



**Response to Examining Authority's Action
Points Received 14th October 2025**

**Morgan & Morecambe Transmission Cables
Examination**

IP Reference-20053931

October 2025

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1. Introduction and Approach

- 1.1.1 Fylde Council [FBC] is a statutory consultee and Interested Party for the proposed Morgan and Morecambe Offshore Wind Farms Transmission Cables proposal.
- 1.1.2 This Response to Action Points Report is prepared in response to the Examining Authority's [ExA] Action Points issued on 14th October 2025.
- 1.1.3 In preparing this report in accordance with Section 60(3) of the Planning Act 2008 (as amended), FBC has shown due regard to relevant guidance, including the 'Nationally Significant Infrastructure Projects: Advice for Local Authorities' published by the Planning Inspectorate on 08 August 2024 (updated 16 December 2024).
- 1.1.4 FBC continues to raise concerns with regards to the volume and significance of new information being submitted and still to be submitted to the Examination. FBC is particularly concerned that it will not be possible to properly respond to new and updated information submitted at Deadline 6 in time for Deadline 7, where a proper response would include necessary consultation, analysis, negotiation and response.
- 1.1.5 This report has in part been informed by consultation responses from council officers and other advisory bodies and individuals. The consultation requests, reviews of responses and creation of this report is the work of the officers of Fylde Borough Council, and no part of this process has been generated by AI.

2 Our Responses

2.1 AP1

- 2.1.1 This AP has two parts: firstly, to provide a transcript of the opening statement provided by FBC at the hearings; and secondly to provide references to previous FBC representations on the adequacy of the Environmental Statement [ES].

These are responded to in turn below.

2.1.2 AP1 (Part One)

"We note with some concern that a significant volume of new and substantially amended information has been submitted in the Examination. We have made written representations to this effect.

We wish to make brief comments now, to provide important context for our recent engagement with the Examination, as a main Interested Party.

The National Policy Statements set out clear requirements for Applicants. Section 4.3 of EN-1 notably requires that any Environmental Statement includes an assessment of the likely significant effects at all stages of the project and the measures for avoiding of mitigating significant adverse effects.

Section 4.2.11 is clear that Applicants must apply the mitigation hierarchy and provide evidence of its application. The Applicants are required to set out information on how the likely significant negative effects would be avoided, reduced, mitigated or compensated.

This can only be achieved the necessary assessment have been carried out, at the appropriate time.

We consider that there are two main issues of relevance to this hearing and the Examination more generally.

Firstly, the amount and significance of new and updated information, as well as the timing of its submission relative to the Examination deadlines and hearings, means that insufficient time has been available for its consultation, assessment and negotiation, or for subsequent changes to other parts of the submission.

Secondly, it cannot be possible that proper assessment of likely impacts by the applicant has influenced the proposals. For example, the assessment of likely tourism impacts is still in its infancy, with no explanation as to how the outputs have influenced the proposals with the required reference to the mitigation hierarchy. The same issue pervades a number of other issues.

FBC therefore considers that it has not been possible to assess the likely impacts and subsequently demonstrate that those impacts have been avoided, reduced, mitigated or compensated and the veracity of the information in front of us and others.

FBC therefore emphasises that discussions around a number of topics today and subsequently through written submissions, are without the benefit of sufficient information, time or influence over the proposals."

2.1.3 AP1 (Part Two)

2.1.4 The Applicants queried whether this statement was consistent with submissions made by FBC to the Examination, specifically in terms of detailing areas of the ES which are alleged to be insufficient. FBC has consistently made representations of this nature and will not rehearse those arguments, nor provide an exhaustive list of references but instead will provide key references (below).

2.1.5 FBC prefaces this list with the observation that it should not be taken to be a definitive list of all issues. To do so would be to undermine the content and meaning of all submissions made, particularly as many issues are interrelated. Instead, the intention is to provide clear evidence that FBC has set out key references to where representations have been made which are consistent with the above statement, to counter the claim by the Applicants that this has not been done.

2.1.6 The list below provides an overview in chronological order, demonstrating consistent representations on this basis throughout the full duration of the Examination. Each is supported by a single excerpt to demonstrate the approach taken but it should be noted that the content of each document largely consists of other similar narratives for the broadest range of ES topics. The excerpts also demonstrate that FBC has cross-referenced its own submissions and those made by others in order to improve the accessibility and credibility of the information.

