



Morgan Offshore Windfarm Generation Assets Case Team
Planning Inspectorate
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(Email only)

MMO Reference: DCO/2022/00003
Planning Inspectorate Reference: EN010136
Identification Number: 20048964

16 January 2025

Dear Susan Hunt,

Planning Act 2008, BP Alternative Energy Investments Ltd, Proposed Morgan Offshore Windfarm Generation Assets Order

Deadline 4 Summary

On 30 May 2024 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 bp Alternative Energy Investments Ltd, (the Applicant) for determination of a development consent order (DCO) for the construction, maintenance and operation of the proposed Morgan Generation Offshore Windfarm (the DCO Application) (MMO ref: DCO/2022/00003 PINS ref: EN010136).

The DCO Application seeks authorisation for the construction, operation and maintenance of Morgan Offshore Windfarm Generation Assets (MOWF) located approximately 22 kilometres (km) from the Isle of Man Coastline and approximately 37 km from the Northwest coast of England; comprising of up to 96 wind turbine generators, all associated array area infrastructure and all associated development in an area approximately 280 square kilometres (km²).

Two Deemed Marine Licences (DML) are included in the draft DCO. One in relation to Wind Turbine Generators (WTG) and Associated Infrastructure, and one for Offshore Substation Platforms and Interconnector Cables.

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 summary of the submission for Deadline 4.

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



Liam Woods
Marine Licensing Case Officer

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1. Comments on responses to Examining Authorities (ExA) Questions (ExQ) 1

- 1.1. The MMO has reviewed the Applicants response to the ExQ1 (REP3-006) and provided comments on relevant points in Table 1 of the deadline 4 submission.
- 1.2. The MMO has provided detailed responses on Applicants comments regarding Monitoring, marine plan compliance, the draft DCO and associated schedules, along with comments regarding impacts to fish and shellfish ecology, marine mammals, and benthic and coastal processes.
- 1.3. The MMO has delayed comment on responses to Applicants comments relating to unexploded ordnance clearance and decommissioning until deadline 5.

2. Comments on the Update Draft Development Consent Order (REP3-013)

- 2.1. The MMO has provided detailed comments regarding ongoing issues regarding the draft Development Consent Order within Table 2 of the Deadline 4 Submission.
- 2.2. The MMO welcomes the amendments made by the Applicant following requests from the MMO at previous deadlines but notes that there are several outstanding comments which require the Applicant's attention and action.
- 2.3. Outstanding issues regarding the draft DCO relate to Unexploded Ordnance (UXO), Transfer of the Benefit of the Order, the use of maintain and materially, the provisions of section 72, determination dates, notifications and inspections, adaptive management, provisions on variations and approvals, and the removal of the Force Majeure condition.
- 2.4. A meeting has been arranged between the MMO and the Applicant for 8 January 2025 where the MMO will look to address these concerns ahead of Deadline 5. The MMO's updated positions and issues relating the draft DCO will be included in the Deadline 5 submission.

3. Comments on the Offshore In-Principle Monitoring Plan (REP2-013)

- 3.1. The MMO has reviewed the Offshore In-Principle Monitoring Plan and is content with the amendments which have been made with regards to benthic receptors and coastal processes.
- 3.2. The MMO would not expect to see any dedicated monitoring with respect to fish ecology receptors
- 3.3. The MMO has requested minor amendments to the document relating to shellfish.

- 3.4. Regarding Underwater sound the MMO requests that at least 2 of the first four piles of each foundation are the worst-case scenario piles and this is updated within the plan. The MMO requests that an underwater sound monitoring plan or scope of works is to be developed which sets out further details of the proposed monitoring and methodologies.

4. Comments on the Mitigation and monitoring schedule (REP2-015)

- 4.1. The MMO has reviewed the Mitigation and Monitoring Schedule and is content with the amendments which have been made regarding benthic receptors and coastal processes.
- 4.2. The MMO does not support the use of 'fish scare charges' due to the lack of evidence as to their efficacy and the potential for additional harm to fish receptors. The Applicant should also note that the efficacy of Acoustic Deterrent Devices on fish is also uncertain.
- 4.3. The UWSMS does not outline a specific strategy, technology or approach for reducing the range of impact from underwater noise (UWN) on cod and herring and therefore the MMO does not consider that the commitment to develop the UWSMS alone is sufficient to remove the need for seasonal piling restrictions during the cod and herring spawning seasons.
- 4.4. The MMO has requested minor amendments to the document relating to shellfish.
- 4.5. The MMO considers that the Mitigation and Monitoring Schedule summaries the mitigation measures relevant to marine mammals, as per Table 1.4 in Section 1.5 of the document. The MMO agrees that it is appropriate that a Marine Mammal Mitigation Protocol (MMMP) will be developed and adhered to for piling activities, the clearance of Unexploded Ordnance (UXO) and geophysical surveys. This considers this standard practice.

5. Comments on Annex 3.1 (REP3-005)

- 5.1. The MMO thanks the Applicant for the submission of Annex 3.1 which contains updated sound modelling, requested by the MMO at Deadline 2, in response to issues surround Underwater Noise.
- 5.2. The MMO remains in disagreement with the Applicant's conclusion for the project alone assessment of underwater sound impacts to cod. The updated modelling



provided in Figure 1.3 of Annex 1.3 shows that physiological TTS effects in cod extend over much of the cod high intensity spawning ground surrounding the Morgan OWF site. The MMO considers that impacts to cod from UWN are significant for the project alone and for the project cumulatively with other projects.

- 5.3. The provision of this updated modelling does not change the MMO's position on the Underwater Sound Management Strategy (UWSMS) or the MMO's recommendation that seasonal piling restrictions during the cod and herring spawning seasons should be conditioned onto the DML for this project until such time that noise reduction strategies are provided and reviewed as part of the UWSMS.

6. MMO Response to the Applicant's Response to IP submissions submitted at Deadline 2 (REP3-00)

- 6.1. The MMO has reviewed the Applicants response to the MMO's comments from Table 2.1 within document ref REP3-004 and has provided a response in Table 3 of the Deadline 4 Submission.
- 6.2. The MMO notes that many of the issues have been addressed, however multiple issues still remain. A meeting has been arranged between the MMO and the Applicant for 8 January 2025 where the MMO will look to address these concerns ahead of Deadline 5. The MMO's updated positions and issues relating the draft DCO will be included in the Deadline 5 submission.

