



Marine Management Organisation

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One Earth Solar Farm Project Case Team
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Planning Inspectorate Reference: EN010159
Identification Number: ONER-ISP001

21 August 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 2 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. Response to the Examining Authorities (ExA) Written Questions

- 4.1. Detail on the latest position on the discussions between the MMO and the Applicant, including whether meaningful discussions have begun, and what progress has been made.



4.1.1. The Applicant contacted the MMO on 17 June 2024 and the MMO's Business Support Team provided a standard generic response and encouraged the Applicant to open an enquiry for more detailed discussions. An enquiry was not opened and there has been no further contact despite MMO attempts on 24 July 2025, 28 July 2025 and 7 August 2025 to contact the Applicant directly. Therefore, the Applicant has only received generic marine licensing advice and not specific advice in relation to a DCO.

4.1.2. 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.

4.1.3. The MMO requested the Applicant open an 'enquiry' to allow MMO to issue an estimate for review of the Development Consent Order 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 on the works within the Development Consent Order.

4.1.4. 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.

4.2. Please explain the implications for the Proposed Development and whether a Deemed Marine Licence is required?

4.2.1. It is the Applicant's responsibility to identify any marine licensable activities that will be undertaken and to apply for a DML as part of this DCO application. Alternatively, the Applicant can apply for a separate marine licence consent directly from the MMO.

4.2.2. Whether an activity is marine licensable depends on the location, nature and scale of the proposal. Therefore, this needs to be reviewed continually as the project scope evolves.

4.2.3. The Applicant must ensure they have satisfied themselves they have secured all necessary consents for the proposed development.



4.2.4. 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.

4.2.5. As detailed in section 4.1.5 the MMO will not undertake a detailed review of the examination documents to determine if the activities are marine licensable until an estimate is agreed.

4.3. Evidence on the likelihood that this issue will be resolved by the end of the Examination.

4.3.1. It is up to the Applicant to satisfy themselves that they obtain the required consents for all elements of the proposal. Should they proceed with works below MHWS without a DML or marine licence then they may be subject to enforcement action. In the absence of any contact from the Applicant, the MMO are unable to provide any further advice.

4.3.2. 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

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