2.1.7 This approach is sufficient to respond to this Action Point.

- **Relevant Representations [RR-0705]:** this makes comments on specific potential effects and potential gaps in the ES. With regards to tourism, the 'Socioeconomics' section on page 6 states that *"Leisure, culture and tourism, and specifically coastal tourism and recreation, make up an important industry in Fylde, accounting for 1 in 10 jobs. Each year, there are a total of more than 4.25 million tourist days. Impacts rising from the development, whether temporary impacts during construction or ongoing during operation, have the potential to impact upon tourist activities. The Council considers that the information provided so far, is not detailed or specific enough to allow the potential impacts of the proposal on leisure, culture and tourism to be properly understood. The Council expects to see further information provided with sufficient time allowed for its assessment."* The document includes further discussion around this point.
- A further key example is given in the 'Phases of Development' section on page 7, *"It is not sufficient to only assess the alleged maximum impact scenario, given the potential broad range of impacts that may arise. A maximum impact scenario may not consider specific impacts that would arise from another scenario, for example: lower noise impacts but over a much greater period of time, including night-time works, may give rise to a much greater level of harm on human health and ecology. Additionally, some topics would clearly be more greatly impacted by non-concurrent development, such as impacts on agricultural and recreational land. The Council considers that all potential development scenarios must be properly considered."* The document includes further discussion around this point.
- **Local Impact Report [REP1-078]:** this contains narrative throughout about insufficiencies of the ES. Each topic section includes an explanation of information which FBC considers is missing, inaccurate and/or incomplete, along with the likely consequences and suggestions

for how these issues could be addressed. This information is plainly presented and includes repeat, specific references to insufficiencies in the ES, for example with regards to agricultural land impacts in Section 8.1.14 which states, *"In FBC's view the ES does not include proper consideration of operation and decommissioning which would likely give rise to temporary impacts on agricultural land."* The document includes further discussion around this point.

- **Written Representations [REP1-079]:** Section 5 of this submission is entirely about the ES, with Section 5.2 stating that, *"At a high level, FBC is of the opinion that parts of the ES are inappropriate, incomplete or inconsistent. Details were notably provided through Relevant Representations [RR-0705] with further explanation provided in the LIR submitted alongside this WR."* The document includes further discussion around this point.
- **Comments on Written Representations [REP2-057]:** as well highlighting topic-specific issues, the Summary section on page 9 of this submission includes the general point that *"FBC is increasingly concerned that requests for additional information are not being responded to appropriately, with reliance by the Applicants upon deferring provision of information including details of investigations, design, control, monitoring and mitigation, to times after any such DCO is granted. FBC is of the opinion that the Environmental Statement does not include the information reasonably required for reaching a reasoned conclusion on the significant effects of the development on the environment."*
- **Answers to Examining Authority's Written Questions [REP3-082]:** whilst the content of this document was naturally guided by the questions posed by the ExA, this still includes comments relating to insufficiencies in the ES. For example, Section 2.44 responds to Q15.1.4, setting out that *"FBC considers that the Applicants have not justified their approach to tourism."* A detailed analysis of the Applicants' approach, including reference to other made DCOs, supports this point.
- **Post-hearing Submission [REP4-134]:** this document includes a high-level discussion around the issues arising from absent and late information. Section 1.2.4 sets out that *"Furthermore, FBC notes that some of this information has been outstanding for a long period of time, including submissions requested by the ExA at the Preliminary Hearing and information requested by key consultees as early as 2023. For example, requests made by Natural England in relation to sand lizard surveys in November 2023 and as acknowledged in writing by the applicants at Page 48 of Volume 3, Chapter 3 of their Environmental Statement [APP-075], are still being sustained in response to Q6.1.5 of the ExA Written Question [REP3-095]."*
- **Written Statement [REP5-170]:** this document includes detailed narrative relating to the Applicants' Green Belt Technical Note [REP4-092]. With regards to insufficiencies of the ES, Section 2.4.8 states *"FBC maintains its position that the Applicants have not appropriately considered Green Belt designation as a constraint during the site selection process. FBC has raised this at each deadline and hearing (Section 12.6 [REP1-078]; pages 2-3 [REP2-057]; Answer Q17.1.1 [REP3-082]; and, Section 4 [REP4-134]) FBC also notes that the same issue has been raised by other interested parties, notably South Ribble Borough Council [REP1-227] and Lancashire County Council [REP1-085]."*
- **Answers to Examining Authority's Written Questions [REP5-171]:** Section 1.1.6 makes a clear statement, upfront, which responds directly to the Applicants' assertion that no comments have been made on the insufficiencies of the ES. *"FBC has consistently raised concerns about the inadequacy of the Environmental Statement [ES] both in terms of its incompleteness and its inconsistencies, as well as the volume of new and updated*

information still to be provided by the Applicants. FBC notes that a range of documents are due to be submitted at Deadline 5, Deadline 6 and in some case post-examination."

- 2.1.8 In addition to the above formal submissions, FBC officers continue to engage in topic-specific meetings with the Applicants, as well as general oversight meetings. To date, FBC officers have engaged with well more than 30 meetings with the Applicants during the Examination. These meetings have included specific requests for additional information and discussions around alleged insufficiencies in the ES.
- 2.1.9 FBC rejects the assertion that the Applicants have not been made aware of the FBC's assessment and opinions regarding the ES. Indeed, the above excerpts, which reflect only a small portion of the consistent representations, demonstrate that FBC has made its position very clear and has made efforts to properly cross-reference submissions to assist the Applicants with their review.

