published in December 2025 and designated in January 2026 after the end of the examination. These final versions have not been considered in this recommendation.
- 9.2.4. In coming to these conclusions, we have had regard to matters arising in the local impact reports submitted by Blackpool City Council, Fylde Borough Council, Lancashire County Council and South Ribble Borough Council. We have also taken into account the relevant marine plan, the North West Inshore and North West Offshore Marine Plan, the National Planning Policy Framework 2024, the Planning Practice Guidance and all other important and relevant matters referred to in this report.
- 9.2.5. With regard to designated heritage assets and in consideration of Regulation 3 of the Infrastructure Planning (Decisions) Regulations 2010 (Decisions Regulations), we have found that the proposed development would result in less than substantial harm to designated heritage assets. However, this harm is capable of being outweighed by the substantial public benefits arising, most particularly the contribution towards renewable energy infrastructure. In all other respects, we have had regard to the desirability of preserving listed buildings or their settings or any features of special architectural or historic interest which they possess.
- 9.2.6. The 2024 NPS EN-1 sets out the need and urgency for new energy infrastructure. This has been carried forward and strengthened in the 2025 amendments to NPS EN-1. The proposed development would make an important contribution to meeting this need, helping in the transition to a low carbon system. The benefits in this

regard carry very great / substantial weight. We have also found that benefits, carrying a little positive weight, would arise from our consideration of socio-economic effects.

- 9.2.7. However, as we conclude in chapter 6, on the evidence before us at the end of the examination, there are several matters that weigh against the order being made including, most significantly, matters of great weight in relation to bird strike risk to aviation, the green belt and onshore ecology, biodiversity and intertidal ornithology.
- 9.2.8. Whilst the SoS is the competent authority under the Conservation of Habitats and Species Regulations 2017 and will make the definitive assessment, our conclusion based on the current position, is that we cannot be satisfied that the proposed development would not adversely affect the integrity of European sites and that the tests in the Habitats Regulations have been met. In the absence of any derogations case from the applicants including compensatory measures, we cannot be assured that determining the application in accordance with the relevant NPS would not lead to the UK being in breach of international obligations under the Habitats Directive. On this basis section 104(4) of the Planning Act (PA2008) would be applicable.
- 9.2.9. We conclude in chapter 6 on the green belt balance that, despite the benefits, the other considerations in this case do not clearly outweigh the potential harm to the green belt by reason of inappropriateness and the other harm resulting from the proposal. Consequently, the very special circumstances necessary to justify the development in the green belt are not currently in existence. Furthermore, overall the adverse impacts of the proposed development would outweigh its benefits.
- 9.2.10. Overall, we conclude that the case for the proposed development has not been made. We conclude that the proposed development would not be in accordance with 2024 NPS EN-1, NPS EN-3 and NPS EN-5 (and the draft April 2025 revised versions) when considered as a whole and that the disbenefits outweigh the benefits. We also conclude, for the reasons set out in chapter 6, this to be a case where there is an exception to the presumption of consent for critical national priority (CNP) infrastructure.
- 9.2.11. If the bird strike/aviation issue was to be satisfactorily resolved along with the related issue on the uncertainty surrounding the delivery of the proposed environmental mitigation areas and the resulting potential for adverse effects upon the integrity of European sites, this could affect the overall balance and tests. In particular, the green belt balancing exercise would need to be re-considered as to whether the harm to the green belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations. Indeed, in such circumstances it is possible that the proposal development would benefit from CNP policy and paragraph 4.2.17 of 2024 NPS EN-1 would apply whereby the SoS would take as a starting point that CNP infrastructure will meet the green belt very special circumstances (and other listed) tests. However, such matters were not resolved by the end of the examination.
- 9.2.12. The conclusion on the general case for the compulsory acquisition (CA) and temporary possession (TP) of land and rights (and the imposition of rights) depends on the SoS's conclusion on the planning merits of the proposed development. If the SoS accepts our recommendation to refuse consent, then we do not consider that a compelling case has been made out.
- 9.2.13. However, were the SoS to find that the case for development consent is capable of being made out, then we are satisfied that the CA and TP powers sought by the

applicants would be justified and should be granted, subject to the matters set out in chapter 7. including our recommendation that CA powers are not granted for the proposed biodiversity benefit land at Lea Marsh, outstanding issues regarding Crown consent and adequacy of funding for the Morecombe project) and necessary amendments being made to the dDCO. With the exception of the proposed Lea Marsh biodiversity benefit areas, we are satisfied that the powers sought would be necessary to enable the applicants to carry out the proposed development.

- 9.2.14. The ExA has had regard to the provisions of the Human Rights Act 1998, in particular, article 6, article 8 and article 1 of the First Protocol. The ExA is satisfied that the examination has ensured a fair and public hearing, that any interference with human rights arising from the implementation of the proposed development would be proportionate and strike a fair balance between the rights of the individual and the public interest and that compensation would be available in respect of any quantifiable loss. There is no disproportionate or unjustified interference with human rights so as to conflict with the provisions of the Human Rights Act 1998.
- 9.2.15. The ExA has had regard to the Public Sector Equality Duty (PSED) throughout the examination and in producing this report, including with chapter 7. The applicants have provided further mitigation in respect of the users of Wrea Green Equitation Centre and the occupants of Century Care Home. In respect of Wrea Green Equitation Centre, due to the late submission of the final mitigation proposals, the owners did not have the opportunity to respond and comment on whether persons with a protected characteristic have been properly taken into account.

