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Morecambe Offshore Windfarm Generation Assets Case Team
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(By Email only)

MMO Reference: DCO/2022/00001
Planning Inspectorate Reference: EN010121
Identification Number: 20049449

08 April 2025

Dear Robert Jackson,

Planning Act 2008, Floatation Energy, Proposed Morecambe Offshore Windfarm Generation Assets

Deadline 5a Submission

On 27 June 2024, the Marine Management Organisation (the “MMO”) received notice under section 56 of the Planning Act 2008 (the “PA 2008”) that the Planning Inspectorate (“PINS”) had accepted an application made by Morecambe Offshore Windfarm Ltd (the “Applicant”) for determination of a development consent order for the construction, maintenance and operation of the proposed Morecambe Offshore Windfarm (the “DCO Application”) (MMO ref: DCO/2022/00001; PINS ref: EN010121).

The DCO Applicant seeks authorisation for the construction, operation and maintenance of Morecambe Offshore Generation Assets. The proposal is located 30 kilometres (km) from the Lancashire coast, England. The windfarm Agreement for Lease area awarded by The Crown Estate spans 125 km squared (km²). The proposed windfarm site development area has been reduced to approximately 87km². All project infrastructure will be located within the 87km² windfarm site. The project consists of up to 35 Wind Turbine Generators (WTG), up to two Offshore substations (OST), their associated foundations and platform link cables. Inter-array cables. Scour protection around foundations and subsea cable protection where required.

One Deemed Marine Licence (DML) is included in the draft DCO. The DML relates to offshore (WTG) and Associated Infrastructure and Associated Development.

As a marine licence has been deemed within the draft DCO, the MMO is the delivery body responsible for post-consent monitoring, variation, enforcement, and revocation of provisions relating to the marine environment. As such the MMO has an interest in ensuring that provisions drafted in a deemed marine licence enable the MMO to fulfil these obligations.

This document comprises the MMO’s Deadline 5a submission.

This written representation is submitted without prejudice to any future representation the MMO may make about the DCO Application throughout the Examination process. This representation is also submitted without prejudice to any decision the MMO may make on



any associated application for consent, permission, approval or any other type of authorisation submitted to the MMO either for the works in the marine area or for any other authorisation relevant to the proposed development.

Yours sincerely

[Redacted Signature]

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1. Comments on the Applicant's Deadline 5 Submissions

1.1 General Comments

- 1.1.1 The Applicant submitted a number of documents at Deadline 5. The MMO has provided comments where required below.
- 1.1.2 The MMO notes a number of documents have been updated in response to Examiners written questions 2 – 2GEN3, the MMO welcomes these updates and has no comments to add.
- 1.1.3 The MMO is largely content with the documents noting that the Applicant has advised that some documents will be updated at Deadline 5a on the back of further discussions with interested parties and believes these updates do not raise any concerns.

1.2 6.6.1 Outline Offshore Operation and Maintenance Plan (Tracked) - Revision 03 (Volume 6) (REP5-031)

- 1.2.1 The MMO welcomes the updates made to this document and has no further comments.

1.3 Comments on 9.49 Outline Construction Method Statement (REP5-056)

- 1.3.1 The MMO requests that the final Cable Installation Plan should address the reasons why cables may be buried to 3m depth (C002 of Table 5.3) when the target burial is 1.5m – this would simply be to illustrate that no unnecessary seabed disturbance arising from burial to unnecessary excess depths, the MMO suggests this is updated within the commitment register rather than the document due to remaining time within the Examination.
- 1.3.2 The MMO welcomes the commitment (C019 in Table 5.3) to micro-siting to minimise seabed preparation works where possible and C054, committing to consider scour and cable protection that would be more readily removable at decommissioning.

1.4 Comments on 9.57 The Applicant's Comments on Deadline 4 Submissions by Interested Parties (REP5-060)

- 1.4.1 The MMO has reviewed this document and considers most of the matters closed at Deadline 5 or a position of agreed to disagree has been decided upon.
- 1.4.2 With regards to representation 1BEM24, the MMO notes that the Applicant and the MMO agrees that it will not be possible for new information to be provided by the Applicant during the remainder of Examination that will remove the requirement for a piling restriction on the face of the DML. The MMO agrees with the proposed wording on the DML for the proposed piling restriction.
- 1.4.3 The MMO notes condition 20(3) of the DML (REP5-002) includes a piling restriction and has discussed this further with the Applicant.
- 1.4.4 With regards to 1HRA28, the MMO notes the Applicant's response regarding cumulative effect of invasive Non-Native Species and the associated stepping stone effect of Project Infrastructure. The MMO considers the Applicant's response appropriate and has no other comments to raise.