2.2 AP2

- 2.2.1 The FBC draft Statement of Common Ground [SoCG] (submitted to the Examination by the Applicants immediately prior to the October hearings but not recorded on the Examination Library) reflects the Council's latest position with regards to noise impacts. This was based upon a review of the documents available up to and including Deadline 5.
- 2.2.2 FBC has no objection to the wording of CoT79.

2.3 AP5

- 2.3.1 FBC provided the following response to the Applicants ahead of Deadline 6 and have received and reviewed a subsequent response from the Applicants. FBC understands that the Applicants will submit their comments to the Examination. FBC considers that the response provided by the Applicants have no bearing on the below comments or any previous submissions relating to this matter.
- 2.3.2 FBC most recently provided an update on new and recently consented developments in Section 3 in its Written Statement submitted at Deadline 5 [REP5-170].
- 2.3.3 Whilst FBC has been requested to provide an update for the 'Bluefield Solar' project, for the sake of consistency, the information below also provides an update for the Clifton Marsh Solar Farm.
- Application 24/0541 at land to the west of Parrox Lane (Bluefield Solar project): a 30-day consultation on the updated Environmental Statement expires on 22/10/2025. 4 neighbour objections have been received so far for this latest round of consultation. Statutory consultee consultation expires on 15/10/2025 although responses for some consultees are received after any deadline. Prior to this deadline, comments were outstanding from Newton Parish Council, LCC Highways, BAe, MoD, Fire Service, United Utilities, National Grid and Electricity North West. The case officer cannot confirm the committee referral date at this time due to outstanding consultee responses.
 - Application 24/0414 at Clifton Marsh Farm: the consultation on updated Environmental Statement has now expired. No neighbour objections were received. All statutory responses received, with the only outstanding matter being an objection from United Utilities, with

reference to a request for the precise location of their rising main in relation to the proposed development, to be provided prior to determination. The applicant is progressing dialogue with United Utilities. This application is likely to be sent to next available Planning Committee for decision although this cannot be confirmed at this time.

2.4 AP9

2.4.1 FBC provided the response below under the heading 'Engagement with Applicants' to the Applicants ahead of Deadline 6 and have received and reviewed a subsequent response from the Applicants. FBC understands that the Applicants will submit their comments to the Examination. FBC has provided a response to the Applicants' comments further below under the heading 'Response to Applicants'.

2.4.2 Engagement with Applicants

FBC notes that the updated Sand Lizard Mitigation Plan [REP5-112] confirms vehicle movements at eight per day – however, the list of vehicles does not appear to reflect this proposed level of movement.

- 2.4.2 FBC requests that the Applicants confirm if this movement prediction is for the full length of track only (Clifton Drive to Beach) or if it also includes movement from the compound to beach. This is relevant because whilst both areas require management, the area from compound to beach is highest in terms of sand lizard activity hotspots.
- 2.4.3 FBC makes the above comments with reference to the following excerpt from the plan:
"13.6.1 The onshore plant used specifically for the landfall construction is likely to include: mobile crane; flat-bed articulated trucks; 360 excavators; compressors; piling equipment; lighting towers and CCTV equipment; concrete mixer lorries and pumps; trenchless boring equipment; mud mixing and recycling plant; steel and plastic welding plant (butt fusion welders); cable winches; cable drums; compaction rollers; jointing containers; HV test lorries; water pumping equipment; and, stone delivery trucks."
- 2.4.4 FBC requests that in addition to a speed limit, a limit of single carriageway, only allowing on one vehicle on the track at a time, is enforced. This would help to ensure that the vehicles would not be at the edges of the dune slopes with greater risk of disturbance.
- 2.4.5 FBC notes that the use of track matting would be 'considered' but is of the opinion that this should be embedded as essential mitigation. FBC maintains the request for matting to reduce vibration, especially from compound to beach access.
- 2.4.6 FBC requests specific details as to how contaminated and cleared sand will be disposed of.
- 2.4.7 FBC has concerns over the reference to path widened through clearance. The clearance should not widen the track, only maintain what is already there. The dunes have developed over the path, so if they are trying to get back to the original track boundary this will result in significant damage to the dune system edges.
- 2.4.3 Response to Applicants
- 2.4.4 FBC welcomes the commitment to single directional movement of vehicles at any one time.
- 2.4.5 FBC welcomes the principle of testing of any cleared sand. However, FBC considers that the Outline Site Waste Management Plan [REP4-038] should be updated to include specific reference to contaminated and cleared sand given the significance and sensitivity of the dunes system.
- 2.4.6 FBC welcomes the commitment to not widening the access track. However, the proposed caveat of occasional clearance of windblown sand is not considered to be precise enough, given the fact that the accretion of the dunes is via wind.
- 2.4.7 FBC suggests that the solution to this issue would be to require the submission and approval of a suitably scaled and detailed plan showing the extent of the dunes and area within which any clearing could take place (i.e. the maximum operational track).
- 2.4.8 FBC remains concerned that the absence of any commitment to track matting leads to an increased harm to sand lizards we note the Applicants assertion that matting could also create the potential for harm to sand lizards.

