



**Marine
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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

10 March 2025

Dear Susan Hunt,

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

Deadline 7 Submission

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).

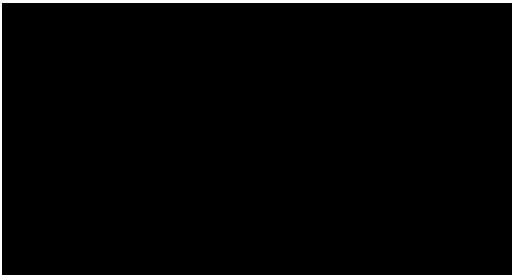
Two Deemed Marine Licences (DML) are included in the draft DCO. One in relation to Wind Turbine Generators (WTG) and Associated Infrastructure, and one for Offshore Substation Platforms and Interconnector Cables.

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 Deadline 7 submission as a response to the Rule 17 Letter submitted in to examination by the Examining Authority (ExA) on 03 March 2025.

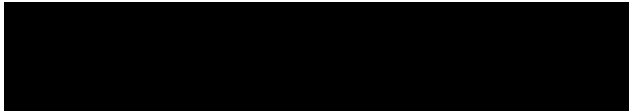
This written representation is submitted without prejudice to any future representation the MMO may make about the DCO Application throughout the examination process. This representation is also submitted without prejudice to any decision the MMO may make on any associated application for consent, permission, 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

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Marine Licensing Case Officer

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1. Closing Statement

- 1.1. In our Deadline 6 closing statement (Section 1 of REP6-094) the MMO provided comments in relation to the engagement between the MMO and the Applicant.
- 1.2. The MMO would like to clarify that this was a general position on the current Examinations and would highlight that the Applicant has been very engaged with the MMO.
- 1.3. The MMO stands by that if the Applicant had have provided Noise Abatement and seasonal restriction refinement evidence earlier this would have reduced the burden on resource during the latter part of the Examination.
- 1.4. The MMO is working with the Planning Inspectorate and industries to try and reduce the resource load within Examinations where possible.

2. The MMO's Response to the Rule 17 Letter

- 2.1. On the 03 March 2025, the ExA submitted a Rule 17 letter which requested further information from the MMO to be submitted into examination for Deadline 7.
- 2.2. The MMO notes that the ExA have requested the following clarifications regarding chemical conditions:

"Request for further information from the Marine Management Organisation (MMO)"

In its D6 closing statement the MMO recommends deletion of Deemed Marine Licence (DML) Condition 18(1). However, the ExA notes that the MMO suggested alternative wording for Condition 18(1) in its D5 submission [REP5-056a] as follows:

"18. (1) Unless otherwise agreed in writing by the MMO, all chemicals and substances, including paints and coatings, used below MHWS for the undertaking of the licensed activities must be approved in writing by the MMO prior to use. Submission for approval to the MMO must take place no later than ten weeks prior to use, unless otherwise agreed by the MMO in writing."

The ExA therefore seeks clarification from the MMO if it now seeks deletion of Condition 18(1) in its entirety or replacement with its D5 wording quoted above. Also in its closing statement, the MMO recommends an update to Condition 20(1)(e) in the draft DMLs to include the following:

"(ii) a chemical risk assessment, including information regarding how and when chemicals are to be used, stored and transported in accordance with recognised best practice guidance and standards;

(X) a chemical risk assessment for all chemicals that have a pathway to the marine environment used for the marine licensed activities, outside the course of normal navigation, and are not present on the OSPAR List of Substances Used and Discharged Offshore which Are Considered to Pose Little or No Risk to the Environment (PLONOR) including ..."

The ExA requires the MMO to clarify if part (ii) of Condition 20(1)(e) quoted above is to be replaced by part (X) or if both parts are recommended by the MMO.”

- 2.3. The MMO can confirm that it seeks the deletion of condition 18(1) from the DML as this would be covered by the addition of DML condition 20(1)(e)(X).
- 2.4. The MMO can confirm that both parts of condition 20(1)(e) are requested by the MMO. Condition 20(1)(e)(ii) is to ensure all chemicals are notified and approved.
- 2.5. The inclusion of X will allow for more detail to be provided for chemicals that have a pathway to the marine environment. The MMO would highlight that this can still be one document but included X as an addition to provide clarity on what this detail is for. This would also enable flexibility for those chemicals with no pathway to be approved separately.
- 2.6. The MMO is also content that should the SoS include the updated wording, the number and placement of X within Condition 20(1)(e) can be anywhere as long as it is captured within the Environmental Management plan.
- 2.7. The MMO would highlight that the MMO did advise the Applicant that we would like condition 18(1) deleted, however has not been able to fully discuss the changes with the Applicant.

3. Underwater Sound Management Strategy Condition 22

- 3.1. The MMO would like to highlight that after further review the current proposed wording in Section 6.12 of REP6-094 does not account for marine mammals which are also included within the document. The MMO has reviewed the proposed condition and updated it to the following:
 1. *If driven or part-driven piling or low order unexploded ordnance clearance activities are deemed necessary, any additional mitigation requirements should be provided in an underwater sound management strategy for those activities, which accords with the outline underwater sound management strategy, which must be submitted to and approved in writing by the MMO in consultation with the relevant statutory nature conservation body.*
 2. *Where driven or part-driven pile foundations are proposed to be installed, the underwater sound management strategy submitted under sub-paragraph (1) must include details of any noise mitigation systems and/or noise abatement systems that will be utilised to manage sound from those piling activities, unless otherwise agreed in writing with the MMO.*
 3. *No piling or low order unexploded ordnance clearance associated with the authorised development may be undertaken between 15 February to 31 March inclusive, unless;*
 - (a) such activities are deemed necessary by the undertaker during this period;*
 - and*
 - (b) any additional mitigation requirements for such activities must be included in the underwater sound management strategy approved by the MMO under paragraph (1).*

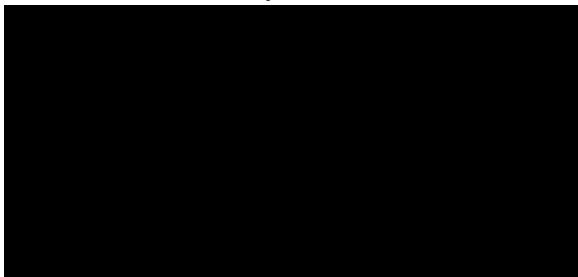
(c) the activities must be undertaken with the additional mitigation requirements, as included within the underwater sound management strategy approved by the MMO under paragraph (1).

4. The underwater sound management strategy must be submitted to the MMO no later than six months prior to the commencement of the relevant activities unless otherwise agreed in writing by the MMO

5. The driven or part-driven piling and low order unexploded ordnance clearance activities must be carried out in accordance with the approved underwater sound management strategy, unless otherwise agreed in writing by the MMO.

- 3.2. The MMO provided similar wording to the Applicant on 6 March 2025 for awareness but understands that the Applicant's position has not changed and that the Applicant does not believe the restriction should be on the face of the DML and that Condition 22 in REP6-017/018 is appropriate.
- 3.3. The MMO maintains that the condition should have the restriction included and the most up to date condition is above.

Yours sincerely



Marine Licensing Case Officer

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