



# Marine Management Organisation

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(Email only)

Planning Inspectorate Reference: EN010159  
Identification Number: ONER-ISP001

29 July 2025

Dear Sir or Madam,

## **1. Planning Act 2008, One Earth Solar Farm Limited, Proposed Development Consent Order for One Earth Solar Farm**

- 1.1. This document comprises the Marine Management Organisation's (MMO) Deadline 1 response in respect of the above Development Consent Order application (DCO Application).
- 1.2. This is without prejudice to any future representation the MMO may make about the DCO Application throughout the examination process. This is also 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.

## **2. The MMO's role in Nationally Significant Infrastructure Projects (NSIPs)**

- 2.1. The MMO was established by the Marine and Coastal Access Act 2009 (MCAA 2009) to contribute to sustainable development in the marine area and to promote clean, healthy, safe, productive and biologically diverse oceans and seas.
- 2.2. The responsibilities of the MMO include the licensing of construction works, deposits and removals in English inshore and offshore waters and for Northern Ireland offshore waters by way of a marine licence. Inshore waters include any area which is submerged at mean high water spring ("MHWS") tide. They also include the waters of every estuary, river or channel where the tide flows at MHWS tide. Waters in areas which are closed permanently or intermittently by a lock or other artificial means



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against the regular action of the tide are included, where seawater flows into or out from the area.

- 2.3. In the case of NSIPs, the Planning Act 2008 (the 2008 Act) enables DCOs for projects which affect the marine environment to include provisions which deem marine licences.
- 2.4. As a prescribed consultee under the 2008 Act, the MMO advises developers during pre-application on those aspects of a project that may have an impact on the marine area or those who use it. In addition to considering the impacts of any construction, deposit or removal within the marine area, this also includes assessing any risks to human health, other legitimate uses of the sea and any potential impacts on the marine environment from terrestrial works.
- 2.5. Where a marine licence is deemed within a 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 a keen interest in ensuring that provisions drafted in a deemed marine licence ("DML") enable the MMO to fulfil these obligations.
- 2.6. Further information on licensable activities can be found on the MMO's website: <https://www.gov.uk/government/collections/planning-and-development-marine-licences>
- 2.7. Further information on the interaction between the Planning Inspectorate and the MMO can be found in our joint advice note 11 Annex B here: <https://infrastructure.planninginspectorate.gov.uk/wp-content/uploads/2013/04/Advice-note-11-Annex-B-MMO.pdf>

### 3. The Proposed Development

- 3.1. The Proposed Development comprises the construction, operation and maintenance, and decommissioning of a solar photovoltaic (PV) array electricity generating facility. The project includes solar PV panels, Battery Energy Storage Systems (BESS), onsite substations and associated grid connection infrastructure which will allow for the generation and export of electricity to the proposed National Grid High Marnham Substation. The Applicant has secured a connection agreement with National Grid which will allow export and import of up to 740 megawatts (MW) of electricity to the National Grid High Marnham Substation.
- 3.2. The works include a cable crossing across the tidal range of the River Trent.



## 4. General Comments

- 4.1. The MMO were first made aware of this development consent order application upon receipt of a consultation under Rule 8 of the Planning Act 2008 'The Act, Regulation 3 of the Infrastructure Planning Regulations 2009, and Regulations 11 and 13 of the Infrastructure Planning (Environmental Impacts Assessment) Regulation 17' (the 2017 Regulations) on 17 July 2025.
- 4.2. The MMO has powers under the Infrastructure Planning (Fees) Regulations 2010 (as amended) to charge for its services in relation to any advice, information or other assistance (including a response to a consultation) provided in connection with:
- an application or proposed application, for an order granting development consent, and
  - an application/proposed application to make a change to, or revoke, such an order, and
  - any other prescribed matter relating to NSIPs, including both statutory and non-statutory work.
- 4.3. MMO has contacted the One Earth Solar Farm Limited to request an 'enquiry' be submitted on our online Marine Case Management System (MCMS) - [https://marinelicensing.marinemangement.org.uk/mmofox5/fox/live/MMO\\_LOGIN/login](https://marinelicensing.marinemangement.org.uk/mmofox5/fox/live/MMO_LOGIN/login)
- 4.4. This is to allow MMO to issue an estimate for review of the Examination documents, which may include scientific advice from the Centre for Environment, Fisheries and Aquaculture Science (Cefas), and to provide formal advice on potential marine licence requirements under the Marine and Coastal Access Act 2009. That estimate must be accepted before MMO are able to proceed with any review. To date this action has not been taken which means we are currently unable to provide a detailed response to deadline 1. A generic high level scoping opinion often applied to large scale projects is attached to this letter. It may be that no elements of the project fall within MMO jurisdiction under MCAA 2009, however we are unable to confirm this until an enquiry is submitted and an estimate is agreed. There is a risk that without formal advice from the MMO, the project is at potential risk of enforcement action should it proceed with activities within MMO jurisdiction (the marine environment in English waters) without the appropriate approvals.
- 4.5. It is the applicant's responsibility to identify any marine licensable activities that will be undertaken and to apply for a deemed Marine Licence as part of this DCO application. Alternatively, the applicant can apply for a separate marine licence consent directly from the MMO.
- 4.6. MMO request further engagement on this matter at your earliest convenience. The MMO reserves the right to make further comments on the project throughout the examination process and may modify its present advice or opinion in view of any additional information that may come to our attention. 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. If you require any further information, please do not hesitate to contact me using the details provided below.