2.4.9 However, the issue remains that disruptive and harmful works are proposed within the sand lizard habitat, including areas of high activity. FBC is therefore of the opinion that the proposals would on balance likely lead harm to sand lizards.

2.4.10 Other Comments

2.4.11 FBC maintains its previous request that the use of reptile fencing around compounds be secured through the plan.

2.4.12 FBC considers that the Sand Lizard Survey Technical Note [REP5-148] supports the previously raised concerns regarding the hotspots of the sand lizard population around the access track.

2.4.13 The report states *"1.3.7.5 The population is comprised of approximately 14 adult females and a fluctuating number of adult males, with total records of males ranging from 14 to 43 recorded between years (possibly due to certain individuals being more prominent and being recorded frequently on each survey visit)."*

2.4.14 FBC survey data shows that 14 were surveyed at a time, not that this is the whole population.

2.4.15 This is a minimum population as it is not possible to be sure that every individual has been seen in any one survey and indeed is unlikely. There have been 14 recorded from three of the last four years but it cannot be assumed that they are the same 14 each year. Whilst some double-counting may happen across different surveys, this is still of use as it provides good territory data and it does not happen as often as the Applicants' note implies.

2.4.16 Any survey shows territory spread and population fluctuation trends rather than full population numbers. FBC considers that the Applicants assessment underplays the numbers and therefore the populations significance for the species at this important location.

2.5 AP13

2.5.1 FBC provided the response below under the heading 'Engagement with Applicants' to the Applicants ahead of Deadline 6 and have received and reviewed a subsequent response from the Applicants. FBC understands that the Applicants will submit their comments to the Examination. FBC has provided a response to the Applicants' comments further below under the heading 'Response to Applicants'.

2.5.2 Engagement with Applicants

2.5.3 FBC attended a meeting with the Applicants, with the specific purpose of responding to this AP. During the meeting, the previous FBC written submissions, including comments on the Applicants' DL5 updated Local Tourism Assessment [REP5-142] [LTA] provided direct to the Applicant, were discussed. Key FBC officers attended this meeting, including the Head of Tourism and the Service Director for Place and Culture and Service Director for Planning and Building Control.

2.5.4 During the meeting, the Applicants advised that they would be making further updates to the LTA for submission at Deadline 6. FBC will review this updated document and provide comments as part of its final submission at Deadline 7.

2.5.3 Response to Applicants

2.5.4 FBC has reviewed an updated version of the LTA which FBC understands will be submitted at Deadline 6.

2.5.5 FBC welcomes the Applicants' efforts to update and expand the LTA at Deadline 6.

2.5.6 The inclusion of Appendix C, which now references a broader range of local tourism and recreation assets, and the strengthened cross-referencing to other documents are positive steps.

2.5.7 However, the revisions remain largely explanatory rather than evidential. The Applicants continue to rely on assertions rather than new data, and the conclusions continue to understate the potential for locally significant tourism, recreation, and hospitality impacts within Fylde.

2.5.8 Whilst FBC supports the intention to integrate tourism considerations across the wider environmental and socio-economic assessments, FBC considers that the methodological approach and underlying assumptions still lack sufficient rigour to demonstrate that effects will be non-significant.

2.5.9 Visual Amenity and Recreation

2.5.10 FBC acknowledges the Applicants' efforts to clarify the relationship between visual amenity and recreational experience and notes the updated wording recognising that walkers and cyclists value the landscape setting. References to temporary diversions and signage are appropriate.

2.5.11 However, the continued assertion that visual amenity has only a "weak" relationship with user experience remains unsubstantiated and inconsistent with established practice (for example, with reference to Guidelines for Landscape and Visual Impact Assessment, Third Edition, 2013).

2.5.12 The LTA still provides insufficient supporting evidence. For example, visitor surveys, intercept data, or precedent analysis, are required to justify the conclusion that visual impacts will not influence recreation.

2.5.13 Furthermore, the LTA does not address the issue raised in earlier submissions that visual and perceptual impacts are materially significant in recreation-related assessments and decision-making.

2.5.14 Accommodation, Hospitality, and Visitor Economy

2.5.15 FBC welcomes the inclusion of commitments to liaise with local businesses through a proposed community or stakeholder liaison group, as well as the acknowledgement of the importance of local festivals and events.

2.5.16 However, the Applicants continue to oversimplify "displacement," assuming lost demand will be absorbed locally without net loss. There is no supporting data on Fylde's visitor flow, booking patterns, or spending profile to support this conclusion.

2.5.17 The reference to “available capacity” in the LTA misinterprets seasonal dynamics in Fylde’s hospitality sector. High summer occupancy means displaced demand cannot easily be accommodated, and even small declines can materially affect business viability.