1.5 Comments on 9.60 The Applicant's Response to ExAs Written Questions (REP5-070)



- 1.5.1 The MMO previously provided responses to the Examiners Written Questions 2 (Ex2). The MMO has reviewed the Applicant's response to Ex2 and has provided further comments where necessary. The MMO notes that comments provided in response to 3BEM12 in section 2.3 of this letter are also relevant to Ex2 2BEM3-b and 2BEM3-b.

1.6 Ex2 Question – The Outline Underwater Sound Management Strategy (2BEM1)

- 1.6.1 The MMO does not consider that there are other fish ecology scenarios for which the Applicant should be implementing Noise Abatement System (NAS) in the Underwater Sound Management Strategy (UWSMS). From a fish ecology perspective, the only other scenario which would require NAS would be the disturbance of Atlantic herring engaged in spawning at their spawning ground near the Isle of Man as a result of piling noise from the Morecambe array. Underwater noise (UWN) impacts to herring were examined in detail and we were largely content that piling at Morecambe OWF alone during the Manx herring spawning season is unlikely to result in significant impacts to herring at their spawning grounds due the limited overlap of modelled noise disturbance with areas of low, or low-medium larval density.
- 1.6.2 The MMO does not consider that including different scenarios based on different sensitivities, species and times of year is of benefit to the assessment. The Applicant has also correctly highlighted that throughout their application and consultation process, only cod has been identified as a species where there is the need for a seasonal restriction. Atlantic cod are sensitive to impulsive underwater noise because their anatomy means that their swim bladder is involved in hearing and the anatomy of the species does not change during or outside of the spawning season. Species with a swim bladder and other gas chambers have a greater potential to suffer from physiological trauma (barotrauma) as a result of sudden pressure changes which can cause rapid motion off the walls of these cavities, particularly from impulsive sounds (Popper et al., 2014). The MMO therefore does not consider it appropriate for different criteria to be applied to the assessment during the cod spawning season versus other times of year. There is also no evidentiary basis for doing this.

1.7 Ex2 Question – Site Specific Fish/Shellfish Surveys (2BEM2)

- 1.7.1 The MMO notes that they previously raised concerns regarding the level of information for shellfish indicators, including insufficient information on queen scallop (*Aequipecten opercularis*) which was subsequently updated and sufficient information was provided including consultation with Isle of Man Government, fisheries associations and port office, which reviewed the landings data (2011-2022), Vessel Monitoring System (VMS) data and assessed the scallop ground mapping (International Council for the Exploration of the Sea and Scallop Working Group).
- 1.7.2 Additionally, the Applicant has provided more recent evidence to inform the impacts of electromagnetic fields on crustaceans. This is sufficient to address the concerns which were previously raised.
- 1.7.3 Further, the MMO notes that the Applicant has informed that further mapping of fishing grounds was provided, the MMO welcomes this approach by the Applicant and supports its inclusion. The shellfish species listed within the area include Whelk (*Buccinum undatum*), King scallop (*Pecten maximus*), Queen scallop (*Aequipecten opercularis*), Nephrops (*Nephrops norvegicus*), Lobster (*Homus gamarus*) and Brown crab (*Cancer pagurus*).



- 1.7.4 Based upon the responses reviewed and previous advice given, the MMO considers this information to be sufficient, the Applicant has included relevant baseline information on shellfish species and identified species present within the area and no further information is required.

2. Response to Examiners Third Written Questions (ExQ3)

2.1 General Comments

- 2.1.1 The MMO has provided responses to ExQ3 where relevant below.

2.2 Ex3 Question - Decommissioning Plan (3BEM5) NE indicates it requires an outline Decommissioning Plan to be provided and removal of infrastructure at end of life, in line with OSPAR requirements. Could NE please explain the specific OSPAR provisions that require this outcome to be secured and explain whether:

- i) the exception to dumping at Article 1 g(iii) could apply, or
- ii) a derogation as outlined in paragraph 3 of the OSPAR 98/3 decision could apply?

The applicant and MMO are also asked to comment.

- 2.2.1 The MMO has no comments to add at this time.

2.3 Ex3 Question - Noise Abatement Systems (3BEM12) If NAS were secured for all piling activity, would this affect the provisions relating to ADD, seasonal restrictions, breaks in piling or soft start procedures? For example, if NAS were secured, would there still need to be a temporal restriction during the cod spawning season?

- 2.3.1 The MMO believes that for breaks in piling if NAS was utilised for all this could change depending on the NAS utilised. For soft start procedures and ADD evidence would need to be provided to reduce or change any requirement.