Yours Sincerely

[REDACTED]

Marine Licensing Case Manager

[REDACTED]

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## **Annex 1 - Marine Licensing, Wildlife Licences and other permissions**

Please be aware that any works within the Marine area require a licence from the Marine Management Organisation. It is down to the applicant themselves to take the necessary steps to ascertain whether their works will fall below the Mean High Water Springs mark.

### **Marine Licensing Works**

Activities taking place below the mean high-water mark may require a marine licence in accordance with the Marine and Coastal Access Act (MCAA) 2009. Such activities include the construction, alteration or improvement of any works, dredging, or a deposit or removal of a substance or object below the mean high water springs mark or in any tidal river to the extent of the tidal influence. Should a deemed marine licence be included within the NSIP then this should be clearly set out and assessed.

### **Environmental Impact Assessment**

The topics the MMO can provide advice on are:

- Coastal/Marine Processes
- Dredge, disposals, sediment survey requirements and chemical use
- Benthic ecology
- Fisheries ecology
- Shellfish ecology
- Underwater Noise





## Marine Planning

Under the Marine and Coastal Access Act 2009 ch.4, 58, public authorities must make decisions in accordance with marine policy documents and if it takes a decision that is against these policies it must state its reasons. The Secretary of State will have to take this into account as part of the process and if the project is within a Marine Plan area this should be fully assessed in a standalone table as part of the policy and legislation section. Proposals should conform with all relevant policies, taking account of economic, environmental and social considerations.

## Minerals and waste plans and local aggregate assessments

If you are consulting on a mineral/waste plan or local aggregate assessment, the MMO recommend reference to marine aggregates is included and reference to be made to the documents below;

- The Marine Policy Statement (MPS), section 3.5 which highlights the importance of marine aggregates and its supply to England's (and the UK) construction industry.
- The National Planning Policy Framework (NPPF) which sets out policies for national (England) construction minerals supply.
- The Managed Aggregate Supply System (MASS) which includes specific references to the role of marine aggregates in the wider portfolio of supply.
- The National and regional guidelines for aggregates provision in England 2005- 2020 predict likely aggregate demand over this period including marine supply.

The NPPF informed MASS guidance requires local mineral planning authorities to prepare Local Aggregate Assessments, these assessments have to consider the opportunities and constraints of all mineral supplies into their planning regions – including marine. This means that even land-locked counties, may have to consider the role that marine sourced supplies (delivered by rail or river) play – particularly where land based resources are becoming increasingly constrained.

## Fees

The MMO has powers under the Infrastructure Planning (Fees) Regulations 2010 (as amended) to charge for its services in relation to any advice, information or other assistance (including a response to a consultation) provided in connection with:

- an application or proposed application, for an order granting development consent, and
- an application/proposed application to make a change to, or revoke, such an order, and
- any other prescribed matter relating to NSIPs, including both statutory and nonstatutory work.

For any statutory work undertaken by the MMO throughout the NSIP process, staff time will be charged at the current rate of £122 per hour.



From 1 May 2024 the MMO will begin charging for all statutory work done in the NSIP process, including responding to post application documents, Section 56 consultations, attendance at examinations and providing written representations in examinations.

For non-statutory or discretionary work undertaken by the MMO during the NSIP process staff time will be charged at the current rate of £122 per hour plus VAT.

The MMO will also charge for any work done by any third-party scientific advisors in relation to NSIP work. This is most often work done by Cefas at the current rate of £112.12 per hour.

Post consent monitoring, discharging of requirements under Deemed marine licences (DML) or variations to DMLs are chargeable by virtue of powers the MMO has under The Public Bodies (Marine Management Organisation) (Fees) Order 2014 and this work is currently charged at the rate of £94 per hour.

You will receive an estimate of the number of hours required for MMO and Cefas hours for all work needed on your NSIP project. Fee estimates may be broken down depending on the stage your project is at in the NSIP process. The estimated hours are multiplied by the appropriate hourly rate to give an estimated fee. You must accept the terms quoted before we can progress.

Final charges invoiced by the MMO and Cefas are based upon actual hours worked, not the original estimate.

The staff time spent on your NSIP project is recorded in units of 15 minutes with a minimum of 15 minutes for each item of work.

The MMO case managers monitor your NSIP project weekly to assess how many more case hours are needed. If the estimated final cost is likely to be significantly different from the actual final cost, you will be notified in good time. You will also receive an explanation of the circumstances and an updated estimate. You will also be informed when more than 90% of the estimated total number of hours has been used.

Please refer to our published guidance for a detailed summary of fees for marine licensing and associated work here: <https://www.gov.uk/government/publications/marine-licensing-fees/marine-licensing-fees>

Please also refer to additional government guidance regarding cost recovery by certain prescribed public authorities such as the MMO in relation to NSIPs here: Planning Act 2008: Infrastructure Planning (Fees) Regulations 2010 - cost recovery by the Planning Inspectorate and public authorities - GOV.UK

If you require further guidance on the Marine Licencing process, please visit <https://www.gov.uk/topic/planning-development/marine-licences>