2.5.18 Furthermore, the LTA omits distributional analysis as to when and where which businesses are most at risk.

2.5.19 Cultural and Event-Based Tourism

2.5.20 FBC welcomes the recognition of major events such as Lytham Festival, St Annes Kite Festival, and the Lowther Pavilion programme. These are integral to Fylde’s tourism and cultural identity and draw significant regional audiences. The statement that event scheduling will be discussed with the relevant Local Authorities is also welcomed.

2.5.21 However, FBC considers that the assessment still does not evaluate the scale of potential overlap between construction and event periods, or provide assurance that mitigation (e.g., timing restrictions, signage, alternative access) will be secured. Similarly, the effect of construction traffic and perception of disruption on visitor willingness to attend or return to events is not explored.

2.5.22 Whilst FBC supports the commitment to liaison, it should be formally embedded within the Communications Plan with specific triggers and monitoring in order to ensure that it is effective.

2.5.23 Methodology and Language

2.5.24 FBC acknowledges the Applicants’ effort to improve consistency across sections and to clarify terminology. The updated matrix in the D6 assessment is clearer and easier to follow compared to earlier versions.

2.5.25 However, FBC considers that despite these updates, much of the language remains subjective and non-committal. Terms such as “unlikely to materially undermine” and “highly unlikely to affect” are used repeatedly without evidential justification. Similarly, no data is presented to substantiate key assumptions, and the conclusions remain assertive rather than analytical.

2.5.26 Outstanding Requirements

2.5.27 FBC reiterates the following key requests, made in more detail in earlier submissions:

- Locally focused tourism sensitivity analysis, quantifying visitor volumes, seasonal trends, and events overlap;
- Mapping of tourism and recreation assets relative to construction corridors and compounds, including but not limited to a more detailed assessment of impacts of Public Rights of Way;
- Commitment to tourism-sector engagement within the Communications Plan, with clear responsibilities and feedback mechanisms;
- Assessment of timing and cumulative effects, including seasonal and festival-based sensitivities; and,
- Revised terminology to align with evidence-based planning practice and removal of unsupported assertions of insignificance.

2.5.28 Summary

- 2.5.29 FBC appreciates the Applicants' effort to respond to previous comments and welcome the improved acknowledgement of local tourism assets, events, and the principle of ongoing liaison.
- 2.5.30 However, the shared version of the updated LTA remains qualitatively very similar to the Deadline 5 submission [REP5-142] which continues to rely on assertion rather than evidence. FBC maintains its position that, without more robust local analysis, the assessment underestimates the potential for temporary but locally significant effects on tourism, recreation, and hospitality within Fylde.
- 2.5.31 FBC therefore maintains that additional clarification, evidence, and secured commitments are required before the likely impacts can be properly assessed and the effect of proposed mitigation and commitments can be understood.
- 2.5.32 The likely impact of not addressing these issues is that significant harm would be caused to local tourism, with associated broader social, economic and environmental impacts.

2.6 AP23

- 2.6.1 FBC provided the response below under the heading 'Engagement with Applicants' to the Applicants ahead of Deadline 6 and have received and reviewed a subsequent response from the Applicants. FBC understands that the Applicants will submit their comments to the Examination. FBC has provided a response to the Applicants' comments further below under the heading 'Response to Applicants'.
- 2.6.2 Engagement with Applicants
- 2.6.3 With regards to Schedule 35, FBC remains concerned that Articles 35 and 36 grant blanket powers to remove trees and hedgerows without sufficient safeguards. While the applicant has indicated updates will be made at Deadline 6, FBC considers that these powers must be constrained by certified plans, the approved Arboricultural Impact Assessments (AIA), Tree Protection Plans (TPPs), and hedgerow assessments under the Hedgerows Regulations 1997.
- 2.6.4 Any removal must be: justified through ecological or arboricultural evidence; subject to pre-commencement approval by the relevant planning authority; and, accompanied by restoration proposals, including species-specific replanting and monitoring.
- 2.6.5 FBC therefore requests that Schedule 35 be amended to reflect these safeguards and to remove any perception of unrestricted removal powers.
- 2.6.6 With regards to the Arboricultural Methods Statement [AMS] [REP5-144], FBC maintains its position that further updates are required to the AMS. Firstly, prior to any works within any root protection areas, a detailed AMS must be secured which includes details of: supervision schedule by a qualified arboriculturist; Tree Protection Plans aligned with BS5837:2012; stop-work protocols for unauthorised encroachment; and, site-specific method statements for trenching, access, and compound areas.