- 2.3.2 In order to remove the requirement of a seasonal piling restriction further information on the NAS including modelling would be required. The MMO maintains that a seasonal temporal piling restriction during the cod spawning season is required as a licence condition if the DML is granted. This is on the basis that the UWSMS does not provide evidence that a seasonal piling restriction is not required.

- 2.3.3 As noted above there is insufficient time remaining within the Examination period for the Applicant to provide adequate underwater noise (UWN) modelling to fully remove the recommended piling restriction. Therefore, a temporal piling restriction should be conditioned on the DML covering the peak of the cod spawning season between 15 February to 31 March (inclusive) for Morecambe OWF.

- 2.3.4 The MMO notes that the UWSMS will be used post-consent to ensure that appropriate NAS, supported by appropriate UWN modelling of the mitigated impact ranges for the NAS employed, should the Applicant seek to remove the piling restriction.

- 2.3.5 The MMO is also content that even with securing commitment to use NAS on a DML that any refinement to a seasonal restriction or change in mitigation (ADD, breaks in piling etc.) would be presented as part of the Marine Mammal Mitigation Protocol (MMMP) or UWSMS as further evidence is required on the reduction of impacts from the type of NAS utilised.



3. Comments on the Examining Authority's (ExA) Consultation draft Development Consent Order (dDCO) (PD-019)

3.1 General Comments

The MMO has provided comments on the recommended changes to the draft DCO in relation to the DML Schedules outlined in Table 1 below.

Table 1 MMO's Response to ExA Consultation dDCO (PD-019)

No.	Article/Schedule	Text as set out in dDCO [REP4-002]	ExA's recommended amendment	Reasoning	MMO Comment
1	Schedule 2, Requirement 12(1)	No part of the authorised development may commence until, after consultation with the relevant authorities, a skills and employment plan has been notified in writing to the relevant authorities.	No part of the authorised development may commence until, after consultation with the relevant authorities , a skills and employment plan has been notified submitted to and approved in writing to by the relevant authorities.	To ensure that the skills and employment plan is sufficiently robust given the location of the marshalling port. The ExA does not accept, on the basis of the evidence currently in front of it, the applicant's argument that it should not be approved given the current form of the outline skills and employment plan and the need to ensure it is appropriate to the relevant port. If the relevant authority were to refuse the submission the applicant has a right of appeal under Schedule 4.	No comments this is not within the MMO's remit.

2	Schedule 2, Requirement 12(2)	The skills and employment plan must be substantially in accordance with the outline skills and employment plan and must be implemented as notified for the lifetime of the authorised development.	The skills and employment plan must be substantially in accordance with the outline skills and employment plan and must be implemented as notified approved for the lifetime of the authorised development.	The word 'substantial' has two different meanings, both large and minute, resulting in ambiguity. The ExA considers the word to be nugatory, not adding to the requirement. The second change is consequential on the change 1.	No comments this is not within the MMO's remit
3	Schedule 2, Requirements 13 and 14	Approvals and amendments	See text at bottom of table.	See text at bottom of table.	No comments this is not within the MMO's remit
4	Schedule 4, paragraph 5(2)(f)	... as soon as reasonably practicable and in any event within 20 working days (unless otherwise agreed with the appeal parties) of the deadline ...	... as soon as reasonably practicable and in any event within 20 working days (unless otherwise agreed with the appeal parties) of following the deadline ...	To allow the appointed person reasonable discretion to ensure natural justice	No comments this is not within the MMO's remit

5	Schedule 4, paragraph 5(12)	On application by the discharging authority or the undertaker, the appointed person may give directions ...	On The appointed person may, following application by the discharging authority or the undertaker, the appointed person may or in the absence of such application, give directions ...	To make it explicit that the appointed person may award costs on their own account.	No comments this is not within the MMO's remit
6	Schedule 6, Part 1, paragraph (3)	... (b) ... decimal places; and (c) the expression ...	... (b) ... decimal places; and (c) all references to orientations or angles are from true north measured in a clockwise direction; and (c) (d) the expression ...	To ensure references are appropriately defined.	The MMO welcomes this update.