9.3. MATTERS FOR THE SECRETARY OF STATE

- 9.3.1. Notwithstanding our recommendation that consent should not be consented as applied for, we note from the final submissions made, that discussions are likely to have continued following the close of the examination between the applicants and key interested parties, including with BAE Systems, the Defence Infrastructure Organisation (on behalf of the Ministry of Defence) and Natural England (NE).
- 9.3.2. It is therefore possible that further progress may have been made on the issue of bird strike risk to aviation and the related issue of the adequacy of environmental mitigation and the effects on the integrity of the European sites.
- 9.3.3. We set out below important issues that the ExA would like to draw to the SoS's attention that may be relevant to the determination of the application.

Bird strike risk to aviation (BAE Systems)

- 9.3.4. Further to our conclusions in section 4.3 of this report, the SoS may wish to seek and consider updates from the parties, including with regard to any progress that may have been made in seeking to resolve such issues. This includes consideration of the matters of disagreement contained within the SoCG [\[REP7-030\]](#), including the applicants' updated Outline Wildlife Hazard Management Plan submitted at deadline (D)7 [\[REP7-034\]](#). These matters may have a bearing on whether there is sufficient certainty that unacceptable risks to aviation can be avoided through the imposition of requirement 27 (Wildlife Hazard Management Plan) of schedule 2A and 2B in the draft development consent order.

HRA issues

- 9.3.5. We recommend that the SoS carries out further consultation on the effectiveness of the Lytham Moss and Newton-with-Scales mitigation areas and compatibility with the wildlife hazard management measures.
- 9.3.6. The SoS may also wish to undertake further consultation with the applicants and NE on any progress made with the applicants' alternative mitigation measures submitted at D6.
- 9.3.7. If the SoS agrees with the ExA's conclusions and no further progress has been made by the applicants as outlined above, the SoS is advised to seek further information from the applicants and NE regarding alternative solutions, imperative reasons of overriding public interest and compensatory measures in relation to the effects upon the relevant European sites.
- 9.3.8. In addition, given the amount of HRA information submitted by the applicants and NE at D6 and D7 towards the end of the examination and following publication of the Report on the Implications for European Sites (RIES), the SoS may wish to undertake further consultation. This would be to fulfil duties under regulation 63(3) of the Habitats Regulations.

Revised NPSs

- 9.3.9. The revised 2025 versions of NPS EN-1, EN-3 and EN-5 were published on 6 January 2026 after the close of the examination. Whilst the transitional provisions make clear they have effect only for those applications for development consent accepted for examination after their designation, it states that they are potentially capable of being important and relevant considerations, the extent to which there are relevant is a matter for the SoS to consider.
- 9.3.10. Some further amendments were made in the published versions in comparison to the draft April 2025 versions that were before the examination. However, we do not consider there is anything contained within the published 2025 EN 1, EN-3 and EN-5 that would lead us to alter our overall conclusions on the proposed development. However, the SoS will need to consider whether the published versions have any implications for the decision.

9.4. RECOMMENDATION

- 9.4.1. For all the above reasons and in the light of our findings and conclusions on important and relevant matters set out in this report, on the basis of the evidence at the end of the examination, we recommend that the SoS should withhold consent for the reasons we set out.
- 9.4.2. As set out above there are important matters regarding bird strike risk to aviation and the Habitats Regulations where the SoS may wish to seek and consider updates from the parties, including with regard to any progress that may have been made in seeking to resolve such issues.
- 9.4.3. Should the SoS come to a view that consent should be granted, we recommend that development consent should be granted with the modifications to the applicants preferred development consent order as set out in appendix E, only if the following additional matters have been resolved to the SoS's satisfaction:

- If the SoS is minded to accept the ExA's recommended amendments to requirement 14 of schedules 2A and 2B in the rDCO as set out in section 4.11 of this report, request the applicants to make consequent revisions to the management plans where they refer to construction hours.
- If a s106 agreement is completed by the time of the SoS's decision, then requirement 28 of schedules 2A and 2B of the rDCO could be omitted.
- If Lancashire County Council as the Lead Local Flood Authority has withdrawn its objection, article 7 of the applicants final dDCO can remain without amendment.
- To ensure compliance with section 135 of the PA2008, whether there is confirmation from the Crown authorities that the outstanding matters set out at the end of chapter 7 of this report have been resolved.
- The receipt of proof of adequate funding from Morecambe Offshore Wind to meet any potential blight claim.
- Seek comments from Wrea Green Equitation Centre on the adequacy of the applicants' mitigation proposals.

9.4.4. In relation to land rights, we recommend the following changes be made to the CA powers that are being sought by the applicants:

- The exclusion of CA powers for biodiversity benefit land plots 16-033A, 16-056A, 16-057, 16-058A, 16-059, 16-060A, 16-061B, 16-062, 16-063B, 16-065A, 16-066 and 16-069A in any made DCO and the applicants' submission of revised versions of the Book of Reference and the Land Plan – Onshore. Furthermore, clarification and confirmation of the applicable Lea Marsh biodiversity benefit area plots and any resulting amendments that would need to be made to the dDCO, including schedules 7A, 7B, 8A and 8B.

APPENDICES

This report is supported by the following appendices:

- appendix A – List of abbreviations
- appendix B – Key legislation and policy
- appendix C – Habitats Regulations Assessment
- appendix D – ExA's land rights summary table
- appendix E – The recommended DCO