- 2.6.7 Secondly, the DCO should refer to the AMS and should secure a rolling 10-year planting and monitoring programme, including: annual surveying of all new planting areas; restocking of failed planting each season; monitoring reports submitted annually, including survival rates, species composition, and remedial actions; and, resetting of the 10-year maintenance period for any replacement planting.
- 2.6.8 FBC considers that in addition to the Schedule and AMS as submitted, the above additions and amendments would ensure long-term establishment and adaptive management, particularly in areas affected by trenching and easement constraints.
- 2.6.9 Response to Applicants
- 2.6.10 A number of elements of the Applicants' response indicates that updates will be made at Deadline 6 but without provision of sufficient detail for FBC to be able to come to a view. For example, a number of the above paragraphs are responded to in the following manner:
"Section 1.8.1 of the Outline Arboriculture Method Statement (S_D5_10/F02) has been updated at Deadline 6 to reflect these comments from FBC."
- 2.6.11 FBC considers that the above issues must be addressed holistically and therefore is unable to come to an overall view as to the suitability of the Arboricultural Method Statement [REP5-144], or Articles 35 and 36 of the dDCO.
- 2.6.12 FBC welcomes the following updates, should they be appropriately secured:
- Amendments to Articles 35 and 36 to reference the Outline Arboriculture Method Statement and the Outline Ecological Management Plan;
 - Updates to the Outline Arboriculture Method Statement to ensure appropriate justification for any removal of trees or hedges; and,
 - Updates to the Outline Arboriculture Method Statement and Articles 30(12) to ensure maintenance over a 10-year period.

2.7 APP26

- 2.7.1 FBC provided the response below to the Applicants ahead of Deadline 6. The Applicants notes this response.

"FBC refers the Applicants to their answer to Q1:3.1 in its Answers to Examining Authority's Written Questions [REP5-171]."

2.8 APP30

- 2.8.1 FBC provided the response below under the heading 'Engagement with Applicants' to the Applicants ahead of Deadline 6 and have received and reviewed a subsequent response from the Applicants. FBC understands that the Applicants will submit their comments to the Examination. FBC has provided a response to the Applicants' comments further below under the heading 'Response to Applicants'.
- 2.8.2 Engagement with Applicants

2.8.2 For its most recent supporting explanation, FBC refers the Applicants to Q1:3.7 in its Answers to Examining Authority's Written Questions [REP5-171]. This includes specific requests with regards to what Requirement 6 should achieve.

2.8.3 Response to Applicants

2.8.4 A number of elements of the Applicants' response indicates that updates will be made at Deadline 6 but without provision of sufficient detail for FBC to be able to come to a view.

2.8.5 FBC notes the commitment to hedgerow connectivity measures included in paragraph 1.4.4.3 of the Landscape Management Plan [REP5-063].

2.8.6 FBC welcomes the following updates, should they be appropriately secured:

- *"Annual monitoring and reporting: the Applicants have added clarifications in the oEMP and oLMP to reflect the request that monitoring should begin in Year 1 and continue annually. Reports will be submitted by 31 March each year and include survival rates, species counts, photographic evidence, and any remedial actions taken.*
- *Updates to replanting commitments as per Action Point 23.*
- *Integration with the DEMP: the Applicants have updated the oLMP at Deadline 6 to include that the detailed LMP will include details on species-specific maintenance regimes."*

2.9 APP33

- 2.9.1 FBC considers that **Requirement 14** should be amended to delete the following sections: 2e; 6; and 7a.
- 2.9.2 The intended effect is to remove the option of any works being carried out prior to 7am, with the exception of emergency works and 24 hour works, as otherwise specified and controlled in the requirement.
- 2.9.3 The justification for this request is as set out in previous written and oral submissions but briefly relates to protecting the amenity of residents, with reference to the generally older local demographic and relatively tranquil nature of the local area.

2.10 AP35

- 2.10.1 FBC has engaged with the Applicants with a view to agreeing wording for **Requirement 16**. However, agreement has not been reached.
- 2.10.2 FBC consider that a commitment to the provision of a pre-commencement Restoration Management Plan should be included in the requirement. FBC understands that the Applicants are of the view that the relevant controls around restoration are already included in the code of construction practice, soil management plan, landscape management plan and ecological management plan, and that a separate management plan is therefore not required.
- 2.10.3 However, matters relating to restoration require a greater degree of control and assurance. This is in part due to the amount of relevant information considered to still be outstanding (notably relating to peat surveys and the timing, duration and frequency of works), as well as the greater potential for harm to land arising from consecutive periods of disturbance.
- 2.10.4 This addition should be complemented by the inclusion of post-restoration reporting requirements in this **requirement**.
- 2.10.5 With regards to restoration timeframes, FBC maintains that the reduction of the period allowed in this **requirement** from 12 to 6 months is considered to be appropriate. This is on the basis that where repeat disturbance and subsequent restoration is required, there is an increase in likely harm.
- 2.10.6 FBC would consider wording that requires a reduced restoration period where the same land is directly or indirectly impacted by works after previous restoration, but this would need to be supported by additional information or requirements relating to phasing.

2.11 APP36

- 2.11.1 FBC provided the response below under the heading 'Engagement with Applicants' to the Applicants ahead of Deadline 6 and have received and reviewed a subsequent response from the Applicants. FBC understands that the Applicants will submit their comments to the Examination. FBC has provided a response to the Applicants' comments further below under the heading 'Response to Applicants'.

2.11.2 Engagement with Applicants

2.11.2 **Requirement 25** should include a requirement that the receiving party provides a response, even if this is to confirm that no comments are being provided.