7	Schedule 6, Part 2, condition 2(3)	No maintenance works authorised by this licence may be carried out until an offshore operation and maintenance plan substantially in accordance with the outline offshore operation and maintenance plan has been submitted to and approved by the MMO in writing.	No maintenance works authorised by this licence may be carried out until an offshore operation and maintenance plan substantially in accordance with the outline offshore operation and maintenance plan has been submitted to and approved by the MMO in writing	The word 'substantial' has two different meanings, both large and minute, resulting in ambiguity. The ExA considers the word to be nugatory, not adding to the condition.	The MMO welcomes this update.
8	Schedule 6, Part 2, condition 8	If, due to stress of weather or any other cause, ...	If, due to stress of weather or any other unforeseeable cause, ...	To ensure that this provision only operates when appropriate.	The MMO maintains that this condition should be removed.
9	Schedule 6, Part 2, condition 9(1)	... have been submitted to and approved in writing by the MMO in consultation with the relevant statutory nature conservation body,	... have been submitted to and approved in writing by the MMO in consultation with the relevant statutory nature conservation body, Trinity	To ensure the land based effects of the proposed development are fully considered in relation to protected landscapes, particularly in light of section 245 of the Levelling Up and Regeneration Act, 2023.	The MMO notes this update and requests contact details of each party are included in Part 1 (4).



		Trinity House and the MCA, as appropriate—	House, and the MCA, the Lake District National Park Authority, the Arnside and Silverdale National Landscape Partnership and the Forest of Bowland National Landscape Joint Advisory Committee , as appropriate—		
10	Schedule 6, Part 2, condition 9(1)(d)	... an offshore construction method statement which is to be submitted at least six months before the intended commencement of licensed activities and is in substantial accordance with the outline construction method statement ...	... an offshore construction method statement which is to be submitted at least six months before the intended commencement of licensed activities and is in substantial accordance with the outline construction method statement ...	The word ‘substantial’ has two different meanings, both large and minute, resulting in ambiguity. The ExA considers the word to be nugatory, not adding to the condition.	The MMO welcomes this update.



11	Schedule 6, Part 2, condition 20(3)	... approved by the MMO under paragraph (1); and such activities ...	... approved by the MMO under paragraph (1); (c) and such activities ...	Typographic amendment (noting the applicant considers this provision unnecessary).	The MMO welcomes this update.
12	Schedule 7, Part 2, Title	Compensation Measures – Liverpool Bay / Bar Lerpwl SPA	Compensation Measures – Liverpool Bay / Bar Lerpwl SPA-Special Protection Area	To ensure consistency with the titling of Part 1.	The MMO welcomes this update.
13	Schedule 8	Crown Land Plan	Delete reference	The ExA is satisfied that this is not required for the reasons set out by the applicant, there being no contrary view submitted.	No comments this is not within the MMO's remit

3.1.1 The additional comments below have been provided by the ExA.

“In addition, the ExA recommends that Requirements 13 and 14 of Schedule 2 are deleted, and a new Article is inserted (it is recommended as Article 16 and current Article 16 renumbered (with cross referencing as necessary)). The new Article should be as follows:

Approvals

16.—(1) Where, under any of the requirements set out in Schedule 2, any condition in Part 2 of Schedule 6, or any provision in Schedules 3 or 7 the approval, agreement or notification of the Secretary of State or another organisation or body is required, that approval, agreement or notification must be given in writing.

(2) With respect to any approval which requires the authorised project to be carried out in accordance with the details approved by the Secretary of State or another organisation or body, the approved details must be carried out as approved unless an amendment or variation is previously agreed by the Secretary of State or that other organisation or body in writing in accordance with paragraph (3).

(3) Any amendments to or variations of the approved details must be in accordance with the principles and assessments set out in the environmental statement. Such agreement may only be given where it has been demonstrated to the satisfaction of the Secretary of State or that other organisation or body that the amendment to the approved detail is unlikely to give rise to any materially new or materially different environmental effects from those assessed in the environmental statement.

(4) The approved details must be taken to include any amendments that have subsequently been approved by the Secretary of State or that other organisation or body.

(5) Where any approval is required in writing this includes by electronic transmission.

There can then be rationalisation within the draft DCO in Schedules 2, 3, 6 and 7 to remove unnecessary and what would be redundant text. Currently, there is a mixture of some approvals and notifications being required in writing and some not. There is also, to a lesser extent, some ambiguity as to how amendments could be dealt with and requirements to implement approved details, which should apply in all cases. This drafting is to ensure that all approvals, amendments and requirements to complete the proposed development in accordance with the approved details are dealt with under similar arrangements.”

3.1.2 The MMO notes these updates and will review the changes made to the DCO by the Applicant at Deadline 5a.



4. Comments on the Report on Implications for European Sites (RIES) (PD-017)

4.1 RIESQ14

[To JNCC, the MMO, NE, NRW(A)] Confirm if your concerns about the applicant's commitment to NAS, and its Outline MMMP [REP5-028] and Outline UWSMS [REP5-052] are resolved based on the updated versions submitted at D5. If not, provide a position statement setting out specific updates that you seek to the management plans.