2.11.3 FBC welcomes the addition of details around a Construction Coordination Working Group at Section 1.2.2 of the Outline Code of Construction Practice [REP5-044]. However, FBC requests that clarification is provided as to:

- 1.2.2.2: "The membership of the CCWG will be kept under review throughout construction, with members added or removed as required." It should be explained how such decision will be made, even if this is to specify that the mechanism for adding and removing members will be agreed upon initial creation; and,
- Wording should be added with the purpose of setting out how and when the Applicants will respond to matters raised by the working group.

2.11.4 Response to Applicants

2.11.5 The Applicants have set out that updates to the wording of the Outline Code of Construction Practice [REP5-044] which fully respond to and comply with the above requests.

2.11.6 FBC supports amendments in accordance with the below, as provided by the Applicants:

"The Applicants appreciate the clarification requests. The relevant sections in the CCWG wording (contained within the oCoCP) have been amended as follows:

1.2.2.2: The membership of the CCWG will be kept under review throughout construction, with members added or removed as required, via the ongoing engagement within the CCWG meetings. The mechanism to add or remove members will be agreed with the relevant planning authorities.

(new) 1.2.2.5: The process of how the Applicants will respond to matters raised by the CCWG, and the timescales for provision of responses, will be agreed with the relevant planning authorities at the setup of the CCWG."

2.12 **AP37 and APP38**

2.12.1 FBC provided the response below under the heading 'Engagement with Applicants' to the Applicants ahead of Deadline 6 and have received and reviewed a subsequent response from the Applicants. FBC understands that the Applicants will submit their comments to the Examination. FBC has provided a response to the Applicants' comments further below under the heading 'Response to Applicants'.

2.12.2 Engagement with Applicants

- 2.12.2 FBC maintains that there are significant issues relating to biodiversity benefits. At a high level, the habitat compensation and biodiversity benefits offered only relate to the losses which the Applicants consider to be permanent, associated with above-ground infrastructure, rather than the semi-permanent habitat losses (which the Applicants maintain will be temporary) associated with the cable trenches.
- 2.12.3 FBC maintains the opinion that the duration of the cabling works could be so long that species could be permanently displaced. Any proposed monitoring of the works should be cognisant of this and mitigation plans should be adaptive, able to respond to long-term habitat losses (more than two years) wherever these occur.
- 2.12.4 FBC welcomes the recent hierarchical approach suggested for achieving biodiversity benefit, subject to details of delivery of this approach being agreed.
- 2.12.5 FBC considers that the question remains as to whether the 10% uplift is based on a baseline of habitat losses which only considers the permanent losses which the Applicant claims relate only to the permanent substations, or whether the baseline includes part or all of the cabling works, which in ecological terms may not be able to be considered as temporary if they result in habitat losses which could persist for several years.
- 2.12.6 Therefore, agreement still needs to be reached about what is taken as the baseline for habitat losses on which a 10% uplift can be based and that 10% sets a low bar noting another recent decision. It should not be assumed to refer only to specific work elements as defined by the applicants and should be expanded.
- 2.12.7 FBC welcomes the prioritisation hierarchy for how benefits will be delivered but the proposal needs to address the practicalities of implementation. Notably, delivering habitat enhancement works on other people's land can be a difficult process involving setting up conservation covenants to secure long-term habitat management, a negotiation process for agreeing works which usually involves a dedicated project officer and a process to agree the costs of work – it can be difficult to implement in practice.
- 2.12.8 FBC cannot provide any further comments on the wording of **Requirement 26** until these matters have been positively addressed.

2.12.9 Response to Applicants

2.12.10 The Applicants set out the following key points:

- Biodiversity benefit is not a mandatory requirement and the earliest date that BNG requirements are to apply to Nationally Significant Infrastructure Projects is May 2026;
- The voluntary commitment to achieve an overall biodiversity benefit for areas of permanent habitat loss associated with the permanent above ground infrastructure of the Transmission Assets fulfils the requirements set out in the Fylde Local Plan; and,
- The baseline of habitat losses is calculated on the permanent habitat loss associated with Work Nos 23A/B and 21A/B.

2.12.11 FBC considers that this does not address the concerns raised in the above comments and previous written and oral submissions. Key issue relating to the permanence of impacts and deliverability of mitigation or compensation remain.

2.13 AP40

2.13.1 A jointly agreed statement between the Applicants and FBC was submitted at Specific Hearing 4 and currently remains FBCs position with any Grampian condition acting as a fall back. However, the remaining other related matters relating the Blackpool Road Playing Fields need agreement before FBC can agree to specific wording.

2.13.2 Separately there are also other matters as highlighted in previous submissions (notably including: Section 9 [REP4-134] and Section 2.11 [REP5-171]) which FBC, Local Authority Partners and the Fylde Economic Prosperity Board regard as relevant Section 106 matters. FBC notes that the Applicants have refused engage with these requests.