- 4.1.1 The MMO notes updates have been made in relation to new noise policies with regards to the MMMP and the MMO is largely in agreement with the updates, noting the Applicant has advised there are a few wording changes required by other interested parties.
- 4.1.2 The MMO strongly advises that NAS will likely be required for all piling in the coming years but considers the UWSMS will be used to determine the specific mitigation requirements. The MMO defers to NE in relation to the worst case and commitment to NAS in the UWSMS and on the DCO.
- 4.1.3 The MMO notes the Applicant has continued discussions with interested parties on this matter and has provided a without prejudice condition for commitment to utilise NMS/NAS should the design require it, the MMO agrees with the proposed wording.
- 4.1.4 The MMO understands the Applicant is expecting to submit an updated MMMP and UWSMS at Deadline 5a which the MMO will review and provide comments to the Applicant to ensure an agreed document is submitted at Deadline 6.



5. Comments on the Draft Development Consent Order (DCO) (REP5-003)

5.1 General Comments

5.1.1 The Applicant shared an updated version of the draft DML with the MMO via email on 26 March 2025 (noting further general amendments may be made prior to Deadline 5a) with updated wording regarding the following conditions:

- Changes to timescales for the Offshore Operation and Maintenance Plan (OOMP), VTMP and PEMP (Condition 9(1))
- Changes to the chemicals condition (Condition 9(1)(e))
- Changes to the UWSMS (Condition 20)

5.2 Timescales Condition 9(1)

5.2.1 The MMO notes that the following update (underlined) has been made to condition 9(1)(g):

“an offshore operation and maintenance plan which is to be submitted at least six months before the intended commencement of licensed activities and is in accordance with the outline offshore operation and maintenance plan, to be submitted to the MMO at least four months prior to commencement of operation of the licensed activities and to provide for review and resubmission every three years during the operational phase;”

5.2.2 The following update has been made to condition 9(1)(j):

“a vessel traffic management plan which is to be submitted at least six months before the intended commencement of licensed activities and is in accordance with the outline vessel traffic management plan; and”

5.2.3 The following update has been made to condition 9(1):

“an offshore project environmental management plan which is to be submitted at least six months before the intended commencement of licensed activities and which accords with the outline project environmental management plan covering the period of construction and operation to include details of—”

5.2.4 The MMO is content with these updates regarding timescales to at least six months.

5.3 Chemicals Condition 9(1)(e)

5.3.1 The MMO understands the Applicant has made some minor changes to the condition to align with their drafting style, the MMO requested a minor wording change to the Chemical Condition below and the Applicant has accepted this:

(ii) a site specific chemical risk assessment for all chemicals that have a pathway to the marine environment and are used for the licensed activities outside the course of normal navigation, to include;

(aa) the function of the chemical;

(bb) the quantities being used and the frequency of use; and

(cc) the physical, chemical and ecotoxicological properties of the chemical Chemicals present on the OSPAR List of Substances Used and Discharged Offshore



which Are Considered to Pose Little or No Risk to the Environment (PLONOR) are exempt from this requirement;

5.4 Dropped Objects Condition 7(11)

5.4.1 The MMO has had discussions with the Applicant regarding the dropped object condition. The MMO has requested the following update is made to this condition:

All dropped objects which are considered a danger or hazard to navigation or which, having regard to guidance issued by the MMO from time to time would be considered reportable, must be reported to the MMO using the Dropped Object Procedure Form (or any updated or replacement form provided by the MMO) as soon as reasonably practicable and in any event within 24 hours of the undertaker becoming aware of an incident (or such other timescale as agreed with the MMO in writing).

5.4.2 The MMO has shared this with the Applicant via email and understands this is being updated for Deadline 5a.

Yours sincerely,

[Redacted Signature]

[Redacted Name]

Marine Licensing Case Officer

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6. References

Popper, A.N., Hawkins, A.D., Fay, R.R., Mann, D.A., Bartol, S., Carlson, T.J., Coombs, S., Ellison, W.T., Gentry, R.L., Halvorsen, M.B., Løkkeborg, S., Rogers, P.H., Southall, B., Zeddies, D.G. & Tavalga, W.N. (2014). Asa S3/Sc1.4 Tr-2014 Sound Exposure Guidelines for Fishes and Sea Turtles: A Technical Report Prepared by ANSI-Accredited Standards Committee S3/Sc1 a (Springerbriefs in Oceanography).