2.13.3 FBC therefore considers this to be significant point of disagreement between the FBC/LA partners and the Applicants and will take that these matters up directly with the Secretary of State as the decision maker at the appropriate time.

2.14 AP41 and AP42

2.14.1 The Applicants have informed FBC that Schedule 12 will be updated as requested by FBC in Issue Specific Hearing 4 and as addressed in its Answers to Examining Authority's Written Questions [REP5-171], as per the proposed wording below.

2.14.2 FBC is supportive of this update but queries whether part (2a) would be made more precise and less susceptible to other dDCO updates, by referring to any Requirement with details to discharge.

2Sub-paragraph (1) has been amended as follows:

- *(1) Where an application is made to the relevant planning authority for agreement or approval in respect of a requirement, a fee is to apply and must be paid to the relevant planning authority for each application.*
- *(2) The fee payable for each application under subparagraph (1) is as follows:*
 - *a) a fee of £2,535 for the first application for the discharge of each of the requirements 6, 8, 9, 11, 12, 26 and 27;*
 - *b) a fee of £578 for each subsequent application for the discharge of each of the requirements listed in paragraph (a) and any application under requirement 5 in respect of the requirements listed in paragraph (a); and*
 - *c) a fee of £145 for any application for the discharge of— (i) any other requirements not listed in paragraph (a); (ii) any application under requirement 24 in respect of requirements not listed in paragraph (a); and (iii) any approval required by a document referred to by any requirement or a document approved pursuant to any requirement."*

2.15 AP44

2.15.1 The responses to the above Action Points demonstrate that FBC have provided comments to the Applicants on a range of documents, including Deadline 5 documents and draft documents produced after Deadline 5.

2.15.2 In addition to those discussed above, FBC also fully engaged with the Applicants on the submitted Outline Design Principles [REP5-064] [ODP] and subsequent draft updates to that document.

2.15.3 FBC provided detailed written comments to the Applicants and has attended a number of meetings to discuss the design documents. At a high level, these comments included sustained concerns relating to: management of post-consent design variables; harmful impacts on the tranquillity, character and local identity of the landscape; securing good design; impacts on ecological networks as they relate to landscape character; and, the post-consent consultation and collaboration.

2.15.4 The Applicants provided a response to these comments with proposed updates to the ODP. FBC understands that the Applicants will submit an updated document in exact accordance with these changes and the response below is made based upon that assumption.

2.15.5 FBC will review the submitted Deadline 6 version and provide comments as appropriate.

2.15.6 In response to the Applicants' proposed updated, FBC provides the following comments:

- Project Level Design Principle CL4: FBC requested that adequate provision be made during the detailed design and construction periods for multi-disciplinary working, to ensure that the needs/requirements of all interests are met as far as possible. The Applicants indicated that CL4 would be updated to reflect this.
- With regards to the working group, FBC requests that the ODP be updated to provide assurance that optimum solutions are achieved within the limitations of the workability and cost of the project, which would provide the best outcomes for residents and the Fylde landscape.
- FBC is content with the proposal that the fulfilment of Design Principles and Design Code should be monitored through the Compliance Report.
- FBC is content with the overall principle of the Applicants' suggestions for design development. However, FBC notes that these matters relates to unknown resourcing opportunities and constraints, in terms of ensuring that the appropriate professional support resource is available. This is therefore a resourcing issue which will be addressed through PPA arrangements and not to be confused with monitoring arrangements as requested and currently rejected by the Applicants through Section 106 matters.
- The ODP should include details of how and when the Applicants' independent Design Champion will be appointed and what role they will play, particularly with regards to the working group.

3 Fylde Borough Council Response to Examiner's Action Points received on 14th October arising from Compulsory Acquisition Hearing 3 (CAH3) held on 9th October 2025

3.1 **Action Point 1(a)** – FBC has engaged with the Applicants' agent, Dalcour McLaren, regarding ownership of the Fairhaven Salt Marsh (plots 19-001 and 19-002) and Land lying to the west side of Clifton Drive North (plots 02-001, 02-002, 02-013, 02-014 and 02-015). A full update on these and other Plots was provided to Dalcour McLaren by e-mail on 20th October 2025.

3.2 **Action Point 1(b)** - Details of ownership of these plots is set out in the table below:

Plot Number	Registered Owner	Title Number
02-001	The King's most excellent Majesty in right of his Duchy of Lancaster	LAN67950
02-002	The King's most excellent Majesty in right of his Duchy of Lancaster	LAN67950
02-013	The King's most excellent Majesty in right of his Duchy of Lancaster	LAN67950
02-014	The King's most excellent Majesty in right of his Duchy of Lancaster	LAN67950
02-015	The King's most excellent Majesty in right of his Duchy of Lancaster	LAN67950
19-001	Fylde Borough Council	LAN256720
19-002	Fylde Borough Council	LAN256701

END.



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Date: October 2025

Review Date: October 2025

Our Ref: M&MTA DL6ATQ Authorised by: Paul McKim, Head of Planning and Building Control